

MAIF Agreement and Retailers¹

Retailers are not signatories to the MAIF Agreement and are not bound by its terms. However, manufacturers and importers must not themselves pursue or endorse promotional activities through retailer channels unless those activities are allowed under the MAIF Agreement.

Due to the sensitive nature of Infant Formula products from 0 to 12 months, and strict regulations, special consideration needs to be taken when these products run into short expiry or get damaged. INC recommends that the following procedures are implemented by a responsible retailer:

- Strong stock management processes to ensure expired stocks are not on shelves.
- For cases of damaged or expired stocks, destruction of these products should be monitored by a certified process to ensure that they cannot be accessed by the public.
- Donations from signatories to the MAIF Agreement should, by all means, be avoided as these are strictly governed under the MAIF Agreement.

1 - Defined as businesses engaged in the trade or on-selling of infant formula in physical retail outlets or via e-commerce.

Price promotions

Price promotion of infant formula (such as 'special prices' and discounts) is allowed. The MAIF Agreement is currently authorised under the Competition and Consumer Act 2010. However, the MAIF Agreement and the authorisation do not restrict price promotions of infant formula.

Further information

Find the MAIF Agreement on the INC website:
infantnutritioncouncil.com/marketing-codes



Industry supporting both Breastfeeding & Infant Formula

The Infant Nutrition Council is committed to working in collaboration with government, regulatory authorities, health care professionals and public health advocates, to optimise the health and wellbeing of infants in Australia.



Manufacturers and Importers'
Obligations for the Marketing of
Infant Formula in Australia

Information for Retailers

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Breastfeeding is the normal way to feed a baby and is important for baby's health and well-being. The World Health Organization and the National Health and Medical Research Council in Australia recommend exclusive breastfeeding until six months of age, and then to complement with the appropriate introduction of solid foods up to two years of age.

There is no question that breastfeeding is the normal way to feed an infant and that breastmilk provides the best possible nutrition, however, when an infant does not receive breastmilk, the only suitable and safe alternative is a scientifically developed infant formula product.

The Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (MAIF Agreement)

The MAIF Agreement is a voluntary self-regulatory code of conduct between manufacturers and importers of infant formula in Australia.

It is based on the *World Health Organisation International Code of Marketing of Breast Milk Substitutes (WHO 1981)* and is Australia's official application of the WHO Code within the context of Australia's legal and economic environment. Both the MAIF Agreement and the WHO Code have the same aim which is:

"...to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast feeding and by ensuring the proper use of breast milk substitutes, when they are necessary, on the basis of adequate information and through appropriate marketing and distribution."

The MAIF Agreement was developed by the Australian government, the infant formula industry, public health advocates and other stakeholders and was implemented in 1992.

Key Features of the MAIF Agreement

The following are some of the key obligations of manufacturers and importers of infant formula under the MAIF Agreement:

- 1 Manufacturers and importers of infant formula should not advertise or in any other way promote infant formula or follow-on formula to the general public.
- 2 Manufacturers and importers of infant formula should not provide samples of infant or follow on formula to the general public (including pregnant women).
- 3 Manufacturers and importers of infant formula should not distribute to pregnant women, or parents of infants and young children, any gifts of articles or utensils which may promote the use of breastmilk substitutes or bottle-feeding.
- 4 Informational and educational material produced by manufacturers and importers of infant formula (such as pamphlets or booklets) dealing with the feeding of infants should always include clear information on the benefits and superiority of breastfeeding (e.g. "Breastmilk is the perfect food for baby"); maternal nutrition, and the preparation for and maintenance of breastfeeding; the negative effect on breastfeeding of introducing partial bottle-feeding; the difficulty of reversing the decision not to breastfeed; and where needed, the proper use of proprietary infant formula. Where such materials contain information about the use of infant formulas, additional information is required.
- 5 Manufacturers and importers of infant formula must not idealise the use of infant formula through pictures and text on infant and follow-on formula or information and educational materials.
- 6 Manufacturers and importers of infant formula should not give financial or material incentives to health professionals to promote infant formula.
- 7 Manufacturers and importers of infant formula can provide information about the formulas to health care professionals, but should restrict the information to scientific and factual matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breastfeeding.

Monitoring Code Compliance

The Australian government through the Department of Health monitors compliance with the MAIF Agreement. Individuals, members of industry, community and consumer groups can lodge a complaint with the Department of Health alleging a breach of the MAIF Agreement. Complaints are provided to the MAIF Complaints Committee which determines whether they are in-scope. The MAIF Complaints Committee will then decide about in-scope complaints as to whether or not the matter complained of constitutes a breach. More information about the MAIF Agreement and complaints process is available at www.health.gov.au/maif

Application of the MAIF Agreement

The MAIF Agreement applies to the marketing and promotion of formulas for infants up to 12 months of age, by the Australian manufacturers and importers of infant formula who are signatories.

In relation to products, the MAIF Agreement applies to:

- **Infant formula i.e. formula that is suitable for babies from birth** (e.g. Starter, Stage 1 or All Ages infant formulas)
- **Follow-on formula i.e. formula that is suitable for babies from six to twelve months.**

The MAIF Agreement does not apply to:

- **Toddler milk drinks** suitable from 12 months (sometimes called Growing Up milks)
- **Complementary foods** (i.e. baby cereal and packaged baby foods)
- **Feeding bottles and teats**