

**For Information
On 20 November 2012**

**Legislative Council Panel on Panel on Food Safety and Environmental
Hygiene and Panel on Health Services
(Joint Meeting)**

**The Hong Kong Code of Marketing and Quality of Formula Milk and
Related Products, and Food Products for Infants & Young Children**

PURPOSE

This paper reports on the progress of the development of the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children (the HK Code).

BACKGROUND

2. The Government has all along endeavoured to promote, protect and support optimal feeding of infants and young children. In February 2010, the Steering Committee on Prevention & Control of Non-Communicable Diseases (the Steering Committee) endorsed the proposal of developing and implementing a code of marketing of breastmilk substitutes for Hong Kong. This is one of the actions recommended in the proposal by the Working Group on Diet and Physical Activities under the Steering Committee to promote healthy diet and physical activity in Hong Kong. The aim of this code is to contribute to the provision of safe and adequate nutrition for infants and young children. It is part of a comprehensive strategy to promote, protect and support breastfeeding.

DRAFTING OF THE HONG KONG CODE

3. The Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes (“the Taskforce”) was set up in June 2010 under the Department of Health (DH). The Taskforce has a multi-disciplinary membership drawn from representatives of community organizations, professional bodies, academia, and Government bureau and departments. The DH and Taskforce have also held three meetings with representatives of six multinational formula milk companies in the course of drafting to listen to their views on the HK Code.

4. In drafting the HK Code, the Taskforce has referred to the International Code of Marketing of Breastmilk Substitutes and the relevant subsequent World Health Assembly resolutions, which prescribe the current international standards. The Taskforce has also taken into account the local advertising practices, their impact on parents and the local infant-and-young-child feeding situation. It has come to the view that the code to be developed should not only cover the marketing of breastmilk substitutes but also the quality standards of formula milk and food products for infants and young children. The Taskforce has therefore developed and promulgated the HK Code to manufacturers and distributors to provide guidance on the marketing and quality of formula milk; feeding bottles, teats and pacifiers; and food products for children aged 36 months or below.

PROGRESS

5. The Taskforce has submitted the draft HK Code to the DH. The full version of the draft HK Code is available on the website of the Family

Health Service, Department of Health (DH) at www.fhs.gov.hk. A summary of the HK Code is shown at the Annex.

6. The DH started consulting the trade and members of the public on 26 October 2012. Letters had been sent to the trade to invite their comments. Two briefings sessions on 5 and 9 November 2012 and a Trade Consultation Forum (under the Centre for Food Safety (CFS)) on 7 November had been held to explain the details of the HK Code and collect comments. The consultation period will last till 31 December 2012.

7. After collating and analyzing all comments, the DH will finalize the HK Code. The HK Code is tentatively scheduled for issue in the second quarter of 2013.

WAY FORWARD

8. The implementation of the HK Code will be monitored through a dual surveillance / survey and complaint system by the DH working closely with the CFS. The DH will monitor the promotional activities of manufacturers and distributors while the CFS will monitor the trade's compliance with the requirements of nutrition labeling, nutritional composition and claims of products. An Advisory Panel will be set up to oversee the monitoring system and be responsible for considering surveillance / survey reports and complaints from the public. Needless to say, we also urge the trade to comply and monitor its own marketing practices according to the principles and aim of the Code.

