

Consultation Form for Trade 業界諮詢意見表格

Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children

《香港嬰幼兒配方奶粉和相關產品及食品的銷售及質素守則》

Part I: Company Details 第一部份：公司資料

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Position 職位:	Account Director		
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Part II: Your Views 第二部份：您的意見

(Please attach extra sheets if necessary 如空格不夠填寫，請另附紙)

(1) Scope & Definitions (Articles 2&3) 範圍及定義(守則第二及三條)

Views 意見:

The scope of products (designated products for infants and young children aged between 0-36 months) that are subjected to the Code is unnecessarily board.

Firstly, nowadays 2-year-old to 3-year-old children are required to be much more outgoing and mature than in the past. Many of them go to pre-school institution or kindergarten during this age. It is embarrassing and not possible that a mother could breastfeed her child anytime and anywhere the kid needs, especially the nursery room facilities in public areas in Hong Kong are far more than adequate.

Secondly, it is the reality in Hong Kong that mothers are not able to provide breastfeeding around 1 year after labor, both because of the need to resume work and health problem. This is especially the case when the legal post-maternity leave Hong Kong is usually as short as 6 weeks.

All in all, the Code aims to limit the promotion of formulated milk related products for infants and young children to discourage the consumption of them, but the facilities and institutions in Hong Kong are definitely not adequate to assist local mothers to insist breastfeed for a long period. Hence, the scope of products subjected to the Code lacks the consideration of the current situation of the society, and thus is unnecessarily board.

(2) Information and Education(Article 4) 資訊及教育(守則第四條)

Views 意見:

This article suppresses the freedom to provide information by the manufacturers and distributors.

and definitely contradicts with the renowned freedom of information flow of Hong Kong. It must be borne in mind that there are always some parents who need designated products to replace breastfeeding because of health reason or that their condition does not allow them to spare enough time for breastfeeding habit. Parents will have much larger cost, namely time and money, to get access to the information of the designated products they need, and this is economically inefficient to the society.

Moreover, if the Government aims to encourage breastfeeding by blocking the flow of information provided by the M&Ds of designated products, it means the Government does not have trust in the citizens' ability to analyze the information independently. This is an unacceptable claim to the citizens.

(3) Promotion to the Public (Article 5) 向公眾推廣(守則第五條)

Views 意見:

Firstly, it is unfair that the Government abolishes the promotion of the formula milk products for infants and young children in order to encourage the adoption of breastfeeding. It is because there is no evidence that the low rate of breastfeeding is attributed to the business promotion of the formula milk products. There are many other possible reasons, including the inadequacy of institutions and facilities (e.g. length of legal maternity leave and number of nursery rooms) that encourage breastfeeding, the health of mothers after labor, and the lack of promotion of breastfeeding by Government and responsible organizations. The abolishment of the M&D's promotion will not necessarily raise the adoption of breastfeeding. So the sacrifice of the M&Ds does not fulfill the aim of the Code.

Secondly, there will be a lot of disadvantages if the brands of formula milk and related products are not prohibited to hold or sponsor the activities involving infants, young children, pregnant women and mothers of children aged 36 months or below. Activities like baby crawling competition and mothers' clubs are important for new parents to exchange knowledge and gain support during their bittersweet journey of raising a baby. If these activities are lack of the financial support of M&Ds, they will be far less effective or much smaller in scale, while the Government or other non-profit organizations may not be financially able to take the role to hold the activities which are good and abundant enough to meet the parents' demand.

Thirdly, the abolishment of business promotion of products for infants and young children will bring great negative social consequences. This will affect many related industries, including marketing, sales, advertising, researching, accounting, production, mass media... The prohibition of commercial promotion of the baby products industry, which has been prosperous in Hong Kong for many years, must bring a sweeping effect to the business of a significant number of industries and raise the unemployment rate.

Fourthly, limiting information of formula milk and related products to flow only within medical institutions will bring an undesired labeling effect to mothers who are not able to breastfeed. These mothers maybe misunderstood as physically problematic even though they merely opt for designated products for personal reasons. This will impose unnecessary pressure on these mothers.

Lastly, this article will harm Hong Kong's honor of being the freest economy around the world. The designated products subjected to this article are commercial goods which should be allowed to enjoy free competition. Free competition facilitates the M&Ds to pursue higher quality of products and services, which will in turn benefit the consumers. Free competition is also an important condition for creativity to grow. Thus, this article suppresses both the freedom of market and creativity.

