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**The Secretary**

**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**

**Submission by FrieslandCampina (Hong Kong) Ltd. on the Draft Hong Kong Code of Marketing and Quality of Formula Milk and Related Products and Food Products for Infants & Young Children**

FrieslandCampina has had a presence in Hong Kong for some 75 years and we are proud to be a responsible member of the Hong Kong business community and an active member of the Hong Kong Infant and Young Child Nutrition Association. The purpose of our submission is to both endorse the position of the Association on the draft Hong Kong Code and to provide some additional perspective based on our experience in the more than 45 countries around the world in which our company operates.

As a global company, FrieslandCampina has a very good understanding of the environment in which our products are regulated and marketed in jurisdictions around the world. That understanding enables FrieslandCampina to consider the draft Hong Kong Code in a global context and, as such, to share some thoughts on global best practices. That understanding also enables us to raise a point that we believe is being overlooked in the discussions taking place in our community regarding this draft Hong Kong Code. Quite simply, in spite of the efforts of many of our industry's critics to misrepresent the position of the members of our Association on breastfeeding, we firmly believe that this is not a breastfeeding issue.

To make it very clear, our company and the members of our Association are fully supportive of breastfeeding as the best and most natural means to ensure normal health

and development of infants during at least the first 6 months of life. We are also committed to adhering to the principles of the World Health Organization (WHO) Code of Marketing of Breast-milk Substitutes. Contrary to the statements of our industry's critics, we are pro-breastfeeding. And that is why we do not see the draft Hong Kong Code as purely an issue about breastfeeding.

We believe that this is an issue regarding the best approach the government should take to protecting the interests of consumers while also preserving their right to access the information they require to make educated decisions for their families.

In addition, we see this as a discussion of how government does this while also recognizing the rights of responsible companies to carry out their business activities in Hong Kong in a manner that is consistent with Hong Kong's commitment to respecting best global business practices and free-market principles. From a global perspective, the draft Hong Kong Code is not consistent with the policies and practices of the majority of jurisdictions in developed economies around the world and the following points serve to address this point-of-view:

- **First, as far as we know no other jurisdiction integrates the Marketing Code and labeling and quality standards into a single voluntary Code.** These issues should be addressed separately because these are two very distinct and important aspects of our business that require review and monitoring by different parts of government. Separate approaches to legislation and giving adequate time for our industry and others in the marketing and food and beverage industries to provide their comments on the draft Hong Kong Code will ultimately ensure that the interests of consumers and all other stakeholders are well-protected.
- **Second, any voluntary code or regulation for the marketing of infant formula should be in line with the WHO Code of Marketing of Breast-milk Substitutes and global best practices.** This practice of regulation of products for infants up



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to 6 months has been adopted in many other international jurisdictions, including most of the countries in Europe, and we believe for good reason. We also believe that the onerous restrictions on marketing included in the draft Hong Kong Code would not allow companies in our industry to carry out their business activities in a manner that is consistent with Hong Kong's commitment to respecting global business practices and free market principles and, as such, they do not respect the rights of companies in our industry to meet the needs of consumers in a manner that is open, transparent and consistent with the global standards that many in our industry have adopted. We support the Government's rationale behind the Code to support, promote and protect breastfeeding, however, banning all types of information dissemination for products for infants from six to 36 months – a practice that is not followed by any other developed economy – goes far beyond the goal of the Draft Code and deprives consumers of the access they need to make informed purchasing decisions. Contrary to the approach included in the Draft Code, we recommend following the example of other developed economies, for example the EU and Singapore, where a mechanism for marketing claim evaluation and authorization, including Codex guidelines, has been established to protect consumers. That mechanism ensures that all marketing claims made to consumers are authorized by international regulatory authorities.

It is important to note that the WHO only regulates products for infants up to 6-months. The restrictions on products for infants from six to 36 months, what are called follow-up formula, outlined in the draft Hong Kong Code would deprive mothers with children over the age of six months, those mothers who have made a choice to purchase follow-up formula products, with the specific information they require to make educated decisions about the products that are best suited to the needs of their children. Mothers need easy access to information to make informed and responsible decisions after they have chosen to purchase infant formula and related food products for infants and the restrictions included in the Draft Code would make it impossible for mothers to



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easily get the that information. That is why we believe the regulatory approach to both infant formula and follow-up formula products should be treated differently and should be treated in a manner consistent with the WHO Code of Marketing of Breast-milk Substitutes and global best practices.

In summary, we believe the draft Hong Kong Code, as currently presented, is not consistent with global best practices in our industry. In addition, we believe that the impact of this Code could go far beyond our industry and the Government should consider the precedent that it is setting in proposing excessive regulation of a legal and legitimate product that is manufactured and marketed by responsible international companies. We are aware that companies in other industries are watching this review process very closely and they, and the consumers they serve, are concerned that this approach could eventually apply to them.

It is for this reason, that we believe that companies in a wide range of industries are best served by a very clear legal and regulatory environment that respects the rights of companies to meet the needs of consumers and that allows them to operate in a manner that is consistent with both reasonable local laws and with best international practices.

In conclusion, FrieslandCampina will cooperate fully with the government as it carries out this consultation process for the draft Hong Kong Code, but we also urge the government to consider our position on this issue as we believe our proposed approach is good for consumers, good for Hong Kong's role as a positive example for other jurisdictions given its developed, vibrant and open economy, and good for responsible companies in our industry.

FrieslandCampina (Hong Kong) Limited  
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