

**Annual Report**  
**2023/2024**

# **WHO Code Compliance Panel**

**Implementing and Monitoring the  
International Code of Marketing of  
Breast-milk Substitutes in New Zealand.**



## Introduction

The WHO International Code (<https://www.health.govt.nz/our-work/who-code-new-zealand>) contributes to the provision of safe and adequate nutrition for infants by protecting, promoting, and supporting breastfeeding and by ensuring the proper use of breast-milk substitutes, when they are necessary. Safe and adequate nutrition for infants is supported by the provision of adequate information and appropriate marketing and distribution of breast-milk substitutes.

The WHO International Code has 11 articles. In Aotearoa New Zealand, all 11 articles are implemented and monitored under four codes:

1. The Ministry of Health's 2007 *Code of Practice for Health Workers* (Health Workers' Code): compliance is voluntary
2. The Infant Nutrition Council's *Code of Practice for the Marketing of Infant Formula* (INC Code of Practice): compliance is voluntary
3. The Advertising Standards Authority's *Code for Advertising of Food* (including the INC follow-on formula marketing guidelines): compliance is voluntary
4. The *Australia New Zealand Food Standards Code*: compliance is mandatory.

The WHO Code Compliance Panel (the Panel) receives and considers complaints about possible breaches of the *Health Workers' Code* and the *INC Code of Practice*.

This report summarises the work of the Panel from 1 July 2023 to 30 June 2024. Complaints being processed are not included in this report.

## The WHO Code Compliance Panel

The Panel:

- makes decisions on referred complaints relating to either the *Health Workers' Code* or the *INC Code of Practice*
- provides advice on required action(s) to remedy a breach of either the *Health Workers' Code* or the *INC Code of Practice* in Aotearoa New Zealand
- provides advice to Health New Zealand on issues related to implementing the WHO International Code in New Zealand including, but not limited to, complaints that are outside the scope of either the *Health Workers' Code* or the *INC Code of Practice*.

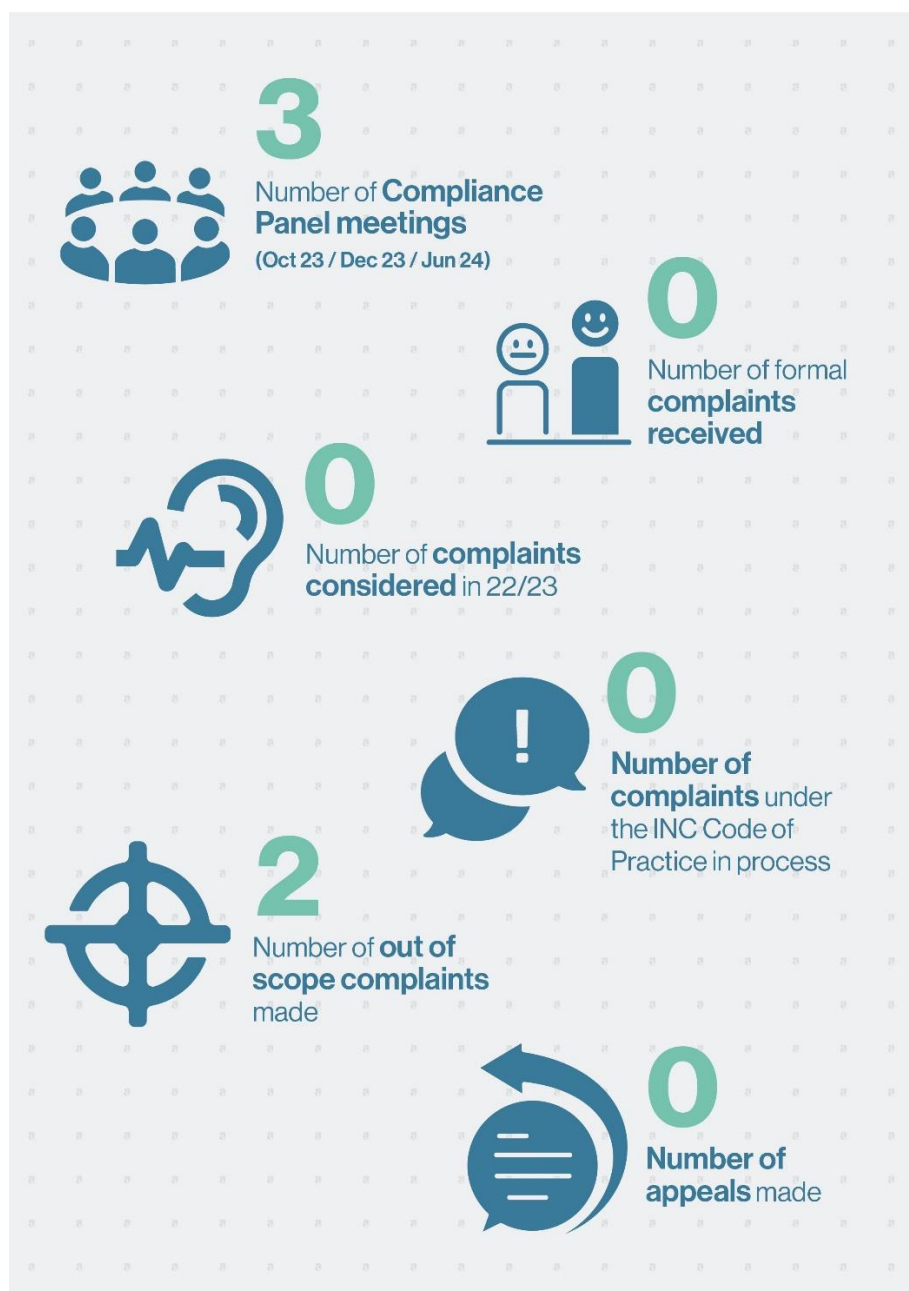
Advice provided by the Panel may include requesting that Health New Zealand or the Ministry of Health take further education-focused steps like writing to individuals or organisations that may be operating in Aotearoa New Zealand in a way that is not consistent with the way that the WHO International Code is implemented here.

