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Submission to the Legislative Council Panel on Food Safety and Environmental Hygiene and Panel on Health Services on the Proposed Regulatory Framework on Nutrition and Health Claims on Infant Formula, Follow-up Formula, and Pre-packaged Foods for Infants and Young Children Under the Age of 36 Months in Hong Kong

Written statement prepared by Marie Tarrant RN MPH PhD on behalf of the School of Nursing, University of Hong Kong.

The School of Nursing at the University of Hong Kong, being an organization highly concerned with the promotion of the health and well-being of Hong Kong children, welcomes the development of the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products and Food Products for Infants and Young Children (HK Code) to regulate the marketing and quality of infant formula and related products.

On behalf of the School of Nursing, I am writing to express our views on the proposed five overarching principles stated in the consultation document released in January 2015. We strongly support and advise the Hong Kong government to implement the restrictive approach so that all nutrition and health claims should be prohibited in infant formula, follow-up formula, as well as IYC foods, and that all advertising of these products is not allowed. We provide the following rationale to support the restrictive approach:

1. Breastfeeding provides substantial health benefits to Hong Kong infants and children.

Breastfeeding is both a key public health and public policy issue. The benefits of breastfeeding to both the infant and the mother have been widely recognized.^{1,2} While more Hong Kong mothers are choosing to breastfeed their babies, few Hong Kong women exclusively breastfeed for the recommended six months of age, and most stop breastfeeding within the first few months.³ As in many other developed societies, formula feeding is the cultural norm and breastfeeding is not widely observed in society. However, even in a highly developed society such as Hong Kong, breastfeeding provides substantial health benefits over infant formula. Studies have shown that Hong Kong infants exclusively breastfed for ≥ 4 months have 27% lower rate of doctors' visits for respiratory infections and a 21% lower rate of visits for gastrointestinal infections.⁴ In addition, Hong Kong infants exclusively breastfed for the first 3 months of life had a 36% lower risk of hospital admission for respiratory infections and a 49% lower risk of hospital admission for gastrointestinal infections.⁵ The health risks associated with exposure to formula milk in infants are similar to those associated with environmental tobacco smoke exposure.⁶⁻⁸ Studies conducted in other populations also show that breastfeeding is associated with long-term developmental benefits in several areas, such as cardiovascular risk factors,⁹ intellectual capacity,^{10,11} and allergy.¹²⁻¹⁵ Thus, protecting breastfeeding in Hong Kong would have substantial health benefits for young infants and substantial cost savings.

2. Breastfeeding babies in Hong Kong are exposed to infant formula early in life and infant formula supplementation substantially shortens the duration of breastfeeding.

Although about 85% of Hong Kong mothers initiate breastfeeding,¹⁶ the majority of breastfeeding infants start receiving infant formula very soon after birth. Recent research in Hong Kong public hospitals shows that about 60% of breastfeeding babies receive supplementary infant formula before leaving the hospital.³ This same study also found that the more infant formula infants receive while in the hospital, the shorter the duration of breastfeeding. There is also a high prevalence of formula supplementation across the first year of life with less than one-half of all breastfeeding mothers doing so exclusively. Infant formula companies have been very successful in perpetuating and reinforcing the now widely accepted myth that many mothers do not produce sufficient breast milk to exclusively breastfeed and that some formula supplementation is required to meet infant nutritional needs.¹⁷ Since breastfeeding is an 'on-demand' system whereby the removal of milk from the breasts stimulates the production of more milk, the provision of infant formula supplements substantially undermines new mother's efforts to initiate and maintain breastfeeding. When breastfeeding is replaced or supplemented with infant formula, less breastmilk is produced, thus necessitating the need for further formula supplementation. Thus, infant formula manufacturers have strong financial incentives to have breastfeeding infants receiving infant formula as early as possible.

3. Hong Kong mothers are exposed to substantial marketing of infant formula and related products and it does influence their infant feeding choices.

