

# NEW ZEALAND

## Code Violations

A survey of the state of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly Resolutions

New Zealand adopted the International Code in 1983, yet in 1997 the New Zealand Infant Formula Marketers' Association (NZIFMA) developed its own interpretation that fell short of the recommended minimum standard set by the International Code. This report is not intended to be comprehensive. It highlights some differences between the International Code, including subsequent relevant World Health Assembly (WHA) Resolutions, and the NZIFMA Code of Practice. Only violations that pertain to the latter are stamped in this report.

The Global Strategy for Infant and Young Child Feeding calls on governments "to ensure that the health and other relevant sectors protect, promote and support exclusive breastfeeding for six months and continued breastfeeding up to two years of age or beyond ..."

### The International Code of Marketing of Breastmilk Substitutes and The New Zealand Infant Formula Marketers' Association Code of Practice

#### HOW DO THEY DIFFER?

The Infant Feeding Association of New Zealand (IFANZ) has compared the NZIFMA *Code of Practice for the Marketing of Infant Formula* to the provisions of the International Code and subsequent World Health Assembly Resolutions, and found many ways in which they differ. Comparative summary:

International Code	NZIFMA Code of Practice
Applies to all countries and companies as a minimum standard.	Applies in New Zealand and only to companies represented on the Association.
Applies to all breastmilk substitutes, including other milk products, foods and beverages marketed to replace breastmilk, feeding bottles and teats.	Applies only to infant formula when it is a substitute for human milk as the sole source of nutrition for an infant, and not to feeding bottles and teats.
No promotion to the public or in the health care system, direct or indirect.	General advertising to the public should be avoided. Allows dissemination of information and educational materials in the health care system.
Government has overall responsibility to ensure dissemination of objective and consistent information. Information materials may only be produced in response to a request by government and must be approved.	Information by companies need only be in conformity with overall policies promoted by the health care system.
No donation of free or subsidised breastmilk substitutes to any part of health care system.	Bulk quantities of free product to the healthcare system should be avoided.
Demonstration of feeding with breastmilk substitutes to mothers or families who need it is to be performed by health workers only.	Company personnel may render assistance to mothers if requested and supervised by authorities.
Health workers may not accept financial or material inducements as these may give rise to conflicts of interest.	Articles of general utility may be distributed to health workers provided they are inexpensive and relevant to the practice of medicine and general health care.
Samples only allowed if necessary for professional evaluation and research.	Allows samples for professional evaluation and research, and for the education of mothers.
Sponsorship contributions to health workers must be disclosed.	No sponsorship contribution disclosure is required.
Labels should not discourage breastfeeding or have pictures or text that idealise the use of breastmilk substitutes.	No restriction applies to labelling regarding pictures or text that idealise the use of breastmilk substitutes.



## PROMOTION TO THE PUBLIC

Nutricia and Wyeth personnel target pregnant women at Parent and Child Shows by giving educational material and gifts. This practice violates Articles 5 and 8 of the International Code and the NZIFMA Code of Practice.



## PROMOTION TO HEALTH PROFESSIONALS

Nutricia's personalised mailout to paediatricians offers a free mouse pad and includes offers of further samples and a representative to visit. These practices violate Article 7 of the International Code and the NZIFMA Code of Practice.



The Innocenti Declaration on Infant and Young Child Feeding 2005 calls upon all governments to ...

"Implement all provisions of The International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly Resolutions in their entirety as a minimum requirement, and establish sustainable enforcement mechanisms to prevent and/or address non-compliance".

## CLAIMS



WHA Resolution 58.32 disallows the use of claims implying health advantage. In a letter to health professionals, Wyeth claims that, "S-26 Gold Alpha Pro is easy to digest, supports optimal growth and development and contains improved levels of many of the important proteins found in breastmilk". Such text violates Article 7.1 of the NZIFMA Code of Practice because it is not restricted to scientific and factual matters.

