



Second call for submissions: P1028 – Infant Formula labelling and composition

Food Standards Australia and
New Zealand

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Summary

Breastfeeding Advocacy Australia is submitting a response to the FSANZ review on the composition and labelling requirements of infant formula, focusing on several critical aspects. First, inherent bacterial contamination and unsafe preparation methods associated with powdered infant formula (PIF) pose significant health risks to infants. Additionally, the classification of PIF as Ultra-Processed Food (UPF) Category 4, according to the NOVA classification system, is concerning due to its association with lifelong health risks.

The submission emphasises the need for plain labelling on PIF products to protect consumers from idealised imagery and slogans that undermine breastfeeding and informed choice, allowing parents to make decisions based on accurate information free from commercial influence. Moreover, it highlights the environmental impact of PIF production and the deceptive nature of sustainability claims, cautioning against greenwashing within an industry that significantly contributes to global warming.

Breastfeeding Advocacy Australia urges FSANZ to carefully consider these issues and enact meaningful reforms to labelling which ensure the safety and well-being of infants, protect consumer rights, and address the environmental impact of the infant formula industry.



Section 1 Contamination

1.1 Inherent bacterial contamination

Breastfeeding Advocacy Australia's call for updating the labelling on infant formula 0-12 months is supported by crucial information related to the intrinsic contamination of powdered infant formula (PIF). Article 4 of the International Code of Marketing of Breastmilk Substitutes (the International Code) relates to information and education and must be read together with the World Health Assembly (WHA) resolution 58.32 [2005]. WHA resolution 58.32 Asks Member States to be aware of the risks of intrinsic contamination of powdered infant formulas and to ensure this information be conveyed through label warnings.

It is important to note that PIF is not a sterile product, and during its production, it can become contaminated with harmful bacteria, including *Enterobacter Sakazakii* and *Salmonella enterica*. These bacteria have the potential to cause serious illness in infants. Companies manufacturing infant formula acknowledge that the manufacturing process is imperfect and can lead to intrinsic contamination. Surveys have revealed the presence of *Enterobacter Sakazakii* in 3-14% of PIF samples, highlighting the extent of the problem.

Unfortunately, the general public is largely unaware of this issue, which often results in misplaced blame being directed towards the mothers. By updating the labelling on infant formula 0-12 months to include this information, FSANZ will ensure that parents and caregivers are properly informed about the potential risks associated with using PIF and the precautions that need to be taken during preparation.

1.2 Unsafe preparation of powdered infant formula

Following the WHA resolution 58.32 [2005], the World Health Organization's (WHO) Food Safety Department issued guidelines on the safe preparation of powdered infant formula. These guidelines recommend that PIF should be prepared using boiled water cooled to at least 70°C in order to reduce the risk of infection. Minimising the time between preparation and consumption of the formula, as well as storing prepared formula at temperatures no higher than 5°C, also help mitigate the risk of contamination.

Members of the Food and Agriculture Organization of the United Nations (FAO) and of the World Health Organization (WHO) have expressed concern regarding the level of safety of food at both national and international level. They state the following about unsafe infant formula preparation in developed countries, including Australia:

"Based on the available data, the meeting concluded that FUF is commonly consumed by infants less than 6 months of age in both developing and developed countries, despite existing regulations and label recommendations. Data from developed countries also showed that a substantial percentage of caregivers to infants do not use basic hygiene and the recommended procedures within their country for safely preparing and feeding infant formula. It is likely that infant caregivers in developing countries, where hygiene and cooling require greater effort, do not have safer practices than those in developed countries. This suggests that a substantial proportion of caregivers to infants worldwide fail to follow all of the preparation and feeding



practices recommended to reduce the risks of microbiological hazards associated with a non-sterile product”.

Furthermore, climate change is increasing the frequency and severity of natural disasters and it is the infants who are formula fed that are the most vulnerable to disease and death in these crises. This is because of the difficulty accessing clean water and electricity required for preparation. The 2019 bushfires and the 2022 floods taught Australians that natural disasters caused by global warming impact wealthy countries too. Infant formula cannot be safely prepared in emergency settings. It requires boiling water, clean water to wash hands, sterilising equipment, clean space to prepare. This is because formula milk powder contains harmful bacteria that must be killed with previously boiled water, no cooler than 70 degrees Celsius. Infant formula is not easily transportable, and during emergencies experiences significant supply chain shortages.

The aforementioned serious risks to the health of infants provides sufficient justification to change mandatory labelling on infant formula tins to WHO standards; NOT to keep with manufacturers’ guide. The current requirement to follow manufacturers preparation is dangerous because for lower temperatures which are recommended, some as low as 40 degrees Celsius is only to preserve ingredients such as probiotics and DHA which are destroyed at higher temperatures. These ingredients are non-essential and unproven to provide benefit to infants, and there is emerging evidence they can cause harm. They only are added so manufacturers can drive up prices and market a product to consumers that seems ‘superior’. This is not in the best interests of infants or caregivers; it only serves to increase market share for industry. This serves as further justification that FSANZ should include risk warnings about bacterial contamination and WHO recommendations for safe PIF preparation, so mothers and caregivers can make truly informed decisions about what they feed their infants.



