



## PRESS RELEASE

### Digital Marketing is out of control – Brazil calls for a Resolution to protect mothers and babies

WHO 154th Executive Board, WHO HQ, Geneva, 22 – 27 January 2024.

At WHO's Executive Board (EB) meeting in its Geneva HQ last week, the many serious emergencies caused by conflicts and climate events were on everyone's minds. IBFAN's role was, once more, to remind everyone of the importance of addressing conflicts of interest and safeguarding and supporting women who want to breastfeed – a lifeline for so many babies that provides food, nurturing care and immune support.

The Debate on [Maternal, Infant and Young Child Nutrition](#) did not take place till 10pm on Friday night, but still 25 EB Members spoke up – with over 20, including [Lesotho](#) speaking for the 47 African states, congratulating WHO for its [Guidance on regulatory measures aimed at restricting digital marketing of breastmilk substitutes](#)<sup>i</sup> and promising to implement it. Douglas Nascimento Santana, [speaking for Brazil](#), said that they intend to propose a World Health Assembly (WHA) Resolution on the digital marketing of breastmilk substitutes.

*“Brazil believes that addressing this issue is crucial to guarantee that public health interests prevail. Brazil urges member states to strengthen the regulation of digital marketing for breast milk substitutes by adopting effective measures to safeguard the healthy development of children ... Together, let us work towards a future where every child has the opportunity to thrive in growth in a healthy environment.”*

The Guidance published in November 2023, followed WHO's usual strict procedures and a comprehensive review of evidence that was provided to the 75<sup>th</sup> WHA in 2022. 65 Member States and Civil Society Organisations responded to an [open public consultation](#) that took place in September 2023.<sup>ii</sup>

The Guidance aims to help Member States tackle a problem that was not envisaged when the [International Code of Marketing of Breastmilk Substitutes](#) was adopted in 1981, and the issue of Digital Marketing demonstrates the continuing need for biennial reporting to the WHA – the world's highest health policy setting body. [20 WHA Resolutions and Decisions](#) have been adopted since 1981 that have updated the Code in line with marketing and scientific developments.<sup>iii</sup>

While more and more of us are relying on digital tools and artificial intelligence, these technologies have also created new risks. Digital marketing tools can be powerfully persuasive, extremely cost effective and often not easily recognizable as promotions. They are now the predominant source of exposure to misleading messages with manufacturers of baby feeding products paying influencers and using algorithms and deceptive schemes to target pregnant and lactating women, persuading them to feed expensive, ultra-processed and environmentally wasteful products that harm children's health.<sup>iv</sup>

With its long experience working alongside WHO and UNICEF to strengthen global trading standards, IBFAN has seen how WHA Resolutions, when integrated into Codex standards, can help Member States bring their laws into line with WHO recommendations and prevent unjustified trade challenges.<sup>v</sup> The recommendations in the Guidance do not prevent legitimate digital marketing of commercial products, but calls on health authorities to prevent harmful marketing of products that compete or interfere with breastfeeding and sound infant and young feeding practices.

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<sup>i</sup> In 2022, WHO's [report on digital marketing of breast-milk substitutes](#) described its cross border extent and power

<sup>ii</sup> The Guidance covers products that fall with the scope of the [International Code of Marketing of Breastmilk Substitutes](#) and the 20 Resolutions that have strengthened and clarified it (together referred to as "The Code". The Code was adopted in 1981 and is the first global tool designed to control commercial marketing. Its aim is *"to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breastfeeding, and by ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution"* <sup>1</sup>.

<sup>iii</sup> To date 144 WHO Member States (74% of the 194) have adopted legal measures to implement at least some provisions of the [International Code of Marketing of Breastmilk Substitutes](#). However, under pressure from industry and their trade bodies, far too many laws contain loopholes that allow misleading marketing to continue. 2022 [Marketing of breast-milk substitutes: national implementation of the international code, status report 2022](#) WHO UNICEF IBFAN

<sup>iv</sup> IBFAN interventions: [Maternal Infant and Child Nutrition](#), [Emergencies](#), [General Programme of Work](#), [SDGs](#), [Climate Change](#) and [FENSA](#) highlighted the need to support and protect women who want to breastfeed – a resilient practice that provides food, nurturing care, immune support and is a lifeline in emergencies. IBFAN called for Pre-preparedness plans to follow the [IFE Operational Guidance](#) and ensure that emergency [appeals](#) do not promote ultra-processed products as magic bullets or undermine breastfeeding and culturally appropriate foods, bio-diverse foods.

<sup>v</sup> [After 10 years of struggle, Codex puts child health before trade at last](#). IBFAN Press Release, March 2023, following the Codex Nutrition meeting in Germany. 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, weak Codex standards have regularly been used in [attempts to stop governments bringing in strong marketing controls](#). 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](#). Katheryn Russ\*