

IBFAN comment at Step 7 on the Review of the Standard for Follow-up Formula: Section B: proposed draft scope, description, and labelling

General Comments

IBFAN considers that the text is NOT ready for adoption for the following reasons:

- The lack of adequate safeguards to prevent inappropriate marketing of these products will lead to increase their needless use around the world as projected in business forecasts. WHO and other health authorities declare follow-on milks and toddler milks for young children “not necessary”. Continued breastfeeding is recommended to two years and beyond for optimal young child health, hence the use of these products, which function as breastmilk substitutes pose a risk to the health of young children during critical stages of growth and development. The current text will lead to children being fed inappropriate expensive products that do not meet their nutritional needs.
- The current text fails to forbid the deceptive marketing strategy of cross promotion between product categories for drinks for young children, other formula and follow-up milks and products. The text in Section 9.6.4 forbids only references to infant formula. Current marketing practices demonstrate that this is an insufficient safeguard. The text should clearly state that marketing of Drinks for young children should not ‘resemble’ infant formula, FSMPs and other drinks and foods marketed for infants and young children.
- Drinks for young children are not necessary therefore it is critical that the ban on health and nutrition claims be mandatory. Claims will be deceptive and mislead parents and care givers into believing that the use of these products provide benefits that cannot be derived from breastmilk, animal milks, other drinks or complementary family foods.
- Follow-on milks and drinks for young children must carry the warnings regarding intrinsic contamination for products in powdered form.

- IBFAN maintains its original position that all four categories of products that FUNCTION as breastmilk substitutes - **infant formulas, formulas for special medical purposes, follow-up formulas and drinks for young children** - should be brought under one Codex standard that is divided into 4 parts with one overarching preamble. It would then be clear that all products are covered by the marketing restrictions outlined in the International Code and subsequent relevant WHA Resolutions, ie - none should be promoted in any way.

Specific comments:

SECTION B:

~~DRINK PRODUCTS FOR YOUNG CHILDREN WITH ADDED NUTRIENTS OR DRINK FOR YOUNG CHILDREN~~

IBFAN comment:

The term “with added nutrients” is a claim which gives parents and care givers the impression that the product has added nutritional value and may be a necessary nutritional requirement for young child growth. Such a product name is misleading and deceptive and bears an intrinsic nutrient content claim. The use of follow-up products has been declared “not necessary” by the World Health Organization and is not needed as a part of the diversified diet for young children.

IBFAN recommends that the name of the product should be “**drink for young children**”. This will eliminate confusion and deception for parents and care givers as to the use and lack of need for these products.

1. SCOPE

1.1 This section of the Standard applies to **DRINK FOR YOUNG CHILDREN** as defined in Section 2.1, in liquid or powdered form.

1.2 This section of the Standard contains compositional, quality, safety, **use**, labelling and analytical and sampling requirements for **DRINK FOR YOUNG CHILDREN**.

1.3 Only products that comply with the criteria laid down in the provisions of this section of this Standard shall be presented as **DRINK FOR YOUNG CHILDREN**.

SECTION 1.4 should be added:

1.4 The application of this section of the Standard shall conform to the recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981), relevant WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions, including the WHA resolution 69.9 (2016) and its accompanying WHO Guidance on Ending the Inappropriate Marketing of Foods for Infants and Young Children, the Global Strategy for Infant and Young Child Feeding and World Health Assembly resolution WHA54.2 (2001).

2 DESCRIPTION

2.1 Product Definition

2.1.1. The proposed text should be replaced with Para 59 of the Report (that received 'considerable' support):

"Drink for Young Children means a product manufactured for use as a liquid part of the diversified diet of young children that functions as a substitute for either breastmilk or other milks and is not nutritionally adequate to meet the requirements of young children".

The following footnote should be added:

In many countries these products are regulated as breastmilk substitutes.

