

## Response ID ANON-NN54-U46A-5

Submitted to Review of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement)  
Submitted on 2023-05-12 14:28:52

### MAIF Survey

#### Privacy and Personal Information

1 I acknowledge that I have read and understood the 'Privacy and Personal information'

Yes:  
Yes

#### Publishing Consent

2 Do you provide consent to publish your submission/survey responses? Please indicate your publishing preference:

Yes, please publish my response (name/organisation name included)

#### PART 1 - Introduction and Demographic Information

3 What is your name or organisation name?

Name::  
Global Centre for Preventive Health and Nutrition (GLOBE), Deakin University

4 What is your email address?

Email::  
globe\_director@deakin.edu.au

5 Please select the option that best describes you or your organisation?

Other

If 'Other' is selected, please specify::  
University

If 'Overseas-based Organisation' is selected, please name the country in which your central office is located::

6 Please answer questions i and ii:

i. Have you ever purchased infant formula products for your child or a child under your care (under 12 months of age)? :  
No

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words): :

ii. Have you ever purchased 'toddler milk' for your child or a child under your care (aged 12 – 36 months)? :  
No

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words)::

#### PART 2 - Is the MAIF Agreement effective in achieving its aims?

14 The MAIF Agreement is effective in achieving its aims.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

GLOBE has significant concerns that the current MAIF Agreement is not effective in achieving its aims and does not reflect international best practice. Of concern, is that it is voluntary for industry to be a signatory, there is inadequate scope of the products included, and there is insufficient accountability or penalties for breaches of the Agreement. The MAIF Agreement is not in line with the international code and agreed international standards by the World Health Assembly. Inaction to address this will put Australia behind international standards and undermine breastfeeding and infant feeding best practice.

#### PART 3 - Is the scope of the MAIF Agreement appropriate: is it still meeting the objectives?

15 The scope of the MAIF Agreement is appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of the MAIF agreement is insufficient to meet its aims. The scope needs to be amended to be in line with the World Health Assembly (WHA) resolutions (which form part of the WHO Code) that have been passed in recognition of industry developments in the pervasive marketing of breastmilk substitutes.

In particular, key issues to improve the MAIF Agreement:

- Must be mandatory instead of voluntary.
- Expand the scope beyond just manufacturers and importers, to be industry wide and include retailers and manufacturers who direct sell and supermarket brands.
- Expand the scope of products to also include toddler milk for children aged 12 to 36 months.
- Improve the capacity to deal with social media marketing practices.
- Limit targeted marketing to parents/public.

16 The scope of products covered by the MAIF Agreement is appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of products included in the MAIF Agreement is not appropriate. The Agreement should also include toddler milk so that all breastmilk substitutes from 0-36 months are covered by the Agreement. Currently, the exclusion of products aimed at toddlers over 12 months of age allows for cross-promotion practices that undermine breastfeeding and infant feeding practices and confuse parents.

17 The scope of parties covered by the MAIF Agreement is appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of parties covered by the Agreement does not reflect all parties involved in the marketing of infant milk products and should be amended to be industry wide. The Agreement should apply to all parties such as retailers and distributors and be mandatory for all parties rather than relying on voluntary participation. It must also cover marketing on digital platforms such as social media, and include indirect marketing through influencers.

18 The MAIF Agreement (under Clause 7) restricts the type of information that can be provided to health care professionals on infant formula products. What activities can be done to increase the awareness of the appropriate use of breast milk substitutes amongst health care professionals?

Please provide more detail about your response (suggested word count 250 words)::

The international code should be legislated in full to help support health professionals awareness of appropriate infant feeding practices. Health professionals who work with mothers and infants should have access to unbiased education on infant feeding practices and use of breastmilk substitutes and not receive direct marketing from industry. Organisations who employ or represent these health professionals should have strict policies around conflict of interest, such as marketing of breastmilk substitutes or alternative products.

19 Are the current advertising and marketing provisions covered by the MAIF agreement appropriate?

Strongly disagree

Should the scope be changed to include modern marketing techniques, such as targeting advertising on social media platforms? (suggested word count 250 words)::

The current advertising and marketing provisions covered by the MAIF Agreement are insufficient since the developments of digital marketing and social media. The scope must be expanded to include marketing across all platforms in addition to traditional retail settings, such as social media influencers, podcast ads, and targeted advertising.

What changes would you suggest and how could they be implemented? (suggested word count 250 words): :

Industry wide restriction of the marketing of breastmilk substitutes should apply across all platforms, including digital and traditional marketing. Regarding implementation of restrictions to online marketing, both advertisers (BMS manufacturers) and publishers (online platforms) can be held accountable to uphold a legislative approach that restricts all marketing of breastmilk substitutes online. In addition, a monitoring tool could be implemented to independently identify breaches of the code. The Australian Breastfeeding Association uses an artificial intelligence tool to scan digital marketing for breaches of the code, this could be updated and implemented for monitoring and enforcement.

PART 4 - Are the MAIF Agreement processes appropriate?

20 The MAIF Agreement complaints processes are appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The current complaints process is not sufficient to support compliance. It relies on civil society response to report breaches, which both the complaint process and the MAIF Agreement is unlikely to be widely known by most members of society. The complaints process lacks transparency, there is minimal information on the time and process taken from receiving the initial complaint to a decision being made and accountability. Importantly, there are no current penalty enforcement for breaches.

