

After 10 years of struggle Codex puts child health before trade at last



Codex Nutrition Committee (CCNFSDU).
6-10th March, 2023, Dusseldorf, Germany

IBFAN, WHO, UNICEF and NGO partners ILCA, ENCA, HKI and WPHNA, breathed a sigh of relief today at the Codex Nutrition Committee in Dusseldorf. After 10 years of tortured discussions in a Committee dominated by food corporations and powerful exporting countries, the revision of the 1987 Codex Standard for Follow-Up Formula was finalised with the addition of all important references to the International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions (the International Code). (1)

The USA, supported by 8 other countries repeated its long held reservations about the impact this would have on trade. However, with a clear majority of countries calling for the Code to be mentioned, Canada, Switzerland and the EU changed position and said they could support or at least 'live with' text. The reservations will be noted in the Report but will not stop the Standard (2) going forward for adoption by the Codex Alimentarius Commission in July.

Countries can now bring in laws that ban the promotion of all these products up to 36 months, without fear of triggering costly, time-consuming challenges at WTO and elsewhere – challenges that have a chilling effect on policy-making (3)

The revised standard has improved the ingredients (the 1987 standard set no upper limits for sugar!) and banned health and nutrition claims. However unresolved problems remain on sodium, sweetness, flavours and misleading Cross Promotion. products themselves are all ultra-processed with all their attendant risks (4). Unless Governments so take action to control the marketing companies will undoubtedly use this new 'improved' Standard to step up their misleading and deceptive promotion.

What happened this week

In a skilfully managed debate on Tuesday 7th, the Chair, Dr Anja Brönstrup, allowed plenty of time – two days – for debate on the structure and the preamble that had been left to the very end of the revision. In the 2019 meeting, the debate was curtailed, resulting in a bad decision on whether Cross Promotion should be forbidden.(5)

The industry notion that there should be two separate standards for products 6-12months and 12-36months was quickly rejected when many countries called for ONE standard with two parts. (IBFAN called for one standard covering 0-36 months) . Many countries also called for a Preamble in order protect breastfeeding and help governments position the products correctly in their regulatory frameworks. One third of the world's countries breastfeeding is a lifeline and the majority of children are breastfed in the 2nd year of life.

John Oppong-Ottoo, for the African Union: *“Africa Union joins the African countries that say we need all three texts that make references to WHO. A Resolution is absolutely important in promoting policy coherence and breastfeeding is critical for African children. We should all encourage Codex to create tools for promoting it.”*

Gry Hay, for Norway: *“Norway supports the inclusion of a preamble. The preamble should set the scene by providing the overall context, as clarified by the Chair at CCNFSDU42, in the discussions on the RUTF standard. As*

both Follow-up Formula for older infants and Product for Young Children are recognized and used as breastmilk substitutes, the overall context in this case should be the protection of breastfeeding. References to World Health Assembly resolutions and WHO documents are relevant in the regulation of marketing of breast milk substitutes and the protection of breastfeeding.”

Other Issues on the Agenda

The Agenda was mostly related to Infant and Young Child Feeding products including the technological justification for ingredients and food additives. The meeting also discussed new criteria for a prioritization mechanism to guide Codex work – whether standards should be revised, revoked or started. IBFAN joined the EU and several other countries asking for the negative impact of Codex standards to be considered, not just the positive. This will be a fundamental challenge for Codex – (celebrating its 60th Birthday this year) The long shelf life needed for the global trade of foods invariably involves Ultra-Processing that has a harmful impact on the environment and human health (9)

We reminded the Committee that in 1987, the follow-up formula Standard was adopted with no such analysis. With no safeguards it fuelled the global market for unnecessary and harmful product.

We recommended that Codex moves to a ‘One Health Approach’ (8) and takes into account not only trade and health concerns, but the environment, antimicrobial resistance, animal health and other cross cutting worries that cannot wait. With these issues brought to the fore, several working proposals – such as a Code Guideline on Probiotics Nutrition Profiling (WHO is much more trusted to do this without COI) and new plant based foods (these will be UPFs from many protein sources) were rejected or sent back to the ‘drawing board’ for further work before possible introduction.