2.1.2 **DRINK FOR YOUNG CHILDREN** is so processed by physical means only and so packaged as to prevent spoilage and contamination under all ~~normal~~ recommended conditions of handling, use, storage and distribution in the country where the product is sold.

2.2 Other Definitions

2.2.1 The term young child means a person from the age of 12 months up to the age of three years (36 months).

9. LABELLING

The requirements of the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985), the Guidelines on Nutrition Labelling (CXG 2-1985) and the Guidelines for Use of Nutrition and Health Claims (CXG 23-1997) apply to **DRINK FOR YOUNG CHILDREN** in Section 2.1. **These requirements include a prohibition on the use of nutrition and health claims for foods for infants and young children except where specifically provided for in relevant Codex Standards or national legislation.**

9.1 The Name of the Product

9.1.1 The text of the label and all other information accompanying the product shall be written in the appropriate language(s).

9.1.2 The name of the product shall be **DRINK FOR YOUNG CHILDREN** as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national ~~for~~ **regional** usage.

9.1.3 The sources of protein in the product shall be clearly shown on the label

- a) If [name of animal] milk is the only source of protein[*], the product may be labelled '**DRINK FOR YOUNG CHILDREN** based on [name of animal] milk [protein]'.
- b) If [name of plant] is the only source of protein[*], the product may be labelled **DRINK FOR YOUNG CHILDREN** based on [name of plant] [protein]'.
- c) If [name of animal] milk and [name of plant] are the sources of protein[*], the product may be labelled **DRINK FOR YOUNG CHILDREN** Based on [name of animal] milk protein and [name of plant] protein' or **DRINK FOR YOUNG CHILDREN** based on [name of plant] protein and [name of animal] milk protein'.

* For clarity, addition of individual amino acids where needed to improve protein quality does not preclude use of the above labelling options.

9.1.4 A product which contains neither milk nor any milk derivative **shall** be labelled "contains no milk or milk products" or an equivalent phrase.

9.2 List of Ingredients

9.2.1 A complete list of **all** ingredients shall be declared on the label in descending order of proportion except that in the case of added vitamins and minerals, these ingredients may be arranged as separate groups for vitamins and minerals. Within these groups the vitamins and minerals need not be listed in descending order of proportion.

9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. **In addition, appropriate functional classes for food additives should be included on the label. The food additives INS number may also be optionally declared.**

9.3 Declaration of Nutritive Value

The declaration of nutrition information **DRINK FOR YOUNG CHILDREN** shall contain the following information, which should be in the following order:

- a) the amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of the food as sold **as well as** per 100 ml of the food ready for use, when prepared according to the instructions on the label.
- b) the total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section A and any other ingredient as listed in paragraph 3.2 of Section A per 100 g or per 100 ml of the food as sold **as well as** per 100 millilitres of the food ready for use, when prepared according to the instructions on the label.
- c) In addition, the declaration of nutrients in a) and b) per 100 kilocalories (or per 100 kilojoules) is permitted.

9.4 Date Marking and Storage Instructions

9.4.1 The date marking and storage instructions shall be in accordance with section 4.7.1 of the General Standard for the Labelling of Prepackaged Foods.

If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 4.7.1 (vii) applies:

(i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared.

(ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared.

IBFAN considers that the use of “Best Before Date” or “Best Quality Before Date” is not appropriate for **DRINK FOR YOUNG CHILDREN products**. The CXS 1-1985 states that when a food must be consumed before a certain date to ensure its safety and quality “Use-by Date” or “Expiration Date” should be used. IBFAN considers that these products should not be consumed after the expiration date, since there is no guarantee of the compliance with the required nutritional content of the standard, nor its microbiological and other quality and safety requirements. Since **DRINK FOR YOUNG CHILDREN are intended for children from 12 to 36 months** these precautions must be in place for this vulnerable population.

9.4.2 -Where practicable, storage instructions shall be in close proximity to the date marking.