1.3 Lawsuits

Improper labelling and inadequate risk warnings on powdered infant formula (PIF) packaging pose a significant health risk for Australian infants, thereby exposing the Australian Government to potential litigation. Recent developments in the United States regarding an infant formula scandal serve as a stark reminder of the vulnerabilities and consequences associated with this issue. Contamination of PIF has been linked to infant deaths and illness, resulting in the initiation of lawsuits. Compounding the issue are concerns related to lead contamination, as well as the lack of appropriate warnings on product labels. Insufficient frequency of independent testing further exacerbates the risks associated with PIF consumption. These factors collectively contribute to an environment where Australian infants are exposed to potential harm and the Australian Government is susceptible to legal action.

Moreover, the Australian PIF labelling, and temperature preparation standards fall below global norms. This disparity places infants at an elevated risk while simultaneously exposing the government to potential litigation. The National Health and Medical Research Council (NHMRC) guidelines, which are meant to safeguard infants, are inadequate due to their development in partnership with the industry. As a result, the responsibility falls on the FSANZ to prioritise the health and safety of consumers, free from industry influence, by implementing risk warnings on PIF packaging. The collusion between the government and industry creates an environment ripe for litigation if regulations are not promptly updated to reflect evidence-based international best practice. FSANZ must take immediate action to address the improper labelling and risk warning practices related to, ensuring the health and safety of infants, and mitigating the risk of potential lawsuits.



1.4 WHO/FAO guidelines for the safe preparation, storage and handling of powdered infant formula

IMPORTANT NOTE: These guidelines, leaflets and poster have NOT been made with the emergency setting in mind. Hence pictures of bottle feeding should be used with CAUTION as use of feeding bottles can be extremely dangerous in emergencies due to difficulties of cleaning and sterilisation.

[pif.pdf](#)

[safe-prep-bottle-feeding-leaflet.pdf](#)

[safe-prep-cup-feeding-leaflet.pdf](#)

[safe-prep-in-care-setting.pdf](#) (PDF, 952kb)

[poster-preparing-formula-in-care-settings.pdf](#) (PDF, 297kb)

1.5 Recommendations

- Update mandatory labelling on safe handling and preparation to align with WHO standards. This will ensure that parents, health workers, and the general public are aware of the potential health hazards associated with PIF (Powdered Infant Formula). This action would provide them with the necessary knowledge and guidance to minimise these risks. Such a call to action aligns with global efforts to promote infant health and safety and emphasises the significance of breastfeeding as the optimal source of nutrition for infants.
- Warning labels on all tins and packaging of inherent bacteria present in powdered infant formula, which can only be destroyed by preparing to WHO standards as per recommendation 1.



Section 2 Plain packaging

Current labelling of powdered milk products allows for aggressive and predatory marketing techniques to reach a unique audience who are making significant health choices for vulnerable children.

Milk powder products carry long term health risks, and since this product is available from birth and has been targeted to one of the most vulnerable groups in the population, there must be robust protections in place to ensure that this product is not used as a first line choice due to the current irresponsible labelling techniques.

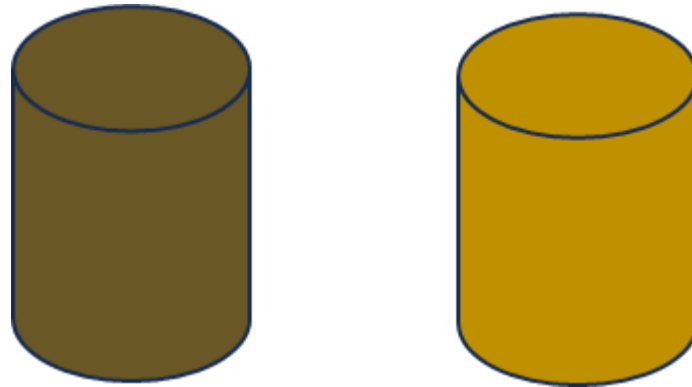
What does plain packaging look like?

Studies have shown that mothers do not differentiate between advertising on the labels of 'growing up milks' (GUMs) and infant formula. Marketing of infant formula (0–12 months) is discouraged in Australia. Cross-promotion is a common marketing tactic that manufacturers of breastmilk substitutes use in Australia to exploit gaps in national voluntary advertising regulations. The packaging of infant formula ranges is identical to other product lines which are unsuitable for infants under 12 months. This has been identified as a risk to babies' health, as infants can be mistakenly fed products which do not meet their unique nutritional requirements.

The image below is an example of products from an Australian infant formula manufacturer who packages their entire range of powdered milk products so similarly it is difficult to identify which is appropriate for babies.



As seen with the in-depth study for tobacco legislation in 2008, there have been colours identified as unappealing to a consumer when it comes to making health choices. We recommend that these colours also be implemented- dark brown for infant formula, and mustard for GUMs. This allows for easy product differentiation, less opportunity for cross promotion and there is less room for human error in selecting an inappropriate product.



The removal of all brand imagery from the infant formula and GUM cans is required, permitting manufacturers to only print the brand name in a mandated size, font and place, in addition to health warnings and other legally required product information. The size and shape of the package would also need to be regulated. Standardisation of product packaging and labelling must be a strict requirement.

