

Summary for 7th meeting (20 May 2010)

The Compliance Panel (CP) met for their seventh meeting by video-conference, the first time this method has been used. It was noted that it was over six months since the CP last met. The CP noted that no new complaints have been referred to the CP since December 2008. The CP and the CP Secretariat will continue to monitor the number of complaints, mindful that a formal review of The Code in New Zealand is to commence in 2011.

The purpose of the seventh meeting was to discuss routine business including any lessons to be learnt from the most recent appeal decisions. The two most recent appeals were related and concerned an evening for health workers organised by an infant formula marketer at which a health worker also presented. The Adjudicator upheld the CP decision against the infant formula marketer (in her decision dated 26 March 2010) but quashed the decision against the health worker. The decision against the infant formula marketer is as follows:

"The majority of the Panel found that the respondent, Bayer is in breach of Articles 4.2, 7.1 and 7.2 of the Infant Nutrition Council (formerly NZIFMA) Code in respect of the Bayer dinner presentation on 25 June 2008."

The remainder of the meeting considered CP correspondence and other CP business. The Infant Nutrition Council had responded to the CP's September 2009 request about considering both Codes in their entirety (at the decision making time). Industry rejected this request and the CP supported an alternative option which is releasing a Preliminary decision to all parties before the final decision is made. The Chair noted that this would increase the time it takes to determine complaints but that it would probably reduce the number of appeals. It was recommended to the Ministry that this change to the decision making process be tabled as an option for consideration in the coming Review.

The CP considered VC efficient for a meeting of this type which was procedural, but agreed that any complaint determination would be best considered in a face-to-face meeting.