9.5 Information for use

Add warnings about intrinsic contamination of powdered products.

9.5.1 Ready to use-products in liquid form **should** be used directly. Concentrated liquid products must be prepared with potable water that is safe or has been rendered safe by previous boiling before feeding, according to directions for use.

ADD the following: Products in powdered form must contain a statement that the product is not sterile and preparation instructions must include that the product be reconstituted with safe water at 70 degrees centigrade according to the (WHO/FAO (2007) guidelines, [“Safe preparation, storage and handling of powdered infant formula](#) and WHA resolutions WHA 58.32 (2005) and 61.20 (2008) as well as the Codex Alimentarius 'Code of hygienic practice for powdered formulae for infants and young children (2008), which provides relevant recommendations for the labeling of powdered infant formula and follow-up formula.

~~Adequate directions for the appropriate preparation and handling should be in accordance with Good Hygienic Practice.~~

9.5.2 Adequate directions for the appropriate preparations and use of the product, including its storage and disposal after preparation, i.e. that product remaining after feeding should be discarded, shall appear on the label.

9.5.3 The label shall carry clear graphic instructions illustrating the method of preparation of the product.

9.5.4 The directions should be accompanied by a warning and about the health hazards of inappropriate preparation, storage and use.

9.5.5 Adequate directions regarding the storage of the product after the container has been opened, shall appear on the label.

9.5.6 The label of **DRINK FOR YOUNG CHILDREN** shall include a statement that the product shall not be introduced to infants 12 months of age or less and is not to be used as the sole source of nutrition.

9.6 Additional Labelling Requirements : **we fully support the actual labelling requirements and submit proposals in red for further improvement**

9.6.1 The label of the product as defined in Section 2.1 shall have no image, text or representation, including pictures of feeding bottles, that could undermine or discourage breastfeeding or which idealises the use of the product as defined in Section 2.1. The terms ‘humanized’, ‘maternalized’ or other similar terms must not be used on the label.

9.6.2 Labels should not discourage breastfeeding, Each container label shall have a clear, conspicuous and easily readable message which includes the following points:

a) the words "important notice" or their equivalent;

b) the statement "Breastfeeding is recommended to two years or beyond”;

c) a statement that the product **is not necessary as a nutritional requirement for young children and** should only be used on advice of an **independent** health worker **as to the need for its use and the proper method of use.**

(d) the statement; ‘The use of this product must not replace breast-milk and lead to cessation of continued breastfeeding’.

9.6.3 The label shall have no pictures of infants, young children and women nor any other picture, text or representation that:

9.6.3.1 undermines or discourages breastfeeding or that makes a comparison to breastmilk or suggests that the product is similar, equivalent or superior to breastmilk.

9.6.3.2 might convey an endorsement or anything that may be construed as an endorsement by a professional or any other body; ~~unless this has been specifically approved by relevant national or regional regulatory authorities.~~

9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. ~~Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not 'resemble' infant formula, FSMPs and other drinks and foods marketed for infants and young children.~~

9.6.5 The labelling of the product as defined in Section 2.1 shall not refer to infant formula, follow-up formula for older infants, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products. ~~Cross promotion between product categories is not permitted on the labelling of the product and drinks for young children should not 'resemble' infant formula, FSMPs and other drinks and foods marketed for infants and young children.~~

In summary IBFAN notes that the commonly used marketing strategy of cross-branding of products with infant formula through labelling and advertisements is a threat to breastfeeding and infant and child health. This marketing strategy is misleading and confusing and clearly designed to circumvent national regulations that cover the marketing of products for infants and young children. Cross branding on formulas and other feeding products for infants and young children over 6 months increases the risk of infants being fed with inappropriate products that do not meet their nutritional needs. *"The practice of cross-promotion of breast-milk substitutes must be curbed."* (WHO/UNICEF INFORMATION NOTE - Cross-promotion of infant formula and toddler milks, WHO, 2018).

