

## **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 2009 – 30 June 2010**

#### *New complaints*

The Ministry of Health received a total of three related complaints in the year 1 July 2009 to 30 June 2010 against an infant formula marketer product advertised in a supermarket flyer. No complaints were received about health workers.

For the first two complaints the Ministry responded to both complainants advising them that the Ministry was “seeking advice and would be in contact” as the complaints concerned retailer activity. The Ministry sent both redacted complaints for the Infant Nutrition Council’s (INC) for response.

INC sought a response/discussion with the infant formula marketer. INC also advised that they would write to the supermarket advising them of these complaints and send them a copy of INC’s retailer information brochure. This recommends that retailers be consistent with INC’s Code of Practice Article 5.2 which states that “*Retailer advertisements and the in-store promotion of infant formula products should be limited to product names, price and price saving.*” INC also stated that they would ask the retailer not to feature infant formula in future.

Subsequent to these two complaints a third complaint about the same supermarket flyer, was received. The Ministry sent this to INC who asked the Infant Formula Marketer to respond. In their response to the complainant they considered they had not breached the INC Code of Practice and had fulfilled their commitment to support breastfeeding. The complainant was advised that if no reply to the formal response was received within 20 working days, the Ministry would consider that they were satisfied and this complaint would be closed. The complainant did not reply and the Ministry closed this complaint.

#### *Complaints carried over from the 1 July 2008 – 30 June 2009 year*

The earlier two related 2008 complaints were about an infant formula marketer holding an evening presentation and dinner for GPs and nurses, and a presentation by an individual health worker, in June 2008. Both complaints were upheld by the CP in August 2009. However, both decisions were subsequently appealed in October 2009. In March 2010, the Adjudicator upheld the CP’s redetermination against Bayer – finding them in breach of Articles 4.2, 7.1 and 7.2 of the Infant Nutrition Council’s Code of Practice for the Marketing of Infant Formula. In April 2010, the Adjudicator quashed the CP decision against the health worker.

#### *Enquiries*

There were a number of enquiries relating to the Code in New Zealand in the year 1 July 2009 to 30 June 2010, which the Ministry responded to (in

consultation), as appropriate with the INC but no formal complaints were instigated. Themes included:

- reformulation information
- retailer activity
- an infant formula marketer sponsorship of toddler health education seminars
- infant formula marketers' activity in Early Childhood Education Centres
- infant formula advertisements in health professional magazines.

Media queries in this period included questions about the marketing of infant formula in New Zealand.

The Ministry placed a Request for Proposal on GETS on the 1 April 2010 for an Information Gathering Exercise on The Code in New Zealand. The Research Trust, Victoria University of Wellington has been contracted to undertake this exercise. The Ministry plans to use their findings to plan the succeeding steps in the commencement of the Review of The Code in New Zealand.

**Secretariat for WHO Compliance Panel - November 2010**