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# GAIN Report

Global Agricultural Information Network

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Voluntary  Public

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## Hong Kong

**Post:** Hong Kong

### **New Marketing Guidelines for Infant and Toddler Foods**

**Report Categories:**

Agriculture in the News

Dairy and Products

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

Export Accomplishments - Other

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**Report Highlights:**

Hong Kong recently implemented a voluntary Code of Marketing of Formula Milk and Related Products and Food Products for Infants and Young Children (HK Code) aimed at promoting breastfeeding by restricting marketing activities of alternative food resources for children up to 36 months. The Hong Kong government (HKG) notified WTO of the HK Code via G/TBT/N/HKG/43/Add.1

The Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children started implementation on June 17, 2017 after over four years of discussion. The Hong Kong government (HKG) first notified WTO of its intention to introduce the Hong Kong Code to restrict marketing activities of formula and related products and food products for young children under the age of 36 months in late 2012 (G/SPS/N/HKG/38 & G/TBT/N/HKG/43). A public consultation was also launched to gauge industry comments.

The final Code is a result incorporating some submitted comments such as removing restrictions over the use of trademarks and logos on product labels, which are considered essential by the trade for product identification. However, the HKG insisted the Code to cover formula and food products for young children under the age of 36 months versus industry's urge to cover products up to 12 months only.

The HKG highlighted that the HK Code makes reference to the International Code of Marketing of Breastmilk Substitutes and relevant recommendations of the World Health Organization (including the "Guidance on ending the inappropriate promotion of foods for infants and young children" issued in 2016).

The summary of the voluntary Hong Kong Code is given in the appendix. The full Code is available on the website: [www.hkcode.gov.hk](http://www.hkcode.gov.hk).

## A Summary of the HK Code

<u>Article</u>	<u>Major Provisions</u>
<b>1. Title of the Code</b>	This Code is named as the Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children (“the HK Code”).
<b>2. Aim and Scope</b>	<p>The HK Code aims to contribute to the provision of safe and adequate nutrition for infants and young children by protecting breastfeeding and ensuring the proper use of designated products, on the basis of adequate and unbiased information and through appropriate marketing.</p> <p>The HK Code applies to the following <b><u>designated products</u></b> for infants and young children under 36 months old:</p> <ul style="list-style-type: none"> <li>◆ Infant formula</li> <li>◆ Formula milk related products: Feeding bottles and teats</li> <li>- Follow-up formula</li> <li>- Prepackaged food products for infants and young children</li> </ul>
<b>3. Definitions</b>	Terms used in the HK Code are defined.
<b>4. Information and Education (to the general public, expectant parents and parents)</b>	<p><u>Information and education provided by manufacturers or distributors (M&amp;Ds)</u></p> <p>M&amp;Ds of designated products should not perform / sponsor educational activities nor produce and distribute informational / educational materials on <i>breastfeeding and formula milk feeding</i>.</p> <p>Nevertheless, M&amp;Ds may:</p> <ul style="list-style-type: none"> <li>◆ distribute and reproduce the informational / educational materials on <i>breastfeeding and formula milk feeding</i> prepared by the Department of Health, with the source of information acknowledged, and</li> </ul>
	<ul style="list-style-type: none"> <li>◆ produce, donate or distribute informational/educational materials <i>on matters related to infants and young children</i></li> </ul>

