

---

# **IBFAN Report**

---

## **Agenda items on Infant and Young Child Nutrition**

---

35<sup>th</sup> CODEX Committee on Nutrition  
and Foods for Special Dietary Uses

---

**Bad Soden am Taunus, Germany**

---

*November 4 to 8, 2013*

## Introduction

The Codex Alimentarius Committee on Nutrition and Foods for Special Dietary Uses met in Bad Soden, Germany from November 4 to 8, 2013 with a number of agenda items dealing with food products for older infants and young children:

- Processed cereal based foods for underweight infants and young children,
- The review of the standard for follow-up formula,
- Revision of the list of food additives.



The IBFAN Codex Working Group was supported by a team of nutrition and breastfeeding experts:

- IACFO: Patti Rundall
- IBFAN: Elisabeth Sterken and Rufaro Madzima
- ENCA: Helen Crawley
- ILCA: Maryse Arendt

From left to right: Rufaro Madzima (IBFAN Africa), Maryse Arendt (ILCA/IBFAN), Patti Rundall, (IBFAN/IACFO), Hussein Tarimo (African Union) Elisabeth Sterken (IBFAN) Joyce Chanetsa, (Swaziland) Photo credit: Rufaro Madzima

## Summary

IBFAN's aim for Codex participation is to ensure that standards and guidelines set for complementary food products and milks for infants and young children are in compliance with the International Code and WHA resolutions; that compositional criteria meet as best as possible good nutritional and safety standards; that labeling of these products provides full information to use these products are safely as possible and that any claims made on labels about these products do not undermine breastfeeding and the use of nutritious family foods for the complementary feeding phase.

Although the meeting is a Member State UN body, Codex is very important to the foods and baby food products industries as the standardization of products legitimizes their ability to export their products to all countries. This can permit access to markets regardless of national policies and the risks associated with the consumption of these standardized food and drinks products intended for infants and young children. Hence the meeting is heavily attended and influenced by the representatives of the food product industries and their associations (BINGOs) and as independent public interest representatives we experience a strong

bias in favour of industry positions.

During the opening, the chair stated that it was forbidden to record the procedures because of Germany's privacy laws. Patti Rundall (IACFO) challenged this saying that the meeting was a UN meeting of enormous importance in terms of trade and public health and that none of the delegates spoke personally. The lack of a proper record proved to be critical in the report writing stage when New Zealand claimed not to recall WHO saying that a standard for Follow-on milks was not necessary.

The 35th CCNFSDU was attended by 264 delegates on national delegations and international NGOs and were from 67 member countries. There were:

- 42 industry representatives on national delegations
- 72 industry representatives as international organizations (BINGOs)
- Approximately 43% of total delegates were from food products industries and associations, primarily the food additives, food fortification and baby food industries.
- 7 delegates represented **independent public interest** as International NGOs.

## IBFAN Briefing and Outcomes

IBFAN held a lunch time briefing session for the delegates in order to highlight nutritional, safety, labeling and marketing requirements to safeguard breastfeeding and family foods for IYC feeding. We produced power point presentations on the 3 agenda items. Our briefing was attended by 28 delegates from UN agencies, FAO, international organisations, Hellen Keller, ESPHGAN paediatricians and government delegations from the US, India, Australia, Brazil, South Africa, Italy, Zimbabwe, Swaziland, China and the African

Union (representing 54 African member states) and companies such as Nestle (as ISDI) and Danone.

The briefing once more gave us an opportunity to discuss issues in depth and also to challenge industry regarding their marketing of products and their push for a separate standard for formulas for older babies (so called "Growing Up Milks") When asked Nestle said they might consider reducing the sugar content in these products **if** there was a standard for these products.



From Left to Right: Chizuru Nishida (WHO) Basil Nathioudakis (EU Commission) Janice Albert (FAO) and Francesco-Felice Carlucci (EU Commission). Photo Credit: Patti Rundall



Patti Rundall (Baby Milk Action, UK) and Maryse Arendt (ILCA/IBFAN) presenting at the IBFAN briefing for Codex delegates. Photo Credit: Rufaro Madzima

## Agenda Item 5

*Proposed Draft amendment of the Standard for Processed Cereal-Based Foods for Infants and Young Children, Codex Stan 074-1981, Rev - I 2006 Part B for Underweight Infants and Young Children*

### **Is Part B necessary?**

IBFAN is concerned about the creation of the Part B and considers it to be unnecessary and risky. The term "underweight" is undefined and as such opens the door for misleading promotion that in this case will target the very poorest. Codex should be working to ensure that ALL complementary foods are as safe as possible and nutritionally adequate and marketed in accordance with the requirements of the International Code and WHA resolutions.