ADVICE SOUGHT

9. Members are invited to note the content of this paper.

**Food and Health Bureau
November 2012**

The Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children: A summary

Full text available from www.fhs.gov.hk

Article	Major Provisions
1. Aim	The Code aims to contribute to the protection of breastfeeding and provision of safe and adequate nutrition for infants and young children.
2. Scope	<p>The Code applies to the following designated products for infants and young children aged between 0-36 months:-</p> <ul style="list-style-type: none"> ▪ Infant formula ▪ Formula milk related products: Feeding bottles, teats and pacifiers ▪ Follow-up formula ▪ Food products for infants and young children
3. Definitions	Terms used in the Code are defined.
4. Information and Education (to the general public, pregnant women and mothers)	<p>Manufacturers and distributors (M&Ds) of designated products should not:-</p> <ul style="list-style-type: none"> ▪ perform or sponsor educational functions ▪ produce, distribute or sponsor the production and distribution of informational and educational materials on breastfeeding and formula milk feeding and nutrition. <p>Informational and educational materials on infant-and-young-child feeding and nutrition (produced or distributed by parties other than M&Ds of designated products) should not refer to brand names of products or names of M&Ds and should explain the relevant points about breastfeeding, complementary feeding, formula feeding and bottle feeding as specified.</p> <p>Product Information about formula milk, feeding bottles, teats and pacifiers could be obtained from websites of M&Ds, retailers or health care facilities on request.</p>
5. Promotion to the Public	<p>For formula milk, feeding bottles, teats and pacifiers:-</p> <ul style="list-style-type: none"> ▪ No promotional practices should be allowed <p>For food products for infants and young children:-</p> <ul style="list-style-type: none"> ▪ Advertising is allowed but not in health care facilities ▪ Free samples are allowed but not in health care facilities <p>For all designated products:-</p> <ul style="list-style-type: none"> ▪ No activities involving infants, young children, pregnant women and mothers of children aged 36 months or below, e.g. baby crawling competition, mothers' clubs; nor the seeking of personal information of such persons
6. Promotion in Health care facilities	<p>M&Ds of designated products should not:-</p> <ul style="list-style-type: none"> ▪ offer free or low-cost supplies of designated products ▪ provide equipment, gifts or samples ▪ promote or distribute products to any person via health workers / health care

Article

Major Provisions

facilities.

7. Information and Promotion to Health Workers

Informational materials about products provided by M&Ds should be limited to scientific and factual matters.

M&Ds may provide products to health workers only for the purpose of professional evaluation or research at the institutional level.

Sponsorship of Continuing Medical Education Activities

- M&Ds should exert no influence on the choice of speakers, topics to be discussed and sponsorship recipients.
- Any interest in relation to M&Ds should be disclosed.
- Promotional activities should be avoided within the conference venue.

8. Labelling

For formula milk and food products for infants and young children:-

The label should not create an impression that the product is equivalent to, comparable with or superior to breastmilk or breastfeeding.

Product labels should meet relevant requirements of existing regulations (in Cap 132W) and satisfy an additional list of conditions to ensure clear information to and safe use of the product by the public.

Five representations as specified in Article 8.5.3 are permitted, provided that they have not placed any special emphasis on the high content, low content, presence or absence of energy or a nutrient contained in the product.

Nutrition claims and health claims should not appear except:-

- for food product for infants and young children (but not infant formula or follow-up formula), nutrition claims in relation to sodium, sugars, vitamins and minerals, which are permitted by a recognized international/ national authority and the relevant claim condition(s) are complied with
- for follow-up formula and food products for infants and young children (but not infant formula), health claims which are permitted by a recognized international/ national authority and based on current relevant scientific substantiation, and that the claim condition(s) and the exact claim statement set by the concerned authority are complied with

For formula milk and related products (feeding bottles, teats and pacifiers):-

The container or label should not contain photograph, drawing or graphic representation other than for illustrating methods of preparation.

Product labels of formula milk, feeding bottles and teats must clearly state breastfeeding as the norm of infant feeding, the need for the advice of a health professional before the use of formula milk and the health hazards of its use.

Article**Major Provisions****9. Quality Standards**

All products should be of a high quality and comply with relevant Codex standards. For nutritional composition of follow-up formula and food products for infants and young children, the requirements by recognised international or national authorities should be complied with if Codex standards are not followed, provided that following such standard(s) will not pose public health risk to the local population.

10. Implementation and Monitoring

A combination of active and passive approach is adopted to monitor the compliance with the HK Code by M&Ds.

The active approach consists of surveillance and regular surveys to look for non-compliance. The passive approach relies on receiving complaints from members of the public. In the case of a substantiated complaint, an advisory letter to the M&D involved and its parent company will be issued. Statistics on compliance with the HK Code by M&Ds will be published periodically.

M&Ds themselves are also responsible for monitoring their marketing practices according to the principles and aim of the HK Code.

[Although every effort has been made to ensure that the contents of this sheet are an accurate summary of the Code, no express or implied warranty is given as to the accuracy of the information set out in this sheet.]

**Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes
October 2012**