	<p><i>other than breastfeeding and formula milk feeding,</i></p> <p>provided that such materials do not contain the name, brand name, packshot, logo and / or trade mark of any formula milk and formula milk related product.</p> <p><u>Provision of product information by M&amp;Ds</u></p> <p>M&amp;Ds should only provide product information about formula milk, feeding bottles and teats <u>upon request</u>, via electronic (e.g. websites, emails) or physical means (e.g. hot- lines, at the premises of retailers or at health care facilities). The information provided should be factual and correct and does not undermine or discourage breastfeeding.</p> <p>Notification of pre-order service for formula milk provided by any parties should only contain essential information pertaining to the operation of order and delivery.</p> <p><u>Information and education provided by other parties</u></p> <p>Parties other than M&amp;Ds may produce or distribute informational / educational materials on <i>infant-and-young-child feeding and nutrition</i>, provided that such materials:</p> <ul style="list-style-type: none"> <li>◆ do not contain the brand name, logo or trade mark of formula milk and formula milk related product nor the name of M&amp;Ds except for matters concerning public health / risks, and for patient care; and</li> <li>◆ explain the relevant points about breastfeeding, complementary feeding, formula or bottle feeding as specified.</li> </ul>
<p><b>5. Promotion to the Public</b></p>	<p>M&amp;Ds should not carry out promotional activities involving formula milk, and formula milk related products. Such activities include but are not limited to advertising, using special displays, and offering prizes or gifts such as free samples.</p> <p>M&amp;Ds may promote prepackaged food for infants and young children, provided that the promotional activity does not:</p> <ul style="list-style-type: none"> <li>◆ cover infants less than 6 months of age,</li> <li>◆ take place in health care facilities, and</li> <li>◆ promote formula milk or formula milk related products.</li> </ul>
	<p>M&amp;Ds should not seek directly or indirectly personal details of infants, young children, expectant parents or parents of children</p>

	<p>under the age of 36 months; or inviting their participation in activities including baby shows and mother craft activities, for the purpose of promoting designated products.</p>
<b>6. Promotion in Health Care Facility</b>	<p>M&amp;Ds of designated products should not:</p> <ul style="list-style-type: none"> <li>◆ offer free designated products;</li> <li>◆ provide equipment, gifts or samples; and</li> <li>◆ promote or distribute designated products to any person via health workers / health care facilities.</li> </ul>
<b>7. Information and Promotion to Health Workers</b>	<p>Informational materials about products provided by M&amp;Ds should be limited to scientific and factual matters.</p> <p>M&amp;Ds may provide designated products to health workers only for the purpose of professional evaluation or research at the institutional level.</p> <p><u>Sponsorship of Continuing Medical Education Activities:</u></p> <ul style="list-style-type: none"> <li>◆ M&amp;Ds should exert no influence on the choice of speakers, topics to be discussed and sponsorship recipients.</li> <li>◆ Any interest in or relationship with M&amp;Ds should be disclosed.</li> <li>◆ M&amp;Ds should not distribute gifts / materials or promote designated products through the continuing education activity.</li> </ul>
<b>8. Labelling</b>	<p>The container or label of a designated product should not:</p> <ul style="list-style-type: none"> <li>◆ include any image, text or other representation that is likely to undermine or discourage breastfeeding, that makes a comparison to breastmilk, or that suggests that the product is nearly equivalent or superior to breast-milk;</li> <li>◆ promote bottle feeding; and</li> <li>◆ convey an endorsement by a professional or other body.</li> </ul>
	<p>Product labels of formula milk, feeding bottles and teats should clearly state breastfeeding as the norm of infant feeding. Product labels of formula milk should also clearly state the need for the advice of a health professional before the use of formula milk and the health hazards of its use.</p>
<b>9. Implementation and Evaluation</b>	<p>M&amp;Ds themselves are responsible for monitoring their marketing practices according to the principles and aim of the HK Code.</p>

	<p>Non-governmental organisations, professional groups, institutions and individuals concerned are invited to draw the attention of M&amp;Ds to activities which do not follow the principles and aim of the HK Code.</p> <p>All parties are invited to collaborate with the Government to evaluate the overall effectiveness of the HK Code.</p> <p>Surveys will be conducted from time to time to evaluate the overall trends in marketing practices of designated products. Feedback and suggestions from members of the public will also be collated and analysed. The overall effectiveness of the HK Code will be reported to the Committee on Promotion of Breastfeeding, which will further advise the Government on the future strategies and actions to promote and protect breastfeeding and infant-and-young-child nutrition.</p>
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Source : Food and Health Bureau Department of Health June 2017