

**CCNFSDU 43  
CONFERENCE ROOM DOCUMENT**

**Submitted by the International Lactation Consultant Association**

**AGENDA ITEM 4: Review of the standard for follow-up formula structure and preamble**

**1. Structure**

The International Lactation Consultant Association (ILCA) supports recommendation 1 in NFSDU/43 CRD2, as one standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Rationale for this structure: both products are considered and used as breastmilk substitutes, and defined as such in the International Code of Marketing of Breastmilk Substitutes. Additionally, while infant formula is sometimes necessary, both follow-up formula for older infants and drink for young children are recognized by the World Health Assembly and by WHO as unnecessary products. Finally, dividing one standard of similar products into two parts based on age-related definitions makes sense. The Infant Formula Standard has already set a precedent by combining Infant formula and formulas for special medical purposes for infants into one standard.

**2. Preamble**

ILCA strongly supports a Preamble to make specific reference to WHO/WHA documents and resolutions by naming them in the preamble of the Codex Standard for Follow-up Formula and Drink for Young Children. Because these are products for a vulnerable group, and because they are used as breastmilk substitutes with possible health impacts, it is especially important to provide this context in order to help provide guidance to member states in utilizing the standard to protect public health of a vulnerable group of consumers and reduce NCDs. The inclusion of a preamble is consistent with a child-rights approach and the obligations of governments contained in the Convention on the Rights of the Child, the CRC general comment 15 (1) and the Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health. (2)

ILCA supports including the International Code of Marketing of Breastmilk Substitutes (1981) and all subsequent relevant WHA resolutions:

(<https://apps.who.int/nutrition/netcode/resolutions/en/index.html>), specifically identifying WHA 39.28 and WHA 69.9 as these resolutions deal explicitly with follow-up formula; the WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children; and the Global Strategy for Infant and Young Child Feeding.



Formula products were cited at the WTO in challenges to proposed national legislation, which shows that Codex standards in this area should adhere to WHO recommendations, particularly on marketing practices, to enable governments to develop appropriate and effective safeguards for infant and young child feeding. (3) (4) The recent Lancet series (5) highlighted how marketing strategies for these products compete with breastmilk for “share of stomach” and quoted an increase in sales for growing-up drinks/ milks of 214% between 2005 and 2019. (4)

ILCA suggests the following adaptation of Recommendation 2 of NFSDU/43 CRD2 including the full text in all three paragraphs and including the information in the square brackets (brackets removed), with the additions noted in red, and one deletion:

*“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 Nutrients, or Drink for Young Children, or Product for Young Children.*

*The application of this Standard should be consistent with national 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 , and all subsequent relevant WHA resolutions, including WHA 39.28 and WHA 69.9; the WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children, and the Global Strategy for Infant and Young Child Feeding. 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.”*

#### References:

- (1) (N.d.). Retrieved February 23, 2023, from <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vHCIs1B9k1r3x0aA7FYrehlNUfw4dHmlOxmFtmhaiMOKH80ywS3ug6Q3bqZ3A3yQ0%2B4u6214CSatnrBIZT8nZmj>
- (2) *Joint Statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination Against Women in Law and in Practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding.* (n.d.). OHCHR. Retrieved February 23, 2023, from <https://www.ohchr.org/en/statements/2016/11/joint-statement-un-special-rapporteurs-right-food-right-health-working-group>
- (3) Boatwright, M., Lawrence, M., Russell, C., Russ, K., McCoy, D., & Baker, P. (2021). The politics of regulating foods for infants and young children: A case study on the framing and contestation of codex standard-setting processes on breast-milk substitutes. *International Journal of Health Policy and Management*, 1. <https://doi.org/10.34172/ijhpm.2021.161>
- (4) Baker, P., Smith, J. P., Garde, A., Grummer-Strawn, L. M., Wood, B., Sen, G., Hastings, G., Pérez-Escamilla, R., Ling, C. Y., Rollins, N., & McCoy, D. (2023). The political economy of infant and young child feeding: Confronting corporate power, overcoming structural barriers, and accelerating progress. *The Lancet*, 401(10375), 503–524. [https://doi.org/10.1016/S0140-6736\(22\)01933-X](https://doi.org/10.1016/S0140-6736(22)01933-X)
- (5) All papers of Lancet Series are available at <https://www.thelancet.com/series/breastfeeding-2023>