

**For background information, please see [CL 2022/24/OCS-NFSDU](#)**

Brazil appreciates the excellent work made by New Zealand and thanks for the opportunity to present the following comments.

**Structure**

The responses to the questions presented in this discussion paper will be analysed and presented to CCNFSDU43 for consideration.

1. Now that the standard has been completed, please indicate your preferred structure approach and clearly state why you do, or do not, support each option: *(click here to add a comment)*
  - a. One standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children.

**Comments**

Brazil supports option A, i.e., one standard with two separate parts covering Follow-up Formula for Older Infants and Product for Young Children since both products are considered breast-milk substitutes as clarified by WHO: “breast-milk substitutes should be understood to include any milks (or products that could be used to replace milk, such as fortified soy milk), in either liquid or powdered form, that are specifically marketed for feeding infants and young children up to the age of 3 years (including follow-up formula and growing-up milks).” (<https://apps.who.int/iris/bitstream/handle/10665/275875/WHO-NMH-NHD-18.11-eng.pdf?sequence=1&isAllowed=y>).

We are also of the opinion that this option can accommodate the role of the different products in the diet and different compositions.

- b. Two separate standards: One standard for Follow-up Formula for Older Infants, and one standard for Product for Young Children.

**Comments**

Brazil does not support this option considering the issues expressed in the answer for option A.

- c. Can support either approach.

**Comments**

Brazil does not support this option considering the issues expressed in the answer for option A.

- d. Support a different structure approach – please describe the approach and provide your justification.

**Comments**

Brazil does not support this option considering the issues expressed in the answer for option A.

2. Do you have any further comments on the structure?

**Comments**

No further comments.

**Preamble**

Codex Members and Observers are encouraged to think about the link to the structure and the need to ensure any Preamble text is not in conflict with, or more stringent than, the composition and labelling aspects of the Standard(s) (as these have already been agreed by the Committee) when responding to the questions below.

If there is to be a Preamble, members and observers are reminded that as per the guidance provided by the CCNFSDU Chair for the RUTF, Preamble text should set the scene by providing the overall context but does not need to specify any product requirements which are found within the main body of the Standard(s).

The responses to the questions presented in this discussion paper will be analysed and presented in a paper for CCNFSDU43.

1. Do you think this Standard(s) requires a Preamble? Yes/No. If yes, what is the purpose of having a Preamble for this Standard(s)? Please provide rationale and justification for your thinking (either Yes or No).

#### **Comments**

Yes. Brazil highlights the importance of including a Preamble in this Standard for both Parts A and B.

Recently, WHO published a report which summarizes the findings of a multicountry study examining the impact of breast milk marketing on infant feeding decisions and practices. It exposes the aggressive marketing practices used by the formula milk industry, highlights the impacts on women and families, and outlines opportunities for action (WHO. How the marketing of formula milk influences our decisions on infant feeding. 2022).

The main purpose of the International Code of Marketing of Breast-milk Substitute (1981) and WHO guidelines and policies is to protect breast-feeding from the influences of inappropriate marketing of breast-milk substitutes, which includes Follow-up Formula for Older Infants and Product for Young Children.

Thus, the current scenario emphasizes the need to explicitly include reference to relevant WHO documents and WHA resolutions in a Preamble.

2. What detail should the Preamble contain? Please provide rationale and justification for your thinking.

#### **Comments**

The nutritional requirements of older infant and young children should be met preferably by breast milk and appropriate locally based food. In that sense, the use of formulae for older infant or products for young children should not undermine breastfeeding or preclude the use of locally based foods.

Brazil strongly supports that the production, distribution, sale and use of follow-up formula for older infants and product for young children should take into account the recommendations made in the International Code of Marketing of Breast-milk Substitute (1981) and the Global Strategy for Infant and Young Child Feeding as well as relevant WHO guidelines and policies and WHA resolutions that have been endorsed/supported by member states. Thus, it is important to clearly state this issue in the text.

Brazil suggests including explicitly The Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children (WHA 69.9) in the preamble.

In this matter, it is important to note that the WHA 69.9 and the Code of Marketing of Breast-milk Substitute are complementary documents. So, both are important to end inappropriate promotion of food for infants and young children.

Regarding the wording of the text, Brazil suggests the following amendments:

*The Codex Alimentarius Commission acknowledges the need to ~~protect and support~~ ~~recognize~~ breast-feeding **for the first six months of life and sustained breastfeeding to two years or beyond** as an unequalled way of providing ideal food for the healthy growth and development of infants. **The nutritional requirements of older infant and young children should be met preferably by breastmilk and appropriate locally based food.** At the same time Codex acknowledges that numerous formulae have been produced, intended for use, where ~~necessary~~ ~~appropriate~~, as a substitute*

for human milk in meeting the ~~normal~~ nutritional requirements of infants provided, they are prepared under hygienic conditions and given in adequate amounts. In addition, various products have also been produced intended specifically for young children as they progress to a more diversified diet of family foods and these products should not ~~discourage~~ **undermine** breastfeeding.

The production, distribution, sale and use of follow-up formula for older infants and [name of product] for young children should be consistent with national health and nutrition policies and relevant national/regional legislation, and take into account, [~~as appropriate,~~] the recommendations made in the International Code of Marketing of Breast-milk Substitute (1981) and the Global Strategy for Infant and Young Child Feeding. 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** that have been ~~endorsed and supported~~ by member states [~~may shall also~~] provide guidance to countries in this context.

This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants (6 to 12 months of age), and Section B deals with [Name of Product] for Young Children (12 to 36 months of age). It does not apply to products covered by the Codex Standard for Infant Formula (CODEX STAN 72 – 1981).