

Response ID ANON-NN54-UM6N-B

Submitted to Review of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement)
Submitted on 2023-05-12 09:41:43

MAIF Survey

Privacy and Personal Information

1 I acknowledge that I have read and understood the 'Privacy and Personal information'

Yes:
Yes

Publishing Consent

2 Do you provide consent to publish your submission/survey responses? Please indicate your publishing preference:

Yes, please publish my response (name/organisation name included)

PART 1 - Introduction and Demographic Information

3 What is your name or organisation name?

Name::
Patti Rundall, Policy Director, Baby Milk Action, Global Advocacy IBFAN,

4 What is your email address?

Email::
prundall@babymilkaction.org

5 Please select the option that best describes you or your organisation?

Overseas-based Organisation

If 'Other' is selected, please specify::

If 'Overseas-based Organisation' is selected, please name the country in which your central office is located::
UK

6 Please answer questions i and ii:

i. Have you ever purchased infant formula products for your child or a child under your care (under 12 months of age)? :
Yes

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words) :

Bad advice from health care workers at the time. 50 years ago!

ii. Have you ever purchased 'toddler milk' for your child or a child under your care (aged 12 – 36 months)? :
No

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words)::

PART 2 - Is the MAIF Agreement effective in achieving its aims?

14 The MAIF Agreement is effective in achieving its aims.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

In 2021 we submitted comments to the Australian Competition & Consumer Commission (ACCC) opposing the renewal of the MAIF agreement and supporting the ACCC draft determination to increase the scope of any authorisation to include toddler drink products. The aggressive marketing, deceptive claims and cross branding of these products with infant formula, has fuelled the rapid growth of the market for these unnecessary and risky Ultra Processed products. This promotion undermines confidence in breastfeeding (both below and beyond 6 months) and public health messages regarding healthier alternative for those babies who are not breastfed. If the aim of the MAIF agreement is to protect health then it is clear that it has not achieved its aim. There is also an ever expanding range of products that

are unethically marketed for mothers and babies. The impact of this marketing is felt not only by Australian families, but globally where breastfeeding is literally a lifeline. The lobbying by the baby feeding industry in Codex to accept weak voluntary standards and guidelines has influenced the Australian Government and in turn undermined national governments efforts to bring in more health protective and effective legislation to curb marketing practices.

PART 3 - Is the scope of the MAIF Agreement appropriate: is it still meeting the objectives?

15 The scope of the MAIF Agreement is appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

MAIFF should ensure that at the very least, the marketing and advocacy activities of companies complies with the International Code of Marketing of Breastmilk Substitutes and the 20 subsequent WHA Resolutions and WHO guidelines - that are a minimum recommendation for all countries.

16 The scope of products covered by the MAIF Agreement is appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

Aside from the inherent conflict of interest in the role of the MAIF in Australian policy, the exclusion of products over 12 months, bottles, teats and dummies is setting an irresponsible and dangerous model globally. It is crystal clear that the scope of the International Code, that the Australian government has endorsed since 1981, is much wider. Ideally Australia should follow the ICDC model law and include in its scope not only all feeding products targeting children 0-36 month but 'designated products' - that can be brought into force when new and/or existing products are marketed unethically in ways that undermine breastfeeding and optimal infant and young child feeding. Many such products are on the market that undermine confidence in breastfeeding and culturally appropriate, bio-diverse family foods.

17 The scope of parties covered by the MAIF Agreement is appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

This question demonstrates the need for the adoption and enforcement by the Australian Government of effective legislation rather than this weak voluntary agreement. Australia must ensure that all distributors including manufacturers and importers who have not signed, retailers, supermarkets and pharmacies are included. The most important initial step is to ensure that MAIFF is restricted to providing comments only, and is not granted the privilege of finalising this policy. Australia's policy setting procedures must be protected from commercial influence. This is essential.

18 The MAIF Agreement (under Clause 7) restricts the type of information that can be provided to health care professionals on infant formula products. What activities can be done to increase the awareness of the appropriate use of breast milk substitutes amongst health care professionals?

Please provide more detail about your response (suggested word count 250 words)::

The most effective way to ensure appropriate use of products is to ensure that they are not promoted. Commercial promotion will inevitably undermine any efforts to provide parents with truly independent health information and support.

19 Are the current advertising and marketing provisions covered by the MAIF agreement appropriate?

Strongly disagree

Should the scope be changed to include modern marketing techniques, such as targeting advertising on social media platforms? (suggested word count 250 words)::

As WHO has explained so fully in its many WHA Resolutions and Reports, this is absolutely essential

What changes would you suggest and how could they be implemented? (suggested word count 250 words): :

See WHO recommendations. But first and foremost the policy must be government led and managed and protected from commercial influence. It should NOT be hosted, administered or run by MAIFF.

PART 4 - Are the MAIF Agreement processes appropriate?

20 The MAIF Agreement complaints processes are appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

It is essential the Australian Government hosts and administers a complaints procedure that is free from all commercial influence.

