

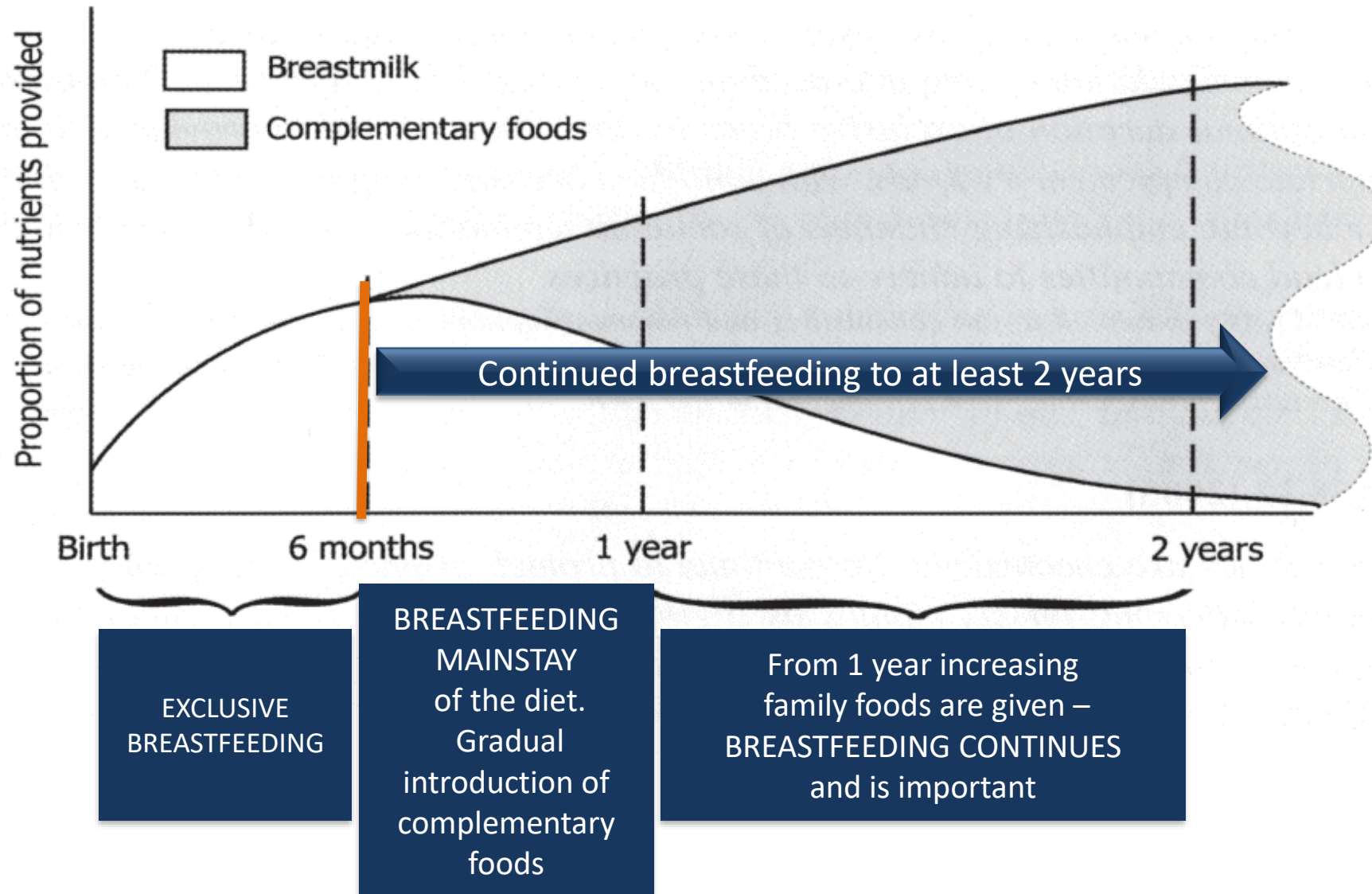


Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)

Jane Badham
Consultant to the ARCH Project

November 2021 

Optimal Infant and Young Child Feeding



Growth in Follow-up Formula markets across countries (Euromonitor 2017)



Country	Stunting rate (% children <5)	% Volume growth 7-12 months	% Volume growth 13+ months
BRAZIL	7	40	37
PERU	15	34	61
MEXICO	14	2	5
KENYA	26	23	21
NIGERIA	33	27	12
SOUTH AFRICA	24	18	23
CHINA	9	45	80
THAILAND	16	12	23
INDONESIA	36	19	48
FRANCE	N/A	- 1	- 4
CANADA	N/A	- 4	- 9



Total economic losses
USD 341.3 billion

0.7% of global gross
national income





**World Health
Organization**

All United Nations
Member States
can be members.