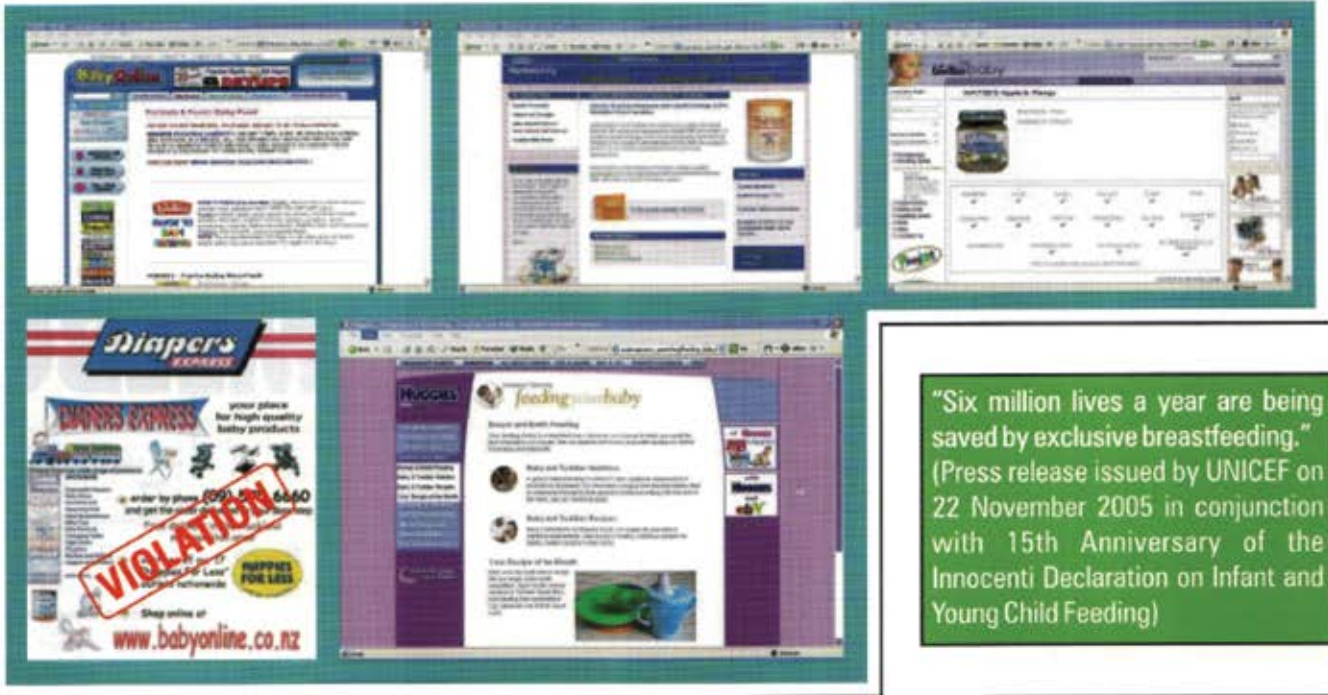
## INFORMATION AND EDUCATION?

Information about formula supported by celebrities and idealised images of happy and healthy-looking babies appears in popular magazines, parent handouts, health professional materials and the internet. This is frequently in violation of the International Code Article 4.2 and the NZIFMA Code of Practice Article 4.3.



## INTERNET MARKETING

The internet opens an unregulated pathway for exploitation by industry. Disposable nappy companies have become the shop window for the promotion of infant formula, follow-on formula and complementary foods labelled as suitable for babies under 6 months of age. A mouse click or two leads to the advertising of infant formula, including soy, without appropriate warnings for its use.

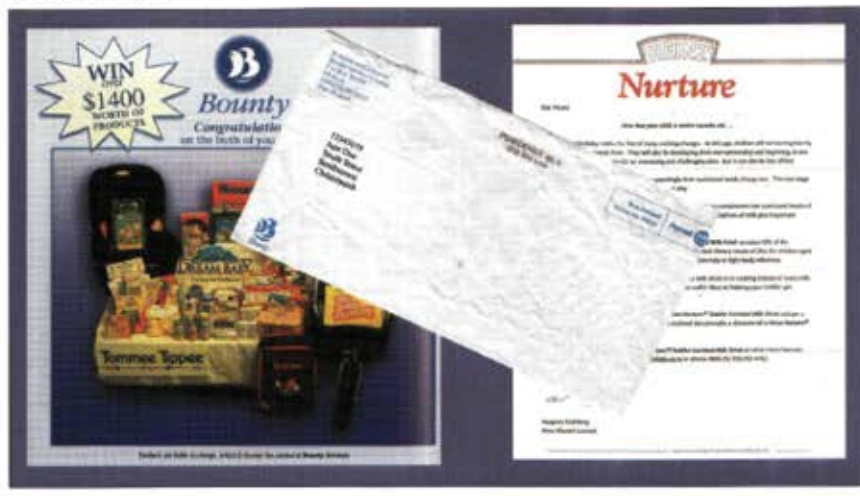


"Six million lives a year are being saved by exclusive breastfeeding." (Press release issued by UNICEF on 22 November 2005 in conjunction with 15th Anniversary of the Innocenti Declaration on Infant and Young Child Feeding)