The only labelling that should be visible on the packaging should include:

- Food name. BAA recommends the use of “Powdered Infant Formula”
- A use by date
- Storage instructions
- Preparation instructions in line with the WHO guidelines.
- Allergen declaration
- Warning and advisory statement including “may be a health risk to particular population groups”
- Supplier name and address, country of origin
- Nutrition Information Panel
- Ingredient list with food additives, preservatives, flavouring and colouring in bold text

2.1 Idealisation prohibitions

Infant formula companies use their labels as persuasive tools, and display evidence of inappropriate, aggressive, and predatory marketing techniques that override the necessity for mothers to make informed choices free from industry influence. These deceptive techniques are often not apparent to mothers as the slogans, imagery and designs are subtle and emotionally manipulative. It is no secret that colours, shapes and imagery, linguistics and various descriptors are used in marketing to evoke emotions, persuade the buyer, and sell a product. Unfortunately, this is rampant in the infant feeding market, and can be seen on many examples of labelling here in Australia.

Colour psychology is used in marketing to determine human behaviour and consumer choices and “accounts for 85% of the reason why someone decides to purchase a product” (J Suresh Kumar). It is not by accident that industry has selected particular colours to market their product, and this highlights the need for plain coloured packaging as an effort to ensure



mothers are making health choices based on the information on the labels, rather than the psychologically charged appearance of the product.

The main colours seen on formula labels include blue, yellow, white and metallics. There is also a surge in colours of a “natural” appearance in order to increase attention of eco-friendly audiences.

According to Colour Psychology, the following colours send particular messages in marketing.

Gold: “The colour shade gold is the shade of achievement, accomplishment, and triumph. Connected with wealth and success, extravagance and quality, esteem, and advancement, worth and polish, the brain research of the shading gold infers opulence, material riches and indulgence”

Silver: “Silver is often symbolic of wealth, similar to gold. It has strong connections to currency and achievement.”

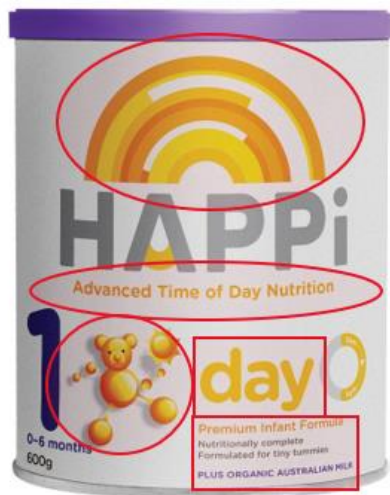
Blue: “Represents intelligence, communication, and trust. In fact, out of all the colours on the colour wheel, blue is by far the most trustworthy one. That is one of the main reasons why blue is a popular choice in marketing. While it can suggest professionalism and authority in one moment, in the other, it inspires friendliness and security.”

Yellow: “Yellow is considered a warm colour, which means that it can make people more emotional than some cool shades. At the same time, it is an attention-grabbing colour. In fact, yellow is the most noticeable colour of all. Its visibility, along with the ability to provoke cheerfulness, warmth, fun, makes it a good colour for branding and marketing. It is especially recommended for use by companies that offer pleasurable and accessible products and services.”

White: “White stands for purity, its simplicity untainted by any other hue. White stands for everything good and right, and we use it symbolically in opposition to black. White is the colour of certainty, of illumination, and of insight, and we associate it with knowledge and learning. “

It is not by accident that industry uses these colours on packaging and labelling. The images below are examples of why we are requesting the prohibition of any other information or visual details that are not legally necessary. These are examples of labelling that violates the WHO code and demonstrates FSANZ failure to uphold the objectives and principles. Each of these images show one or more of the following:

- Claims or suggestion of superiority.
- Wording/language/text that is harmful or creates idealisation.
- Descriptors of vitamins and minerals
- Idealisation using imagery.
- Stages (use of age range is sufficient to avoid incorrect product choice)







2.2 Labelling

Breastmilk and other locally sourced, affordable homemade foods that are nutrient dense should form the basis of an infant's diet. Infants and young children constitute a particularly vulnerable group due to underdeveloped immune and digestive systems, which is why the usual marketing regulations on foods are inadequate. Aggressive marketing of foods targeted at infants under 6 months old displaces important breastmilk and compromises the health of the child. After 6 months of age and beyond, breastfeeding continues to play a significant role in infant health and nutrition which is why marketing of complementary foods must be regulated, with the inclusion of labelling. GUMs are unnecessary products. Unethical and exploitative marketing has been shown to create an over reliance on food that is highly processed, nutritionally incomplete, and comparatively expensive. This is why marketing and idealising of breastmilk substitutes and GUMs as equal to, or superior than, breastfeeding is problematic and contributes to malnutrition or the rise in obesity, depending on the usage.

