# 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 2016 - 30 June 2017

*Meetings of the Panel*

The Compliance Panel met two times between 1 July 2016 and 30 June 2017. A face-to-face meeting was held in November 2016 and a videoconference was held in June 2017.

*New complaints*

No complaints were received by the Ministry of Health between 1 July 2016 and 30 June 2017.

*Complaints carried over*

Two complaints from the previous year (1 July 2015 – 30 June 2016) were carried over.

**Complaint number 05-2016-18**

A complaint was lodged in May 2016 about online advertisements for an infant formula website via Google search results which the complainant believed were specifically marketing infant formula. The complainant alleged the ads breached Articles 4.2, 4.3, 5.1 and 5.5 of the INC Code of Practice. The marketer rejected the allegations that it had breached the INC Code of Practice. The complainant referred the complaint to the Panel. The Panel did not make a determination on Article 4.2 or Article 4.3 because it did not consider the Google ads provided information or educational material about the use of infant formula. The Panel did not find the infant formula marketer in breach of Articles 5.1 and 5.5 of the INC Code of Practice for the Google ads because the ads are essentially a link to the infant formula website which is compliant with the INC Code of Practice and because the infant formula marketer has taken steps to address the issues raised by the complainant. The Compliance Panel’s decision was sent to affected parties on the 14 December 2016.

**Complaint number 05-2016-19**

A complaint was lodged in May 2016 about infant formula related webpages on an infant formula manufactuer’s global company website. The complainant alleged the website breached Articles 4.1, 4.2, 4.3, 8.2 and 9.1 of the INC Code of Practice. The manufacturer rejected the allegations as the website is not marketing a branded infant formula product. The complainant referred the complaint to the Panel. The Panel did not find the infant formula manufacturer in breach of the INC Code of Practice for the infant formula pages on its company website, which contains information on the services and products the infant formula manufacturer can provide to its commercial customers. The Panel determined the complaint was out of the scope of the INC Code of Practice because the website is not marketing an infant formula product and the target audience of the company website is commercial customers (not consumers of their finished products). The Compliance Panel’s decision was sent to affected parties on 14 December 2016.

*Appeals*

From 1 July 2016 to 30 June 2017 the Ministry received one appeal.The appeal was in relation to complaint 05-2016-18. In May 2016, a complaint was lodged about online advertisements for an infant formula website via Google search results. The Panel determined that the company did not breach Articles 5.1 and 5.5 of the INC Code of Practice. The complainant appealed this decision on 19 January 2017.

The appeal was sent to the Adjudicator. The Adjudicator upheld the Panel’s decision. Affected parties were advised of the outcome on 14 March 2017. The complaint is now closed.

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

From 1 July 2016 to 30 June 2017, the Ministry received correspondence about two instances of marketing practices by infant formula companies who do not belong to the Infant Nutrition Council (INC). Companies that do not belong to the INC are not party to the INC Code of Practice. The marketing practices reported included alerting the Ministry about point of sale advertising depicting a toddler milk placed in front of an almost identically packaged infant formula at a supermarket in Auckland and a research report on economic value chains. .

In the case of the first non-INC complaint received, the Ministry contacted the supermarket and sent the manager the INC’s “Information to Retailers” Brochure. The Ministry responded to the second complaint by meeting with representatives of the group who published the report to provide information on New Zealand’s response to the International Code.

*Other related work*

**Revision of infant formula education resource, Feeding your baby infant formula**

The Ministry revised its Health Education resource, *Feeding your baby infant formula*. The revision process involved consultation with key stakeholders and some focus group testing with consumers. (Provide a link to the resource on the Health Ed website.)

**United Nations Convention on the Rights of the Child (UNCROC)**

The Ministry contributes regularly to Ministry for Social Development (MSD) reporting and work on the United Nations Convention on the Rights of the Child (UNCROC). The Ministry has provided information on:

* breastfeeding statistics
* initiatives to support and promote breastfeeding
* New Zealand’s self-regulatory process for implementing the WHO International Code of Marketing of Breast-milk Substitutes.

The Ministry provided information on the latest breastfeeding statistics.

<http://www.health.govt.nz/publication/indicators-well-child-tamariki-ora-quality-improvement-framework-march-2016>