



Submission Re: Proposed Regulatory Framework on Nutrition and Health Claims on Infant Formula, Follow-up Formula, and Prepackaged Foods for Infants and Young Children Under the Age of 36 Months in Hong Kong)

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LLLHK Submission on Nutrition and Health Claims April2015.pdf

Good evening

Please find attached the Submission from La Leche League Hong Kong in relation to the above

regards

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La Leche League Hong Kong

LA LECHE LEAGUE HONG KONG
SUBMISSION ON PROPOSED REGULATORY FRAMEWORK - Nutrition and Health Claims on Infant Formula, Follow-up Formula, and Prepackaged Foods for Infants and Young Children Under the Age of 36 Months in Hong Kong

History

1991- World Health Organisation (WHO) launched the Code of Marketing of Breastmilk Substitutes following the scandals with Nestle promoting their products in third world countries leading to the unnecessary deaths of babies. (WHO Code)

1994 - Baby Friendly Hospital Initiative was launched in Hong Kong. (BFHIHK)

2010- Taskforce to promote a Hong Kong version of the WHO Code commenced. (HK Code)

2012- Four month public consultation on draft HK Code held under the Family Health Service within the Hong Kong Department of Health.

2014 – Report on public consultation released to LegCo. It is quite clear from the report that the majority of submissions were in support of the draft HK Code and in many cases proposed an extension of the HK Code. Of the 45 submissions against the code, 43 were from the trade. The majority of submissions in support of the HK Code were from the medical profession, NGOs and the general public.

Later the same year, consultation was sought on legislation of nutrition composition & labelling of formula and food products for infants and young children through the Dept of Food & Environmental Hygiene. This is one very small aspect of the draft HK Code and would not be implemented until 2015/16 at the earliest. The results of this consultation are not yet available.

2015 consultation is now being sought on nutrition and health claims for the same foods, also under the Food & Environmental Hygiene department. Again this is one very small part of the HK Code, claims made on the packaging of such products. It does not appear to cover claims made in advertising, social media and marketing communications.

Problem

The WHO Code has been around since 1991. It is now 2015 and Hong Kong has rampant abuse of all aspects of the WHO Code due to the lack of any regulation or voluntary requirement to comply with the Code within Hong Kong.

As a result we are surrounded by formula advertising which makes many unproven and sometimes incorrect claims about their products (although of course carefully worded).

We currently have **no** Baby Friendly Hospitals in Hong Kong after 21 years.

Formula samples are handed to mothers outside hospitals.

The formula trade regularly sponsors medical professionals in terms of conferences, equipment and marketing tools. As a result many of them are not only poorly informed

about breastfeeding, but provide vulnerable mothers with wrong information as well as, in many cases, suggesting supplementation with formula or replacement of breastfeeding with formula is required, when there is no need whatsoever.

Despite the health sector supporting the draft HK Code:

50% of full term, healthy babies born in Hong Kong public hospitals are given formula within 24 hours of birth even though 90% of Hong Kong mothers desire to breastfeed, although some of these hospitals are supposedly working towards Baby Friendly status. (1)

Paediatricians and other medical professionals in the maternity sector regularly give totally incorrect information about the impact of formula on breastfeeding – we know this because the mothers come to us to question what they have been told.

The formula trade is a powerful lobby with huge incentive to expand its market. The trade has large amounts of money and other resources that are not shared by the medical profession, NGOs such as La Leche League Hong Kong and the general public. The formula trade say they fully support breastfeeding, while their behaviour demonstrates that this is blatantly untrue. The situation in Hong Kong is not going to change unless very strong action is taken and history so far suggests that this is not going to happen.

The trade have made it clear that many will not comply with a voluntary HK Code and they are taking all action possible to ensure they never have to deal with an enforceable code.

Recommendation

La Leche League Hong Kong fully supports the regulation of nutrition and health claims on infant formula and follow on formula as this forms a small part of the WHO Code and the draft HK Code.

Quite clearly, to be in line with the WHO Code the restrictive approach as outlined in the table on page 24 of the Consultative Document would need to apply. None of the current claims by the trade are substantiated in any reliable scientific way and this will not change unless a restrictive approach is taken. Research demonstrates that current claims have been effective in misleading 50% of the Hong Kong population into believing that formula has specific health benefits not available through other forms of nutrition(2) so there is likely to be great resistance to this proposed legislation from the trade.

Unfortunately, this step on its own is way too little, too late. There is a reason why Asia is the biggest market for the formula trade – the lack of regulation. La Leche League Hong Kong urges the Hong Kong Government to accelerate the introduction of the HK Code, making it fully enforceable through legislation within 12 months.

**Caroline Carson on behalf of
La Leche League Hong Kong
10 April 2015**

1. Source Dr Marie Tarrant, Hong Kong University School of Nursing
2. Source: Dept of Health Survey of Infant and Young Child Feeding 2012