

Response ID ANON-WK8Q-NFSY-B

Submitted to **Foods for Special Medical Purposes for Infants, Infant Formula and Follow On Formula and Addition of Vitamins and Minerals**
Submitted on 2019-11-14 12:08:55

Foods for Special Medical Purposes for Infants, Infant Formula and Follow On Formula and Addition of Vitamins and Minerals

1 Please note that Food Standards Scotland may publish details that you supply in legitimate pursuit of the functions of the organisation. Do you agree to the publication of your personal details and response?

Yes, all of my response and name/organisation can be published.

2 What is your name?

Name:

Victoria Sibson

3 What is your email address?

Email:

vicky@firststepsnutrition.org

4 What is your organisation?

Organisation:

Baby Feeding Law Group UK

Foods for Special Medical Purposes for Infants

5 Are you content with the proposal to mirror and enforce the Delegated Regulation 2016/128 on rules on FSMP for infants?

Yes

Please provide details:

BFLG-UK supports the improved consumer protection the adoption of this much stronger delegated regulation is intended to bring. The adoption and enforcement of this delegated regulation is important for the following reasons:

The new regulations prevent: 1. The use of nutrition and health claims on FSMPs; 2. The use of idealising images or text in labelling and advertising of FSMPs; 3. Point-of-sale advertising, the giving of samples and other promotional devices to induce FSMP sales at the retail level; and 4. The provision of free or subsidised FMPs, samples or any other promotional gifts by manufacturers and distributors to members of the general public (including mothers, pregnant women and their families). They also restrict FSMP advertising to publications specialising in baby care and in scientific publications. These five improvements to the regulations should contribute to reducing inappropriate FSMP marketing which may undermine breastfeeding and leads to the use of FSMPs for infants who do not have a medical requirement for them.

In addition, the requirement in the new regulations for packaging to be designed to make a clear distinction between FSMPs and infant formula and follow-on formula should reduce consumer confusion and therefore misuse of FSMPs for infants who do not have a medical requirement for them.

The new regulations also allow permitted advertising to provide only information that is scientific and factual, which should reduce the extent to which health care professionals are misled, as may be the case currently (e.g. see First Steps Nutrition Trust's report 'Scientific and Factual: A further review of Breastmilk Substitute advertising to healthcare professionals' available at <https://www.firststepsnutrition.org/working-within-the-who-code>).

Lastly, by stipulating the use of language easily understood by consumers for the mandatory particulars on these products, the new regulations should better support the safe and appropriate use of FSMPs by consumers.

Whilst we support the adoption of the delegated act in preference to maintaining current legislation, our preference would be that Scottish law upholds all the provisions of the WHO Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly resolutions. Aligning Scottish law with 'the Code' would provide the strongest protection to breastfeeding and formula fed infants, including those who have a medical requirement for an FSMP.

6 Are you content with the proposal to mirror and enforce Article 15 and the Annex to the FSG Regulation 609/2013 with regard to the Union list of substances that can be added to FSMP for infants and IFFOF

Yes

Additional information:

Although the justification for the addition of some substances to FSMP that are not permitted in infant formula and/or follow on formula needs investigation and clarification when the opportunity arises.

7 Do you have an alternative proposal?

No

Please provide your reasons:

Infant Formula and Follow On Formula (IFFOF)

8 Are you content with the proposal to mirror and enforce the Delegated Regulation 2016/127 rules on IFFOF?

Yes

Please provide your reasons:

BFLG-UK supports the improved consumer protection the adoption of this strengthened delegated regulation is intended to bring. We see the adoption and enforcement of this delegated regulation as valuable for two reasons. Firstly, the new regulations prevent the use of nutrition and health claims on infant formulas. This should contribute to reducing inappropriate marketing of these formulas which may undermine breastfeeding. Secondly, the new regulations require packaging to be designed to make a clear distinction between infant formula and follow-on formula particularly in respect of the text, images and colours used, to avoid confusion between them. This wording is more specific than in the current regulations and we are hopeful that compliance by manufacturers should contribute to reducing consumer confusion and therefore misuse of follow-on formula for infants under six months of age. We are also hopeful it would stymie the inappropriate cross-promotion of infant formula, which we believe is an important negative consequence of the similar packaging of these two formula types, undermining breastfeeding.

As for the FSMP regulations, whilst we support the adoption of the delegated act in preference to maintaining current legislation, our preference would be that Scottish law upholds all the provisions of the WHO Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly resolutions. Aligning Scottish law with 'the Code' would provide the strongest protection to breastfeeding and formula fed infants.

9 Are you content with the proposal to mirror and enforce Article 15 and the Annex to the FSG Regulation 609/2013 with regard to the Union list of substances that can be added to FSMP for infants and IFFOF

Yes

Please provide details:

Although the justification for the addition of some substances to FSMP that are not permitted in infant formula and/or follow on formula needs investigation and clarification when the opportunity arises.

10 Do you have an alternative proposal?

Please provide details:

No

Addition of Vitamins and Minerals

11 Are you content with the proposal to amend the Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 to include, under offences and penalties a provision for article 8 and Annex III of the European Regulation 2006/125/EC?

Yes

Please provide your reasons:

12 Do you have an alternative proposal?

No

Please provide your reasons:

Consultation Feedback Questionnaire

13 How did you become aware of this consultation?

Please type response here::

Food Standards Scotland email sent to my colleague

14 If you / your organisation are not responding to the consultation, please tell us why?

Please type response here::

15 Do you feel you were given enough time to respond to the issues/proposals in the consultation?

Please select from options below:

Yes

16 Were the proposals clearly set out and easy to understand?

Please select from the options below:

Yes

17 Do you have any suggestions on how the consultation package could have been improved?

Please type response here::

18 If you received this consultation direct, were the contact and address details correct? If not, please kindly provide the correct contact details for us to use in the future.

Please type response here::

19 Do you still wish to remain on our consultation list?

Please select from the options below::

Yes

20 Are there any other subject areas on which you would be interested in receiving future consultations?

Please type response here::