

2 November 2023

The Hon Mark Butler Minister for Health and Aged Care

Cc: The Hon Ged Kearney, Ass. Minister for Health and Aged Care

Re: 2023 Review of the Marketing in Australia of Infant Formula (MAIF) Agreement

Dear Minister,

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia and seeks to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

We write to highlight the great importance of delivering the Australian National Breastfeeding Strategy 2019 (ANBS) commitment to review the MAIF (Marketing in Australia of Infant Formula: Manufacturers and Importers) Agreement, and specifically to ensure that the community is protected from false and misleading marketing and advertising of breastmilk substitutes that are targeting babies and young children to 36 months of age.

We are aware that the review of MAIF, conducted by Allen and Clarke, has been finalised, and that the report was due to be released in July this year, which was subsequently extended to September 2023. It has now been brought to our attention that the report may not be made public until December 2023.

We are concerned that this would leave very little workable time for the recommendations to be considered and enacted prior to the Infant Nutrition Council seeking reauthorisation in 2024. **We therefore request that either the Allen and Clarke review be released immediately or that the reauthorisation of MAIF be suspended until the report has been released and there has been sufficient time for it to be considered in the decisions related to MAIF reauthorisation.**

With no changes made to MAIF, Australian families will continue to be exposed to deceptive and misleading marketing of infant formulas for an indefinite period (possibly 5-10 years). As highlighted by the [ACCC](#) in 2021, the commercial milk formula industry exploits the fact that MAIF only covers products targeted at children under 12 months of age, and heavily markets their products (e.g., through use of social media influencers), including follow-on products, that are proven to be detrimental to health and unnecessary for child growth and development. The impact of this marketing undermines significant evidence supporting the protective benefits of breastfeeding for the health of mothers and babies across the lifespan.

Regulating formula milk marketing is just one aspect of supporting families to make informed decisions about infant feeding. It is also vital that Australia moves away from the idea that breastfeeding is solely the responsibility of individual women.

While regulation in this area often leads to an increase in breastfeeding rates, it also leads to an increase in informed decision-making. It allows women and their families to make informed decisions based on factual information, not based on marketing spin.

The Australian Government has set an admirable goal of 50% of babies exclusively breastfed to six months, by 2025. It is everyone's responsibility to ensure mothers who want to breastfeed are supported to reach their goals. We must ensure there are robust community supports and healthcare resources in place.

As your Government continues working to meet this goal, we urge you to ensure that adequate protection, monitoring and enforcement is in place with regards to the unethical marketing of the commercial formula industry. The formula industry would happily have MAIF reauthorised in its current state, but it is important that any regulation is enforced and monitored but is also fit for the current times.

We are happy to meet at any time to discuss this issue that meets your convenience.

Yours Sincerely



Adj Prof Terry Slevin

PHAA, Chief Executive Officer



Prof Kathryn Backholer

PHAA, VP (Development)



Tiffany Patterson Norrie

PHAA Representative, WHO Code Taskforce