C O D E X
International Food Standards
A L I M E N T A R I U S

Standard setting.
Standards not binding.



What is Codex?

Codex Alimentarius Commission:

- 189 member-states
(Note: country delegations can have non-government participants).
- 240 'observers' currently (non-state actors, such as international organizations, civil-society and industry associations.
Vast majority represent the private sector).



What is Codex?

- **Codex Alimentarius:** The body of texts developed by the commission (standards, guidelines).
- Dual mandates:
 - Protect consumer health
 - Remove barriers to trade.
- Promotes international **harmonization**.
- Works through committees – such as Committee on Nutrition and Special Dietary Uses (CCNFSDU) and the Committee on Food Labelling (CCFL).

WTO: a balance between rights and obligations

- WTO agreements are designed to establish a balance between **rights** (to regulate) and **obligations** (to facilitate trade).
- WTO members may implement measures and regulations so long as they are:
Non-discriminatory, not more **trade restrictive** than **necessary** ... to achieve a **legitimate objective** (e.g. protect human health).
- Some WTO agreements require (SPS) or strongly encourage (TBT) the use **of international standards** like Codex.
- Under the TBT agreement, following international standards creates a rebuttable presumption that a measure does not create an unnecessary obstacle to international trade.



WTO and Codex: specific trade concerns



“The representative of Canada said that while supporting Thailand's public health objective of promoting breast feeding, his delegation supported the concerns expressed by the US, the EU and others related to the sole use of guidance from the WHO in developing technical regulations. In this context, Canada **reminded the Committee that the TBT Agreement strongly encouraged Members to base their measures on international standards. Canada encouraged Thailand to consider the standard on infant formula...**”

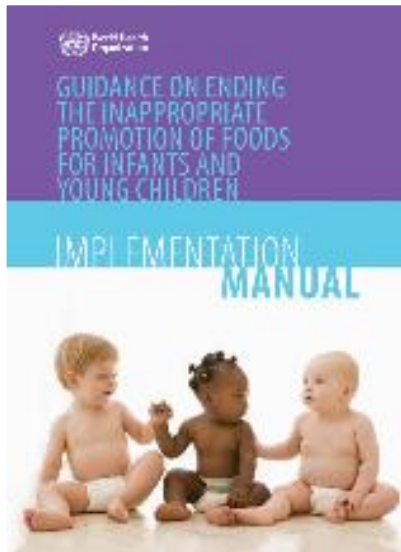
“As a **reliable supplier of high quality dairy products** to Thailand, Australia encouraged Thailand to implement the measure in a trade facilitating manner...”

“The representative of the European Union ... reminded Thailand of the need to ensure that the draft Milk Code **was aligned with relevant international standards** and, therefore, the **need to take into consideration the ongoing revision taking place within the Codex Alimentarius of the Standard on Follow-up Formula.**”

Follow-up formula

State Parties shall take appropriate measures “to **ensure that all segments of society**, in particular parents and children, **are informed**, have access to education and are supported in the use of basic knowledge of **... the advantages of breastfeeding ...**”

Convention on the Rights of the Child Art. 24



The WHO ‘Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children’ adopted as part of WHA Resolution 69.9 made it clear that:

FOLLOW-UP FORMULA ARE BREASTMILK SUBSTITUTES

“Products that function as breast-milk substitutes, including any milks or products that could be used to replace milk (in either liquid or powdered form, including follow-up formula and growing-up milks), marketed for feeding IYC up to the age of 36 months **should not be promoted.**”



Follow-up formula: the evidence

Breastfeeding declines substantially when follow-up formula is consumed. The promotion of follow-up formula undermines continued breastfeeding. Despite the WHO stating that follow-up formula is not necessary, the market for these products continues to grow.

- The market for follow-up formula and growing up milks is growing in LMICs, while declining in some HIC.
- Countries where stunting is high are experiencing some of the greatest market growth.



