



1998 RECIPIENT OF THE RIGHT LIVELIHOOD AWARD

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Caroline Flint, MP
Minister of State for Public Health
Department of Health
Richmond House
79 Whitehall, London, SW1 2NS

14th July 2006

Dear Caroline,

Please reject new European legislation which will harm infant health

Further to our correspondence with the Baby Feeding law Group, I am writing to you now on behalf of the International Baby Food Action Network about the European Commission Directive covering the marketing of breastmilk substitutes. This will be voted on at **the Standing Committee on the Food Chain and Animal Health (SCoFCAH)** next Wednesday, 19th July and we are writing to urge the UK to maintain its strong position and to reject the proposals as they now stand. We believe that the proposals are not only inadequate, but also potentially harmful.

IBFAN groups, leading health professional bodies in the UK, and all the health and consumer bodies that have been consulted by the European Commission, have expressed serious concerns about the potential impact of the proposals. All these calls have been ignored along with the advice of the Commission's own advisory body, the Scientific Committee for Food on how breastmilk substitutes should be labelled. The Commission seems determined to push ahead with proposals which will undoubtedly expand the baby food market at the expense of breastfeeding.¹

We are pleased that the UK and several other member states have consistently called for amendments which would strengthen the Directive, and note the UK's response to the EU Commission's Green Paper, *Promoting Healthy Diets and Physical Activity*, in which you highlighted the need for the Commission to support government's efforts to implement the *Blueprint for Action* and the *WHO Global Strategy on infant and Young Child Feeding*.

We hope the UK and other member states will vote no on Wednesday. In case the Directive is approved, has the Government done an assessment confirming that it can fully implement the *International Code of Marketing of Breastmilk Substitutes* and subsequent relevant World Health Assembly Resolutions if the Directive is passed? We will continue to call for full implementation of the Code and Resolutions, as will the UN Committee on Convention of the Rights of the Child (CRC).. Surely it is better to get this Directive right now, rather than adopt a harmful piece of legislation for the sake of expediency and then become embroiled in legal battles with the Commission to fulfil the Government's obligations to protect infant health.

Unless changes are made, UK health services will have to pick up the costs of the ill health resulting from bottle feeding in both mothers and babies: increased incidence of breast cancer, ovarian cancer, diabetes, bone fractures in women and increased risk of infections, diarrhoea, diabetes, etc in babies. The Directive will also undermine the efforts of the European Commission and Member States to counter the obesity epidemic. As you so rightly acknowledge, breastfeeding represents an ideal window of opportunity for the prevention of overweight and obesity.

The proposals will also have a damaging impact on policy setting in Third countries and Codex Alimentarius (where an infant formula standard is at a critical stage), conveying the impression that inappropriate health and nutrition claims and other harmful marketing practices are approved by Europe's health community. In fact, nothing could be further from the truth.

We believe that the Commission's proposals, by allowing companies to use new nutrition claims which will idealise breastmilk substitutes, and by failing to include a provision for Member States to ban follow-on formula advertising, will seriously undermine breastfeeding. None of the permitted claims (apart from the Lactose claim) were recommended by the Scientific Committee for Food and the health claim relating to allergies (which the Baby Feeding Law Group has raised with you) has recently been rejected by the US Food and Drug Administration. The Directive will also pose risks for bottle-fed babies, because they allow manufacturers to add new ingredients on an optional basis (tied into claims) before their safety has been investigated by European Food Standards Authority.

In the light of these concerns IBFAN is calling on the UK to reject these proposals as they now stand and seek assurance from the European Commission that no EU Member States will face legal challenges if they implement provisions of the Code and Resolutions in their efforts to protect infant health. The Commission has suggested it cannot include certain provisions because of the constraints of the PARNUTS Framework Directive¹. Instead of allowing such a weak and faulty Directive to be adopted, should we not put the issue on hold while we seek changes in the PARNUTS Framework Directive.

We would be very pleased if we could meet you to discuss these issues and strategies for improving breastfeeding rates in the UK.

Yours sincerely



Patti Rundall, OBE
On behalf of IBFAN

For more information (and the comments on the revised Directive by the Baby Feeding Law Group):
www.babyfeedinglawgroup.org.uk/advocacy.html www.nct.org.uk/media/pressrelease?prid=43
http://ec.europa.eu/food/consultations/comments_en.htm www.ibfan.org/site2005/Pages/article.php?art_id=298&iui=1
www.babyfeedinglawgroup.org.uk/monitoring/monreportcompanies.html

The main concerns about the Commission's Proposals for a new Directive are that:

1. Four new Nutrition Claims and a Health Claim will be permitted for infant formulas. Additional claims can be added at any time provided they are cleared by the Commission or certain bodies. Nutrition and health claims on breastmilk substitutes are always misleading because they highlight individual ingredients and idealise the product, implying a health advantage and/or equivalence with breastfeeding. One of the claims permitted by the Directive has been rejected by the US Food and Drug Administration because they considered there was "no credible evidence to support the company's claim" None of the claims were recommended by Scientific Committee for Food apart from one relating to Lactose.
2. Follow-on milk promotion will continue to be permitted. Member States will have to face a challenge from the Commission if they try to ban such promotion. The UK has submitted evidence that this promotion is misleading parents and undermining health, including evidence that 30% of British mothers been given the impression – principally through the aggressive advertising of **follow-on formula** (presently permitted under the Directive) - that **infant formula** is 'as good as' if not 'better' than breastmilk.¹
3. New ingredients can be added before their safety has been investigated by European Food Standards Authority (EFSA).