We proposed that the current existing *Codex Standard for Processed Cereal-based Foods for IYC* is opened to include and harmonize all processed complementary foods for IYC.

1. A **part B is not necessary**. Creating a separate category for those "at risk of becoming underweight"

is not necessary and unclear. Would this cover all normal children – in which case their nutrition is a matter of food access - those clinically undernourished should be under the supervision of health workers.

2. The **Standard for Processed Cereal-based Foods for IYC can easily accommodate** any modifications that are needed to address the 4 areas of concern – cereal content, energy density and sugar and protein content.

### **Marketing risks**

The labelling and marketing of processed cereal foods is routinely inappropriate and in violation of the recommendations of the World Health Assembly. For example:



1. Companies are using **Staging (Stage 1, Stage 2 etc)** to bypass the requirement regarding labeling from six months.
2. Many nutrition and health claims are used, which are not only unsubstantiated (Note Cochrane Reviews) and misleading but idealize products of low nutritional value at a time when nutrient and energy dense foods are required for optimal growth and development. IBFAN recommends that the labeling provisions of the Standard be redrafted to prohibit idealized text using claims, graphics and have explicit warnings about introduction before six months of age.

### IBFAN's Proposed Amendments to improve the Standard for Cereal-Based Foods

1. Cereal Content – at least 50% of the final mixture on a dry weight basis.
2. Energy density – a range to include the higher level of 4.184KJ/g (1.0kcal/g).
3. Protein content – can be adjusted according to the products listed.
4. Added (non-milk extrinsic sugars) sugar content: to be reduced from a maximum of 30% of energy to a maximum of 10% of energy.
5. Prohibition on health and nutrition claims and idealized text and imagery.
6. Labels should not suggest that commercial products are superior to home prepared foods.

### Outcomes

WHO objected to proceeding with the standard for underweight children, noting that the term undernutrition is not defined and that the presence of these special products on the market could risk increased overweight and obesity.

The Delegate of India clarified that the standard was intended for healthy children not for ill children (an idea put forward by the baby food industry - ISDI) Indeed during our briefing meeting India expressed concern about the way the marketing of processed foods undermined the consumption of family foods.

Our team reminded the meeting that the problem arose because India's call for higher minimum cereal content was not taken up at previous Committee meetings. As well we noted the lack of necessity for these products and that the requirements for increased energy, cereals and decreased sugar content could be addressed in the existing standard. We stressed that labelling and marketing was critically important, especially if terms as "underweight" are used. Such terms could mislead parents, suggesting that the products are superior to local home prepared family foods.

**The final Committee decision was:** to have an e-WG to clarify the scope in line with WHO guidance documents. It was also agreed that if the e-WG failed to establish the scope, the Committee at its next session would recommend the discontinuation of work.

essary. It is our opinion that the **Standard for Infant Formula** is sufficient to take care of any artificial milks that may be required for non-breastfed children from 6-12 and if products are needed for older children the standard could be renamed as **Standard for Formulas for Infants and Young Children**.

2. Bringing all such products under one standard would ensure that the safeguards related to marketing and safety are extended to all products and reduces the risk of legitimizing unnecessary and possibly harmful products.

### Outcomes

New Zealand, a major exporter of formulas, was once more volunteering and then designated by the CCNFSU Chair, without objections from the committee, to chair the e-WG on the revision of the FUF standard. With the help of the Committee Chair, New Zealand managed to ensure that the focus of the next phase of work remained only on age range and compositional requirements rather than on the need or suitability for the products, and how they are marketed and labelled.