REVIEW OF THE CODEX STANDARD FOR FOLLOW-UP FORMULA *Policy Brief*

CODEX ALIMENTARIUS MUST PUT SAVING CHILDREN'S LIVES FIRST

WHO/UNICEF INFORMATION NOTE

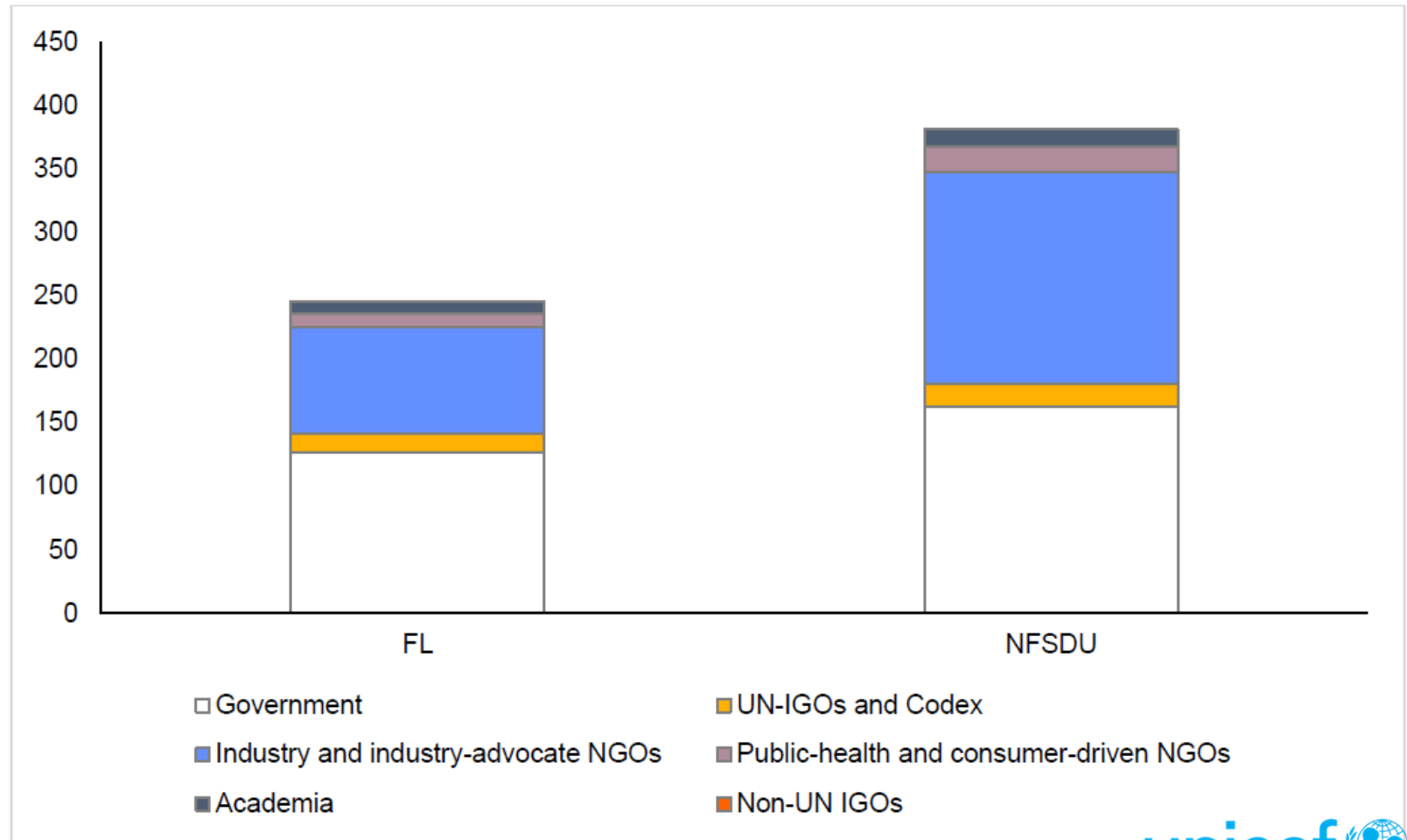
Cross-promotion of infant formula and toddler milks

The International Code of Marketing of Breast-milk Substitutes prohibits the promotion of breast-milk substitutes to the general public.¹ WHO has noted that breast-milk substitutes can sometimes be indirectly promoted through the promotion of related products that use similar colour schemes, designs, names, slogans, or mascots.² This common marketing practice, known as cross-promotion, puts the health of infants at risk because it discourages breastfeeding and creates confusion about the use of infant formula. This Information Note describes dangers inherent in the cross-promotion of infant formula and toddler milks.