21 The MAIF Agreement guidance documents are appropriate to support interpretation of the MAIF Agreement?

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

see above answers

22 Have you lodged a complaint with the MAIF Agreement Complaints Committee?

No

23 If you selected 'Yes' to lodging a complaint with the MAIF Agreement Complaints Committee (Question 22). Please answer the sub-questions below.

i. How many complaints have you lodged in the last five years?:

ii. When did you lodge your most recent complaint? :

iii. How long did it take to resolve your complaint? :

iv. How did you find the process for lodging your complaint including completing the form and communicating with the MAIF Secretariat? (suggested word count 250 words): :

v. What was the outcome, and what was your view of the outcome? (suggested word count 250 words)::

24 The MAIF Agreement complaints process is independent.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

We understand that a partner organisation, BAA, submitted 79 complaints from 25.3.22 to 2.4.23 through the complicated MAIF process. Over 30 MAIF breaches were captured but still waiting on volunteer breastfeeding advocates to have time to submit.

25 The MAIF Agreement complaints process is transparent.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

If a complaint procedure is administered by an interested party it will be impossible to know if it is transparent.

We understand that only 1 of the 23 final determinations on the breaches submitted by BAA are visible on the DoH website.

ALL 16 found in breach are still visible on the manufacturer's social media.

26 The MAIF Agreement complaints process is administered in a timely manner.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

I understand that MAIF took 6 months to make a determination on 8 complaints, 5 months to make a determination on the other 15.

Complainants have been waiting 7 months and still waiting on the outcome of 56 complaints dated from September 2022 to April 2023

27 Publication of breaches of the MAIF Agreement is an appropriate enforcement mechanism.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

23 final determinations were made by the committee (2 letters); 16 were found in breach, 7 out of scope.

I understand that there has been NO penalty for any of the manufacturers of infant formula found in breach of the agreement and that all the manufacturers found in breach have continued to use the same advertising practices, with new complaints pending determination by the committee

PART 4 continued - Is the voluntary, self-regulatory approach fit for purpose or are there alternative regulatory models?

28 The MAIF Agreement's effectiveness is not reduced by its voluntary, self-regulatory approach.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

Globally many studies have concluded that regulating the marketing of baby feeding products is key to establishing breastfeeding supportive environments, and governments are strongly advised to incorporate the International Code and subsequent relevant World Health Assembly resolutions into legally enforceable measures alongside effective enforcement mechanisms that are free from commercial influence. Breastfeeding rates are invariably higher in such countries than where no legal measures exist. Voluntary agreements in contrast are rarely backed up by independent accountability procedures and there is no evidence that they reduce the extent and impact of harmful marketing. Indeed, when companies are trusted to carry out educational roles their marketing is hidden and more powerful.

29 What are alternative approaches for regulating infant formula in Australia? In your response, please include how your suggested alternative approach improves outcomes and what would be the impacts of your suggested alternatives on relevant stakeholders? How could negative impacts be managed?

(suggested word count 500 words)::

Australia has ratified the Convention on the Rights of the Child and could play a stronger health protective role in setting Codex global trading standards. In previous years Australia successfully discouraged the use of health and nutrition claims, however Australia's weak position on the revisions of follow-on formula standard has been problematic. Following the decision in March 2023 to include references to the International Code and Resolutions into the preamble of the forthcoming standard the is now [NO] reason for Australia not to adopt legislation that forbids the promotion of these products - at least up to 36 months - ideally much longer. While breastfeeding rates in the 2nd year of life are not large in Australia, in one third of the world's countries it is a lifeline and the majority of children are breastfed in the 2nd year of life. We commend Australia's national targets for 80% of infants to be fully breastfed for around six months of age. However we note that although 93% of children aged 0 to 3 years received some breastmilk, only 29% were exclusively breastfed as recommended by the WHO and by Australia's National Health Council. If the 80% target is to be met Australia must adopt adequate and effective legislation, and must allocate adequate funds and human resources to ensure that this legislation is monitored, fully enforced with effective deterrent sanctions. Australia's monitoring and food safety systems must also be fully protected from commercial influence.

PART 5 - What are the benefits, costs and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes?

30 What changes would you make to the MAIF Agreement and its processes?

a. (suggested word count 250 words)::

Follow on formulas are ultra-processed products that were invented by the baby food industry in an effort to sidestep the marketing restrictions of the 1981 International Code. In 1986, a WHA resolution (39.28) declared them not necessary, but the adoption of the weak Codex Follow-on Milk Standard in 1987 legitimised them and implied that the International Code's marketing restrictions did not apply to these products. As a consequence the market grew. The risks of UPFs to health and the planet are substantial and only now being recognized. They contribute not only to dental caries and obesity but to increased consumption of non-food ingredients such as stabilizers, emulsifiers and thickeners.

b. What do you think would be the potential benefits of these changes (suggested word count 250 words)?:

Australian formulas are exported primarily to Asian countries where conditions for their use pose serious health risks of malnutrition and increased mortality. It is intolerable to expect poorly-resourced countries to tackle cross-border marketing problems alone. Babies in these countries stand to suffer the most when breastfeeding is undermined. As a powerful Exporting nations Australia, profits from formula sales, yet takes no responsibility for its companies. Australia could play an important role in encouraging compliance with the International Code and Resolutions. It could also require exports to meet WHO recommendations and Codex Alimentarius standards.

c. What do you think would be the potential costs of these changes (suggested word count 250 words)? :

d. What do you think would be the potential limitations of these changes (suggested word count 250 words)?:

31 To support your responses under Part 5 - the benefits, cost and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes. Please attach supporting evidence (data or literature) here.

Upload (word or PDF) document:

No file uploaded

PART 6 - Final Comments

32 Do you have anything further to add?

(suggested word count 250 words)::