

WHO Compliance Panel – Summary for Implementing and Monitoring the International Code of Marketing of Breast-milk Substitutes in New Zealand: The Code in New Zealand (Ministry of Health 2007)

1 July 2008 – 30 June 2009

New complaints

The Ministry of Health received a total of five complaints in the year 1 July 2008 to 30 June 2009. Four complaints were against infant formula marketers with one complaint received in 2008 and three complaints in 2009. The fifth complaint, received in 2008, was against a health worker.

The two 2008 complaints were about the actions of an infant formula marketer holding an evening presentation and dinner for GPs and nurses, and an individual health worker who presented at this evening. The CP upheld the complaint about the infant formula marketer in December 2008. This was subsequently appealed by the infant formula marketer, with the Adjudicator sending the complaint back to the CP for re-determination. The CP re-determined this complaint and considered the complaint against the health worker. Both CP decisions were drafted out-of-session by the CP secretariat for the CP's approval at their next face-to-face meeting in August 2009. Therefore the CP decisions and subsequent follow-up will be reported in next year's CP summary, for 1 July 2009 – 30 June 2010.

For the remaining three complaints received in 2009, two were related and were received in March 2009. They concerned an infant formula advertisement which ran in a professional magazine. The third complaint was received in June 2009 and concerned an infant formula company's product in a New Zealand current affairs programme. None of the three 2009 complaints were referred to the Compliance Panel (CP) by the complainants.

Complaints carried over from the 1 July 2007 – 30 June 2008 year

The earlier three 2008 complaints (which were received in April, May and June) were first considered at the CP's second meeting (26 August 2008). Two of the three complaints were about infant formula products advertised in pharmacy catalogues distributed to households. The CP agreed that as both complaints were related they would be considered together. Additional information was sought before the CP upheld both complaints in December 2008. On appeal, the independent Adjudicator, in her May 2009 decision, quashed the CP decision. She considered these pharmacy catalogues were not under the control of the infant formula marketer and therefore were outside the scope of the Infant Nutrition Councils' Code of Practice for the Marketing of Infant Formula.

The remaining complaint (June 2008) concerned an advertisement for follow-on formula which the complainant considered could be mistaken by the public for an infant formula product. The latter complaint was not upheld by the CP, but formal recommendations by the CP were put to the infant formula marketer. These recommendations were for the infant formula marketer to make it clearer to the public that this advertisement was for follow-on formula (formula made for infants over six months of age) as distinct from infant formula (formula made for infants less than six months of age). The infant formula marketer agreed to the CP recommendations for any future print-runs of this advertisement.

Enquiries

There were a number of enquiries relating to the Code in New Zealand in the year 1 July 2008 to 30 June 2009, which the Ministry responded to in consultation, as appropriate, with the Infant Nutrition Council. No formal complaints were instigated. Themes included:

- reformulation information
- status of the Fonterra/Sanlu formula scandal in China
- retail activity where formula was marketed at a reduced price which accrued bonus points
- an infant formula marketer sponsorship of toddler health education seminars
- Early Childhood Centres and infant formula marketers' activity
- current funding of the WHO Compliance Panel
- advice about running an infant formula advertisement in a health professional magazine.

Media queries in this period included questions about reformulation and marketing of formula in New Zealand.

A national videoconference knowledge transfer workshop was held for health professionals in June 2009 on The Code in New Zealand. The Ministry published an A3 Poster resource for health professionals on Ministry's Code of Practice for Health Workers in June 2009. This poster can be accessed at:

<http://www.moh.govt.nz/moh.nsf/indexmh/breastmilksubstitutemarketingcode-resources-poster>.

Secretariat for WHO Compliance Panel – 20 May 2010