

NCDappendix3

From: prundall <prundall@babymilkaction.org>
Sent: Monday, June 27, 2022 1:46 AM
To: NCDappendix3
Cc: NCDdepartment
Subject: [EXT] IBFAN comments Consultations on Updating Appendix 3 of the WHO global action plan for the prevention and control of noncommunicable diseases 2013–2030

Categories: In folder checked

IBFAN feedback on the first draft WHO discussion paper (appendix 3)

Deadline **26 June:** NCDappendix3@who.int

Dear NCD Team

Here are some brief suggestions for improving the revised 'best buy' on breastfeeding in the Annex 3 of the [first draft of the Discussion paper](#) and some comments on other sections.

The Best Buy on breastfeeding in the previous document was not only weak, but misleading: "**Promote and support exclusive breastfeeding for the first 6 months of life, including promotion of breastfeeding**" (1) It gave no guidance to policy makers on how to stop the predatory marketing that undermines breastfeeding and healthy bio-diverse, minimally processed complementary feeding and instead focused only on the 'promotion' of breastfeeding. With no mention of Conflict of Interest safeguards, such wording opened the door wide open to inappropriate involvement by the baby feeding industry who are eager to reposition themselves in the public mind as partners in 'breastfeeding' promotion.

The wording in the new Annex 3: **Protection, promotion and support of optimal breastfeeding practices** is better. Thank you! We understand that the document cannot go into endless detail on every recommendation - but it should at least indicate the tools policy makers will need to effectively address the problem. The [Four new WHO reports](#) (2) and especially the [report on digital marketing](#) show how companies target new mothers with algorithms and celebrity influencers that reach millions with single postings. Companies promote risky technologies and products, falsely claiming they protect and solve all manner of problems. These messages obscure the fact that for infants and young children, breastfeeding is a cost-effective and resilient practice that provides food, care, immune support and protection, including from the worst of emergency conditions. It also protects against malnutrition in all its forms. Nothing in the Code or any of the safeguards we recommend deny parents the right to decide how they feed their babies – they simply ensure that everyone gets full and frank information about the products on the market and that parents are legally supported in the decisions they make.

The 'costs' for the harm caused by sub-optimal infant and young child feeding are invariably externalized to governments, families and babies, while the corporations are never held financially responsible. At this time of global inflation following conflicts, the pandemic and climate disasters. WHO should remind policy makers of these points when considering the menu options

Changes needed in the Document

Over-arching Conflict of Interest safeguards - protecting policy-setting: The document uncritically refers to 'partnerships' in several places (eg objective 2) with no consistent reference to the need for COI safeguards. This should be included in all the sections, but especially in Objective 3. *IBFAN's Comments on a draft of WHO's Decision-Making Tool* outlines why we are so concerned about the risks of undue commercial influence in NCD actions and why we believe WHO's COI policy should be corrected and strengthened (3). The document should also remind Member States of their obligations to protect human rights and remove

obstacles to health through legally enforceable measures, and most importantly to protect policy setting. Corporations have no democratic accountability and public health policy decisions should be free of their influence. (4).

Unhealthy Diet section - Specific interventions with WHO-CHOICE analysis

H5: Protection, promotion and support of optimal breastfeeding practices The text should explicitly mention the need for national regulations implementing the [International Code of Marketing of Breastmilk Substitutes followed by 20 subsequent Resolutions](#) and the [Global Strategy for Infant and Young Child Feeding](#). Since the ‘code’ is a minimum obligation for all governments, as well as for the global baby-feeding products industry, there should be no problem with including it (5). This section should also include the need for Mandatory maternity protection.

H2. Front of Pack Labelling. In view of the risk of promotion of ultra processed and unhealthy foods, this section should strongly propose mandatory systems and WARNINGS. The need for mandatory government led systems will be even more necessary when ‘sustainability’ claims are permitted. Processed complementary food products and formulas for infants and young children should not have FOPNL because of the high risk of promotion when weaker systems are used. The implementation and policy setting for FOPNL must be led by national governments who are accountable and responsible for the overall health and nutrition of their citizens.

H11. Nutrition Education This section must contain a warning to prevent sponsorship of education by baby feeding, UPF and health harming industries.

