

# AUSTRALIA

## Code Violations • 2 0 0 7

### A SURVEY OF THE STATE OF THE INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES AND SUBSEQUENT WHA RESOLUTIONS

The International Code, adopted by the World Health Assembly in 1981 promotes, protects and supports breastfeeding by prohibiting promotional activities by baby-food companies.

As a response to the Code, Australia adopted the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF) in May 1992. MAIF is a voluntary code between 6 major food companies and the Australian Government. MAIF falls short of the recommended minimum standards set by the International Code and subsequent WHA resolutions which Australia has endorsed at the international level.

This report is not intended to be comprehensive. It highlights some marketing practices in Australia which undermine breastfeeding and violate the Code, its spirit and intent.

*National figures show that only 10% of Australian babies are still being breastfed exclusively at six months, falling far short of the National Health and Medical Research Council (NHMRC) recommended target of 80% and is also under the 34% world average*  
– Australian Breastfeeding Association

## The International Code versus MAIF

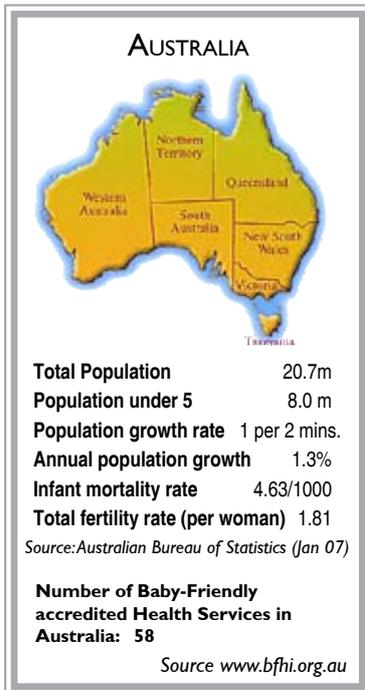
### Some notable differences:

#### International Code

- Applies to all countries and companies as a minimum standard.
- Applies to all breast milk substitutes including other milk products, foods and beverages marketed to replace breast milk, feeding bottles and teats.
- Covers “retailers” under its definition of “Distributor”, and forbids promotion at retail level.
- Governments have the responsibility to ensure that objective and consistent information is provided on infant feeding.
- No point-of-sale advertising or any other promotion device such as special displays, discount coupons, premiums, special sales, loss leaders and tie-in sales at the retail level.
- Health authorities have the responsibility to encourage and protect breastfeeding and promote the principles of the Code.
- Free or subsidised supplies are banned in any part of the health care system (WHA resolution 47.5 [1994]).
- Information to health professionals should be restricted to scientific and factual matters, and should not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding.
- Governments have overall responsibility to implement and monitor the Code. Monitoring should be carried out in a transparent and independent manner.

#### MAIF Code of Practice

- ◀▶ Coverage is limited to six major baby food companies – Heinz Watties, Nestlé, Nutricia, Wyeth, Abbott and Snow Brand. Others are not bound to follow MAIF.
- ◀▶ Applies only to infant formula. Products such as baby cereals, infant meals and drinks are not covered even if marketed for infants below 6 months of age. MAIF does not cover feeding bottles and teats.
- ◀▶ Distributors are not covered and MAIF is silent on promotion at the retail level.
- ◀▶ No equivalent responsibility exists. Information materials by companies are often distributed through health care systems and usually contain conflicting messages about breastfeeding.
- ◀▶ No equivalent provision on promotion at the retail level. Thus promotion at the retail level is not forbidden.
- ◀▶ No equivalent responsibility exists.
- ◀▶ Allows certain free supplies as it is based on 1981 Code Article 6.6 which is superseded by WHA resolution 47.5.
- ◀▶ Requires companies to give health care professionals product information reflecting current knowledge and responsible opinion which are clearly identified with company and brand names.
- ◀▶ Advisory Panel which administers MAIF and decides on complaints is partly represented and funded by industry, giving rise to conflict of interests.



## Information and Education to Mothers and Health Professionals

### Marketing through the back door

The Code says that information materials to health professionals should be restricted to scientific and factual matters.

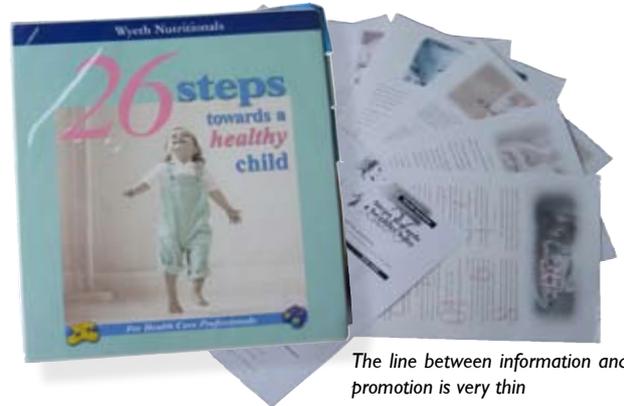
In Australia, however, most companies provide charts and brochures to health professionals which not only show the entire range of infant formula and its use but also idealise the products with pictures of happy, healthy babies and clever slogans.