All in all, the Government should understand that the designated products are not harmful and like poisonous drugs or cigarettes. This Code is as strict as that is currently imposed on cigarettes. Why does formulated milk products deserve such punishment, when they do nothing to harm children but help some busy and stressful mothers a lot? If formulated milk products should be subjected to the restrictions of this Code, then many other consumer goods and services, namely junk food, coffee, computer games, credit cards, comic books... all these goods that may lead to a potential bad on consumers, no matter how high or low the possibility of leading so, should be restricted by a Code as strict as this one.

(4) Promotion in Health Care Facility (Article 6) 在醫護機構進行推廣(守則第六條)

Views 意見:

Health care facilities are relied on by new parents for access of information for their journey of raising a new-born baby or young child. Without the freedom of the products M&Ds to promote their products, the parents will nearly unable to obtain information that they have rights to know. The Government should understand that health care facility has the responsibilities to offer all the information their visitors need. Some mothers may have diseases, some mothers may be too weak, and some babies do not have their mothers with them. All these cases are necessary for the health care facility to fulfill their need to get informed on which products can help them. Hence, it is unreasonable that they are not allowed to be introduced to the formula milk products.

(5) Information and Promotion to Health Worker (Article 7)向醫護人員提供資訊及推廣 (守則第七條)

Views 意見:

First of all, the provision of samples and related products provided by formula milk products M&Ds to the health care facility or doctors does not involve any monetary exchange. Moreover, a doctor or a health organization will not only receive one brand of products, since Hong Kong is a free market which allows free competition. Thus, the neutrality of medical professionals still maintains. The Government should have trust of the health care institutions that they will provide professional advice to those mothers who need these products on which products or feeding methods are suitable for them.

Also, doctors do need some formula milk products to offer to those who need them (e.g. mothers who have diseases, mothers who are too weak, and babies who do not have their mothers with them.), just like doctors need to offer medicine to patients. It is unavoidable that the milk products or medicine have a brand on it. If this Code is really going to be implemented, then other similar cases, like dentists, should not be offered any products by dental products suppliers, too. Dentists should also be prohibited to provide dental products, like floss and toothpaste, for the patients during diagnose. By such a comparison, one can see that it is totally unreasonable that formula milk product brand cannot do promotion or offer information to health worker.

Lastly, the samples of formula milk products given by health workers to their patients are needed by the mothers. Formula milk products are not the same with each other; they are differentiated goods. Different formula may suit the babies differently. Samples help mothers to be a wiser consumer to choose what they need before they commit a longer purchase plan, and can help ensure the babies who need these products to have a better health.

(6) Labelling (Article 8) 標籤 (守則第八條)

Views 意見:

Nowadays technology has reached the accuracy high enough to prove the milk products are zero contaminated. This is thus an unfair and false claim if the products are uncontaminated completely, but the article forces them to put on a label to tell "products may be contaminated during production process."

(7) Quality Standards (Article 9) 品質標準(守則第九條)

Views 意見:

(8) Implementation and Monitoring (Article 10) 推行及監察(守則第十條)

Views 意見:

Part III: Specific Questions 第三部份: 指定問題

(Please attach extra sheets if necessary 如空格不夠填寫, 請另附紙)

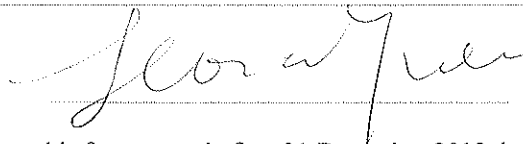
- (1) 製造商及分銷商應容許有充分時間來預備守則的推行, 您認為何時是最佳的推行時間? (可就不同條款提出不同推行日期)

Manufacturers and distributors should be given sufficient time to get prepared for implementing the Code. In your opinion, what will be the optimal time for the implementation? (You may wish to provide different time frame for different articles)

Views 意見:

Since the Code does not have enough support to be launched, the time for its implementation should be infinitely postponed.

Signature :



Date:

Dec 31, 2012

Please return us this form on or before 31 December 2012 through any of the following means 請透過以下任何一項途徑於 2012 年 12 月 31 日或之前交回此表格:

Post 郵寄:

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Note : In providing us your views, please let us know in case you do not want to be attributed. Unless otherwise specified, all responses will be treated as public information and may be published in the future without further notice. 注意: 如不欲公開姓名, 請於提交意見時清楚表示。除非另加指明, 否則所有意見均視作公共資訊處理, 日後可能會在沒有通知下予以公開。

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