At the prompting of Australia, WHO was given the opportunity to explain how and why WHO had developed its 2013 document: *Information concerning the use and marketing of follow-up formula*, The CCNFSU report on the meeting states:

*"The Representative of WHO informed the Committee that in principle WHO considers that there is no need of a Codex Standard for products which are not necessary in general. The Representative emphasised that even if the composition would be modified based on a thorough scientific review of the nutritional needs of older infants and young children, and thereby ensure better quality of the product, this would not validate its necessity. The Representative however noted that as the products were currently on the market, regulation of its composition and marketing was needed" (IBFAN emphasis).*

The majority of the African delegations (South Africa, Tunisia, Tanzania, Togo, Swaziland, Ivory Coast, Cameroon, Uganda, African Union supported WHO's position that there is no need for a separate standard and that the infant formula standard could easily accommodate the requirements for older infants who need replacement feeds. They expressed strong concerns about the impact of marketing of these products on breastfeeding rates in their countries. Speaking on behalf of the African Union, (representing 54 African

3. International trading standards such as Codex benefit large exporting countries and inhibit the sovereign power of small developing countries to block the import of these potentially harmful and unnecessary products. Threats under WTO might be exerted on countries banning products or limiting their marketing on a national basis.
4. IBFAN supports the position taken by some paediatric associations and national policy statements on IYCF that cow's milk, cheeses and yogurts can be part of a young child's evolving complementary diet after 12 months of age.

national governments) the representative explained that new standards are costly and add difficulty and complications for public health and the barring of trade. Latin American Countries were much less clear – with several choosing the 3rd of 5 weak options put forward by New Zealand. Brazil stated that Growing Up Milks are not necessary and that marketing must be controlled, Chile, Costa Rica and Colombia went for Option 3 which opens the door for a separate standard. Mexico was less problematic than in previous years reflecting that this year only one industry representative was on its delegation. The Philippines, Thailand, Switzerland, Russia and several others, supported having a separate standard.

The IBFAN team made strong comments reminding the meeting that the problem was made worse by the Follow-on Formula standard being adopted in 1987. We stressed the critical importance of these products being covered by the *International Code and Resolutions* and that a separate standard would legitimize products that were not only unnecessary but potentially harmful

The EU highlighted the new EFSA report on so called "Toddler milks" but failed to mention that they were not considered necessary. However the EU did insist that the eWG should consider the nutritional needs of children.

107. *Some delegations and one Observer emphasized the need for scientific rationale which is critical in underpinning standards and therefore recommended that an electronic working group should continue to collect data which would enable CCNFSU to make an informed decision.*

The producer/exporting countries – New Zealand, Canada, Australia, Germany and the EU - manipulated the debate so that the new Terms of Reference for the eWG would effectively delay a decision on marketing and the possibility of opening up the Infant Formula standard, giving yet more time for the market to grow, Once again the powerful comments made by African countries who will no doubt be the recipients of these products was overlooked. Asian countries will be heavily targeted by these products.

## Agenda Item 6

### Review of the Codex Standard for Follow-up Formula (CODEX STAN 156-1987)

#### Is FUF necessary?

1. IBFAN considers follow-up-formula to be unnecessary.
2. IBFAN supports the WHO Statement on follow-up-formula **Information concerning the use and marketing of follow-up-formula** "that these products fall under the scope of the International Code" because of the way they are marketed, (released July 17, 2013). ([http://www.who.int/nutrition/topics/WHO\\_brief\\_fufandcode\\_post\\_17July.pdf](http://www.who.int/nutrition/topics/WHO_brief_fufandcode_post_17July.pdf))
3. The WHA resolution 39.28 (1986) states that "the practice being introduced in some countries of providing infants with specially formulated milks(so called follow-up milks) is not necessary."

#### Marketing risks

1. IBFAN notes that the marketing of follow-up-for-

mulas is misleading, undermines breastfeeding and promotes artificial feeding, putting infant and young child health at risk.

2. As these products may be marketed often at a lower cost than routine formulas, they risk being fed at too early an age, compromising exclusive and sustained breastfeeding.
3. If marketed to the age of 36 months, they risk being bottle fed for this duration, seriously damaging oral development and contributing to other negative health impacts.

### IBFAN's Proposed Amendments to the Standard for Infant Formula

1. IBFAN is of the opinion that a separate standard is redundant since fortified milk products are not nec-

## Agenda Item 7

Proposed Draft Revision of the List of Food Additives

### Are the food additives necessary?

1. IBFAN notes that many food additives used are for cosmetic purposes in order to give the artificial milk products the appearance and consistency of milk. Hence this imposes known and unknown risks for newborn infants, older infants and young children who are fed these milks.
2. IBFAN agrees with a number of countries that thickeners such as Guar Gum, Xanthan Gum and Gum Arabic are not necessary and should be deleted from the list. Additionally IBFAN agrees that mono and di glycerides should be removed from the list.

