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9 December 2024

s 9(2)(a)

Ref: H2024056155

Tēnā koe s 9(2)(a)

### Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 11 November 2024 for information regarding infant formula. Please find a response to each part of your request below.

*How many complaints have been received by the Ministry and how many breaches have there been?*

*Could I please have the data as far back as possible please?*

I have identified a document within scope of your request. This document is attached to this letter as Documents one and released to you in full.

Further details about the nature of the complaints is available on the Ministry's website at: [www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/compliance-panel/meeting-summaries](http://www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/compliance-panel/meeting-summaries).

Please note the following information about document one:

- Document one has limited the complaints to in-scope complaints, noting that periodically the Panel receive complaints about companies that are not INC members (and who are therefore out of scope).
- Document one does not reflect the volume of traffic about complaints, noting that there are queries about companies that are not members as well as complaints against health workers (under the Health Workers Code).
- A complaint may cover more than one Article and the Panel determines the complaint against each Article separately. This means that there are three possible outcomes: breach of all Articles, no breach of any Articles, or a breach of some but not all the relevant Articles.

*I'd also like an explanation of the process for dealing with complaints, including who evaluates these complaints, and any consequences of a breach on companies.*

Information regarding the complaint process is publicly available on the Ministry's website at: [www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/complaints-procedure](http://www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/complaints-procedure). The terms of reference for the Panel and the process by which complaints are heard are currently being updated. I also refer you to the complaints and evaluation procedure flowchart which can be found at: [www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/complaints-procedure/flowchart](http://www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/who-code-for-breast-milk-substitutes/complaints-procedure/flowchart).

Further information can be found on the below links:

- World Health Organization's International Code: [OBJ].
- Infant Nutrition Council Code of Practice: [www.infantnutritioncouncil.com/wp-content/uploads/2018/11/INC-Code-of-Practice-151118-5mmbi-crops-A5.pdf](http://www.infantnutritioncouncil.com/wp-content/uploads/2018/11/INC-Code-of-Practice-151118-5mmbi-crops-A5.pdf).

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: [oiagr@health.govt.nz](mailto:oiagr@health.govt.nz).

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā



Emma Hindson  
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**Public Health Agency | Te Pou Hauora Tūmatanui**

Year	Number of in-scope complaints received (INC Code of Practice)	Number of complaints that did not proceed to the Panel (complainant satisfied by the INC's company's first response or the complainant withdrew)	Number of complaints referred to the Panel	Number of breaches determined
1 July 2024 – to 15 November 2024	0	0	0	0
1 July 2023 – 30 June 2024	0	0	0	0
1 July 2022 – 30 June 2023	2	1	1	1 (Articles 4.2, 4.3, 5.1, 5.5, 5.6)
1 July 2021 – 30 June 2022	0	0	0	0
1 July 2020 – 30 June 2021	43	19	24	<p><i>The numbers in this section do not add up to the number of complaints referred because some complaints may have breached one article but not another.</i></p> <p><b>Breach determined</b>  1 (Articles 4.3, 5.1)  18 (Article 5.1)  <b>No breach determined</b>  6 (Article 4)  4 (Article 5.1)  4 (Article 5.5)  1 (Article 4.4, 5.3)</p>

				1 (Articles 5.1,5.5)
1 July 2019 – 30 June 2020	0	0	0	0
1 July 2018 – 30 June 2019	0	0	0	0
1 July 2017 – 30 June 2018	0	0	0	0
1 July 2016 – 30 June 2017	0	0	0	0
1 July 2015 – 30 June 2016	11	5	6	Unknown
1 July 2014 – 30 June 2015	3	0	3	Unknown
1 July 2013 – 30 June 2014	5	1	4	Unknown
1 July 2012 – 30 June 2013	2	0	2	Unknown
1 July 2011 – 30 June 2012	1	1	0	0

1 July 2010 – 30 June 2011	3	1	2	Unknown – the spreadsheet does not record the outcome and we do not have access to these files to check the outcome
1 July 2009 – 30 June 2010	1	1	0	0
1 July 2008 – 30 June 2009	4	3	1	1 upheld
1 July 2007 – 30 June 2008	9	6	3	2 upheld