



Secretariat Office

Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes

Family Health Service

Department of Health

Room 1308, 13/F, Guardian House

32 Oi Kwan Road

Wanchai, Hong Kong

27 February, 2013

Dear Sir,

Submission on Draft “Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children”

Baby Friendly Hospital Initiative Hong Kong Association (BFHIHKA) welcomes the Hong Kong government’s initiative to have in place a Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children (HK Code). Below are comments from our association on the proposed HK Code.

1. Scope

BFHIHKA supports the inclusion of formula milk and related products, and food products for infants and young children up to 36 months. For formula products including that which are to satisfy special nutritional requirements, if the products are intended for use below 36 months although they can also be used above 36 months, it is important to specify that the Hong Kong Code applies to such products. It is noted that manufacturers and distributors (M&Ds) have also developed products labelled as being appropriate for children aged above 36 months and for pregnant women and mothers often with very similar branding and packaging to formula milk products promoted for infants and young children below 36 months, including infant formula for use below 12 months.

2. Promotion to the Public

The HK Code does not allow M&Ds to perform educational functions or activities related to breastfeeding and formula milk feeding. Article 4.1 of the World Health Organization International Code of Marketing of Breastmilk Substitutes (International Code) of 1981 states that it is the government's responsibility "to ensure that objective and consistent information is provided on infant and young child feeding..." Hence at a minimum, M&Ds should not perform educational functions or activities related to infant and young child feeding and not only breastfeeding and formula milk feeding. Furthermore, Article 5.5 of the International Code also states that "Marketing personnel, in their business capacity, should not seek direct or indirect contact of any kind with pregnant women or with mothers of infants and young children." Adherence to the International Code is recommended as this will avoid M&Ds using activities other than that which involve breastfeeding and formula milk feeding, or formula milk or formula milk related products, to be in contact with pregnant women and mothers of infants and young children.

3. Sponsorship and Benefit to Health Workers

Although the International Code of 1981 allows sponsorship with disclosure, subsequent relevant World Health Assembly (WHA) resolutions cautioned repeatedly against conflict of interest - WHA 49.15 (1996) and WHA 58.32 (2005). Disclosure per se does not address all issues involved in sponsorship. Instead of the practice being "Subject to review, if any" as stated in the Hong Kong Code Article 7.3.2, this practice should be reviewed within a specified period. In the interim, health professionals should be encouraged to move towards being responsible for their own continuing education.

4. Nutrition and Health Claims

WHA 58.32 (2005) urges governments "to ensure that nutrition and health claims are not permitted for breastmilk substitutes, except where specifically provided for in national legislation." BFHIHKA considers this important and shares the opinion of UK Scientific Committee on Nutrition (2007) that "If an ingredient is unequivocally beneficial as demonstrated by independent review of scientific data it would be unethical to withhold it for commercial reasons. Rather it should be made a required ingredient of infant formula in order to reduce existing risks associated with artificial feeding". The 2005 WHA call was extended in WHA 63.23 (2010) to foods for infants and young children. It is noted that the government intends to put forth legislation on



nutrition composition and claims for formula products and foods intended for infants and young children under the age of 36 months. There is no place for health or developmental claims for the purpose of product promotion for such foods.

5. Important Notice and Warnings on Labels

The HK Code specifies in Article 8.2.1 c certain particulars that need to be indicated “in a clear, conspicuous and legible manner” while the requirement for the “IMPORTANT NOTICE” and “Warning” in 8.2.1 d and e are in terms of the height of lettering. Depending on the colour of letters and the background, and where the information is printed, the height of the lettering does not guarantee information being provided in a “clear, conspicuous and legible manner.” It is important that such important messages in “IMPORTANT NOTICE” and “Warning” should be printed in a “clear, conspicuous and legible manner.”

6. Implementation and Monitoring

WHA 63.23 (2010) expressed concern on “the ineffectiveness of measures, particularly voluntary measures, to ensure compliance with the International Code of Marketing of Breastmilk Substitutes in some countries.” In order not to delay further what should have been in place 30 years ago, BFHIHKA supports going ahead with the voluntary HK Code. It is important to start working on the implementation of the HK Code through legislative means at the same time. In the transitional period, the effectiveness of the voluntary HK Code should be enhanced by at least finding a means to disclose to the public the names of non-compliant M&Ds. In addition, as part of the implementation of the HK Code, M&Ds should not promote any formula product promoted for children above 36 months and for pregnant women and mothers that uses very similar branding and packaging to that used for formula milk products that are promoted for infants and young children below 36 months.

The Global Strategy for Infant and Young Child Feeding recommends that infants should be exclusively breastfed for the first six months of life and with the introduction of appropriate complementary foods, continue breastfeeding for up to two years of age or beyond. WHO and UNICEF have clearly laid down actions required by governments for the implementation of the recommendation through the Innocenti Declaration.¹

¹ Innocenti Declaration: <http://innocenti15.net/declaration.pdf.pdf>

Implementation of the WHO International Code and subsequent relevant WHA resolutions is an essential but not the only measure required. Hong Kong needs an Infant and Young Child Feeding Policy and a Central Multi-sectoral Committee overseeing its implementation through ensuring health professionals are trained appropriately, effective public education is in place, Baby Friendly Hospitals are established, and the community environment and workplace are Mother and Baby Friendly. Paid maternity leave should be extended to at least 14 weeks working towards 18 weeks in accordance with the recommendation of International Labour Organization. For Hong Kong the government can well subsidize mothers' leave till six months with the option of unpaid leave to one year. Mothers should also have protected time for nursing breaks at work. Policy implementation should be supported by appropriate resource allocation and the effectiveness of implementation monitored.

It is hoped that the government's promotion and protection of child and community health will be through not only the HK Code but the outlined comprehensive array of actions that complement each other.



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