Members of the Food and Agriculture Organization of the United Nations (FAO) and of the World Health Organization (WHO) have expressed concern regarding the level of safety of food at both national and international level. They state the following about unsafe infant formula preparation in developed countries, including Australia:

"Based on the available data, the meeting concluded that FUF is commonly consumed by infants less than 6 months of age in both developing and developed countries, despite existing regulations and label recommendations. Data from developed countries also showed that a substantial percentage of caregivers to infants do not use basic hygiene and the recommended procedures within their country for safely preparing and feeding infant formula. It is likely that infant caregivers in developing countries, where hygiene and cooling require greater effort, do not have safer practices than those in developed countries. This suggests that a substantial proportion of caregivers to infants worldwide fail to follow all the preparation and feeding practices recommended to reduce the risks of microbiological hazards associated with a non-sterile product."

This serious risk should form the reason of recommendations to change mandatory labelling on infant formula tins to WHO standards, NOT to keep with manufacturers' guide, as the basis for lower temperatures is that ingredients such as probiotics and DHA are destroyed at WHO temperature of previously boiled water no lower than 70 degrees Celsius.

Toddler milk drinks and growing up milks are marketed as specialised 'formulas' designed to meet the nutritional needs of young children and are often marketed to parents as a healthy alternative to regular milk or other beverages. However, many of these products contain high levels of added sugars, which can have negative health consequences when consumed regularly.

In fact, a recent study by the World Health Organization found that some toddler milk drinks contained more sugar per serving than a can of soda, and that some growing up milks contained



as much sugar as a chocolate bar. This high sugar content can contribute to the development of childhood obesity, tooth decay, and other health problems.

Therefore, it is important that these products be identified as a high sugar content product and has a clear label to identify the high sugar content on the can.

Prohibitions on labelling must be put in place in order to protect infants from potentially consuming unnecessary GUMs by mistake, and there needs to be clear information on the labels which is free from marketing tactics used to sell the product. We have included below a table of prohibition recommendations. This must be adhered to if FSANZ is to uphold their objectives as stated later in this document.

It has been identified in an Australian study that there is an importance to have food labels that could be understood by consumers with varying degrees of literacy and numeracy, to help overcome health inequities in the population.

Prohibitions recommendation for powdered infant and follow-up formula:

Feature to be prohibited:	Examples (including but not limited to):
Claim or suggestion of superiority	Terms such as: premium, gold, pro, optimum, plus, supreme, optimised, advanced, enhanced, expert, patented formula
Text that is harmful to breastfeeding or creates idealisation of formula use	tailored, perfect for, trusted, power of, goodness, nutritional, best, improved, uncomplicated, without compromise, support, handpicked, backed by, enriched, made with real..., gentle nutrition, what matters, simple, nutrient rich, delicate, helps to ease, sensitive, gentle on tummy
Vitamin and mineral descriptors or claims	Slogans such as “X” number of vitamins and minerals, essential nutrients, fortified with essential nutrients,
Imagery	Characters, animals, environment/nature imagery humans, colours, and shapes (banners, flags, ribbons, stars, ticks etc)
Nutritional or scientific claims or jargon	“pronutra biotik”, scientifically formulated, nutritionally complete, closest to nature, organic, natural, brain development, immune boosting, immune support, gut health, clinically proven, growth and development, scientific symbiotic blend,
Age suitability	Stages (1,2, etc), inconsistent with legal requirements (0-12mth range), suitable from newborn
“Made in” symbol as selling tactic	It is a legal requirement to have country of origin symbols, it should be stated but not used as a selling tactic.



	For example, “Made in Australia for over X number of years”, “Made with the goodness of NZ milk”
Awards	Any suggestions of being an award winner, being nominated for awards, or being described as “Australia’s best”, “Number 1 seller”, etc.
Sponsorships/endorsements	Mentions of other brands, endorsements by other companies, foundations or health professionals, organisations, or any other form of sponsorship
Specialised formulations	Day and night, anti-colic, easy to digest, constipation, colic, digestive comfort,
Environmental and/or sustainability claims	Sustainable Sourcing, Reduced Carbon Footprint, Recyclable Packaging, Water Conservation, Sustainable Practices, Certifications, Support for Environmental Causes, Waste reduction and recycling initiatives, Renewable energy usage, Sustainable agriculture and animal welfare, Transparent supply chain and ethical partnerships



2.3 Warning panel recommendations:

2.3.1 Risk panel

- Children who are not breastfed are at an increased risk of illness. The risks associated with the use of this product include; sudden infant death syndrome (SIDS), respiratory and gastrointestinal infections, acute ear infection, asthma, type 1 and 2 diabetes, overweight and obesity, leukaemia.
- This product carries risk of contamination and may contain pathogens. It is not sterile.

1.3.1.1 NOVA 4 UPF panel:

While infant formula is a useful product for infants who cannot be breastfed, it is important to recognise that it is a highly processed food that should be used as a substitute for breast milk only when necessary.

As such, a warning label should be included to identify this product within the category of ultra-processed products.

2.4 Ingredient panel recommendations:

- Full list of ingredients
- Sugar content or use of palatable sweeteners warning
- Allergen advice

2.5 Preparation recommendations:

- Mandatory temperature for safe preparation of infant formula (0–12 m) in line with WHO. Previously boiled water no cooler than 70 degrees Celsius

Currently, the FSANZ Food Standards Code and the FSANZ Section 18 Objectives are misaligned with the current labelling of infant formula and GUMs. An additional concern is that the Australian government falls short of recognising and fully implementing their responsibility to follow the International WHO Code.

