

## **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 2012 – 30 June 2013**

### *New complaints*

From 1 July 2012 to 30 June 2013, the Ministry received two formal complaints. Both complaints were about the same advertisement for infant formula placed in medical journals by an infant formula marketer. Both complainants alleged a breach of the INC Code.

After consideration, the Panel did not uphold either complaint against the infant formula marketer, finding that the advertisement did not breach Articles 4.2, 4.3, 6.1 and 7.1 of the INC Code. The respective Articles state the following:

*Article 4.2: Informational and educational materials provided by the marketers of infant formula, whether written, audio or visual, dealing with the feeding of infants with infant formula, should include clear information on all of the following points:*

- *the benefits and superiority of breastfeeding;*
- *maternal nutrition, and the preparation of and maintenance of breastfeeding;*
- *the negative effect on breastfeeding of introducing partial bottle-feeding;*
- *the difficulty of reversing the decision not to breastfeed;*
- *where needed, the proper use of proprietary infant formula.*

*Article 4.3: When information and educational materials contain information about the use of infant formula, they should include the social and financial implications of its use, the health hazards of inappropriate foods or feeding methods and, in particular, the health hazards of unnecessary or improper use of infant formula. Such materials should not use any pictures or text, which may idealise the use of infant formula in comparison to breastfeeding.*

*Article 6.1: Marketers of infant formula should not use any facility of the health care system for the purpose of promoting infant formula. This does not however, preclude the dissemination of information to health workers as provided in Clause 6.2.*

*Article 7.1: Information provided by marketers to health workers regarding infant formula should be restricted to scientific and factual matters and such information should not imply or create a belief that formula feeding is equivalent or superior to breastfeeding. Such information should include that specified in Articles 4.2 and 4.3 of this Code.*

An appeal was lodged on the Compliance Panel's decision for one of the two complaints. The Adjudicator decided there was no grounds for appeal, and upheld the Compliance Panel's decision.

*Complaints carried over from the 1 July 2011 – 30 June 2012 year*

No complaints were carried over.

*Marketing practices of companies who do not belong to the INC*

From 1 July 2012 to 30 June 2013, the Ministry received correspondence about four instances of marketing practices by infant formula companies who do not belong to the INC. The marketing practices reported to the Ministry included using trade banners in a retail setting to promote infant formula, advertising of infant formula on websites and in magazines, and promoting infant formula at parenting expos.

In all cases, the Ministry responded to these complaints by sending a letter (from the Director of Public Health) to the companies letting them know their marketing practices had been drawn to the attention of the Ministry of Health. The letters provided information about the Code in New Zealand and encouraged the companies to align with the majority of marketers who have committed to not advertise infant formula for infants under the age of six months.

The Ministry also referred one advertisement by a company that does not belong to the INC to the Ministry for Primary Industries, to investigate whether the advertisement was in breach of the Food Standards Code. This is still under investigation.

*Enquiries*

There were a number of enquiries relating to The Code in New Zealand, which the Ministry responded to. No formal complaints were instigated. Enquiries included:

- the marketing campaigns of new infant formula manufacturers and marketers that do not belong to the INC
- the marketing of infant formula products by retailers
- a request from Dietitians New Zealand for a presentation on New Zealand's implementation of the WHO Code at workshops for health practitioners
- a complaint about media coverage of stories involving infant feeding.

*Update on the Government Response to Report of the Health Committee on Parliamentary Petition 2005/127 of Lisa Ross and 15 others<sup>1</sup>*

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<sup>1</sup> Access the Government's response at:

In June 2012, Quigley and Watts was contracted to complete the Ministry's evaluation of the effectiveness of the WHO Code in New Zealand via key stakeholder consultation. In July 2012, Quigley and Watts facilitated the key stakeholder meetings between health practitioners, representatives from consumer groups, and representatives from the infant formula and bottle and teat industries. A report on the outcomes of the meetings was finalised by Quigley and Watts in September 2012. The Ministry of Health considered the outcomes from both the Quigley and Watts report, and an earlier report by the Research Trust of Victoria University (2011) to identify improvements to the implementation of the WHO Code in New Zealand. The Quigley and Watts report was released publicly on the Ministry's website on 19 December 2012, along with a summary of actions the Ministry intends to take following the evaluation.

A copy of the report by Quigley and Watts is available at:

<http://www.health.govt.nz/our-work/who-code-nz/breast-milk-substitute-publications>

### **Ministry Secretariat for WHO Compliance Panel - June 2013**