21 The MAIF Agreement guidance documents are appropriate to support interpretation of the MAIF Agreement?

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

The current MAIF Agreement guidance documents are not sufficient to support understanding of the Agreement, particularly when reliant on civil society to have awareness and understanding to report breaches. The documents that do exist are not easily accessible, the formatting is not appealing and the content is not presented for the general public to facilitate engagement.

22 Have you lodged a complaint with the MAIF Agreement Complaints Committee?

No

23 If you selected 'Yes' to lodging a complaint with the MAIF Agreement Complaints Committee (Question 22). Please answer the sub-questions below.

i. How many complaints have you lodged in the last five years?:

ii. When did you lodge your most recent complaint? :

iii. How long did it take to resolve your complaint? :

iv. How did you find the process for lodging your complaint including completing the form and communicating with the MAIF Secretariat? (suggested word count 250 words): :

v. What was the outcome, and what was your view of the outcome? (suggested word count 250 words)::

24 The MAIF Agreement complaints process is independent.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The complaints process lacks transparency and independence. Those involved in the complaints process must not have a conflict of interest.

25 The MAIF Agreement complaints process is transparent.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The complaints process currently lacks transparency. Information is not available about the time taken to process a complaint, the process that is followed and the penalty for those in breach of the Agreement.

26 The MAIF Agreement complaints process is administered in a timely manner.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The complaints process is not conducted in a timely manner, with some complaints taking months from time of submission to reach the manufacturer. The complaints process does not outline what is considered a 'timely' or typical response to expect. Marketing on digital platforms has the ability to have broad and fast reach, which further highlights the need for a prompt response to complaints and breaches of the Agreement.

27 Publication of breaches of the MAIF Agreement is an appropriate enforcement mechanism.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

While it's important to publish breaches of the Agreement, it is not a sufficient enforcement mechanism. The current sanctions must be larger to enforce compliance with the Agreement. Along with stronger penalties, the publication of breaches could be improved. Breaches are not easy to find and visibility should be improved, for example through search engine optimisation.

## PART 4 continued - Is the voluntary, self-regulatory approach fit for purpose or are there alternative regulatory models?

28 The MAIF Agreement's effectiveness is not reduced by its voluntary, self-regulatory approach.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

A significant issue with the current MAIF Agreement is the voluntary nature and self-regulatory approach. The Agreement must apply across the industry and not rely on self-regulation. Since the current Agreement came into effect, there's been new manufacturers enter the market that have not signed on. The self-regulatory approach is evidently flawed as seen by companies that have repeatedly breached the Agreement.

29 What are alternative approaches for regulating infant formula in Australia? In your response, please include how your suggested alternative approach improves outcomes and what would be the impacts of your suggested alternatives on relevant stakeholders? How could negative impacts be managed?

(suggested word count 500 words)::

We recommend a legislative approach that enforces the international code in full. It could utilise examples of model law that have been developed elsewhere (such as Europe) to strengthen the regulatory framework. The approach must ensure there is appropriate monitoring, evaluation and enforcement.

An industry-wide, mandatory approach that includes all relevant breastmilk substitute products and appropriate consequences for breaches has significant public health benefits. It supports parents and health professionals with best practice infant feeding and reduces the confusing marketing messages that conflict with public health recommendations.

We do not foresee any negative impacts to public health or stakeholders, any commercial impacts are beyond the scope of the agreement.

## PART 5 - What are the benefits, costs and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes?

30 What changes would you make to the MAIF Agreement and its processes?

a. (suggested word count 250 words)::

We recommend the following changes:

- Update the Agreement to align with the latest international code, including the many World Health Assembly (WHA) resolutions. Include future updates to ensure the MAIF Agreement remains up to date with WHA resolutions and covers developments around the exploitative marketing of breastmilk substitutes.
- Mandatory instead of voluntary.
- Apply industry wide to all parties, including manufacturers, importers, retailers.
- Expand the scope of products beyond just infant formula for infants under 12 months, to also include toddler milks for children aged 12 to 36 months.
- Include the capacity to deal with social media marketing practices.
- Implement appropriate monitoring and penalties for breaches of the Agreement.
- Improve the transparency and timeliness of the complaints process.

b. What do you think would be the potential benefits of these changes (suggested word count 250 words)?:

Implementing the above improvements ensures Australia does not fall behind other countries and the international code. Importantly, it supports health professionals and families to provide best practice infant feeding without being undermined by breastmilk substitute marketing. Supporting breastfeeding has considerable health benefits to infants and action must be taken to protect families from commercial interests that jeopardise this.

c. What do you think would be the potential costs of these changes (suggested word count 250 words)? :

Any potential implementation costs should be considered in the broader context of the risk of inaction and reductions in breastfeeding rates. The cost of not breastfeeding has health and economic implications that far outweigh the short-term costs of implementing improvements to the MAIF Agreement.

d. What do you think would be the potential limitations of these changes (suggested word count 250 words)?:

Do not foresee limitations with these changes.

31 To support your responses under Part 5 - the benefits, cost and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes. Please attach supporting evidence (data or literature) here.

Upload (word or PDF) document:

No file uploaded

## PART 6 - Final Comments

32 Do you have anything further to add?

(suggested word count 250 words)::

There are significant issues with the current MAIF Agreement that must be addressed. Australia should have an Agreement that aligns with the international code, that is up to date and limits the ability of commercial interests to undermine breastfeeding and infant feeding practices.