2.6 WHO Code:

Currently, Australia has the rating of “Some provisions of the Code included”. This is defined by: “countries that have enacted legislation or adopted regulations, decrees or other legally binding measures covering less than half of the provisions of the Code.

Australia currently holds a rating of 27 out of a possible 100.

Further to this low rating, Australia does not fulfil some of the identified provisions on labelling in countries that have legal measures in place, and FSANZ has responsibility to ensure that Australia fulfills this responsibility.

Australia has an obligation to adhere to the WHO Code as a minimum requirement uphold safety standards for infants. We encourage the use of the WHO guidelines to ensure that labelling of infant and GUMs are clear, free of persuasion, state the short term and long-term



health risks, and ensure that parents are informed that these products are not the preferred option for adequate nutrition and are intended as a last resort on medical advice.

The following recommendations are based on the labelling provisions that Australia has not included in national legal measures. This can be found in more detail in the *UNICEF Status report 2022, ANNEX 9. PROVISIONS ON LABELLING IN COUNTRIES THAT HAVE LEGAL MEASURES IN PLACE*.

This document states: “Some countries that had previously been considered to have no legislation on Code provisions have been reconsidered. In Australia and New Zealand, while the Code is mostly managed through a voluntary agreement, some provisions on labelling are covered in the Food Standards Act.”

Considering that the voluntary agreement in which the Code is managed (MAIF) is currently under revision and has been found ineffective, there is an opportunity for FSANZ to set the standard in Australia and lead the way in ensuring that mothers have

2.6.1 Required information for follow-up formula

- Importance of continued breastfeeding for 2+ years
- Importance of no complementary foods <6 months

2.6.1.1 Prohibited content for follow-up formula

- Image/text suggesting use at <6 months
- Images/text that undermines or discourages breastfeeding or compares to breastmilk
- Messages that recommend or promote bottle feeding
- Professional endorsements

2.7 Recommendations in line with the World Health Organisation:

The following MUST be put into place for Australia to fulfil their requirements as a WHO Code member and ensure we are substantially aligned with the Code:

- **Prohibition of nutrition and health claims**
- **Required information on infant formula products**

- the words “Important Notice”
- a statement on superiority of breastfeeding
- a statement on using only on the advice of a health worker
- instructions for appropriate preparation
- warning on health hazards of inappropriate preparation
- warning that powdered formula may contain pathogens



- **Prohibition of pictures that may idealize the use of infant formula on label of infant formula products**

- **Required information for follow-up formula, growing up milks, as well as other foods for IYC up to 3 years-**
 - the recommended age for introduction of the product
 - the importance of continued breastfeeding for 2 years
 - the importance of no complementary feeding before 6 months

- **Prohibited content for follow-up formula, growing up milks, as well as other foods for IYC up to 3 years**
 - any representation suggesting use before 6 months
 - images or text that discourages breastfeeding or compares to breast milk
 - messages that recommend or promote bottle feeding
 - professional endorsements

The WHO code has outlined what should be implemented in regard to labelling, and it is a requirement that Australia has not only ensured that this has been included in our regulations, but that they are enforced with penalties as a bare MINIMUM. See image below.



Article 9. Labelling

9.1 Labels should be designed to provide the necessary information about the appropriate use of the product, and so as not to discourage breast-feeding.

9.2 Manufacturers and distributors of infant formula should ensure that each container has a clear, conspicuous, and easily readable and understandable message printed on it, or on a label which cannot readily become separated from it, in an appropriate language, which includes all the following points: (a) the words “Important Notice” or their equivalent; (b) a statement of the superiority of breast-feeding; (c) a statement that the product should be used only on the advice of a health worker as to the need for its use and the proper method of use; (d) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation. Neither the container nor the label should have pictures of infants, nor should they have other pictures or text which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product as a breast-milk substitute and for illustrating methods of preparation. The terms “humanized”, “maternalized” or similar terms should not be used. Inserts giving additional information about the product and its proper use, subject to the above conditions, may be included in the package or retail unit. When labels give instructions for modifying a product into infant formula, the above should apply.

9.3 Food products within the scope of this Code, marketed for infant feeding, which do not meet all the requirements of an infant formula, but which can be modified to do so, should carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant. Since sweetened condensed

milk is not suitable for infant feeding, nor for use as a main ingredient of infant formula, its label should not contain purported instructions on how to modify it for that purpose.

9.4 The label of food products within the scope of this Code should also state all the following points: (a) the ingredients used; (b) the composition/analysis of the product; (c) the storage conditions required; and (d) the batch number and the date before which the product is to be consumed, taking into account the climatic and storage conditions of the country concerned.



2.8 FSANZ Section 18 Objectives:

The object of the FSANZ Act is 'to ensure a high standard of public health protection throughout Australia and New Zealand by means of the establishment and operation of a joint body to be known as Food Standards Australia New Zealand'.