New mothers are exposed to infant formula advertising in many different ways. Baby and parenting magazines, baby expos, mothers groups, and even public transit venues all bombard mothers with advertisements from formula manufacturers making unsubstantiated claims about the superiority of their milk formula. One-half of all breastfeeding mothers in Hong Kong report that they have been given free infant formula samples before their infant is one-month old, a figure that is unchanged since 2006.¹⁸ This suggests that infant formula marketing continues unabated in Hong Kong and decisive measures are needed to stop the unethical practices of formula manufacturers. In addition, when choosing a brand of infant formula, many mothers choose the brand that the baby was given in the hospital, a brand that they received free samples of, or a brand based on an advertisement. All of these factors show that infant formula manufacturer's strategies of aggressive advertising and providing free infant formula samples to new mothers are very effective marketing strategies to improve their brand awareness and to increase their market share.

4. As the local and global markets for infant formula decrease due to the increase in breastfeeding rates, formula manufacturers are aggressively pursuing new markets and creating entire new categories of products.

As new mothers around the world are increasingly breastfeeding their babies, the market for traditional infant formula products has declined. This has resulted in an explosion of growing up milk products for older children (toddler milk). These new products not only open up new markets for formula products but also increase overall brand awareness. Toddler milks are now the formula industry's largest selling product with a market that currently reaches almost \$20 billion. Despite the many outlandish claims of the benefits of these milks for children, there is **NO** evidence that these products provide any health benefits.¹⁹ In addition, many new parents do not distinguish these products from the infant

formula counterparts as the brand promotion and advertising present similar packaging and outward appearance. Thus, allowing formula manufacturers to continue to promote these products not only jeopardizes the health of Hong Kong children, it would likely also result in the increased use of infant formula among young infants.

5. The recent decision by the Hospital Authority to no longer accept free infant formula products from manufacturers has increased the rate of in-hospital exclusive breastfeeding and has increased breastfeeding rates among Hong Kong mothers.

For decades, infant formula manufacturers have willingly provided maternal health care facilities with free infant formula products to distribute to new mothers. Formula companies are aware that infant formula given to infants soon after birth substantially increases the chance that mothers will continue to purchase formula products for at least the next year. This free infant formula provided to hospitals has been a very effective marketing strategy for their products. When hospitals provide infant formula to new mothers, there is an implicit endorsement by the hospital and the health-care provider of both the infant formula product itself and the specific brand that the hospital is providing. Mothers do take notice of this and it strongly affects both their infant feeding behaviours (i.e., they are more likely to continue to use formula supplements or switch to formula altogether) and the brands of infant formula they select for their infants. After HA hospitals stopped accepting free infant formula in April 2010, the in-hospital rate of exclusive breastfeeding among breastfeeding mothers increased from 17.7% to 41.3%. In addition, the proportion of breastfeeding infants still breastfed at 12 weeks increased from 41.7% prior to the policy implementation to 50.2% after policy implementation.²⁰ These results provide evidence that limiting the marketing of infant formulas can increase breastfeeding rates in Hong Kong. Further restriction of infant formula manufacturer's marketing and promotion efforts would undoubtedly further increase the breastfeeding rates and the exclusivity of breastfeeding among Hong Kong mothers.

6. The proposed inclusive approach would not have any affect on the marketing of formula products in Hong Kong so the more restrictive approach is required.

Current advertisements and promotional initiatives of the formula manufacturers demonstrate that product marketing and not truth in advertising is their priority. Infant formula manufactures have a lengthy history of false and misleading advertising and overstating the health benefits of their products.²¹ If the proposed "Inclusive Approach" outlined in the consultative document is adopted this will continue unabated and the current situation of rampant marketing and unsubstantiated claims will persist. If the Government adopts the "Inclusive Approach" this will still allow the formula companies substantial leeway in making health and nutrition claims and they will continue the deceptive advertising practices. Thus, the "Restrictive Approach" is the only strategy that will have any meaningful effect on these unethical practices.

In Summary, the School of Nursing at the University of Hong Kong strongly encourages the Hong Kong government to adopt the Restrictive Approach in regulating the nutrition and health claims on formula products and ICY foods. This strategy will help to protect and support breastfeeding while protecting Hong Kong parents from the unscrupulous marketing tactics of infant formula manufacturers.

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