



Breastfeeding protection and the International Code

When the World Health Organization passed its landmark International Code of Marketing of Breastmilk Substitutes in 1981 little did anyone realize that the need to highlight the protection of breastfeeding would continue more than two decades later.

Despite this, the milestone decision of the global health community to protect infant and young child health from the excessive marketing of commercial infant feeding products has dramatically improved breastfeeding practices around the world. Not surprisingly, as breastfeeding rates have improved so have the marketing campaigns of the infant formula companies.

What's in the Code?

To ensure that health priorities - not profit interests - influence the decision to breastfeed, the promotions of infant formulas, bottles, nipples and complementary foods (when marketed for infants less than 6 months of age) are prohibited.

The International Code aims to **"...provide safe and adequate nutrition for infants, by the protection and promotion of breastfeeding, and by ensuring the proper use of breastmilk substitutes when these are necessary, on the basis of adequate information and through appropriate marketing..."** and directs not only governments and the infant foods products industries, but also the health care system and health care workers to respect and adhere to its provisions.

Who is Responsible Under the Code?

Governments

Are required to implement the marketing restrictions needed to safeguard breastfeeding practices, through their social and legislative structures.

Infant food products industries

Must regard themselves as responsible for monitoring their marketing practices and take steps to ensure that they are in compliance, regardless of steps taken by governments.

Health care workers

Should encourage and protect breastfeeding, be familiar with their responsibilities under the International Code and not be used as intermediaries in the marketing of artificial feeding products.

The health care system

Should not be used to display or distribute infant feeding products or promote formula feeding in any way. Health care systems are mandated to encourage and protect breastfeeding.

Is Canada Code Compliant?

INFACT Canada's monitoring report *Out of the Mouth's of Babes - How Canada's Infant Foods Industry Defies World Health Organization Rules and Puts Infant Health at Risk*, summarizes the lack of Code compliance in Canada. Specifically:

- Violations are massive, systematic and reaching all expectant and new mothers across Canada.
- Promotions utilize electronic communications and electronic databases, including ebay sales.
- Promotions are deceptive and misleading to achieve an exaggerated image of artificial feeding.
- Promotions attempt to achieve an image of equivalency between breast and formula feeding.
- The health care sector remains complicit in the promotions of artificial feeding.
- Company sponsorships of those working on infant and young child nutrition continue for research, conferences and in-service training.

Has Canada's government done its part?

Given the appalling status of code infractions in Canada, much more needs to be done to protect the health of infants, to improve exclusive breastfeeding and breastfeeding duration rates. The International Code requires the Canadian government to:

"...take action to give effect to the principles and aim of this Code, as appropriate to their social and legislative framework, including the adoption of national legislation, regulation or other suitable measures."

The government should:

- Integrate the marketing restrictions required by the International Code and subsequent Resolutions of the WHA into the Food and Drugs Act.
- Monitor the marketing behaviours of the infant foods industries and enforce existing regulations.
- Pressure the industry to full compliance and put in place meaningful penalties when the industry puts infant health at risk.

"You wouldn't believe - or maybe you would - how much research is done in Canada on types of formula, and how little on breastfeeding and human breastmilk. And one by one the breastmilk banks close, because - what a convenient surprise - there isn't enough evidence of benefit."

Dr. Gillian Arsenault, Maple Ridge, BC

What existing Canadian legislation restricts marketing to protect breastfeeding?

Competition Act: Misleading Advertising, Promotions and Deceptive Marketing Practices

The Competition Act intends to prohibit misleading advertising and deceptive marketing practices. Those found offending the act may be fined up to \$1,000,000.

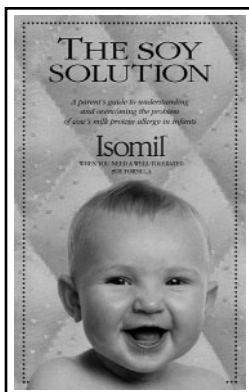
Section 52(1)(a)

All representations, in any form whatever, that are false or misleading in a material respect, are prohibited.

Section 52(1)(b)

Any statement, warranty or guarantee of the performance, efficacy or length of life of a product, not based on an adequate and proper test, is prohibited.

