

FSANZ Proposal P1028 Infant Formula

Response to consultation
July 2023

Recipient

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About Dietitians Australia

Dietitians Australia is the national association of the dietetic profession with over 8500 members, and branches in each state and territory. Dietitians Australia is the leading voice in nutrition and dietetics and advocates for the profession and for the people and communities we serve.

The Accredited Practising Dietitian (APD) program provides an assurance of safety and quality and is the foundation of self-regulation of the dietetic profession in Australia. Accredited Practising Dietitians are the qualified and credentialed food and nutrition experts and have an important role to play during the early years to support all children to receive optimal nutrition to achieve the best start to life.

This submission was prepared by Dietitians Australian staff in collaboration with members following the [Conflict of Interest Management Policy](#). Contributors include Dietitians Australia members with wide ranging expertise in areas including paediatric and maternal health, lactation, public health, and academia.

Summary

Dietitians Australia welcomes the opportunity to input into this proposal and notes the extensive and comprehensive work completed by FSANZ to ensure the protection of public health and safety of all Australians.

Dietitians Australia strongly supports the prohibition of health claims on formula products which is consistent with Ministerial policy guidance and the World Health Organization (WHO) International Code of Breast-milk Substitutes.¹ Given the robust evidence which indicates the formula industry use marketing approaches that mislead and exploit parents' anxieties and aspirations, by misrepresenting science, thereby denying children's health and human rights, by undermining breastfeeding.²

Dietitians Australia notes our previous responses to P1028 and highlights these positions have not changed. We have selected key issues to reinforce in this call for submissions.

While this iteration of the proposal is broadly supported by Dietitians Australia, below outlines critical areas which Dietitians Australia does not support:

- categorisation of partially hydrolysed protein and lactose free/low lactose products
- stage labelling

In addition, to ensure infant safety, avoid consumer confusion and protect scientific integrity Dietitians Australia recommend applying the NHMRC Infant Feeding Guideline standard for the time to discard made-up formula.

Recommendations

Categorisation of partially hydrolysed protein and lactose free/low lactose products

Dietitians Australia maintains the position that for the objective of infant safety the inclusion of partially hydrolysed protein and lactose free/low lactose products must be categorised as Special Medical Purpose Products for infants (SMPPi).³ Any use of medicalised products should be for a diagnosed reason, under guidance of a medical professional, as self-prescription may cause harm, including by preventing the appropriate health monitoring, care and treatment.

Furthermore, the Australasian Society of Clinical Immunology and Allergy (ASCI) does not recommend using partially hydrolysed formula for dietary management of allergy.⁴ Infants with severe allergy, such as Cow's Milk Protein Allergy, who are not breastfed are given extensively hydrolysed or amino acid based (elemental) infant formula products under the guidance of a health professional.

Dietitians Australia notes the following new evidence published in February 2023. The Lancet Breastfeeding Series clearly presents data that there is unsubstantiated scientific evidence for compositions, such as hydrolysed proteins or low lactose.⁵⁻⁸ Robust evidence, however, indicates the promotion of hydrolysed proteins and/or low lactose, lactose free is a marketing strategy which is important for revenue.⁹ This diversification of products has allowed corporations to rename products, with the intention of circumventing marketing regulations that they interpreted as applying to infant formula only, and to cross-promote entire product ranges. Between 2005 and 2019, globally, sales increases were recorded for standard (64%), follow-on (77%), and special formula (95%).¹⁰

Stage Labelling

Stage labelling (using number 1 on infant and number 2 on follow-on formula) is not supported.

Using stages may be seen as promoting continued use. Brand lines have been diversified from largely single formula products for infants aged 0-6 months to include nearly identical product ranges, including follow on products. These products are cross promoted as a natural, numbered progression based on age and development, with themed packaging to emphasise their complementarity.¹¹⁻¹⁴

Recent World Health Organization (WHO) reports from several countries have explored women's attitudes and practices around infant feeding.² In Mexico, for example, the majority of women perceived the need for the different stages of formula milk and spoke of confusion around the information about infant feeding presented on tins of formula milk.¹⁵ Similarly in South Africa, findings highlighted a relationship between exposure of marketing and awareness and perceived need for stage 2 formula products.¹⁶ These findings were duplicated across Bangladesh, China, Morocco, Nigeria, Viet Nam and the United Kingdom. Given the ubiquitous nature of marketing, these findings are familiar globally, including in Australia.¹⁷

Furthermore, WHO guidance recommends that there should be no cross-promotion, for example, colour schemes, designs, names, slogans and mascots other than company names and logos should be used on packaging.¹⁸

Dietitians Australia recommends the use of age ranges, for example 0-6 months, 6-12 months. Ages should be prominently positioned on the front of packaging to avoid confusion and to indicate suitability of use.

NHMRC Infant Feeding guidelines

To ensure infant safety, avoid consumer confusion and protect scientific integrity, Dietitians Australia recommends applying the NHMRC Infant Feeding Guideline recommendations for the time to discard made-up formula.¹⁹ The recommendation is to discard formula after one hour compared to the advice proposed in the discussion paper of two hours.

In addition, investment in quality resources by government to support breastfeeding and consumer information is required. This form of support is free from commercial interests.

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