By continuing to allow behaviours that idealise breastmilk substitutes, such as use of imagery and slogans that influence a parent's choices and ultimately determining a child's health, FSANZ is betraying the role of protection of public health.

The FSANZ Section 18 Objectives clearly demonstrates the commitment that FSANZ has made to protect the consumer when making choices that may be detrimental to health. Due to the known health impacts that infant formula has on infants, and the ultra-processed nature of this food powder, there is an even more urgent need for plain labelling to deter parents and ensure that there is focus put back to preventative health. Parents can decide based on plain labelling, and they are not in need of marketing techniques that has a predatory impact on the psychology of choosing how to feed their child. The products and the labels we currently see on Australian shelves are in direct violation of many efforts to protect breastfeeding, and they undermine the intelligence of parents by use of psychological persuasion, gaslighting, and creation of unnecessary doubt.

Disappointingly, the below sample of the "Provision of information statement" is not currently upheld by FSANZ. Underlined are areas in which must be reflected upon.

By allowing the labelling to continue to include text, images, colours, and any other items which idealise or glorify infant formula, there is a direct violation by FSANZ of the underline parts of these statements.



Provision of information statement

Principle

Food labels are a major source of food information. Information is underpinned by a risk-based hierarchy comprising three tiers of food labelling issues, prioritised in descending order of food safety, preventative health and consumer values.

FSANZ's role

- Protects public health and safety when setting mandatory food labelling standards.
- Considers regulatory and non-regulatory actions, including co-regulatory measures, when addressing the food information needs of consumers associated with food safety and preventative health.
- Supports government public health initiatives by assisting consumers to make better informed and healthier food choices.
- Requires information on food labels, particularly food safety elements, to be clear and comprehensible.
- Collaborates with the food industry and regulatory partners to ensure that food labelling standards are enforceable.
- Develops an evidence base to increase knowledge of the relationship between industry responses, consumer understanding and behaviour and food information.

2.8.1 Food Standards Code and ACL:

Fair trading laws and food laws in Australia and New Zealand require that labels do not misinform consumers through false, misleading, or deceptive representations. In Australia, this legislation includes the Australian Consumer Law (ACL) contained in the Competition and Consumer Act 2010, and state and territory Fair Trading Acts and Food Acts.

As seen in the image examples provided, there are many ways that deceptive representations are used to misinform or undermine mothers.



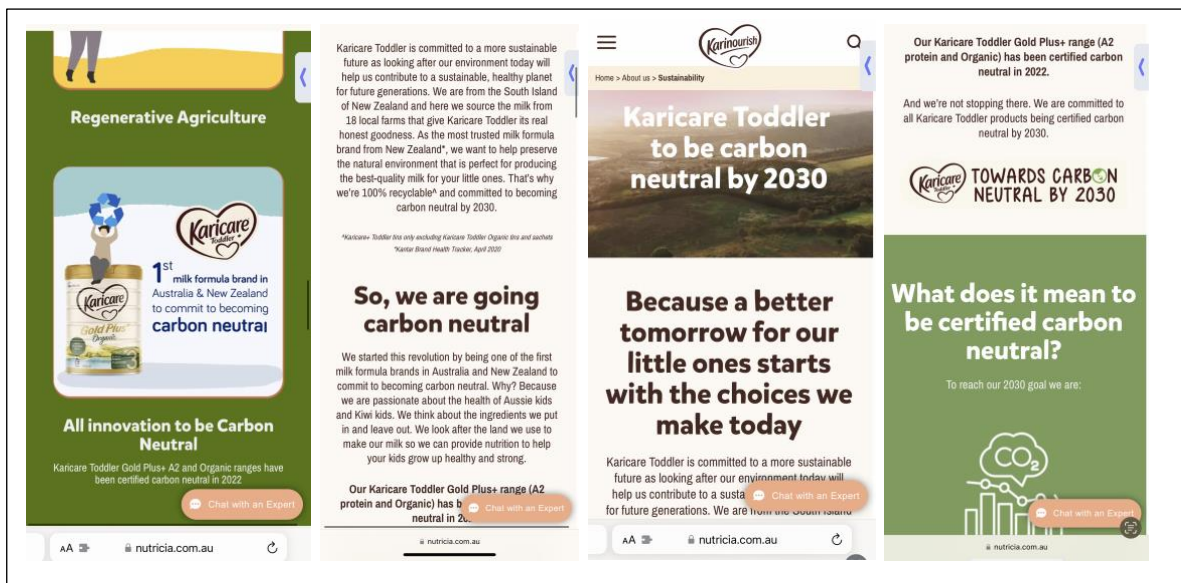
2.9 No sustainability claims

Sustainability claims made by infant formula manufacturers can indeed be misleading and a form of greenwashing when the product itself is not environmentally sustainable. Greenwashing refers to the practice of promoting a product or company as environmentally friendly or sustainable, while it may not truly live up to those claims.

Figure 1

Greenwashing by use of sustainability claims

Source: [Sustainability - Karicare](#)



There are several reasons why sustainability claims on infant formula packaging can be misleading:

Environmental Impact: Infant formula production involves numerous processes that can harm the environment. For instance, the production of formula ingredients like dairy or soy often requires extensive land use, water consumption, and energy-intensive processes. Additionally, the packaging and distribution of infant formula contribute to plastic waste and carbon emissions. If a company claims sustainability without addressing these environmental impacts, it can be considered greenwashing.

