

## IBFAN

It has come to our attention that the European Commission is inviting comments on the Discussion Paper on Nutrition Claims and Functional Claims

Unfortunately, what happens in Europe affects all countries, especially in the so-called Third World. While our governments should develop and adhere to their own standards, these are quite often either absent or mirror EU or USA regulations. Dumping, fear of WTO retaliations, lack of technical know-how, small populations, expediency, etc. All kinds of reasons lead to dependency to a large degree of EU standards. For better or for worse. We welcome the opportunity to give very brief comments on the excellent paper and hope they will count for something even though we are neither voters or tax payers. We are consumers of EU products !

It is important to ensure that any rules formulated to govern nutritional and functional claims on food products for infants and young children, take into consideration the standards set by the International Code of Marketing of Marketing of Breastmilk Substitutes on promotion, labelling and quality. The Code, however, does not specifically mention "claims" probably because in 1981 this was no a major threat.

Having surveyed marketing practices for many years now, we would favor a total ban on Nutrition and Functional Claims. We found an upsurge in claims and noted that most claims are indeed misleading and not substantiated by scientific evidence. Visual, cognitive, intellectual advantages cannot be derived from single additives to cows' milk just because such an additive has been identified as existing in breastmilk.

Nutritional claims are known to be used as marketing tools to idealize products. While that might lead to the consumer favoring one brand to another with some foods , the competing product for infant foods is breastmilk and that is notoriously bad at advertising itself because no-one earns a penny from it and no marketing department backs it up. So the situation is very unequal and this helped to bring us to the conclusion that NO claims should be allowed at all at least for the foods intended for infants and young children up to two years of age.

A recent worldwide monitoring exercise conducted by our office reveals that European companies are using unsubstantiated claims as marketing tools thus breaching the very foundation of the International Code which prohibits all forms of promotion to the public.

Milupa, for example, uses the following claims on its labels to sell its products:

Conformil 1: "favours a bacterial intestinal flora similar to breastfeeding".

Aptamil HA 1: contains all the nutrients to satisfy the nutritional needs of the infant".

Milupa Oatmeal Cereal: "...contains iron-fortified infant formula that ensures babies receive the perfect balance of nutrients".

Another company, Nutricia, claims that its product Omneo 1 "meets all the nutritional needs of a suckling infant" while its product, Bebelac claims that its nutrient levels comply with the recommendations of WHO !!

Nestle claims that its product, Good Start is "easier for baby to digest" and that Nativia's composition is "based on that of breastmilk".

Since most commercially prepared baby foods are exported from Europe to other parts of the world, which do not always enjoy the same consumer protection as in Europe, it is fitting that either a ban or very stringent high standards on claims be imposed and adhered to at source.

The Directorate could also consider adopting provisions which facilitate complaints or criticisms with respect to labelling practices of EU-based companies by consumers outside Europe. Council Resolution 92/C 172/01 on the marketing of breastmilk substitutes in third countries by community based manufacturers is a precedent but that Resolution is in danger of becoming a dead letter law and needs to be further elucidated.

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*The International Baby Food Action Network (IBFAN) works for better child health and nutrition through the promotion of breastfeeding and the elimination of irresponsible marketing of infant foods, bottles and teats.*

*The International Code Documentation Centre (ICDC) is established by IBFAN to focus on the implementation of the International Code and keeps track of Code implementation worldwide.*

*IBFAN is the winner of the 1998 Right Livelihood Award.*

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