



**130 YEARS OF
MEDICINE
IN HONG KONG**
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Prof Hon Joseph LEE Kok-long,
Chairman, Panel on Health Services of the Legislative Council
On Hong Kong Code of Marketing of Formula Milk and Related Products,
and Food Products for Infants & Young Children (HK Code)

Dear Professor Lee

**Re: The Hong Kong Code of Marketing of Formula Milk and Related Products,
and Food Products for Infants & Young Children (the “Code”)**

I write to support the swift implementation of the “Hong Kong Code”.

I would refer members to my previous submission to the Panel on Health Services on 20 July 2014 and the recent joint submission on 20 March 2017. I should like to emphatically and unequivocally reiterate my evidence-based position that the Code is the absolute minimum required to protect child health, which track into adulthood.

Protecting breastfeeding and optimal young child feeding practices from undue commercial influence is a vitally important public health issue. There is a robust and substantial body of evidence that has shown that marketing of breastmilk substitutes in any form undermines breastfeeding.

However, Hong Kong disappointingly suffers from unregulated, rampant marketing of formula milk, in particular, so called “follow-up” formula. Parents and the general public often face an overwhelming barrage of unsolicited commercial promotional messages vis-à-vis multi-channel advertisements, direct and indirect contacts via “mothers’ clubs” and other forms of marketing tactics. Every year, formula milk companies evidently provide for extremely generous marketing budgets thus creating an unlevelled and unrivalled playing field with public health authorities. Public funds simply cannot and indeed must not be similarly deployed to counter such commercial tactics.

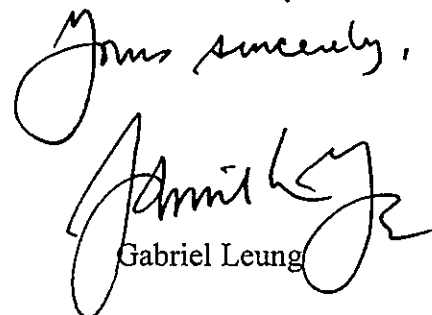
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The proposed Code has undergone numerous rounds of comprehensive and thorough consultation with the full spectrum of stakeholders throughout the drafting period and public consultation exercise, and thereafter, a long process of amendments according to the latest overseas guidelines and local regulations. I very much appreciate the Administration's effort in finalising the Code, that is grounded in the best available scientific evidence of health protection and has drawn on international best practice. Therefore its promulgation and implementation is long overdue.

I should like to offer the following for your kind consideration:-

- (1) The scope of the Hong Kong Code covering formula milk and pre-packaged food for children under 36 months of age must be maintained, as aligned with the recommendation of the 2016 WHO's guidance on ending the inappropriate promotion of foods for infants and young children. Otherwise, loopholes concerning the period between (6 or) 12 and 36 months will be glaringly left to be exploited to the ongoing detriment of infant and child health.
- (2) Parents' informed decision on infant feeding should be based on unbiased evidence-based scientific information and supported by health professional advice, as opposed to unfettered commercial promotional activities. The Code protects infant feeding practices from undue commercial influence.
- (3) The voluntary Code is considered the first, albeit by no means final, step towards protecting healthy infant and young child feeding practices. As a matter of principle and categorically I disagree with any suggestion, for whatever reason, to further delay the implementation of the Code. The excuse of awaiting definitive legislation is simply yet another delaying tactic that must not detract from this important first step. The two measures are in fact complementary, not mutually exclusive.
- (4) The Code is a necessary although insufficient measure. It needs to be complemented by other on-going evidence-based initiatives, including but not limited to implementation of the Baby Friendly Initiative, promotion of breastfeeding friendly workplaces, protection of women's right to breastfeed in public, strengthening public education and the appropriate extension of maternity leave.

Thank you for your kind attention.

Yours sincerely,

Gabriel Leung