IBFAN, WHO and UNICEF are ready to help governments strengthen their legislation to protect breastfeeding and eliminate the harmful marketing of all risky products.

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Notes:

(1) Follow-up formulas were deliberately invented by the baby food industry to get round the marketing recommendations of the 1981 International Code. The adoption of the 1987 Follow Up Formula Standard legitimised these problematic products and undermined government efforts to ban the marketing of these products (the standard claimed that follow-up formulas were not breastmilk substitutes). This boosted the growth of a \$ multi-billion market that has fuelled the obesity epidemic and added to the environmental burden. IBFAN proposed that the standard should be ‘revoked’ rather than updated.

(2) The Name of the Standard will be: *Codex Standard for Follow-Up Formula for Older Infants and Product for Young Children**. *Other equivalent names for this product are drink for young children with added nutrients or product for young children with added nutrients or drink for young children. The name ‘drink/product with added nutrients’ pushed by the USA, is a claim so should not have been allowed.

(3) While governments have the sovereign right to adopt any legislation they consider necessary to protect child health as long as it does not violate international trade principles, the clear reference to the International Code in the Preamble is very important. Weak Codex standards have regularly been used in attempts to stop governments bringing in strong marketing controls. The wrong assumption is made that Codex standards are a ‘regulatory ceiling’ for trade purposes. These threats have been highlighted in the 2023 Lancet Series on Breastfeeding. INTERVENTIONS AT WTO AND CODEX RELATED TO NATIONAL IMPLEMENTATION OF THE WHO INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES. Kathryn Russ*

(4) Risks of Ultra-Processed Foods (UPFs): UPFs form 50% of Britons’ calorie intake; Nelson et al Premature Deaths Attributable to the Consumption of Ultra-processed Foods in Brazil American Journal of Preventive Medicine 10.1016/j.amepre.2022.08.013 (2022) <https://www.eurekalert.org/news-releases/970082>. Review article; Angel et al. Ultra-processed Foods and Public Health: A Need for Education. Mayo Clinic Proceedings, Volume 94, Issue 11, November 2019, Pages 2156-2157; Wang et al. Trends in Consumption of Ultra-processed Foods Among US Youths Aged 2-19 Years, 1999-2018. JAMA. 2021;326(6):519-530. doi:10.1001/jama.2021.10238; Neri et al. Ultra-processed food consumption and dietary nutrient profiles associated with obesity: A multicountry study of children and adolescents. Obes Rev 2022 Jan;23 Suppl 1:e13387.doi:10.1111/obr.13387. Epub 2021 Dec 9; Nelson et al. Premature Deaths Attributable to the Consumption of Ultra-processed Foods in Brazil. <https://doi.org/10.1016/j.amepre.2022.08.013>; FAO. Ultra-processed foods, diet quality, and health using the NOVA classification system Monteiro et al.

(5) In the 2019 CCFSNDU meeting the critically important sentence: ‘Cross promotion between product categories is not permitted on the [label/labelling] of the product’, that was supported by many developing countries, was replaced by much weaker text that was falsely presented as having the same ‘intent’. Cross Promotion’ or ‘brand stretching’ is a deceptive marketing technique used to expand the sale of tobacco and other products with public health concerns. Cross Promotion of milks is especially harmful and increases the risk of infants not being breastfed or being fed with entirely inappropriate products.

(6) Text of agreed for Preamble: “This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added, or Drink for Young Children, or Product for Young Children. The application of this Standard should be consistent with national/regional health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context. Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries.”

(8) ‘One Health’ is an integrated, unifying approach to balance and optimize the health of people, animals and the environment. It is particularly important to prevent, predict, detect, and respond to global health threats such as the COVID-19 pandemic. One Health involves the public health, veterinary, public health and environmental sectors. The One Health approach is particularly relevant for food and water safety, nutrition, the control of zoonoses (diseases that can spread between animals and humans, such as flu, rabies and Rift Valley fever), pollution management, and combatting antimicrobial resistance (the emergence of microbes that are resistant to antibiotic therapy)

(9) COP27 Can lessons be learned and the UPF trade controlled? IBFAN Statement. November 2022. *Modern food emissions*. Nat. Clim. Chang. (2023). <https://doi.org/10.1038/s41558-023-01643-2>