



Ogilvy & Mather Advertising

11 December 2012

Dear Sir/Madam,

Re: Response to Public Consultation on the draft HK Code of Marketing and Quality of Formula Milk and Related Products for Infants & Young Children

We write to express our views on the draft HK Code of Marketing and Quality of Formula Milk and Related Products for Infants & Young Children.

As an industry practitioner with rich experience in communication and promotion across different categories in the Hong Kong market, we have the following strong concerns:

- 1) The proposal of a total ban on the promotions of formula milk is incongruous with the code's aim of "the protection of breastfeeding".

Referring to Article 2 of the Draft Code:

*"to contribute to the protection of breastfeeding and provision of safe and adequate nutrition for infants and young children by:*

*(a) protecting breastfeeding; and*

*(b) ensuring the proper use of formula milk, formula milk related products, and food products for infants and young children up to the age of 36 months,*

*on the basis of adequate and unbiased information and through appropriate marketing"*

Banning the promotions of formula milk does not contribute to this aim for the following reasons:

- Regarding point (a) above, current communications is not aimed at discouraging breastfeeding.
  - Regarding point (b) above, this is a communications claims issue which should be regulated through a proper censorship mechanism rather than a total ban.
- 2) To ban all forms of promotional practices for formula milk from 0 to 36 months is to limit consumers' access to useful information to make an informed decision/choice.
    - Communication in mass media, including advertising, educational collaterals, online communication all help provide useful information for consumers to make an informed decision/choice that would best suit their need. For important decision making such as in the childcare and development area, the accessibility and readiness of a wide range of responsible and useful information are critical for consumers.
    - However, we agree it is critical that all marketers are committed to provide accurate and responsible information that would not mislead consumers. Therefore it is advisable that the amendment in the upcoming code should consider including the set up of a censorship mechanism to regulate claims, so as to avoid any unacceptable exaggerations.

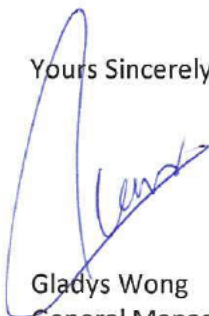
.../P.2

- 3) There is no clear substantiation as to why the draft code extends the communications ban to products for children up to 36 months.
- After 6 months, infant milk formula is a complementary food source.
  - The established WHO guidelines have been adopted by many developed nations and territories, which do not allow communications for products targeting infants younger than 6 months old, but allow communications for those in older age groups.
  - We do not see any clear substantiation for HK to extend the period up to 36 months.
- 4) To implement a total ban on all forms of promotional practices across an entire industry in order to promote a specific social behavior or cause (in this case, to protect breastfeeding) sets a dangerous precedent that has potential long term implications on marketing activities across all industries as well as the freedom of businesses to operate in Hong Kong.
- For example, sustainable living is surely another cause worthy of society's support. Following the logic of the Code's proposed ban, to promote reusing and recycling then, should we ban all communications of fashion and luxury goods because they encourage potentially wasteful consumption? If that stands, the same ban could be further extended to almost all consumer goods.
  - Furthermore, this precedent has the potential to erode Hong Kong's reputation as one of the freest economies in the world and degrade its attractiveness as a place for foreign investment and trade, at a time when it is already under threat from strong competitors like Singapore and Shanghai.

We do support the notion of creating an environment that protects, promotes and supports breastfeeding, however we do not agree that the marketing of formula milk and related products, if done appropriately, would restrict this. Rather, it is critical to enable those consumers in Hong Kong who need the support of complementary foods for their children, to have free access to accurate and useful information so that they can make an informed decision.

Thank you for your attention on our feedback. Should you wish to further clarify and discuss our view, please feel free to contact the undersigned at [REDACTED]

Yours Sincerely,



Gladys Wong  
General Manager  
Ogilvy & Mather Advertising Hong Kong