

INC Code of Practice and Retailers¹

Retailers are not members of the Infant Nutrition Council and the INC Code of Practice does not apply to retailers. However, manufacturers and importers must not themselves pursue or endorse promotional activities through retailer channels unless those activities are allowed under the INC Code of Practice.

Due to the sensitive nature of Infant Formula products from 0 to 12 months, and strict regulations, special consideration needs to be taken when these products run into short expiry or get damaged. INC recommends that the following procedures are implemented by a responsible retailer:

- Strong stock management processes to ensure expired stocks are not on shelves.
- For cases of damaged or expired stocks, destruction of these products should be monitored by a certified process to ensure that they cannot be accessed by the public.
- Donations should be avoided as these are strictly governed under the INC Code of Practice.

1 - Defined as businesses engaged in the trade or on-selling of infant formula in physical retail outlets or via e-commerce.

Price promotions

Price promotion of infant formula (such as 'special prices' and discounts) is allowed. Certain aspects of the INC Code of Practice are authorised under the Commerce Act 1986. However, the INC Code of Practice and the authorisation do not place restrictions on price promotion of infant formula.

Further information

Find the Infant Nutrition Council's Code of Practice at:
infantnutritioncouncil.com/marketing-codes

Discover more about the Code in New Zealand at:
health.govt.nz/our-work/who-code-nz



Industry supporting both Breastfeeding & Infant Formula

The Infant Nutrition Council is committed to working in collaboration with government, regulatory authorities, health care professionals and public health advocates, to optimise the health and wellbeing of infants in New Zealand.



Manufacturers and Importers' Obligations for the Marketing of Infant Formula in New Zealand

Information for Retailers

Contact us

For further information or questions
Phone +64 9 354 3272
Email info@infantnutritioncouncil.com



www.infantnutritioncouncil.com



Breastfeeding is the normal way to feed a baby and is important for baby's health and well-being. The World Health Organization recommends exclusive breastfeeding until six months of age, and then to complement with the appropriate introduction of solid foods up to two years of age.

There is no question that breastfeeding is the normal way to feed an infant and that breastmilk provides the best possible nutrition, however, when an infant does not receive breastmilk, the only suitable and safe alternative is a scientifically developed infant formula product.

The Infant Nutrition Council's Code of Practice for the Marketing of Infant Formula in New Zealand

The Infant Nutrition Council's Code of Practice for the Marketing of Infant Formula in New Zealand (INC Code of Practice) is a voluntary self-regulatory code of conduct which applies to all companies represented by the Infant Nutrition Council (INC) that are marketing infant formula in New Zealand.

It is based on the *World Health Organisation International Code of Marketing of Breast Milk Substitutes (WHO 1981)* and forms part of New Zealand's official application of the WHO Code within the context of New Zealand's legal and economic environment. The INC Code of Practice supports 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 breastfeeding and by ensuring the proper use of breastmilk substitutes, when they are necessary, on the basis of adequate information and through appropriate marketing and distribution."

Key Features of the INC Code of Practice

The following are some of the key obligations for manufacturers and importers of infant formula under the INC Code of Practice:

- 1 Manufacturers and importers of infant formula should not advertise or in any other way promote infant formula to the general public
- 2 Infant formula product samples may only be provided through health care professionals and only for specific purposes.
- 3 Manufacturers and importers of infant formula should not distribute to pregnant women, or parents of infants and young children, any gifts of articles or utensils which may promote the use of breastmilk substitutes or bottle-feeding.
- 4 Informational and educational material produced by manufacturers and importers of infant formula (such as pamphlets or booklets) dealing with the feeding of infants should always include clear information on the benefits and superiority of breastfeeding (e.g. "Breastmilk is the perfect food for baby"); maternal nutrition, and the preparation for and maintenance of breastfeeding; the negative effect on breastfeeding of introducing partial bottle-feeding; the difficulty of reversing the decision not to breastfeed; and where needed, the proper use of proprietary infant formula. Where such materials contain information about the use of infant formulas, additional information is required.
- 5 Manufacturers and importers of infant formula must not idealise the use of infant formula through pictures and text on infant formula or information and educational materials.
- 6 Manufacturers and importers of infant formula should not give financial or material incentives to health professionals to promote infant formula.
- 7 Manufacturers and importers of infant formula can provide information about the formulas to health care professionals, but should restrict the information to scientific and factual matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breastfeeding.

Monitoring Code Compliance

The Ministry of Health is responsible for monitoring compliance with the INC Code of Practice. Any person, including individuals and community and consumer groups, can lodge a complaint with the Ministry of Health alleging a breach of the INC Code of Practice. If an issue is not resolved to the complainant's satisfaction through a natural justice process, it will be submitted to a Compliance Panel for a decision. The Director of Public Health appoints the Compliance Panel members.

More information about the complaints process is available at health.govt.nz/our-work/who-code-nz/breast-milk-substitutes-complaints-procedure

Application of the INC Code of Practice

The INC Code of Practice applies to the marketing and promotion of:

- **infant formula i.e. formula that is suitable for babies from birth** (e.g. Starter, Stage 1 or All Ages infant formulas) by INC members.
- **Follow-on formula i.e. formula that is suitable for babies from six to twelve months.**

The INC Code of Practice does not apply to:

- **Toddler milk drinks** suitable from 12 months (sometimes called Growing Up milks)
- **Complementary foods** (i.e. baby cereal and packaged baby foods)
- **Feeding bottles and teats**