As these information materials are provided in bulk, mothers also end up receiving them through health professionals, at doctor's clinics or at pharmacies. This mode of distribution gives the products medical and professional endorsement.



### Brand recognition through the use of educational and information materials

For example, Wyeth's *The 26 steps towards the Healthy Child* folder, which is sent to doctors, contains 10 pamphlets each beginning with the number 26 giving mothers 26 hints on the health of their child. This is Wyeth's ingenious way of entrenching their brand of infant formula, **S26**, in mothers' minds.



The line between information and promotion is very thin



Yet another effective brand recognition exercise is Heinz's giraffe mascot which can be found on all promotional materials to mothers and health professionals. A growth chart found in a doctor's clinic features this giraffe, which also happens to be the product logo of Heinz's **Nurture** infant formula and toddler milk.

Numerous leaflets on different kinds of foods, diets and even problems that can arise in the care of infants and young children are available at pharmacies and supermarkets where infant formula and complementary foods are sold. They normally sport the company and product names and logos. Many companies aggressively promote toddler milks which invariably bear the same or similar product logos thus advertising their infant formula products through the back door.

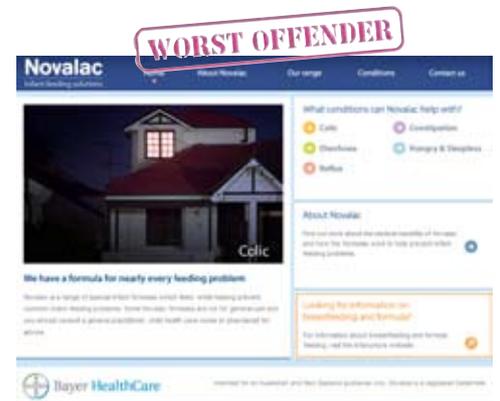
## Internet promotion and marketing

Supermarket chains and infant formula companies now have internet sites which are difficult to regulate and thus easily exploited. These become virtual shop windows for the promotion of formula and complementary foods.

- [pigeonbaby.com.au](http://pigeonbaby.com.au) promotes Pigeon bottles and teats as "exactly like a mother's nipple",
- [heinzforbaby.com.au](http://heinzforbaby.com.au) promotes its baby meals which are promoted as suitable for infants 4 months and above.



Special offers ("Save \$3.58") to tempt parents while they surf the net



[www.novalac.com.au](http://www.novalac.com.au) advertises its entire range of infant formula in a campaign using houses to illustrate infant feeding problems. Light on – mother and baby awake and upset. Light off – problem solved, baby sound asleep. 6 houses, 6 problems, and 6 formulas to solve the problems. So easy! Picture shows the colic problem house

### Samples to Doctors

On request, Nestlé, Nutricia, Wyeth, Heinz and Abbott send doctors masses of infant formula samples. No enquiry is made as to whether the samples are for the purpose of professional evaluation or research, a condition under both the MAIF Agreement and the International Code. Such easy access to samples for the health profession, influences diagnostic and prescription patterns. Of course, the samples end up with mothers and are considered “the best” because “the doctor gave it”. There is no better way to undermine breastfeeding than through samples.



Samples: free now, pay later

### Labels–Bears, Giraffes and the beloved Aussie Wombat

Heinz’s giraffe, Soul and Pattinson’s wombat with a bottle, Nutricia’s bear and Nestlé’s birds create warm and fuzzy maternal feelings. What better way to idealise infant formula! These characters then become a running theme through much of the company’s promotional material thus boosting brand recognition and consumer loyalty.



Cartoons of adorable baby bears, giraffes and wombats make very effective marketing tools

### Complementary foods

WHA Resolution 54.2 (2001) recommends that complementary feeding begin at six months. Even though health authorities in Australia also recommend exclusive breastfeeding for six months, complementary foods are still labeled as suitable from 4 months.

Cute baby images are frequently seen on the packing and labeling of some of these products.



OK for Aussie babies to start complementary foods so early?



Perhaps most disturbing of all is the

label for Heinz Organic which recommends the product “for all ages” written brightly on its side, followed by smaller, vague letters, the words: “six months and above”. Since MAIF does not cover complementary foods, promotion of these products is rife.

Conflicting messages – Six months or “all ages”?

### Specials

Promotion in retail outlets is not addressed by MAIF. Products are therefore promoted through the use of special displays, discounts, special sales and tie-in sales. This is a common occurrence on supermarket shelves.