### Are the food additives safe?

IBFAN wishes to note and concurs with the JECFA principle:

*“Baby foods should be prepared without food additives whenever possible. Where the use of food additives becomes necessary in baby foods, great caution should be exercised regarding both the choice of additive and its level of use.” (Annex 3 of TRS488):*

*“Proposals for the inclusion of an additive in Codex standards for foods intended for infants below 12 weeks of age require a separate evaluation by JECFA since food additives used in foods for this population the toxicological investigations should be more extensive and include evidence of safety to young animals...(REP11)/FA para 43.”*

### IBFAN comment on the proposed draft revision

That the JECFA principles of 1971 be reinforced and fully implemented when adopting the standards for baby foods : *“Baby foods should be prepared without food additives whenever possible. Where the use of a food additive becomes necessary in baby foods, great caution should be exercised regarding both choice of additives and its level of use.”* (Annex 3 of TRS 488). We strongly urge the committee to apply it.

### Outcomes

Several of our team noted the JECFA principles and ethical concerns related to the use and testing of food additives for foods for infants and young children. As well IBFAN questioned the “technical” need for additives in the TOR for the electronic working group to be headed by Switzerland:

1. The use of additives in food for infants and young children should satisfy a technological need and their addition should be limited to the lowest level possible to achieve the required technological effect, in line with the principles contained in the GSFA Preamble Codex STAN 192-1995.
2. It is necessary to address in depth the comments received on the document CX/NSFDU 13/35/8 regarding the Proposed Draft Revision of the List of Food Additives in Codex STAN 72-1981.
3. It is important that the electronic working group evaluate the technical need of the food additives in foods for infants and young children (including the use of approved additives at different levels or in different products). This evaluation should take into account additives that have been authorize for use by competent authorities; the process by which JECFA evaluates additives in these products and technical information from industry and other relevant stakeholders.
4. Following this evaluation, the electronic working group will provide recommendations for the Committee on the actions and next steps and a revised list.

## Additional information: Agenda item 2, Matters from WHO and FAO

- The Research on the promotion of local foods for young children in Cambodia and Malawi has positive intermediate results and goes on.
- WHO e-Library of Evidence for Nutrition Actions includes titles on maternal, infant and young child nutrition (<http://www.who.int/elena/en/index.html>)
- Essential nutrition actions: improving maternal, newborn, infant and young child health and nutrition, updated publication of June 2013 ([http://www.who.int/nutrition/publications/infantfeeding/essential\\_nutrition\\_actions/en/index.html](http://www.who.int/nutrition/publications/infantfeeding/essential_nutrition_actions/en/index.html))
- The WHO Global Database on the Implementation of Nutrition Action (GINA) (<http://www.who.int/nutrition/gina/en/index.html>) contains now information on about 130 national laws related to the International Code of Marketing of Breast-milk Substitutes, including the data from the WHO status report, “Country Implementation of the International Code of Marketing of Breast-milk Substitutes: Status Report 2011”, published in August 2013. This is based on government information and not on independent analyses and monitoring information.

## Acronyms

**BINGOs:** Business Interest Non-Governmental Organizations

**CCNFSDU:** Codex Committee on Nutrition and Foods for Special Dietary Uses

**ENCA:** European Network of Childbirth Association

**e-WG:** electronic Working group

**FAO:** Food and Agricultural Organization

**IACFO:** International Association of Consumer Food Organizations

**IBFAN:** International Baby Food Action Network

**ILCA:** International Lactation Consultants Association  
International Code: International Code of Marketing of Breastmilk Substitutes

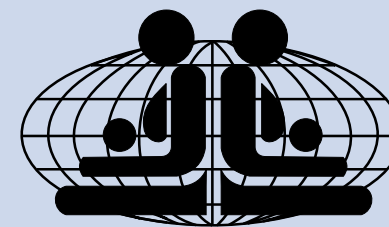
**JECFA:** Joint FAO/WHO Expert Committee on Food Additives

**NGO:** Non-Governmental Organization

**UN:** United Nations

**WHA:** World Health Assembly

**WHO:** World Health Organization



**For further  
information contact**

*Elisabeth Sterken*

[esterken@infactcanada.ca](mailto:esterken@infactcanada.ca)