# 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 2018 - 30 June 2019

## Meetings of the Panel

The Compliance Panel met one time between 1 July 2018 and 30 June 2019. A videoconference was held in February 2019.

## New complaints

### Complaint number 10-2018-02

A complaint was lodged in October 2018 about a double page advertisement for an infant formula product in a magazine for health workers that is frequently available in public areas such as general practice waiting rooms. The complainant alleged the advertisement breached Articles 4.1, 4.2, 6.2, 7.1, and 9.3 of the INC Code of Practice. The infant formula manufactuer rejected the allegations that it had breached the INC Code of Practice. The complainant referred the complaint to the Panel. The Panel did not discuss the alleged Article breaches individually. The Panel did find the infant formula manufactuer in breach of the INC Code of Practice for the advertisement because the promotional wording is not scientific information about the infant formula; the wording on the advertisement does not clearly state that the product is only suitable for infants who are already formula fed; the advertisement is specific to formula fed babies with colic (colic occurs in young babies and therefore implies that the manufacturer is advertising to infants under six months); the image is not factual and scientific information for health workers and is targeted at parents and caregivers; and the magazine subscription is not restricted to health workers and hard copy magazines are frequently available in public areas such as general practice waiting rooms. The Compliance Panel decision was sent to affected parties on 20 May 2019.

### Complaint number 02-2019-02

A complaint was lodged in February 2019 about an advertisement on Facebook by an infant formula manufacturer to inform people about their change in packaging which contained a photo of stage 1 and stage 2 infant formula. The complainant alleged the advertisement breached Article 5.1 of the INC Code of Practice. The infant formula manufacturer rejected the allegation that it had breached the INC Code of Practice. The complainant referred the complaint to the Panel. The complaint was due to be considered by the Panel at its July 2019 meeting.

### Complaint number 04-2019-02

A complaint was lodged in April 2019 about a health organisation receiving ongoing funding, funding for education or indirect funding from several producers/distributors of breastmilk substitutes, including funding for health workers to attend conferences. The complainant alleged that sponsorship from or corporate relationships with producers/distributors of breastmilk substitutes breach the Code of Practice for Health Workers. The Health Organisation rejected the allegations that it had breached the Code of Practice for Health Workers. The complainant referred the complaint to the Panel. The complaint was due to be considered by the Panel at its July 2019 meeting.

## Complaints carried over

One complaint from the previous year (1 July 2017 – 30 June 2018) was carried over.

### Complaint number 06-2018-01

A complaint was lodged in June 2018 about the promotion of infant formula on a mobile application that belongs to a health workers’ organisation. The complainant alleged that having a link to an infant formula manufacturers website where infant formula can be directly purchased breached Article 4.4 of the Health Workers’ Code. The Health Workers’ Organisation had no prior knowledge of the Health Workers’ Code and took action to remove the link to the website from the application. The complainant was satisfied with this approach and the actions of the organisation.The Ministry wrote to the organisation to raise awareness about the Code in New Zealand and its application to the organisation’s staff and practices.

## Appeals

The Ministry received one appeal between 1 July 2018 and 30 June 2019.The appeal was in relation to complaint 10-2018-02. In October 2018, a complaint was lodged about a double page advertisement for an infant formula product in a magazine for health workers that is frequently available in public areas such as general practice waiting rooms. The Panel determined that the infant formula manufactuer did breach the INC Code of Practice. The company appealed this decision on 17 June 2019.

The appeal was sent to the Adjudicator on 21 June 2019. The Adjudicator’s decision is not due until 5 August 2019.

## Marketing practices of companies who do not belong to the Infant Nutrition Council

No complaints relating to non-INC companies were received between 1 July 2018 and 30 June 2019.

## Other related work

### Presentation at Early Life Nutrition Symposium

The Ministry presented at the Early Life Nutrition Symposium at Massey University on 4 September 2018. The focus of the presentation was increasing awareness of the Code in New Zealand and promoting the Learn Online Course. The audience was primarily health workers who support infants and their families.