## Panel members and the Independent Adjudicator

- Iris Reuvecamp (Chair)
- Carol Bartle (Academic representative)
- Dr Alison Barratt (from May 2024)
- Natalie Allen (from May 2024)
- Jonathan Chew (from November 2023)
- Jane Glover (Independent Adjudicator).

We would like to acknowledge the contributions made by previous Panel members who resigned this year: Jan Carey (INC), Dr Whitney Davis, and Dana Owens.

## Summary at a glance



## Summary of complaints considered

### Key themes from complaints made under the INC Code of Practice

The Panel received no complaints under the *INC Code of Practice* in 2023 – 2024.

A concern about the practices of a marketing representative from an INC member has been raised. The Panel is awaiting further advice. In the meantime, it is important that all INC members ensure that the activities of all staff and representatives comply with Articles 6 and Article 7 of the *INC Code of Practice*. These articles relate to the scope of acceptable contact with health services and health workers, a requirement to provide only scientific and factual advice (which should always be contextualised to the superiority of breastfeeding), and restrictions on the provision of samples of infant formula and financial/material inducements to promote infant formula.

### Key themes from complaints made under the *Health Workers' Code*

The *Health Workers' Code* applies to anyone providing infant nutrition information to pregnant women/people, parents and caregivers. It:

- sets out expectations that health workers protect, promote and support breastfeeding
- requires that health workers be familiar with their responsibilities under the *Health Workers' Code*, and other Ministry policies and strategies including the Baby Friendly Hospital Initiative, the Baby Friendly Community Initiative, the Well Child Framework and the Ministry's *Food and Nutrition Guidelines for Healthy Infants and Toddlers (aged 0-2 years)*.

Anyone providing advice on infant nutrition should consider the *Health Workers' Code* and ensure that they are familiar with its expectations and requirements. All advice should be accurate, evidence-based and clinically appropriate.

The Panel received no complaints under the *Health Workers' Code* in 2023 – 2024, but it continued to monitor a health worker who has continued to breach the *Health Workers' Code*. We referred this matter to the Ministry of Health for consideration of further action.

## Appeals

No appeals were considered in 2023 – 2024.

## Marketing practices of companies that are not members of the INC

The majority of the infant formula industry in New Zealand are members of the INC. Companies that do not belong to the INC are not party to the *INC Code of Practice*. Complaints about non-INC companies do not proceed through the self-regulatory

complaints process. No complaints about non-INC companies were received in 2023 – 2024.

## Out of scope complaints

One out-of-scope complaint was received in 2023-2024. This complaint related to an electronic billboard for a vaccination. The accompanying image included a baby aged under 12 months being fed with a bottle. The advertisement was withdrawn when this issue was raised with the agency. The Panel also received a request to create more consumer-friendly packaging on infant formula and toddler milk products.

## Infant formula industry update

The INC represents the interests of the infant formula and toddler milk drink industry in New Zealand. It acknowledges that breastfeeding is the normal way to feed an infant and that breastmilk provides optimal nutrition.

The INC and its members aim to improve infant nutrition. This includes supporting New Zealand's government public health goals for the protection and promotion of breastfeeding and, when an infant does not receive breastmilk, infant formula as the only suitable and safe alternative.

The INC plays a key role in ensuring compliance and safety in the industry. The *INC Code of Practice* is a voluntary code of conduct which applies to the marketers of infant formula that are members of INC. Its members represent almost all those that manufacture or market infant formula in New Zealand.

The *INC Code of Practice* applies to the marketing of infant formula products suitable for infants up to the age of 12 months. As at July 2024, INC members marketing infant formula in Aotearoa New Zealand were:

- Abbott
- Australian Dairy Nutritionals
- Australian Dairy Park
- Bakel Edible Oils
- Bellamy's Organic
- Blue River Dairy
- Bodco Dairy
- Bubs
- Burra Foods
- Dairy Goat Co-Operative
- Danone Nutricia
- DSM
- Fonterra
- GrainCorp



- Great Ocean Road Ingredients
- H&H Group
- Heinz Watties
- Morinaga Nutritionals
- Nestle New Zealand Ltd
- Nu-Mega Ingredients
- Nuchev
- Oceania Dairy
- Sanulac Nutritionals
- Saputo
- Sprout Organic
- Synlait
- Tatura Milk Industries
- The a2 Milk Company
- The Little Oak Company NZ
- Winston Nutritionals.