Other suggestions that could strengthen the document:

The term CHOICE should be replaced with ‘decision’

Remove the business term ‘Stakeholder.’ It places everyone on the same level of importance and blurs the distinction between businesses and public interest NGOs, implying that we all share the same goals. The term is not ‘inclusive’, and excludes those who have no ‘stake’ or business interest in the matter in hand.

Products and technologies used in Humanitarian relief must not exacerbate NCDs. This is especially important in relation to infant and young child feeding in crises - where we see baby food companies mislead and exploit public fears, donating inappropriate products that claim to build immunity. In relation to the climate emergency, breastfeeding is the most environmentally friendly and safe way to feed a baby, is a renewable natural food resource and makes an important contribution to local food and water security, [resulting in zero waste, minimal greenhouse gases, and negligible water footprint](#).

Global Trade The document should highlight the the need for policy coherence between global trading standards and WHO decisions, and remind MSs that in matters of health Codex should follow WHA decisions. Critical decisions will be made in 2023 regarding formula for infants and young children, its important that Codex keep all its standards under review to ensure that new understanding about the impact of unhealthy products, especially ultra-processed products is taken into account. Poorly-resourced countries should not be expected to tackle cross-border marketing problems alone. Babies in these countries stand to suffer the most when breastfeeding is undermined. Exporting nations all profit from formula sales, yet take no responsibility for ‘their’ companies. (6)

Best wishes

Patti Rundall

- (1) World Health Organization. (2017). Tackling NCDs: 'best buys' and other recommended interventions for the prevention and control of noncommunicable diseases. World Health Organization. <https://apps.who.int/iris/handle/10665/259232>. License: CC BY-NC-SA 3.0 IGO
- (2) [WHO UNICEF multi-country report – How marketing of formula milk influences our decisions on infant feeding](#) [WHO report on scope and impact of Digital Marketing](#) [WHO Policy Brief and “model law” for the European Region](#) covering breastmilk substitutes, baby foods and related products [WHO/UNICEF/IBFAN 2022 Code Status report](#).
- (3) **IBFAN Comments: WHO Decision-Making Tool to Support Member-States on Private Sector Engagement for the Prevention and Control of NCDs**. November 2021 <http://www.babymilkaction.org/wp-content/uploads/2022/01/IBFAN-NCD-Tool-FINAL-1.pdf>. Recommendation: Given the large disparity in size, resources and power of WHO Member States, and the difficulty of evaluating the impact industries have, WHO should strongly recommend the exclusion of all industries known to have a negative impact on NCDs, Human Rights and Planetary Health. The following are examples of what should be a long list of known risky industries: tobacco, arms, pharma, food, ingredients, beverage, sports, gaming, alcohol, extraction, gambling, sports, betting, social media, technology, advertising, transport, etc. WHO should not provide a positive list or be seen to endorse any commercial industry/entity. The Tool should provide clear examples of the risks each industry poses and how inappropriate engagement can cause harm to public health.
- (4) The Convention on the Rights of the Child General Comment No 16 on State obligations regarding the impact of the business sector on children's rights: Para 57: *States are also required to implement and enforce internationally agreed standards concerning children's rights, health and business, including [...] the International Code of Marketing of Breast-milk Substitutes and relevant subsequent World Health Assembly resolutions.* v CRC GC No 15: “...Among other responsibilities and in all contexts, private companies should [...] comply with the International Code of Marketing of Breast-milk Substitutes and the relevant subsequent World Health Assembly resolutions [...]”
- (5) One critically important aspect of the **2003 Global Strategy for Infant and Young Child Feeding** is its outlining the two – and only two – roles for companies in relation to infant feeding – to ensure their products are as safe as possible and that their conduct at every level conforms to the Code and Resolutions. Without such safeguards policy makers may not be alerted inappropriate commercial involvement and harm.
- (6) The programme of work of the Codex Commission is funded through the regular budgets of WHO and Food and Agriculture Organisation (FAO) [CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD](#) requires Member States to “...make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the World Health Assembly (WHA) setting forth principles for the protection and promotion of breastfeeding be observed.”

On 20 Jun 2022, at 17:22, NCDdepartment <NCDdepartment@who.int> wrote:

Kind reminder to register at the following link

https://who.zoom.us/meeting/register/tJcodO2hqj8rHtKpgK_IMiqppegYuuF9qmpO