

2.1 Definition of infant formula

According to the Code of Ethics for Infant Formula Products (1995), infant means a child up to twelve months of age while infant formula means any food described or sold as an alternative for human milk for the feeding of infants. It is a product prepared from milk of cow or other animal or plant suitable for infant feeding. Infant formula marketed for older babies from six months onwards up to the age of three years is defined as follow-up formula.

From DUMEX point of view (Project Premium, 1999), market development over years has created segments in the formula segment:

- *Infant formula segment* (from birth to one year) is flat or declining in most in most countries. Since the introduction of the follow-up segment, duration of usage of infant formula has been reduced to 6 months generally. This segment is also subject to the highest amount of lobby pressure.
- *Follow-up Formula segment* (from 6 months to 3 years) is growing at higher percentage, partly from market penetration and partly benefiting from cannibalisation of the infant formula segment. This segment is outside of World Health Organization (WHO) code except in Malaysia and Thailand.

Infant Formula Products on a broader term consist of infant formula, follow-up formula, special formula, ready-to-feed formula and any other infant formula promoted for use by infants (Code of Ethics, 1995).

In this study, the term 'infant formula' will be used to represent both infant formula and follow-up formula.

2.2 Code of Ethics for Infant Formula Products

2.2.1 Background

Code of Ethics for Infant Formula Products is considered the ultimate guidelines for promotional activities among Infant Formula companies in Malaysia. This Code was first formulated in 1979, has been revised in 1983 and 1985. The latest revision was done in August 1995 and the next revision is expected to be available in 2002 as continuous additions of rules are in progress since early 1996.

Code of Ethics for Infant Formula Products represents one of the efforts by Ministry of Health Malaysia (MOH) in emphasising the importance of maintaining the practice of breastfeeding as a means to improve the health and nutrition of infants and young children (Code of Ethics, 1995). The overall aim of this Code is to uphold the supremacy of breast milk; to assist in the safe and adequate nutrition of infants by protection, promotion and support of breastfeeding; and to ensure proper use of Infant Formula Products when required.

The key 'guardian' of the Code is Family Health Development Division of Ministry of Health Malaysia (<http://dph.gov.my/Division/fdh/index.htm>). The Director of Family Health Development Division heads the Vetting Committee on the Code of Ethics for Infant Formula Products. Members of this Committee consist of selected paediatricians, obstetrician and gynaecologists from local universities, Director of Food Quality Control Division (MOH), Principal Assistant Director (Family Health) and Assistant Director (Nutrition).

The Vetting Committee assists the National Committee on the Code of Ethics for Infant Formula Products (Figure 4).

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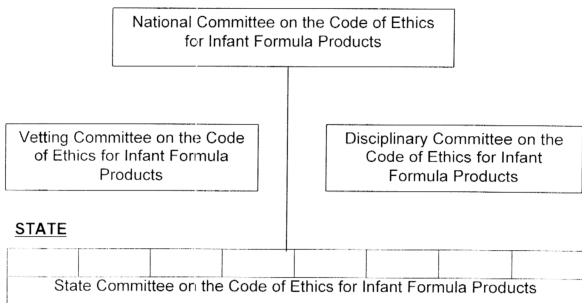


Figure 4: Organisation chart of Committee on the Code of Ethics for Infant Formula Products

Source: Code of Ethics (1995)

The terms of reference for this Committee according to Code of Ethics (1985) are as follows:

- (i) To vet all materials including product labelling related to Infant Formula Products.
- (ii) To review and revise the Code of Ethics for Infant Formula Products whenever necessary.
- (iii) Responsible for making recommendations on amendments pertaining to the Infant Formula Products, in the Food Act 1983 and the Food Regulations 1985.
- (iv) Responsible for monitoring and implementing the Code.

