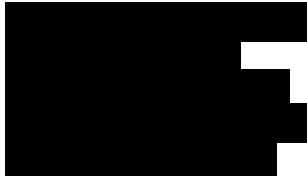




From the President

16 June 2017



Dear Dr Longstaff

Invitation to comment on MAIF Tribunal Amended Terms of Reference

Thank you for inviting The Royal Australasian College of Physicians (RACP) to provide feedback on the proposed *Amended Terms of Reference* for the independent Marketing in Australia of Infant Formula (MAIF) Tribunal overseen by The Ethics Centre.

We remain of the view that the regulation of marketing of infant formula in Australia is deficient, and we have made our concerns known to the Commonwealth Department of Health. These concerns include the voluntary nature of the code of conduct, and inadequate mechanisms for enforcement. Furthermore, as outlined in the *Amended Terms of Reference*, retailers of infant formula are not addressed by the Australian Government's MAIF Agreement in any form. This means that inappropriate retailer promotions where there is no involvement of the manufacturer/importer are deemed outside the MAIF Tribunal's scope of operation by the Department of Health and remain unaddressed.

The RACP commented on the original Terms of Reference of the Tribunal in September 2014 and having reviewed the *Amended Terms of Reference*, our concerns remain largely unchanged. We are of the view that the Terms of Reference do not adequately address a number of key issues which are essential to the effectiveness of the MAIF Tribunal in assessing and processing complaints, namely:


- The *Amended Terms of Reference* do not adequately describe what process will be undertaken, or provide the complete criteria to be used by the Department of Health when determining what is out of the Tribunal's scope. In the event that a signatory is found to have acted inappropriately, or a complaint is upheld, the *Amended Terms of Reference* do not articulate what actions, if any, will be taken against the signatory. Consequences for breaches of the code should be specific, transparent and effective to act as a deterrent to inappropriate marketing of infant formula.
- We remain of the view that the MAIF Tribunal would benefit from an adjustment to the composition of its members. The inclusion of an additional member with expertise in evidence-based medicine would assist the MAIF Tribunal and the Department in

establishing whether specific marketing activities have any tangible negative impacts on public health. The fourth member's skills would ideally include:

- Paediatric training (with an accompanying focus on evidence-based medicine)
- Expertise in maximising health outcomes
- A public health or advocacy background
- Lactation credentials or the ability to obtain them
- International experience in child nutrition

Australia still lags behind many countries in its implementation of the World Health Organization's (WHO) *International Code of Marketing of Breast Milk Substitutes*. The RACP's view remains that the most effective method of regulating the marketing of infant formulas is through legislation rather than through the voluntary and self-regulated mechanism of the Australian Government's MAIF Agreement. There are a number of infant formula providers in Australia who do not participate in the voluntary MAIF agreement. This further demonstrates the need for legislation to ensure all manufacturers meet minimum standards when marketing infant formulas.

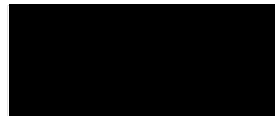
The RACP continues to advocate for more effective means of regulating the marketing of infant formula to safeguard breastfeeding as the best infant feeding option for optimal health outcomes.

For more information on this matter or to discuss this topic further, please 

Yours sincerely



Dr Catherine Yelland PSM
President, RACP



Dr Sarah Dalton
President, Paediatric & Child Health Division