Infant formula	Follow-up formula	Toddler milk	the stages are defined for infants and young specific ages. These products are in proximity in stores.
			of toddler milks is a circumvent national Code
			
			
			

Participation at Codex

- Member-States and Observers can join committees and working groups, such as the CCNFSDU and the Electronic Working Group on Review of the Follow-up Formula Standard.
- All Member-States have **National Codex Focal Points**, responsible for engaging in Codex activities, including collecting input from stakeholders to inform national positions.
- However, not all interests are represented equally...



Attendance in Codex Committees Reviewing FUF Standard in 2019
Russ et al., IJHPM, 2021. doi: 10.34172/ijhpm.2021.109

All member states can support the development of evidence-based Codex standards free from conflicts of interest that prioritize child rights, protecting breastfeeding, and child health.

Review of the Standard for Follow-up Formula (CXS 156-1987)

What is the status and
what will be the key items
for discussion at the
upcoming meeting?

Jane Badham:
Consultant to the HKI ARCH Project

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP20/NFSDU

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Forty-third Session

FAO Headquarters, Rome, Italy

6 - 11 July 2020

REPORT OF THE FORTY-FIRST SESSION OF THE
CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

DÜSSELDORF, Germany

24 - 29 November 2019

REVIEW OF THE STANDARD FOR FOLLOW UP FORMULA:
SECTION A: FOLLOW-UP FORMULA FOR OLDER INFANTS



The **step** procedure for elaborating codex standards

Before a decision is made to undertake the development of a new standard or other text, a project proposal is prepared and discussed at Committee level.

GETTING STARTED

National Governments or Subsidiary Committees of Commission

DISCUSSION PAPER

Purpose and scope of the standard

Time frame, priority and relevance

Identify need for scientific advice and technical input

PROJECT DOCUMENT

STEP 1

The Commission approves new work based on a Project Document and the recommendations of the Executive Committee.

ELABORATION

PROPOSED DRAFT STANDARD

STEP 2

The Codex Secretariat arranges for the preparation of a proposed draft standard.

Comments

STEP 3

The proposed Draft text is circulated by the Codex Secretariat to Codex members and observers for comment.

Comments

STEP 4

Comments received are sent by the Codex Secretariat to the body assigned the work for consideration. The proposed draft standard is amended.

CONCLUSION

DRAFT TEXT

STEP 5

The proposed draft standard is submitted to the Executive Committee for critical review and to the Commission for adoption at step 5.

Comments

STEP 6

The Draft text is circulated by the Codex Secretariat to Codex members and observers for another round of comments.

Critical review

STEP 7

The body assigned the work considers the comments and amends the draft standard.

CODEX STANDARD

STEP 8

The draft standard is submitted to the Executive Committee for critical review and forwarded to the Commission for adoption as a Codex standard. It is then published on the Codex website.

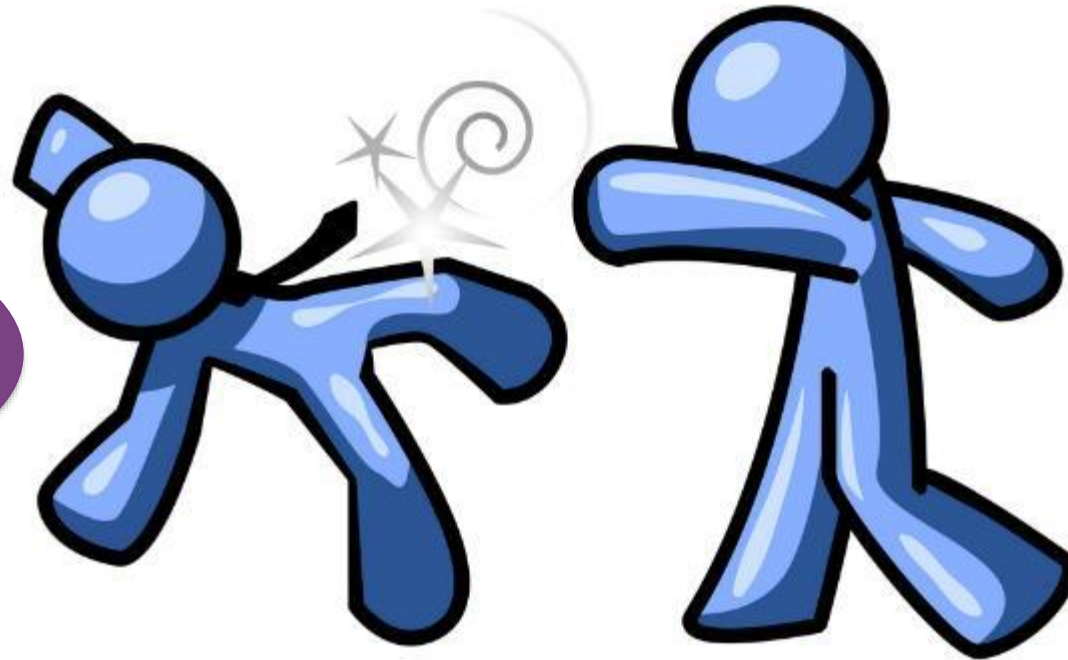
Step 5/8:

Increasingly subsidiary bodies are utilizing a Step 5/8 procedure. This entails texts being submitted for adoption at Step 5 having a recommendation that Steps 6 and 7 be omitted and that the text also be adopted at Step 8. This practice substantially speeds up the adoption process.



The BATTLE...

CONSUMER
HEALTH



TRADE



Process being followed for review of the Standard for Follow-up Formula

- **Work on this revision started in 2012.**
- **The standard has 2 parts:**
 - Part A: Follow-up Formula for older infants (6-12 months).
 - Part B: Drink/product for young children with added nutrients OR Drink for young children (12-36 months).
- **Each part had 2 elements:**
 - Essential composition requirements.
 - Scope / Description / Labelling.
- **Things are moving at different speeds and some text is already completed and other still being discussed.**



Process being followed for review of the Standard for Follow-up Formula

- **Matters already discussed and completed** held at Step 7 until the full text is completed and will then be joined and submitted to the Commission.
- **Only matters not yet completed** are still on the agenda for discussion.
- **Incomplete matters** are being dealt with 'piece by piece'. Currently:
 - Matters referred back by Codex Committee on Food Labelling.
 - Remaining sections of both parts A / B.
 - Completion of scope, description and labelling for product for young children:
 - Definition
 - Nitrogen to protein conversion
- **Incomplete matters** to be dealt with when other sections completed (and unlikely at this meeting):
 - Structure.
 - Preamble.



Labelling of product for older infants Section 9.6.5

Agenda item 2



HISTORY:

- CCFL 2019 had not endorsed the use of the wording 'cross promotion' and so returned the text for further consideration by CCNFSDU.
- CCNFSDU 2019 had extensive debate and compromise was reached and the following text sent back to CCFL 2021:

OUTCOME:

9.6.5 The labelling of infant formula, Drink/Pre for young children, or infants, including num



r infants shall not refer to with added nutrients or Drink al purposes intended for mages of these products.

NOTE: Read 9.6.4 together with 9.6.5



**Labelling of product for
young children
as referred back by
CCFL 2021**

Agenda item 2
Will be raised here but probably
discussed under Agenda item 4



HISTORY:

- CCNFSDU 2019 had extensive debate, compromise was reached, and the labelling text was sent to CCFL 2021 for endorsement:

OUTCOME:

- i. CCFL endorsed the labelling provisions

ENDORSED
2021

- ii. Requests CCNFSDU to consider whether exclusion of the term product in the name 'drink for young children' was an omission



- Meeting only meant to discuss if the name, 'Drink for young children', omitted to read 'Drink/**product** for young children' to be aligned with the other name 'Drink/product for young children with added nutrients'.
- Note many will want to try and re-open the discussion on both names as many do not like the first name due to the 'added nutrients' being perceived as a claim.
- What will the Chairs allow?



Remaining sections for
follow-up formula for
older infants
and drink/product for
young children with added
nutrients or
drink for young children

Agenda item 4.1 / 4a

Step 4



- **Recommendation 1:**
Dextrose equivalents.
- **Recommendation 2:**
Substances shall not be added with the purpose of imparting or enhancing a sweet taste of [name of product].
- **Recommendation 3a/b:**
Purity requirements.
- **Recommendation 4a/b:**
Vitamin compounds and mineral salts.
- **Recommendation 5a/b:**
Consistency and particle size.
- **Recommendation 6a/b:**
Specific prohibitions.
- **Recommendation 7a/b:**
Food additives (excluding flavourings).
- **Recommendation 8a/b:**
Food additives (excluding flavourings).
- **Recommendation 9a/b:**
Carry-over food additives and nutrient carriers.
HKI supports option 1.