Lack of Regulation: The regulation of sustainability claims on product packaging varies across jurisdictions. In some cases, companies can make vague or ambiguous claims without providing concrete evidence or meeting specific standards. This lack of regulation allows companies to make unsubstantiated claims, leading to consumer confusion and deception.

Limited Scope: Infant formula manufacturers might focus their sustainability claims on specific aspects of their product or manufacturing process while neglecting other significant environmental issues. For example, a company may highlight sustainable sourcing of ingredients but ignore the carbon emissions resulting from transportation and distribution.



This selective emphasis on sustainability aspects without addressing the overall environmental impact is misleading.

FSANZ (Food Standards Australia New Zealand) should prohibit these misleading sustainability claims from infant formula packaging for several reasons:

Consumer Protection: Prohibiting misleading sustainability claims would protect consumers from being deceived or misled by false advertising. Parents and caregivers, in particular, rely heavily on accurate information when making decisions about infant nutrition. By ensuring that sustainability claims are truthful and supported by evidence, FSANZ can help prevent greenwashing practices and promote transparency in the market.

Environmental Impact: Infant formula is a product consumed on a large scale globally. If sustainability claims on infant formula packaging are allowed to mislead consumers, it can contribute to an increase in demand for products that have a significant negative environmental impact.

Consistency and Accountability: By setting clear guidelines and regulations on sustainability claims, FSANZ can establish a consistent framework for the industry. This would ensure that companies are held accountable for their environmental claims and provide accurate and reliable information to consumers. Such regulations would foster a more responsible and transparent industry, promoting genuine sustainability efforts.

In 2015 a study concluded that greenhouse gases produced from powdered infant formula and powdered toddler drinks in just six Asia Pacific countries was the equivalent of 9 billion kilometres of car travel. Most of the emissions coming from toddler drink. Noteworthy is that toddler drinks and other powdered milk products grouped as growing up milks (GUMs) have been identified by WHO as unnecessary and potentially harmful due to high sugar content and being an ultra-processed food substitute that displaces breastmilk and home cooked, locally sourced family foods. Additionally, it is estimated that 4000 litres of water are required to make just one tin of formula. With global water scarcity crisis, it is not sustainable to continue to manufacture and export these environmentally damaging products.

Sustainability claims made by infant formula manufacturers can be misleading and a form of greenwashing when the product itself is not environmentally sustainable. Prohibiting these claims from infant formula packaging would protect consumers, reduce environmental harm, and promote transparency and accountability within the industry.



2.9.1 Recommendations

1. Prohibit sustainability claims from all infant formula packaging
2. Robust protections in place to ensure that this product is not used as a first line choice due to the current irresponsible labelling techniques.
3. Plain Packaging and only the use of legally required labelling

This means:

- The removal of all brand imagery from the infant formula and GUM cans is required
- permitting manufacturers to only print the brand name in a mandated size, font, and place/location
- health warnings and other legally required product information.
- The size and shape of the package is to be regulated. Standardisation of product packaging and labelling must be a strict requirement.
- Prohibitions table to be implemented as a starting point
- Penalties and fines for misconduct



Section 3 Ultra processed powdered infant formula

3.1 Nova classification

The NOVA classification system was established by a group of researchers and nutrition experts from the Centre for Epidemiological Studies in Health and Nutrition at the University of São Paulo, Brazil. This team, led by Carlos Augusto Monteiro, developed the NOVA system to classify and categorise food products based on their degree of processing. The NOVA classification system has gained recognition and is widely used in the field of nutrition research and policy.

The Food and Agriculture Organization of the United Nations (FAO) plays a significant role in promoting and supporting the use of the NOVA classification system. The organisation recognises the importance of the classification and its implications for global nutrition and food systems.

FAO actively incorporates the NOVA system into its work related to food and nutrition policies, guidelines, and research. The organisation acknowledges the value of understanding the level of food processing and its impact on human health and sustainable food systems. FAO utilises the NOVA classification system as a tool to assess and monitor food consumption patterns, identify nutritional challenges, and develop appropriate interventions.

By endorsing and utilising the NOVA classification system, FAO aims to enhance global understanding of food processing and its effects on nutrition, public health, and sustainable food production. This collaboration helps to inform policies, strategies, and programs that promote healthy and sustainable diets worldwide.



