

Editorial

Carolyn Briggs

Editor

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The review of the MAIF Agreement

The Manufacturing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement) is one of the Australian Government's responses to the requirements of the World Health Organization (WHO) International Code of Marketing of Breastmilk Substitutes (WHO 1981). The MAIF Agreement (1992) (Department of Health & Aged Care 2023a) is a voluntary code of conduct between manufacturers and importers of infant formula and is self-regulated. Not all manufacturers and/or importers are signatories to the MAIF Agreement and compliance is only monitored through complaints made to the MAIF Agreement Complaints Committee, which publishes alleged breaches on the Department of Health and Aged Care website. As such, there has been criticism of the Agreement as ineffective in restricting inappropriate marketing of breastmilk substitutes.

As part of its commitment to the Council of Australian Governments' (COAG) *Australian national breastfeeding strategy: 2019 and beyond* (COAG 2019), the Department of Health and Aged Care is reviewing the MAIF Agreement (Department of Health & Aged Care 2023b). Allen + Clarke Consulting has been commissioned to report on the effectiveness of the MAIF Agreement in meeting the requirements of the WHO Code. The consultants have undertaken focus groups and interviews with key stakeholders, and MCAFHNA was represented by the Chairperson, Louise Wightman. An online survey was conducted, open to any interested parties, and MCAFHNA members were sent links to key documents and encouraged to participate in the survey which closed on 12 May.

The WHO (2016) has raised concerns about the marketing of inappropriate foods for infants and young children. Although the MAIF Agreement prohibits manufacturers and importers from marketing formula for infants up to the age of 12 months, there is no restriction on marketing follow-on formula for toddlers and children. Furthermore, marketing practices have changed since the introduction of the MAIF Agreement, and social media and internet sites aimed at pregnant women and parents have provided manufacturers and importers with new and unregulated advertising channels.

The review is also considering the appropriateness of current regulatory processes in the Agreement. The MAIF Agreement Complaints Committee, which considers complaints made by members of the public to the Department, may publish the complaint on the Department website but otherwise has no

authority to apply sanctions. Furthermore, the Complaints Committee does not deal with complaints made against companies who are not signatories to the Agreement (Department of Health & Aged Care 2023b).

The scope and effectiveness of the current MAIF Agreement have also been questioned by the Australian Competition and Consumer Commission (ACCC 2021). The ACCC had concerns about the marketing of toddler milk, which often has identical packaging to infant formula, and questioned the independence of the complaints process and the lack of sanctions for a breach of the Code.

The review of the MAIF Agreement is considering whether the current voluntary, self-regulating approach enables the full application of the WHO Code, as envisaged by the WHO. The Australian Breastfeeding Association (ABA 2023) has submitted that the Agreement is not fit for purpose and needs to be replaced by legislation of the full WHO Code. The ABA maintains that the current Agreement does not protect infants and children from unethical marketing practices, particularly when products are marketed on unregulated digital marketing platforms. Limitations include the voluntary nature of membership, and that the Agreement does not apply to all importers and manufacturers of infant and toddler formula or to retailers such as supermarkets and pharmacies.

The review into the MAIF Agreement is currently ongoing and it is likely the final report will not be published until 2024 at the earliest. Maternal child and family health nurses have a commitment to promoting breastfeeding and optimal infant and child nutrition, and therefore we have a vested interest in a review report that adequately addresses the issues raised.

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Dr Carolyn Briggs

editor@mcafhna.org.au

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