



## Legislate the WHO Code in Australia

**ABA calls for new legal controls of the marketing of infant formula in Australia that align with the full scope of the International Code of Marketing Breastmilk Substitutes and subsequent WHA resolutions, including funding for monitoring and enforcement of strong penalties, within 2 years.**

### What is ABA's position?

ABA has led the need for improved regulation of marketing of breastmilk substitutes for many years and has been closely involved in the process over the last 12 months to provide evidence about the previous Australian industry code – The MAIF Agreement. ABA remains committed to advocating for legislation of the full scope of The WHO Code in Australia.

### How can ABA volunteers and members support implementation of this recommendation?

When speaking with or writing to your Federal Member of Parliament:

- Ask them if they are aware that Australia's industry code for advertising and promotion of infant formula products has recently expired?
- Explain that the ACCC reviewed the authorisation of the Agreement and found that it did not benefit the public and so would not be re-authorised.
- Mention that a government-commissioned review of the previous MAIF Agreement last year also stated that the MAIF Agreement was "not fit for purpose" and recommended that it be replaced with a stronger regulatory framework in the form of a legislated, prescribed, mandatory code.
- Let them know that the Department of Health and Aged Care has accepted this recommendation, and the current government intends to create legislation for a mandatory regime to restrict marketing of infant formula, which it expects will take two years to implement.
- Please share any experiences you or other breastfeeding mums have shared with you, about receiving unsolicited and unwanted marketing promotions online for infant or toddler formula. This demonstrates the need to address predatory digital marketing methods in new legislation.
- Ask your MP or candidate if they or their party will be committed to supporting the continuation of this process to bring robust legislation in the next two years that will protect the important infant feeding decisions of all families in Australia.

## Australian National Breastfeeding Strategy: 2019 and beyond (ANBS)

### Action on policy coordination, monitoring, research and evaluation

#### What is recommended?

#### 1.2 Action area—Prevent inappropriate marketing of breastmilk substitutes

Fortunately, we have now moved beyond all of the actions mentioned in this area. Importantly, there is now a commitment to creating new and effective legislation rather than modifying the previous agreement.

#### Why is implementing this recommendation important?

There is clear evidence globally that adopting and enforcing the WHO Code into legislation has a direct effect on both increasing breastfeeding rates and breastfeeding duration and decreases formula sales in each jurisdiction. This does not change access to infant formula when it is needed. It does mean that important infant feeding decisions that families need to make are not influenced by commercial interests.

1. COAG Health Council (2019). The Australian National Breastfeeding Strategy: 2019 and Beyond. <https://www.health.gov.au/sites/default/files/documents/2022/03/australian-national-breastfeeding-strategy-2019-and-beyond.pdf>
2. World Health Organisation (2018). International Code of Marketing of Breastmilk Substitutes. <https://www.who.int/publications/i/item/9241541601>
3. World Health Organization and the United Nations Children's Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. <https://www.who.int/teams/maternal-newborn-child-adolescenthealth-and-ageing/formula-milk-industry>
4. Robinson, H., Buccini, G., Curry, L., & Perez - Escamilla, R. (2019). The World Health Organization Code and exclusive breastfeeding in China, India, and Vietnam. *Maternal & Child Nutrition*, 15(1), e12685.