Example: Ross Laboratories claiming their soy based infant formula to be just like breastmilk, *"rest assured that Isomil is as nutritious as breast milk and milk-based infant formulas."*



Food and Drugs Act Gazette Part II number 1 sections

B.01.601.(1)(i)

A food with a label or advertisement that carries a statement or claim set out in column 1 of the table following section B.01.603 is exempt from the provisions of the Act and its Regulations with respect to drugs, and from subsection 3(1) and (2) of the Act if:

- (c) the food is not
- (i) intended solely for children under two years of age

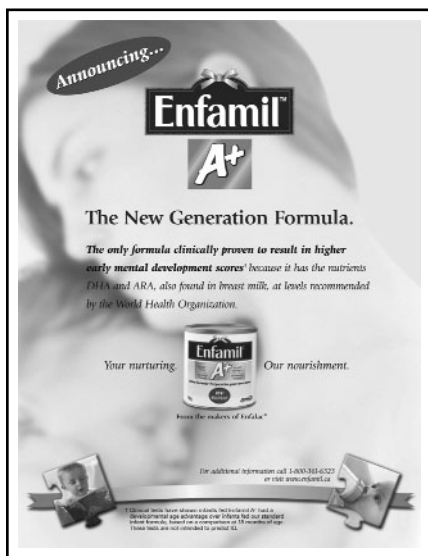
B.01.503.(2)

Despite subsection (1), no person shall, on the label of or in any advertising for a food that is intended solely for children under two years of age, make a statement or claim set out in column 4 of the table following subsection B.01.513, unless it is a statement or claim respecting one of the following subjects set out in column 1:

- (a) "source of protein", set out in item 8;
- (b) "excellent source of protein", set out in item 9;
- (c) "more protein", set out in item 10;
- (d) "no added sodium or salt", set out in item 3.4; or
- (e) "no added sugars", set out in item 40.

"...the Canadian government believed - or pretended to believe - a consortium of formula manufacturers who said that legislation wasn't necessary in Canada, because they'd faithfully follow their own code that was even better than the WHO Code. Well, it wasn't, and they didn't."

Dr. Gillian Arsenault, Maple Ridge, BC



Example: Mead Johnson advertisements for their new lipil enhanced Enfamil claim, *"the only formula clinically proven to result in higher early mental development scores."* This violates the Food and Drugs Act and is a health claim directed at children under the age of two years and outside of the five permitted nutrition claims listed above. Additionally as this claim is not scientifically

substantiated according to generally accepted standards, the claim would also be false and misleading and contrary to the Competition Act.

B.25.061.(1)

...no person shall include on the label of a food any representation representing the consumption of the food by an infant whom is less than six months of age.



Example: Nestle baby cereal promotions have babies starting solids "at around 4 to 6 months" rather than the 6 months as recommended by the World Health Organization. Promotions of baby foods such as cereals and jarred baby foods targeted at infants below six months breaches section B.25.061.(1) of Canada's Food and Drugs Act

How do I lodge a complaint?

Contact your local office of the:

- **Canadian Food Inspection Agency** and submit full information on the advertisement and/or the product label.
- **Competition Bureau, the Misleading Representations and Deceptive Marketing Practices** section and submit all relevant details on the advertisement/product label.

Make them stick to the rules!

The Minister of Health, Anne McLellan is responsible for maintaining and enforcing the Food and Drugs Act. Make her do her job!! We pay for her salary and to maintain her department. Policies to support maternal, infant and young child health and the enforcement of the laws regulating health are her responsibility. Write Hon. Anne McLellan, House of Commons, Ottawa, ON K1A 0A6 (no postage required) E-mail: McLellan.A@parl.gc.ca

Remember to send copies of all correspondence to INFAC Canada

Help safeguard breastfeeding - monitor the marketing of artificial infant feeding products and protect infant health.





Summary of the International Code and Relevant Subsequent Resolutions of the World Health Assembly:

No advertising of artificial infant feeding products to the general public.

No free product samples to pregnant women, new mothers or their families.

Information and educational materials must explain the benefits of breastfeeding, the health hazards associated with bottle-feeding, and the costs of using infant formula.

No promotion through health care facilities. The **health care system** may not be used to provide free samples to mothers or the promotion of products, such as product displays, posters, distribution of promotional booklets, flyers or the use of product logos. Company/sales employees may not use the health care system for product promotion.

No gifts or samples to health care workers. Product information to health care workers must be factual and scientific.

No free or low-cost supplies of infant formulas, bottles or nipples to maternity wards, hospitals or any part of the health care system.

Labelling of products must clearly state: the superiority of breastfeeding; that products should be used only on the advice of a health care worker; the instructions for appropriate preparation; and warn about the hazards of inappropriate preparation. No nutrition and health claims may be used, nor pictures or text which idealize artificial feeding.

Exclusive breastfeeding for six months as a global public health recommendation with continued breastfeeding for up to two years of age or beyond and the addition of **complementary foods** from the age of six months.

Complementary foods may not be marketed in ways that undermine exclusive and sustained breastfeeding.

Financial sponsorship from infant formula and infant foods companies creates conflict of interest for professionals working in infant and young child nutrition, especially with regard to the Baby-Friendly Hospital Initiative.