

Response ID ANON-NN54-U4HS-9

Submitted to Review of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement)
Submitted on 2023-05-12 15:28:19

MAIF Survey

Privacy and Personal Information

1 I acknowledge that I have read and understood the 'Privacy and Personal information'

Yes:
Yes

Publishing Consent

2 Do you provide consent to publish your submission/survey responses? Please indicate your publishing preference:

Yes, please publish my response (name/organisation name included)

PART 1 - Introduction and Demographic Information

3 What is your name or organisation name?

Name::
Public Health Association of Australia

4 What is your email address?

Email::
policy@phaa.net.au

5 Please select the option that best describes you or your organisation?

Health, Public Health Representative/Organisation

If 'Other' is selected, please specify::

If 'Overseas-based Organisation' is selected, please name the country in which your central office is located::

6 Please answer questions i and ii:

i. Have you ever purchased infant formula products for your child or a child under your care (under 12 months of age)? :
No

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words): :

ii. Have you ever purchased 'toddler milk' for your child or a child under your care (aged 12 – 36 months)? :
No

If you selected 'Yes', what affected your decision to purchase a product? (suggested word limit 250 words)::

PART 2 - Is the MAIF Agreement effective in achieving its aims?

14 The MAIF Agreement is effective in achieving its aims.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

MAIF agreement is not effective in achieving it's aims. To become a signatory is voluntary and then it is up to the manufacturer to hold themselves accountable. Additionally, although the MAIF agreement is Australia's response to the international code, the current MAIF agreement is in conflict with the international code and the agreed international standards by the World Health Assembly.

PART 3 - Is the scope of the MAIF Agreement appropriate: is it still meeting the objectives?

15 The scope of the MAIF Agreement is appropriate.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of the MAIF Agreement is not appropriate because it is:

- Voluntary and must be made mandatory,
- Limited to manufacturers and importers and must include retailers and manufacturers who direct sell and supermarket brands,
- Out of date and hasn't kept up with the many World Health Assembly (WHA) resolutions (which form part of the WHO Code) that have been passed to keep pace with the changes occurring around the exploitative marketing of breastmilk substitutes.

The MAIF Agreement should be updated to include all WHA resolutions which have been passed to keep pace with the changes occurring around the exploitative marketing of breastmilk substitutes to provide a blueprint for the effective regulation of formula, toddler milk drinks and breastmilk substitutes.

- limited to infant formula for infants under 12 months of age and should include toddler milk drinks for children aged 12 to 36 months.
- limited in its capacity to deal with social media marketing practices.

16 The scope of products covered by the MAIF Agreement is appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of products covered by the MAIF agreement is not appropriate. The current agreement is voluntary, not mandatory. Although there is regulations in place for manufacturers, this does not cover how the retail environment may choose to market or promote breastmilk substitutes or other products. Further the scope does not cover marketing that happens on digital platforms such as social media. There is also no real time monitoring of breaches to the agreement.

17 The scope of parties covered by the MAIF Agreement is appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The scope of products covered by the MAIF agreement is not appropriate. The current agreement is voluntary, not mandatory. Although there is regulations in place for manufacturers, this does not cover how the retail environment may choose to market or promote breastmilk substitutes or other products. Further the scope does not cover marketing that happens on digital platforms such as social media. There is also no real time monitoring of breaches to the agreement.

18 The MAIF Agreement (under Clause 7) restricts the type of information that can be provided to health care professionals on infant formula products. What activities can be done to increase the awareness of the appropriate use of breast milk substitutes amongst health care professionals?

Please provide more detail about your response (suggested word count 250 words)::

The international code needs to be legislated in full in order to support health professionals. In order to better support health professionals it is essential to ensure that all individuals who may have access to or work with mothers and infants have access to unbiased education so they can be best supported in their role. It is also important that organisations employing these health professionals have strict policies around conflict of interest for things such as the marketing of breast milk substitutes or alternative products.

19 Are the current advertising and marketing provisions covered by the MAIF agreement appropriate?

Strongly disagree

Should the scope be changed to include modern marketing techniques, such as targeting advertising on social media platforms? (suggested word count 250 words)::

Yes, the MAIF agreement was initially developed in a time before a significant shift towards digital marketing however, the agreement has not been updated to reflect this. The scope of the agreement should be changed to be mandatory and include all forms of digital marketing and social media.

What changes would you suggest and how could they be implemented? (suggested word count 250 words): :

Australian Breast Feeding Association uses an Artificial Intelligence tool to scan digital marketing for breaches of the code as a form of monitoring this is an effective solution and could be used to monitor breaches against the international code. The tool should follow guidance from the international code for monitoring, regulation and enforcement.

PART 4 - Are the MAIF Agreement processes appropriate?

20 The MAIF Agreement complaints processes are appropriate.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The complaints process currently relies on a civil society response with no proactive seeking of those signatories who may be in breach of the code. Although this might be effective for those members of society with awareness of the agreement and the complaints process, this is not an effective solution for the vast majority who are not aware. Further, there is minimal transparency regarding the time and process taken from receiving the initial complaint to the manufacturer being held accountable and no current penalty enforcement for breaches.

