

12 April 2012



Position Paper on Development of a Hong Kong Code of Marketing of Breastmilk Substitutes

Prepared by The Association of Accredited Advertising Agencies of Hong Kong

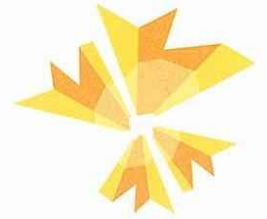
The Association of Accredited Advertising Agencies of Hong Kong (HK4As) believes the proposed regulation is unnecessary and should be reconsidered, and the task force that is proposing such legislation has been formed by the Government without consultation from the advertising industry is not in the interests of the general public.

Most mothers in HK are aware of the supreme benefits of breast feeding, but they often have to use IMFs due to practical lifestyle needs such as working mothers are unable to continue the breast feeding habits. Mothers who face such a predicament would potentially be denied practical information on how best to use and select IMF.

Mothers in Hong Kong are generally aware that the golden period for babies' brain development is before 3 years old. Mothers are looking for factual information via mass awareness media to understand more about the options for breast milk substitutes and to aid their child's development. Surveys conducted by obstetric departments in hospitals indicated that the percentage of newborn babies in Hong Kong who had been ever-breastfed increased from 55% in 2000 to close to 80% in 2010. Currently, the IMF industry has always abided to the regulation policies and all advertising claims have been approved with medical reports as a support.

HK4As thus suggests to continue self-regulation by the IMF industry and its advertising agencies to address these concerns. The reasons are the industry has been striving to serve the needs of mothers to be well-equipped and with considerable knowledge to make the right choices catered to their babies' development and their practical lifestyle needs. As trusted brands which impart knowledge and factual information, the IMF industry could also help to promote breast feeding while also provide sufficient IMF information.

The industry's primary consideration is the overall health and development of babies and children and as such would work closely with the Government, the Nutrition Association and the Consumer Council in regards to self-regulation standards or guidelines. Therefore it is imperative for IMF brands, and communications agencies to be involved in any guidelines development.



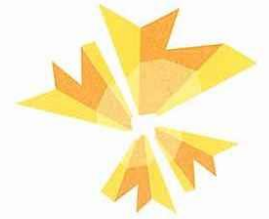
THE ASSOCIATION OF ACCREDITED
ADVERTISING AGENCIES OF HONG KONG
香港廣告商會

The proposed regulation will influence the consumer understanding and leave an information vacuum that may impact negatively on the Government. For the 1st time mothers and the mothers who cannot do breast feeding might feel worried without sufficient information and they will rely on hospital rotation instead of choosing her own brand based on her evaluation. A vacuum of information may occur, prompting searches for information from overseas sources, and consumers may have a negative backlash against a ban on IMF information for under 3 year olds. The lack of information may also result in unfair trade, or in some cases may event prevent manufacturers from introducing new and improved formulas and more, as they have no way of promoting the benefits to consumers for them to make informed choices.

Also there is a negative impact in advertising industry as well as the whole Hong Kong Market should the Government's proposed regulation rolled out. First of all, the proposed regulation would worsen the image of advertising industry as it is equivalent to a public announcement of a loss of confidence in industry practitioners. Secondly, there would be a significant economic impact not just to advertising agencies, but also to media companies and to the IMF manufacturers as well. Undoubtedly, this would lead to cut backs at all parties concerned and would affect staffing within the chain from manufacturing to promotion to distribution. As an example, our HK4As Members have cited that up to 10% of staff in the overall marketing, media and advertising industries could be immediately laid off if IMF advertising to under 3's is enforced. Given these two serious implications, Hong Kong stands to lose out several fronts : creative economy development, free market reputation, market potential, opportunity to develop marketing competency.

HK4As' suggestions:

- 1) Corporation between IMF brands and Government
 - a) IMF brands should work hand-in-hand with the Government. A joint effort in the development of Industry Code of Practice, ensuring the compliance with the WHO code for the betterment of the health and nutrition of our generations to come. For example:
 - b) IMF brands should commit a certain amount of advertising budget to promote breast feeding as the first and best option for babies and young



THE ASSOCIATION OF ACCREDITED
ADVERTISING AGENCIES OF HONG KONG
香港廣告商會

- c) children. For those who can't breastfeed, however, the option of infant nutritional formula remains valid.
 - d) IMF brands and the Government should work together to agree guidelines for recommended daily amounts to ensure the most healthy approaches
 - e) Government should be involved as a Guidant and handover the control to the committees comprised of representatives stakeholders. Should the Government insist on imposing legislation, all stakeholders must be consulted and involved in the development of such regulations.
- 2) Advertising claim restriction
- a) Stronger regulation and validation to be provided by the IMF manufacturers for the advertising claims to ensure that the information is as useful to the consumer as possible, without being misleading
- 3) Breastfeeding education
- a) IMF brands still have a role to play in addressing the concern of this particular consumer segment through communications. Strengthening of education to pre- and post-natal moms that breastmilk remains the best food for the healthy growth and development of babies.
 - b) Since there will be a variety of factors that influence mothers who do not breast-feed or can only do partially, there needs to be an effort to educate them on how to properly use breast-milk substitutes.
 - c) Additional support from the Government that takes a deeper approach to solving the issues for breastfeeding. For example, to provide a longer maternity leave to encourage a longer breast feeding period.
 - d) In terms of corporate support, the Government could legislate proper breastfeeding or babysitting facilities to be provided to improve the situation of working mothers and positively affect the breast feeding rate.

- End -