



Infant Nutrition Council

Industry supporting both
Breastfeeding & Infant Formula

Submission to Review of Food Labelling Law and Policy

Introduction

The Infant Formula Industry is a responsible industry that voluntarily restricts its marketing practices to support government policies for the protection and promotion of breastfeeding.

The Infant Nutrition Council Ltd (INC) was established in 2009 and is an amalgamation of the Infant Formula Manufacturers' Association of Australia (IFMAA) and the New Zealand Infant Formula Marketers' Association (NZIFMA). The Infant Nutrition Council represents the significant majority of companies marketing and manufacturing infant formula in Australia and New Zealand.

The companies represented by INC are:

- Bayer
- Dairy Goat Cooperative (NZ) Ltd
- Fonterra
- Heinz
- Nestlé
- Nutricia
- Wyeth

Infant formula is vital for those babies who are not being exclusively breastfed as it is the only suitable substitute for breastmilk providing all the necessary nutrients and other ingredients to meet the baby's requirements.

Labelling and Infant Formula

While specific labelling requirements for infant formula are prescribed in the Australia New Zealand Food Standards Code (the Code) under Standard 2.9.1 Infant Formula Products, there are also general labelling requirements for all foods including infant formula which may be considered as part of the labelling review.

The infant formula industry is committed to providing the highest quality products to meet the needs of its consumers. The industry is also committed to providing information about its products. However current food labelling law denies consumers access to information about infant formula at point of sale.

The complexity of food labelling reflects the complexity of the society in which we live. Food labelling is just as much about consumers' expectations and consumer choice as it is about due diligence and food safety substantiated in law.

When choosing an infant formula consumers should be able to make an informed choice. Logically industry should be able to actively and truthfully provide information to inform consumers at point of sale about these products.

INC believes that the current labelling permissions within the Code in Standard 2.9.1 do not support the *Food Standards Australia New Zealand Act 1991 (the FSANZ Act)* objective of the provision of adequate information relating to food to enable consumers to make informed choices; or the Food Regulation Standing Committee's Overarching Strategic Statement for the Food Regulatory System – one of the objectives being to 'enable consumers to make informed choices about food by ensuring that they have sufficient information and by preventing them from being misled'.

Denying consumers access to information at point of sale is industry's key concern and the review of the food labelling law and policy is an opportunity to address this concern. Both infant and follow-on formulas should be expressly permitted to carry scientifically substantiated nutrition content and general level health claims to enable carers to make the best choice for their infant at point of sale.

Specific Labelling and Policy Concerns

Infant formula is a life sustaining food and therefore it is important that consumers are able to understand the functions of the ingredients and to use this information to choose the best product for their infant. This is an important role for the labelling of infant formula.

There is a level of inconsistency in interpretation by the various government enforcement agencies in Australia and New Zealand including differences in opinion with consumer protection law, food law and therapeutic goods laws.

Food regulation and consumer protection i.e. trade practices laws do not always agree. The formula industry ought to be permitted to make appropriately substantiated nutrition content and health claims that protect and promote consumer health as well as encouraging fair trade.

Food labelling provides information designed to inform nutritional choices however prohibitions restrict industry's ability to communicate effectively with consumers and Health Care professionals.

Food labelling policy and standards are shared with New Zealand as this is a Bi national food standard. There are inconsistencies between Australia and New Zealand in related codes of practice/ national guidelines where alignment of authorities' recommendations would be beneficial.

In a global market place consideration needs to be given to international standards to facilitate international trade. Flexibility is required to enable harmonisation and importation of infant formula especially for special needs infants.

Difficulties in understanding what the standard means have resulted in occasions where jurisdictions have litigated against industry and the courts have found against the jurisdictions.

Infant formula is vital for babies who are not exclusively breastfed and should not be marginalised due to unsubstantiated perceptions that restriction of information about infant formula promotes breastfeeding. There needs to be an objective approach which promotes breastfeeding but also allows for labelling information about the nutritional function of the ingredients in infant formula to inform consumers who need, or have chosen to use an infant formula.

There are also diverse demands for labelling laws from consumer, public health and food industry stakeholders. This has resulted in tensions between the varying objectives sought to be achieved from food labelling. We seek a policy framework that facilitates collaboration between consumers, public health advocates, government and industry.

There is a lack of resources provided by government to inform and educate consumers about the intent of the laws. This imposes a difficulty on industry through consumer misunderstanding and expectations and results in an imposition on industry to provide labelling information.

When choosing an infant formula consumers should be able to make an informed choice. Logically industry should be able to actively and truthfully provide information to inform consumers at point of sale about these products. Both infant and follow-on formulas should be permitted to carry scientifically substantiated nutrition content and general level health claims to enable carers to make the best choice for their infant at point of sale.

Appendix

Marketing Codes

INC members who are marketers of infant formula are signatories to the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement 1992 (MAIF Agreement) and in New Zealand they have adopted the Infant Nutrition Council Code of Practice for the Marketing of Infant Formula (formerly the NZIFMA Code of Practice).

These agreements are the local interpretations in Australia and New Zealand of the World Health Organization International Code of Marketing of Breast Milk Substitutes (WHO 1981) (WHO Code) and prescribe how information about infant formula can be distributed.

INC members support the aim of the WHO Code, which is:

“...to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast feeding and by ensuring the proper use of breast milk substitutes, when they are necessary, on the basis of adequate information and through appropriate marketing and distribution.”

Infant Nutrition Council Ltd.

ABN 23 135 154 406

The Infant Nutrition Council is committed to working in partnership with government, regulatory authorities, health care professionals and breastfeeding advocates, to improve the health and wellbeing of infants in Australia and New Zealand.

Postal Address PO Box 7190, Yarralumla ACT 2600

Telephone +61 2 6282 4748

Email info@infantnutritioncouncil.com

Web www.infantnutritioncouncil.com