

**Submission to the Legislative Council Panel on Health Services**

**“Development of a Hong Kong Code of Marketing of Breastmilk Substitutes”**

1. The Consumer Council (“CC”) is pleased to provide views to the Legislative Council Panel on Health Services on the “Development of a Hong Kong Code of Marketing of Breastmilk Substitutes” (“the Hong Kong Code”).
2. Breastmilk is the best source of food and nutrition for infants. This is the unequivocal view held by CC which supports promotion of breastfeeding in the interest of the healthy growth and development of infants and young children.
3. CC has from time to time raised concerns with the lack of adequate information, in Chinese or English, on the labels of some imported infant formula milk (issue # 335 of Choice magazine published in September 2004 and issue # 388 in February 2009) and more recently with the exaggerated and misleading advertising and marketing claims made by some formula milk suppliers (issue # 421 of Choice magazine published in November 2011). CC is of the view that the marketing tactics of some suppliers of idealizing the use of infant and follow-up formula as well as related products and promoting them as a good substitute of breastmilk or that they can replace a balanced diet undesirable as they will impact adversely on the feeding practice of parents and the dietary pattern of infants and young children.
4. In order to protect and promote breastfeeding, CC supports the development of a Hong Kong Code based on the World Health Organisation's International Code of Marketing of Breast-milk Substitutes and subsequent relevant World Health Assembly resolutions to regulate marketing of breastmilk substitutes including infant formula and follow-up formula.
5. CC is a member of the Department of Health's Taskforce on the Hong Kong Code of Marketing of Breastmilk Substitutes (the Taskforce). Based on the information in the paper prepared by the Food and Health

Bureau for the Panel Meeting on 16 April 2012 and CC's experiences in code preparation, a summary of CC's preliminary views on the Hong Kong Code is set out in the following:

#### *Objectives*

- i. CC agrees that the Hong Kong Code should contribute to the provision of safe and adequate nutrition for infants and young children by protecting breastfeeding and ensuring the proper use of formula milk and related products as well as foods for infants and young children up to the age of 36 months, on the basis of adequate and unbiased information and through appropriate marketing;
- ii. CC also supports the Government proposal that requirements in respect of nutrition labeling, nutritional composition and claims of breastmilk substitutes and related products should be covered in the Hong Kong Code.

#### *Scope*

- iii. CC considers that the Hong Kong Code should cover infant formula, follow-up formula and related products which have dietary impact on infants and young children.

#### *Nature*

- iv. The Government proposes that the Hong Kong Code should be implemented in the form of voluntary guidelines in tandem with a monitoring mechanism.
- v. CC appreciates that the code will meet more favourable reception by the trade if introduced on a voluntary compliance basis. However, CC is of the view that unless a voluntary code has the broad support of members of the relevant industry, its success will be significantly limited. CC therefore suggests that the Government re-considers whether to make the Hong Kong Code mandatory with sanctions to deal effectively with cases of non-compliance. Alternatively, should the Hong Kong Code be launched as voluntary guidelines as proposed, extent of adoption by the industry should be reviewed fairly

soon afterwards so that the Hong Kong Code would be made mandatory if necessary.

#### *Preparation of the Hong Kong Code*

- vi. Whether the Hong Kong Code comes out as a voluntary code or a mandatory one, acceptance by stakeholders is material. Consultation with appropriate consumer / community / user / business groups during its development therefore is of great importance to its eventual effectiveness.
- vii. CC is pleased to learn that the Government proposes to consult the trade and relevant stakeholders on implementation upon completion of the drafting of the Hong Kong Code. However, CC considers that it will be more instrumental and effective if the trade and relevant stakeholders such as different parent groups could be involved during the drafting process of the Hong Kong Code. As the Hong Kong Code would cover both the information flow and marketing of breastmilk substitutes and related products, early engagement of all stakeholders is conducive to ensuring that possible issues could be adequately taken into account and addressed, and desirable outcomes be achieved.

#### *Implementation*

- viii. For successful implementation and effective monitoring of the Hong Kong Code, CC invites the Government to consider adopting a phased approach in implementation, for instance, prescribing requirements on food labeling for Phase 1 and regulating food marketing for Phase 2.

Consumer Council  
16 April 2012