



**Position Paper for Hong Kong Code by
Hong Kong Infant and Young Child Nutrition Association
March 2012**

*HKIYCNA strives to be a key contributor in promoting
the health and well-being of infants and young children,
thereby helping to enhance the nutrition
amongst infants and children in Hong Kong.
the HKIYCNA Vision*

The Hong Kong government set up a task force in 2010 with an aim to introduce the Hong Kong Code of Marketing of Breastmilk Substitutes (Hong Kong Code) to regulate the advertising and promotion of infant formula products in Hong Kong. The Hong Kong Infant and Young Child Nutrition Association (HKIYCNA) would like to put forth its position and recommendations in order to facilitate the development of an effective and practical Hong Kong Code.

HKIYCNA supports the principles of the World Health Organization International Code of Marketing of Breastmilk Substitutes (WHO Code, 1981) of which the aim 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 breastmilk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.*

HKIYCNA strongly believes that the Hong Kong Code should be based on the international standard – WHO Code, 1981 – to govern only the marketing behaviors of breast milk substitutes up to 6 months and take reference of the best practices of other developed jurisdictions. The Hong Kong government should separately address the food labeling gap for food for young children below 36 months taking into account the relevant international standards, appropriate development principles (scientific evidence and Risk Analysis Principles), other reference countries regulations and multi-lateral agreements. In addition, public engagement with sufficient time should be in place to ensure that careful deliberations and considerations have been taken for the best interests of infants and young children.

HKIYCNA Position and Recommendations

1. HKIYCNA and its members are committed to improving infant and young child nutrition and providing accurate information to consumers. All HKIYCNA members believe that breastmilk is the best nutrition for infants.

- HKIYCNA supports the international policies of the WHO and promotes exclusive breastfeeding for infants' first 6 months with the timely introduction of appropriate complementary feeding.
- In support of breastfeeding, HKIYCNA member companies have voluntarily introduced a transparent HKIYCNA Code of Practice for the Marketing of Infant Formula ("Code of Practice") in 2011, shortly after the formation of HKIYCNA. The Code of Practice is consistent with international standards of other developed countries and includes enforcement mechanisms.
- HKIYCNA supports international standards of food labeling and claims regulations that are based on scientific evidence and proper Risk Analysis Principles as enforced by international multi-lateral agreements. All developed and many developing countries have food regulation, including labeling and claims, for infant and young child products and HKIYCNA supports the development of food regulation in Hong Kong.

2. Primary reasons that stop mothers from breastfeeding are inadequate milk flow and the need to go back to work. Marketing does not factor in their decisions. HKIYCNA supports public-private partnerships to disseminate information on infant and young child nutrition.

- Academic studies and surveys have consistently demonstrated that short duration of breastfeeding is a result of having not enough breastmilk, poor health condition, end of maternity leave, need to return to work shortly after giving birth.^{1,2,3,4}
- The high percentage of working mothers⁵, long working hours and short mandatory maternity leave contribute to high initiation rate but short duration of breastfeeding. These factors need to be better understood so that appropriate policies can be

¹ Chung Ting-yiu Robert, Pang Ka-lai Karie, Lee Wing-yi Winnie and Li Kin-wing Jasmine, Mother Survey on Breastfeeding, Public Opinion Programme, The University of Hong Kong and Hong Kong Infant and Young Child Nutrition Association, December 2011.

² Terrant et al, Breastfeeding and weaning practices among Hong Kong mothers: a prospective study, *BMC Pregnancy and Childbirth* 2010, 10:27.

³ Dr York Chow, The Secretary for Food and Health, in response to Legislative Council member Hon Wong Yung Kan's written question, 17 November 2010.

⁴ Sarah K F Kong and Diana T F Lee, Factors influencing decision to breastfeed, *Journal of Advanced Nursing*, 46 (4), 369-379, Blackwell Publishing Ltd, 2004.

⁵ Labour Force and Labour Force Participation Rates (LFPRs), the female labour force participation rate is 53.5%, equivalent to 1.8million, are participating in the workforce. Source: Hong Kong Statistics, Census and Statistics Department. December 2011.

http://www.censtatd.gov.hk/hong_kong_statistics/statistical_tables/index.jsp?subjectID=2&tableID=007

developed to tackle the root cause of the issue.

- There is no scientific evidence to support that the provision of marketing information on breastmilk substitutes is a key factor in mothers' decision on whether or not to breastfeed their babies. Mothers' choice of infant milk formula would not be affected even if there was no promotion by the milk formula manufacturers on products for babies above 6 months old and prohibiting the marketing activities of infant milk formula of 6 months or above is unnecessary.¹
- Mothers who cannot or choose not to breastfeed rely on various sources of information, namely: (a) medical practitioners; (b) infant milk formula manufacturers; and (c) the Government.¹ Healthcare professionals play the key role in educating parents regarding optimal feeding practices that suits their own individual circumstance.
- HKIYCNA believes parents and caregivers should be properly informed with evidence-based information on optimal feeding practice.
- HKIYCNA believes that industry, the government and NGOs should work together to develop and implement policies and programs that would address these issues, as well as educating and providing mothers with the support they need to initiate breastfeeding and continue breastfeeding for as long as they desires.

