

## **UNICEF UK Baby Friendly Initiative**

### Comments on the Proposal for a recast Commission Directive on infant formulae and follow-on formulae

10 December 2004

UNICEF UK welcomes the opportunity to comment on this Directive and would request that this opportunity is used to introduce the whole of the International Code of Marketing of Breastmilk Substitutes into national legislation across the UK.

The 1991 EU Directive and the resulting 1995 Regulations adopted in the UK have had a limited effect in meeting the aims of the International Code and it now appears that the promotion of artificial feeding in the UK is more widespread and aggressive, notably advertising in via TV and parenting magazines, than before the 1995 Regulations were adopted.

Action is particularly required to address the following points, which all serve to undermine the purpose of the International Code and the 1995 Regulations:

- Formula brand names and their treatment on labels are identical or near-identical to the manufacturing company's name and logo. This is a result of changes made by manufacturers in response to the restrictions on brand name use in the 1995 Regulations. Manufacturers therefore appear to be permitted to use the company/brand name and logo on information materials, despite the Regulations stating that brand names and logos should not appear.
- Most follow-on formula is branded, named and labelled almost identically to the same company's infant formula brands. This is a result of changes made by manufacturers in response to the restrictions on advertising in the 1995 Regulations, which permit follow-on formula but not infant formula to be advertised. The result is that follow-on and infant formula labels can easily be confused, while promotion for follow-on formula will automatically promote the related infant formula.
- Promotion of follow-on formula is currently widespread, notably on television and in parenting magazines (including pregnancy magazines, despite the product's suitability only from 6 months). The similarity between the names and appearance of the products means that this promotion is being used as a way around the prohibition on infant formula advertising.
- Promotion for other products, notably teats, continues to undermine breastfeeding promotion messages, to imply that breastfeeding is painful or difficult, and to promote artificial feeding.

Therefore:

1. The Directive should in all areas be brought fully into line with the requirements of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly Resolutions. Such a move would also be in line with the support by each EU member state for the WHO Global Strategy for Infant and Young Child Feeding, adopted by the World Health Assembly in 2002.
2. The Directive should recognise that follow-on formulas are breastmilk substitutes (as they are specifically designed to replace the breastmilk part of a mixed diet once complementary feeding has begun after 6 months). They should be subject to the same restrictions on promotion as infant formulas. Furthermore, manufacturers should not be permitted to claim that follow-on formula is not a breastmilk substitute.
3. Specifically, Article 9 paragraphs 1 and 2 should be amended to refer to follow-on formula as well as infant formula.

4. Article 9 paragraph 1 should be further amended to prohibit all advertising of both infant formula and follow-on formula to the general public.
5. We support the move in Article 8 paragraph 9 to ensure that the labels of follow-on formulas and infant formulas should avoid any risk of confusion between the two products. This could be usefully extended to ensure that infant formulas and follow-on formulas are labelled, *named and branded* in such a way as to avoid any risk of confusion.
6. We support the move in Article 8 paragraph 2b to ensure that follow-on formulas are labelled as suitable for use only from 6 months. However, the proposed Article 2 paragraphs c and d have removed reference to a specific time and refer instead to 'the introduction of appropriate complementary feeding'. This should be amended to support the principle of 6 months' exclusive breastfeeding and the Directive as a whole should acknowledge the WHO recommendations for breastfeeding, namely that babies should receive only breastmilk for their first 6 months of life and that breastfeeding should continue for up to 2 years or beyond.
7. Article 10 paragraph 3 should be clarified to ensure that the prohibition of reference to a proprietary brand of infant formula takes precedence over the permission of the presence of a company name or logo. This will ensure that formula brand names and logos which are also a company name and logo cannot appear. The paragraph should be further amended to refer also to prohibit reference to a proprietary brand of follow-on formula.
8. Article 10 paragraph 4 should be amended to prohibit all donations of free or low-cost infant formula. The restriction should also be extended to follow-on formula.
9. We recognise that this Directive refers specifically in its title to infant formula and follow-on formula. The International Code covers all breastmilk substitutes, bottles and teats. The scope of this Directive should therefore be extended to reflect the scope of the International Code. Notably, it should:
  - a. prohibit the promotion of all breastmilk substitutes (including any foods or drink promoted for use before 6 months), bottles and teats and
  - b. prohibit any food or drink other than infant formula (or specialised medical formulas) from being labelled as suitable for infants under the age of 6 months.

If this is not possible, a separate Directive should be adopted as soon as possible which introduces all outstanding elements of the International Code which are not included in the current Directive.
10. There should be no health or nutrition claims allowed for any products for infants and young children as these are inappropriately used by manufacturers to promote products.