2.2.2 Scope of the Code

The code covers the basic principles of marketing and product information for all Infant Formula Products (including feeding bottles and teats) in Malaysia (Code of Ethics, 1995). It also provides the guidelines on ethical practices for

the Infant Formula Industry and the medical and health professional/personnel in the health care system.

Since the main emphasis of this study is on milk industry, therefore, following elaboration will be on the ethical practices for the infant formula industry. Under the Code of Ethics (1995), the infant formula industry should:

- Subscribe to and abide by the Code and observe professional and marketing ethics and established rules of conduct in all contacts within the health care system, retail outlets and the community.
- Ensure that their respective company personnel involved in sales and marketing of infant formula products are familiar with the Code.
- Not market, promote, or advertise their infant formula products in such a way as to
 - (a) challenge the supremacy of breast milk or
 - (b) compete in any way with breast milk
- Not provide samples of infant formula product to
 - (a) the health care system for use within or for subsequent redistribution to pregnant and lactating women, parents of infants and children and members of their families and
 - (b) the retail outlets for subsequent redistribution to the community

Samples of new infant formula products may, however, be provided to medical and health professionals for evaluation upon approval by the Medical Research Ethical Committee.
- Not promote or advertise their infant formula products within the health care system, the retail outlets and the mass media. However, vetted scientific and educational materials may be distributed to hospital administrators, medical doctors, nutritionists, food technologists, dieticians, pharmacists and matrons.
- Not provide bottled water, feeding bottles, teats (pacifiers) and other related formula feeding equipment to the medical and health professional/personnel for use within the health care system or subsequent redistribution to the public.
- Not involved in any manner with baby shows (0-36 months).

- Ensure that the remuneration of company personnel be on a fixed and regulated basis, and not related in any way with sales of infant formula products.
- Not give, directly or indirectly, incentives in cash or in kind to the medical and health professional/personnel or retail outlets as an inducement for promoting infant formula products.
- Not obtain, directly or indirectly, the names and addresses of pregnant and lactating mothers for the purpose of promoting infant formula products.
- Not permit company personnel to have direct or indirect contacts with pregnant and lactating women, parents of infants and children, and members of their families and child-care providers for the purpose of promotion of infant formula products and to perform educational functions related to infant formula feeding. However, they may be permitted to investigate specific complaints related to their products.
- Not allow company personnel to wear uniform which is similar to that of the government medical and health personnel.
- Not display infant formula products in conferences, exhibitions or any other similar forum.
- Not provide mothercraft services, either directly or indirectly.

In another word, promotion activities for infant formulas are completely bound by the Code which left very little opportunities for milk companies to be active in this segment.

2.3 Disciplinary Committee on the Code of Ethics for Infant Formula Products

The Disciplinary Committee is practically activated upon complaints received from milk companies. As a matter of fact, established companies i.e. DUMEX, Nestle and Dutch Lady have unofficially become the 'watchdogs' for non-complying activities against the Code of Ethics.

According to the Code of Ethics (1995), the functions of the Disciplinary Committee are:

- (i) To co-ordinate investigations on specific complaints on alleged violations of the Code.
- (ii) To assess the seriousness of the violations of the Code.
- (iii) To act on findings of the alleged violations of the Code.
- (iv) To take appropriate disciplinary actions after considering all appeals (written and in person). Appeals need to be submitted within a period of one month from the date of notification to the Chairman of the Disciplinary Committee whose decision shall be final.

If an infant formula company are found 'guilty' of Code violation, any one or a combination of the following penalties will be imposed depending on the seriousness and frequency of the violations of the Code:

- (i) Written warning with copies to the parent company of the infant formula product and Chairman of the State Committee on the Code of Ethics for infant formula products.
- (ii) Suspension of vetting of all new materials for one to two years.
- (iii) Notification to the World Health Organization and UNICEF.
- (iv) Notification to the International Association of Infant Food Manufacturers.
- (v) Press release.
- (vi) Black-listing such as omission of the relevant company from future tenders for a period of time.