## MISUSE OF THE HEALTH CARE SYSTEM

Free New Mother Packs from Bounty Services are distributed via the health care system by nurses and midwives who inadvertently enroll mothers onto industry databases for later targeted promotions.

Free supply of infant formula is initiated on receipt of a letter from the lactation specialist for mothers of multiples who connect to the Nurture Multiple Birth Club. These members are "entitled to Nurture Infant Formula free for a year and after this at a discounted rate".



## COMPLEMENTARY FEEDING

Commercial complementary foods that are labelled as suitable from 4 months of age discourage the global public health recommendation of exclusive breastfeeding to 6 months of age. WHA Resolution 55.25



## SPECIALS

The NZIFMA Code of Practice falls below the minimum standard set by the International Code Article 5.3 by excluding the ban on special displays, discount coupons, premiums, special sales, loss leaders and tie-in sales. This enables ongoing targeted marketing.



## New Zealand - Country Profile 2005



Total population	4,107,400
European	80.0%
Māori	14.7%
Pacific Island	6.5%
Asian	6.6%
Other	0.7%
New Zealanders may identify with several ethnic groups	
Annual number of births	57,615
Infant mortality rate per 1,000 live births	5.6
Maternal mortality rate per 100,000 live births	5.3
Exclusive breastfeeding rate at 6 months	11.0%
Total maternity care facilities	83
Baby Friendly designated (at Nov 2005)	31

## ENDORSEMENT BY ASSOCIATION

Heinz Wattie's has a commercial relationship with well-child provider, the Royal New Zealand Plunket Society, helping entrench brand awareness for the company. WHA Resolution 58.32 warns against financial support for infant and young child health programmes to ensure that it does not create conflicts of interest.



Wattie's handout



Plunket handout

Nutricia, as the principal sponsor, has provided an unrestricted educational grant.

**NUTRICIA**  
Neocate  
Pepti-Junior

## COMMERCIAL SPONSORSHIP

Article 7.5 of the International Code requires disclosure of sponsorship. Subsequent WHA Resolutions 49.15 and 58.32 caution against acceptance of grants such as Nutricia's sponsorship of Allergy New Zealand's educational tour.

**PROFESSOR  
HUGH SAMPSON**  
2005 TOUR

7-8 SEPTEMBER 2005  
Food Allergy  
overview and update

## INDIRECT MARKETING

Nutricia's 0800 number is offered for advice in a free health magazine. The advertisement is placed on a page about infant allergies on which five of Nutricia's formulas are named.



"The baby food manufacturer's rush for profits has made people forget nature's biggest gift to babies: to be breastfed. Commercial baby food is one of the greatest success stories of marketing but it has resulted in tragedy for millions of babies and their families."

(Annelies Allain 2001)

## WHAT NOW? PROTECT INFANT HEALTH!

Inordinate amounts of time and effort are needed to ensure that formula marketers do not undermine the health and nutrition of our most vulnerable population: infants and young children. The nutritional targets set by the Global Strategy for Infant and Young Child Feeding could be better met if breastfeeding did not have to compete unfairly with artificial feeding through unethical marketing practices.

Code violations covered in this survey indicate that the 11 action points of the New Zealand Code Review (2004) will be insufficient to guard against unethical marketing practices. Effective Code training and monitoring are essential.

IFANZ urges the Government to implement the International Code and subsequent relevant WHA Resolutions and to legislate for their compliance by all sectors.

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Monitoring is an integral part of the International Code and the need for independent monitoring free of commercial influence was emphasised in WHA Resolution 49.15. In late 2005 the Infant Feeding Association of New Zealand (IFANZ), supported by IBFAN Asia Pacific, conducted independent monitoring which confirmed that violations continue to occur throughout New Zealand.