

Carat Media Services Hong Kong Ltd
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Tel: 2523 4222

Feb 28, 2013

The Department of Health

Dear Sir/Madam,

Re: Opinions on the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children

Confidential communication, subject to legal privilege. On behalf of our company, I am writing to express our opinions on the captioned code.

As advertising agency, we have the following concerns regarding the code:

- 1) Issue on Compliance
 - a) Given the voluntary code contains no legislated enforcement mechanism, this would certainly result in differing behaviours by different parties, leading to confusion among consumers and a competition among manufacturers/ marketers/ retailers to push the boundaries of the code.
 - b) Having an aligned solution agreed by the government, health authorities, manufacturers and marketers codified into legislation – ie, a mandatory code would allow industry players a level playing field and with clear boundaries.
- 2) The suggested code goes beyond the current WHO guidelines
 - a) The WHO guidelines, which have been widely adopted by many developed nations and territories, do not allow communications for products targeting infants younger than 6 months old, but allow communications for those in older age groups.
 - b) After 6 months, infant milk formula is a complementary food source.
 - c) We have questions as to why the draft code extends to cover communications to those under 36 months
- 3) Access to information by consumers
 - a) As a developed territory, Hong Kong's consumers currently enjoy freedom of information and a level playing field for all brands in the market.
 - b) The exclusion of marketing in mass media would severely limit the consumers' access to information and hence awareness of their choices should they require infant milk formula for their children.
 - c) Child health and development is an extremely important decision for a mother to make, and sources of responsible and useful information should be made as easily accessible.
 - d) Membership and sampling programmes provide depth of information as well as an opportunity for mothers to try and compare products without wastage.
- 4) The draft code singles out Infant Milk Formula whilst ignoring other infant foods
 - a) After 6 months of age, other foods are introduced into a baby's diet, yet the proposed code does not extend to other sources of a baby's nutrition.
 - b) The code does not extend to unhealthy foods from manufacturers or retailers and is therefore discriminatory.



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We believe that a comprehensive approach to promoting breastfeeding should acknowledge the situations of Hong Kong mothers. There is need to strengthen education to pre- and post-natal mothers that breastmilk remains the best food for the healthy growth and development of babies, while at the same time, there needs to be an effort to educate mothers on how to properly use infant milk formulas. We believe that the Government should take a more active approach to solving the issues for breastfeeding, for example, to provide a longer maternity leave to encourage a longer breast feeding period, or to legislate for proper breastfeeding or babysitting facilities to be provided at the workplace which could positively affect the breast feeding rate.

Thank you for your attention.

Yours sincerely,

Pauline Chu
Managing Director