3. HKIYCNA members' products are developed through the most rigorous scientific method. Nutritional claims are scientifically substantiated.

- HKIYCNA member companies employ nutrition experts and food technologists, and are advised by external nutritionists, pediatricians and scientists.
- Maintaining the very highest standards of food quality and safety is a core value of every HKIYCNA member company. Specific and very strict hygiene and quality management procedures are implemented and continuously improved.
- Infant formulas – a breastmilk substitute formulated for infants up to 6 months of age – are developed according to national legislations and standards set by international bodies such as the FAO/WHO Codex Alimentarius Commission. Infant formula is the recommended alternative when breastmilk is not available.
- Follow-on milk and growing-up milk – which are different from infant formula and which should be used in combination with other foods (i.e. they are complementary food) – help provide nutrition for the healthy development of infants 6 months onwards and 1 year onwards respectively. These products are scientifically substantiated and supported with directives, which makes them unique amongst the processed foods that older infants and young children currently consume in Hong Kong.

4. Compliance with existing regulations will provide sufficient consumer protection and consumers should not be deprived access to scientifically substantiated information

- The Association finds existing regulations such as the Generic Code of Practice on Television Advertising Standards issued under the Broadcasting Ordinance is effective in ensuring advertisements do not contain descriptions, claims or illustrations that depart from truth and provide relevant scientific evidence to support. We are also open to other measures that can further enhance the delivery of accurate and balanced information to the public.
- Parents and caregivers should not be deprived of the access to scientifically substantiated information which will allow them to make informed nutritional choices for their children. Denying parents' access to such information may increase their risk of making uninformed choices that compromise the health of young children.

5. Ineffective voluntary codes that go beyond international standards may be harmful to the more important interest of the welfare of children.

- The WHO Code provides that, in giving effect to its aim and principles, governments should have the freedom to exercise discretion to take action appropriate to their social context. As a developed market, Hong Kong should benchmark against a majority of other developed countries, such as EU and Singapore as well as China, that have passed legislation on the marketing of infant formula up to 6 months.
- HKIYCNA therefore supports appropriate regulation for the marketing of breastmilk substitutes for infants up to the age of six months only, after which infants start weaning. Any over-regulation in infant formula advertising will be contrary to Hong Kong's open free market economy and damaging to the fundamental right of consumers to information and choices.
- Voluntary codes on the marketing of breast milk substitutes exist today with scopes aligned with the WHO Code. These codes have enforcement mechanisms that include a combined industry and government compliance panel which is similar to the HKIYCNA Code of Practice. HKIYCNA would welcome the government to participate in the HKIYCNA Code of Practice Compliance Panel.
- Since the inception of the CODEX Commission and the World Trade Organization (WTO), matters of food labeling are considered within the remit of the CODEX Commission internationally. Even WHO refers labeling matters to the CODEX Commission as evidenced by the most recent 2010 WHA resolution.
- In legal aspects, an overzealous voluntary Hong Kong code that covers areas of labeling, claims and marketing of food for young children would have significant implications on - or even contradictions with - existing legislations. HKIYCNA believes that leveraging the existing regulations would be the most effective.

6. Public engagement should be in place with sufficient time for deliberation.

- As the Hong Kong Code would have substantial impact on parents' interests and their children's wellbeing - as well as the infant and young child nutrition industry, related distributors, retailers and media - careful deliberations should be taken prior to the implementation in order to develop the most effective and practical code that suits Hong Kong's unique local circumstances.
- Parents are the major and direct stakeholders of the issue as the Hong Kong code greatly concerns their interests. Due process in the form of open, transparent and extensive public engagement is necessary to ensure stakeholders' views are properly addressed. A lack of public engagement for any proposal will weaken public support and increase difficulty in its implementation.
- HKIYCNA is made up of key international infant formula manufacturers that have extensive experience in partnering with governments in the development and implementation of similar codes around the world. HKIYCNA would like to share our technical knowledge and expertise in pediatric nutrition to ensure the Hong Kong Code is in the best interests of infants, young children and parents.

Hong Kong Infant and Young Child Nutrition Association

Founding members (in alphabetical order):

Abbott Laboratories Limited
Danone Baby Nutrition (HK) Limited
FrieslandCampina (Hong Kong) Limited
Mead Johnson Nutrition (Hong Kong) Limited
Nestle Hong Kong Limited
Wyeth (H.K.) Limited (Wyeth is now part of Pfizer)