Remaining sections

- **Recommendation 10a/b:** Flavourings.



HKI believes NO flavourings should be permitted in these products as:

- They replace the liquid part of the diet and are considered breast-milk substitutes and not complementary foods.
- Flavourings can contribute to developing sweet taste preferences which is not recommended and can have a negative impact on food choices and health outcomes throughout the child's life and into adulthood.

Indicators for assessing infant and young child feeding practices

Definitions and measurement methods



World Health
Organization

unicef



'Technical Scientific Report:
Healthy Beverage
Consumption in Early
Childhood –
Recommendations from Key
National Health and Nutrition
Organisations'



- **Recommendation 11a/b:**
Contaminants.
- **Recommendation 12a/b:**
Hygiene.
- **Recommendation 13a/b:**
Packaging.
- **Recommendation 14a/b:**
Fill of the container.
- **Recommendation 15a/b:**
Methods of analysis and sampling.



Draft scope, description and labelling for product for young children

Definition

Nitrogen to protein conversion

Agenda item 4.2 / 4b

Step 7



Definition:

Current text:

Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

- Only text in [] is open for discussion.
- The US will propose new text for the definition as they do not think it is sufficiently descriptive to characterise the basic nature of the product.



Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

Our view and justification:

Text in [] should be DELETED.

REASON 1:

It fulfils the requirements of the Codex Procedural Manual covering all requirements in the various parts of the sections of text.

REASON 2:

WHA has declared these products as UNNECESSARY and the text in [] gives the impression that they have a role to play in young children's diets This is false.



Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

REASON 3:

- Mandating certain nutrients to be included / specifying the inclusion or exclusion of certain ingredients / specifying levels in the composition of these products is stated in the compositional requirements NOT in the definition, nor does it mean that the product offers specific benefits.
- Precedent is set with the definition of follow-up formula for older infants “*means a product, manufactured for use as a breastmilk substitute, as a liquid part of a diet for older infants when progressively diversified complementary feeding is introduced.*”
Part A and Part B should be aligned and consistent.



Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

REASON 4:

- Mandating certain nutrients to be included / specifying levels of certain nutrients DOES NOT make the products necessary. Member States have agreed they are unnecessary no matter their composition.
- The benefits of these products over and above continued breastfeeding has not been demonstrated while there is evidence of the benefits of continued breastfeeding.
- Evidence exists that these products replace breastmilk which is contrary to what has been agreed this text should do.
- Other optional ingredients can be added that could change the overall profile of the products making the text in [] untrue and misleading.



Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

REASON 5:

- Any contribution of these products to the diets of young children does not apply equally across all countries and the text is misleading.
- The products may interfere with continued breastfeeding and there are concerns around some of the ingredients and that they are ultra-processed.
- The text in [] is outside the mandate of Codex – Codex should not be setting a universal principle as to the nutritional needs of young children, that is the responsibility of Member States.



Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children]¹

¹ In some countries these products are regulated as breast-milk substitutes.

REASON 6:

- The request to have the text include (not as a footnote) that these products function as a breast-milk substitute was refused on the grounds that ‘this was not the case in all countries.’
To reach consensus it was decided “*Codex remain silent on the issue of whether the product was or was not to be described as a breast-milk substitute.*”
- The same principle should be applied here – the definition should remain silent on whether or not this product may or may not contribute to the nutritional needs of young children.



Text as we would like to see it in order to protect, promote and support breastfeeding:

Drink/product for young children with added nutrients or
Drink/product for young children means a product manufactured for use as a liquid part of the diversified diet of young children¹

¹ In some countries these products are regulated as breast-milk substitutes.



Scope, description, labelling for older infants

Agenda item 4.3 / 4c



Completed and held at Step 7 until all text is completed



**Essential composition
requirements for follow-up
formula for older infants
and drink/product for
young children with added
nutrients or
drink for young children**

Agenda item 4.4 / 4d



Completed and held at Step 7 until all text is completed



Thank You

