Background information about infant milks

The International Code of Marketing of Breastmilk Substitutes

By the early 1970s, the majority of babies in many developed countries were not being breastfed and most infant milks used were commercially produced. The increased use of infant milks was attributed not only to improvements in their nutritional composition but also to vigorous promotion by the manufacturing industry. The WHO *International Code of Marketing of Breast-milk Substitutes* was adopted by a Resolution of the World Health Assembly in 1981 (WHO, 1981). The Code bans all promotion of breastmilk substitutes and sets out requirements for labelling and information on infant feeding. Also, any activity which undermines breastfeeding violates the aim and spirit of the Code. The Code and its subsequent World Health Assembly Resolutions are intended as a minimum requirement in all countries. The Code covers all products marketed in a way which suggests they should replace breastfeeding, including all types of infant milks (including infant formula, follow on formula, toddler milks, specialised milks), baby foods, teas and juices, and equipment such as bottles, teats/nipples and other related equipment. Organisations such as Baby Milk Action in the UK, which is part of the International Baby Food Action Network (IBFAN), review compliance with the WHO Code and highlight examples of non-compliance.

For a 2017 summary of the Code and subsequent WHA resolutions see https://apps.who.int/iris/bitstream/handle/10665/254911/WHO-NMH-NHD-17.1-eng.pdf?ua=1

The UK was one of the strongest supporters of the International Code when it was adopted in 1981. Also, as a signatory to the 1990 Innocenti Declaration on the Protection, Support and Promotion of Breastfeeding, the UK Government committed itself to “taking action to give effect to the principles and aim of all the articles of the International Code ... in their entirety ...” and to enacting “imaginative legislation protecting the breastfeeding rights of working women ... by the year 1995.”

At the 1994 World Health Assembly, UK support for the Code was reiterated once again and the Government 1995 White paper *The health of the nation*, called for an increase in breastfeeding rates (Department of Health, 1992). The Government officially supported the UK Baby Friendly Initiative in which the International Code is the pivotal recommendation. Despite this, in March 1995, the Infant Formula and Follow-on Formula Regulations were adopted as law in the UK, with this law falling short of the International Code in important respects. Most notably, it allows advertising of products through the healthcare system, in direct contravention of the WHO International Code.

Amongst the provisions of the 1995 legislation is a ban on the advertising and promotion of infant formula, but these measures are regarded as ineffectual by many breastfeeding advocacy groups and health professionals. Their view is that manufacturers have taken advantage of limitations in the scope of the regulations that have enabled them to advertise and promote follow-on formula in such a way that it is unclear whether the product being promoted is infant formula or follow-on formula. Current legislation (the Infant Formula and Follow-on Formula Regulations 2007) attempts to impose a few further limits on the advertising and promotion of infant milks, but has not prevented generic promotion of brand name, or the promotion of follow-up formula. We will report on new regulations coming in to
force from the 22nd February 2020 (Brexit dependent) and the impact these may have on advertising and promotion in the next iteration of this report.

For information about the Code and the work of The Baby Feeding Law Group see www.bflg-uk.org.