Special discounts: value for money, not for health

### Commercial sponsorship

Both the International Code and MAIF allow sponsorship for conferences subject to disclosure. Australia adopted WHA Resolution 58.32 (2005) which clarifies Code provisions on sponsorship by urging Member States to ensure that financial support for programmes and health professionals working for infant and young child health does not create conflicts of interests. Wyeth Nutrition has long been subsidising the attendance of nurses at conferences on infant and young child feeding. There is clearly a conflict of interests when health professionals receive benefits from companies which profit when mothers do not breastfeed.

## Bayer\* breaks all the rules with Novalac

Bayer, the owner of Novalac, is the new kid on the block. It has capitalised on being an outsider to get an immediate advantage over other companies.

The aggressive print and 'virtual' advertising campaign ▶ featuring lovely homes with lights switched on and off in the middle of the night. The website uses Flash technology to loop a clip of these same houses with bedroom lights coming on and off. And what is the message? Each house has a baby suffering from colic, or constipation, or diarrhoea, or hunger, or reflux. Even "growth" is a problem! These crying, restless and hungry babies are keeping mothers awake at night. The solution? Use a Novalac infant formula specially designed for every possible disorder a baby can have. The ad is found in many magazines including professional journals. Pharmacies have leaflets and booklets featuring the same miracle solutions. Lights out!



Now you see it, now you don't. Lights that 'switch' on and then off indicate that baby's feeding problem has been remedied by Novalac's infant formula—and there's one for every affliction

\*The APMAIF Secretariat informed us at presstime that they received a signed copy of the MAIF agreement from Bayer

## Feeding bottles and teats

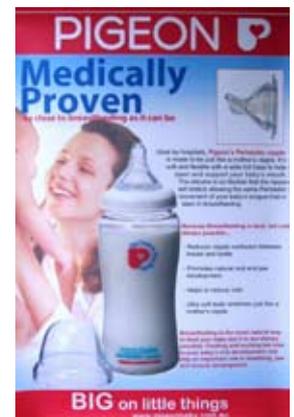
Promotion of feeding bottles and teats not just discourages breastfeeding, it entrenches the practice of artificial feeding. The International Code covers bottles and teats but MAIF does not. As such, the feeding bottles and teats industry is unfettered in its promotional campaigns and behaves as if the International Code does not exist. Mostly, their promotional material favourably compare their products with the breast.

## Own brand by retailers

Some companies acquire infant formula in bulk and brand it with their own name. They are not covered by the MAIF agreement. One such company, Soul Pattinson Chemists, sell their own brand formulas at very competitive prices. One leaflet on this house brand shows a wombat feeding from a bottle and the same image is found on the label.



NUK's claim to 'First Choice' throws a blatant challenge to breastfeeding



This huge Pigeon poster claims that its products are medically proven and used by hospitals

## Claims implying health advantage

WHA resolution 58.32 disallows the use of claims implying a health advantage. Such functional claims idealise products and are effective marketing tools. Heinz's Nurture Starter and Gold Starter have claims for added iron, nucleotides, Omega 3 & 6, LCPs and Probiotic Bifidus.



Wyeth's S-26 Gold Alpha Grow claims to be "easy to digest, to help babies brains and eyes, to support baby's immune system and may even play an important part in the development of baby's intestines"

## Recommendations

- MAIF's narrow interpretation of the Code allows manufacturers and importers which are non-signatories to blatantly violate the Code. Australia should have a law which implements the International Code and subsequent World Health Assembly resolutions across the board.
- MAIF covers only infant formula, allowing the aggressive marketing of other breastmilk substitutes including complementary foods (for babies below six months), feeding bottles and teats to go unchecked. Coverage should be expanded to these products, in line with the International Code and subsequent WHA resolutions.
- MAIF does not cover retailers like supermarkets and pharmacies including those which acquire and repackage infant formula under their own name. MAIF should be extended to cover all distributors.
- MAIF does not provide for independent monitoring or legal sanctions against Code violators. This weakness should be rectified by setting up an independent committee on monitoring and the adoption of an enforceable law.



IBFAN

IBFAN/ICDC Penang, P.O. Box 19, 10700 Penang, Malaysia  
Tel: +60-4-890 5799 • Fax: + 60-4-890 7291 • E-mail: code@ibfan-icdc.org

This pamphlet is part of a series of IBFAN pamphlets which highlight marketing practices and Code violations in selected countries around the world. The benchmark standards are the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly Resolutions.

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Australian Breastfeeding Association, 1818-1822 Malvern Rd., East Malvern VIC 3146, Australia  
Tel: +03-9885 0855 • Fax: +03-9885 0866 • www.mothersdirect.com.au



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