21 The MAIF Agreement guidance documents are appropriate to support interpretation of the MAIF Agreement?

Strongly disagree

Please provide more detail about your response (suggested word count 250 words):

The current complaints process is reliant upon a civil society complaints system however, these individuals may not have the level of knowledge or awareness to be able to interpret the several guidance documents that exist. Further, the guidance documents that do exist are not appropriate, not easily accessible and do not have appealing formatting or content that may engage and empower the reader.

22 Have you lodged a complaint with the MAIF Agreement Complaints Committee?

No

23 If you selected 'Yes' to lodging a complaint with the MAIF Agreement Complaints Committee (Question 22). Please answer the sub-questions below.

i. How many complaints have you lodged in the last five years?:

ii. When did you lodge your most recent complaint? :

iii. How long did it take to resolve your complaint? :

iv. How did you find the process for lodging your complaint including completing the form and communicating with the MAIF Secretariat? (suggested word count 250 words): :

v. What was the outcome, and what was your view of the outcome? (suggested word count 250 words)::

24 The MAIF Agreement complaints process is independent.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

Independent complaints process should be entirely free from individuals with a conflict of interest and currently it isn't.

25 The MAIF Agreement complaints process is transparent.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

The complaints process is not transparent. The time taken to process a complaint, and the complaints process itself, is not clear in addition to the penalty enforcement if the manufacturer is found in breach of the agreement.

26 The MAIF Agreement complaints process is administered in a timely manner.

Disagree

Please provide more detail about your response (suggested word count 250 words)::

Noted that some complaints from time of submission to the complaint reaching manufacturers can take months. There is no direction provided on what is considered to be a 'timely' approach to processing complaints. The untimely manner of complaint handling is also not appropriate in spaces such as the digital environment as time frames for exposure of content that may be in breach is wide reaching and fast paced.

27 Publication of breaches of the MAIF Agreement is an appropriate enforcement mechanism.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

Locating breaches of the agreement by signatories is not easy to find. Current sanctions need to be larger to enforce compliance from signatories. Simple publication of the breach is not sufficient as this process itself is flawed. In order to make this more visible, breaches need to be search engine optimised for easy identification and pages related to MAIF need to include clear links to identify manufacturers who are in breach of the code.

PART 4 continued - Is the voluntary, self-regulatory approach fit for purpose or are there alternative regulatory models?

28 The MAIF Agreement's effectiveness is not reduced by its voluntary, self-regulatory approach.

Strongly disagree

Please provide more detail about your response (suggested word count 250 words)::

The agreement is definitely reduced by its voluntary and self-regulatory approach, this is one of its biggest flaws besides the overall scope of the agreement. Additionally, since MAIF came into affect, new manufacturers have come onto the market however, these companies have not signed on. Further, other companies who have been identified in breach or who have breached the code many times appear to not be reactive to the breaches in the agreement and hence, continue to be repeat offenders. In short the agreement needs to be mandatory and not self-regulated.

29 What are alternative approaches for regulating infant formula in Australia? In your response, please include how your suggested alternative approach improves outcomes and what would be the impacts of your suggested alternatives on relevant stakeholders? How could negative impacts be managed?

(suggested word count 500 words)::

- A legislative approach that enforces the international code in full
- Tools have been developed in other countries such as Europe to strengthen regulatory framework, this could be used as an example in addition to using international examples of model law
- Ensure that the scope of the MAIF agreement is in alignment with the international code
- Ensuring that monitoring, evaluation and enforcement is regulated appropriately
- Relevant stakeholders include mothers, parents, families and health professionals. Changes would allow parents to make more informed decisions.
- Do not foresee any negative impacts other than commercial impacts which is not part of the scope of the agreement.

PART 5 - What are the benefits, costs and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes?

30 What changes would you make to the MAIF Agreement and its processes?

a. (suggested word count 250 words)::

- Voluntary agreement must be made mandatory, in Addition to manufacturers and importers, must include retailers and manufacturers who direct sell and supermarket brands,
- The Agreement needs to be updated to keep up with the many World Health Assembly (WHA) resolutions (which form part of the WHO Code) that have been passed to keep pace with the changes occurring around the exploitative marketing of breastmilk substitutes.
- The Agreement should be updated to include all WHA resolutions which have been passed to keep pace with the changes occurring around the exploitative marketing of breastmilk substitutes to provide a blueprint for the effective regulation of formula, toddler milk drinks and breastmilk substitutes.

b. What do you think would be the potential benefits of these changes (suggested word count 250 words)?:

Potential benefits include greater alignment with Australian commitment to the international code, improved information and support for families and health professionals and improved MAIF agreement.

c. What do you think would be the potential costs of these changes (suggested word count 250 words)? :

d. What do you think would be the potential limitations of these changes (suggested word count 250 words)?:

We do not foresee limitations to these changes.

31 To support your responses under Part 5 - the benefits, cost and any limitations of changes and expansion of the agreement scope, alternative regulatory models and MAIF Agreement processes. Please attach supporting evidence (data or literature) here.

Upload (word or PDF) document:

No file uploaded

PART 6 - Final Comments

32 Do you have anything further to add?

(suggested word count 250 words)::

The current MAIF agreement is insufficient. An updated agreement needs to be in alignment with the International code. It is also essential that following this review process that the changes and updates are tangible and put into action.