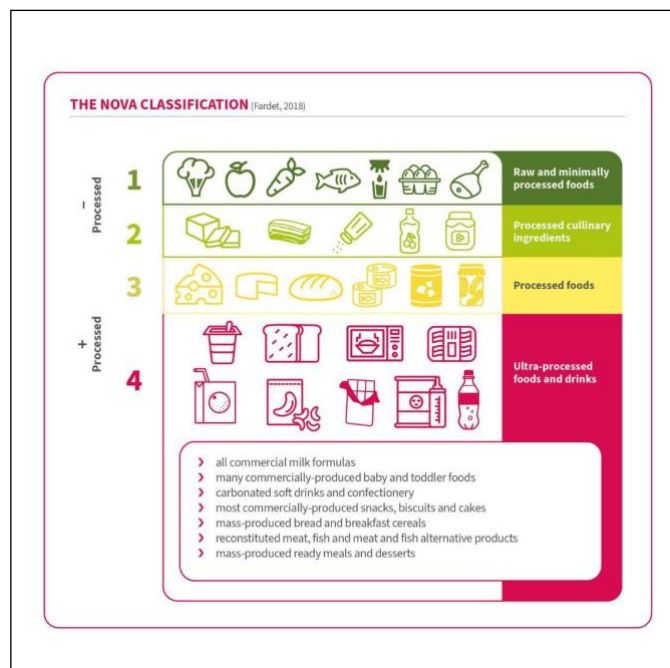
3.1.1 Powdered infant 'formula' UPF4

The NOVA food classification system is a widely used tool for categorising foods based on the degree of processing they undergo. This system classifies foods into four categories, with category 1 being unprocessed or minimally processed foods, and category 4 being ultra-processed foods. Infant formula is considered an ultra-processed food and falls under NOVA category 4. See Figure 2.

Figure 2

NOVA classification, including all commercial milk formulas into category 4 – ultra-processed foods and drinks

Source: <https://www.sciencedirect.com/science/article/abs/pii/S104345261830007X?via%3Dihub>





Infant formula is a powder made from a combination of ingredients such as milk proteins, carbohydrates, and vegetable oils. These ingredients undergo extensive processing, including heating, drying, and chemical treatment, in order to create a product that meets the specific nutritional needs of infants. Ultra-processed foods like infant formula are defined as foods that undergo multiple industrial processes and artificial ingredients. UPF4 foods, which includes infant formula and GUMs are typically highly palatable, energy-dense, and are associated with a range of negative health outcomes, including obesity, type 2 diabetes, heart disease, and associated with increased risk of all-cause mortality.

Infant formula falls into the ultra-processed food category because it is a product that has undergone multiple processing steps, including the use of industrial chemicals and heating processes, and contains added sugars and fats. Furthermore, infant formula marketed as a substitute for breast milk, which is a minimally processed food that is recommended as the optimal source of nutrition for infants. While infant formula is a useful product for infants who cannot be breastfed, it is important to recognise that it is a highly processed food that should be used as a substitute for breast milk only when necessary.

3.1.2 Justification for UPF category 4 risk warnings on PIF packaging

FSANZ should make it compulsory to include risk warnings about infant formula being classified as an ultra-processed food, NOVA category 4, on PIF (Powdered Infant Formula) packaging for the following reasons:

Transparency and Informed Choice: Mandatory risk warnings would ensure transparency and provide parents and caregivers with vital information about the nature of infant formula as an ultra-processed food. By prominently displaying this warning on packaging, consumers can make more informed choices about infant nutrition and consider alternatives such as seeking skilled breastfeeding support, or donor milk or engaging healthy wet nurse. All these options are listed higher in the infant feeding hierarchy than PIF which is a last resort. WHO advises infants not breast fed constitute a special risk group and require extra medical supervision.

Health implications: Ultra-processed foods are associated with various negative health outcomes, including an increased risk of obesity, chronic diseases, and nutritional deficiencies. By explicitly labelling infant formula as an ultra-processed food, mothers and caregivers would have a clear understanding of the potential health implications. This knowledge can empower them to seek breastfeeding support or use infant formula appropriately under the guidance of appropriately qualified healthcare professionals.

Promoting breastfeeding: Risk warnings on PIF packaging align with the global efforts to promote and protect breastfeeding as the optimal source of nutrition for infants. By highlighting the ultra-processed nature of infant formula, FSANZ would emphasise the importance of breastfeeding, which provides numerous health benefits, immune protection, and optimal nutrition specifically tailored to an infant's needs.



Public health awareness: Compulsory risk warnings would contribute to raising public awareness about the nutritional quality and potential risks associated with consuming ultra-processed infant formula. This can have a broader impact on public health, leading to increased scrutiny of the food industry's practices and fostering a demand for healthier, minimally processed alternatives.

Aligning with evidence-based approaches: The NOVA classification system, which categorises foods based on their degree of processing, is backed by scientific research, and widely recognised. By incorporating the NOVA category 4 classification into risk warnings, FSANZ would align its policies with evidence-based approaches and international standards, ensuring consistency and accuracy in communicating potential risks to consumers.

Making it compulsory for FSANZ to include risk warnings about infant formula being an ultra-processed food, NOVA category 4, on PIF packaging would promote transparency, informed choice, and public health awareness. Such warnings would empower parents and caregivers to make informed decisions about infant nutrition, prioritise breastfeeding. By aligning with evidence-based approaches and emphasising the potential health implications, FSANZ can contribute to improved infant health outcomes and encourage a shift towards healthier, minimally processed feeding options.

3.2 Recommendations

1. NOVA classification category 4 with detailed explanation regarding the impact of feeding infants an ultra-processed substitute for breastmilk exclusively for 6 months and to 12 months with the addition of complementary foods.



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