



The Baroness Jones of Whitchurch,
House of Lords,
London,
SW1A 0PW

31/01/2024

Dear Lady Jones,

RE: Amendment to Digital Markets, Competition and Consumers Bill to review infant formula legislation

We are writing to express our interest in having a dialogue with you regarding current infant formula sale and promotion legislation in light of the submission made to “review the impact of infant formula sale and promotion legislation on consumers” as an amendment¹ to the Digital Markets, Competition and Consumers Bill.

First Steps Nutrition Trust² is an independent public health nutrition charity and we aim to influence policies to better enable the safe, appropriate, and optimal feeding of all babies and young children in the UK. Part of this involves protecting infants and young children from harmful commercial activities. Recognising that the majority of babies in the UK are formula fed, we have been concerned about and monitoring the rising cost of infant formulas and advocating for actions to make them more affordable since 2018. This data of ours informed the recent Competition and Markets Authority investigation, which highlighted profiteering by formula brands³.

We are writing to you in our capacity as the current Secretariat for the Baby Feeding Law Group (BFLG)-UK⁴. For 26 years, this group, which now comprises 36 key organisations and independent expert members, has been advocating for government and policy-makers to take action to prevent inappropriate marketing of infant formula and other breastmilk substitutes.

The current UK legislation which governs the composition and marketing of infant formula and follow on formula is informed by global guidance, in the form of the International Code of Marketing of Breastmilk Substitutes (‘the Code’) and subsequent World Health Assembly resolutions⁵. The underlying rationale for the Code is that the health of babies is so important that the usual rules governing market competition and advertising should not apply to products intended for feeding babies.

¹ Digital Markets, Competition and Consumers Bill: Second marshalled list of amendments.

<https://bills.parliament.uk/publications/53855/documents/4335>

² First Steps Nutrition Trust. <https://www.firststepsnutrition.org/>

³ Competition and Markets Authority (CMA). Corporate report: Price inflation and competition in food and grocery manufacturing and supply. 29 November 2023 <https://www.gov.uk/government/publications/price-inflation-and-competition-in-food-and-grocery-manufacturing-and-supply>

⁴ Baby Feeding Law Group (BFLG) UK. <https://www.bflg-uk.org/about-us/#who-we-are>

⁵ World Health Organization (WHO). Code and subsequent resolutions. <https://www.who.int/teams/nutrition-and-food-safety/food-and-nutrition-actions-in-health-systems/code-and-subsequent-resolutions>

To protect all infants and young children, it is important that current UK legislation is not weakened. **Inappropriate marketing of formula milks and other breastmilk substitutes not only undermines breastfeeding but *also* safe and appropriate formula feeding, *and* the costs to company for marketing also pushes up infant formula prices^{6,7,8}.** For these reasons controlling the marketing of these products is crucial to protect the health of infants and young children, however they are fed, and especially given the current cost of living crisis⁹.

For this reason, we are concerned about the public call last week by Richard Walker¹⁰, Executive Chair for Iceland Foods, for an amendment to the Digital Markets, Competition and Consumers Bill to seek to allow the promotion of infant formula through price discounts. We are also concerned that he is seeking cross-party support for this legislative change.

If you would like to know more about the reasons why there should be no weakening of current UK legislation to allow price discounts for infant formula, we would be happy to meet with you to discuss this. There are several actions we recommend that we believe would have much further-reaching impact¹¹.

Yours sincerely,



Dr Catherine (Katie) Pereira-Kotze on behalf of the Baby Feeding Law Group UK

Baby Feeding Law Group UK Members:

Association of Breastfeeding Mothers (ABM), Association for Improvements in the Maternity Services (AIMS), Baby Milk Action, Best Beginnings, the Breastfeeding Network (BfN), Breastival, Code Monitoring Northern Ireland, the Community Practitioners' and Health Visitors' Association (CPHVA), Doula UK, The Fatherhood Institute, First Steps Nutrition Trust, GP Infant Feeding Network (GPIFN), HENRY, Hospital Infant Feeding Network (HIFN), the Human Milk Foundation, Institute of Health Visiting, Lactation Consultants of Great Britain (LCGB), La Leche League GB (LLLGB), Leicester Mammias, Centre for Lactation, Infant Feeding and Translational research (LIFT), Local Infant Feeding Information Board (LIFIB), Midwives Information and Resource Service (MIDIRS), National Breastfeeding Helpline, NCT (National Childbirth Trust), Royal College of Midwives (RCM), Save the Children, UK Association of Milk Banking (UKAMB), Unicef UK Baby Friendly Initiative, Unison, Women's Environmental Network (WEN), World Breastfeeding Trends Initiative (WBTi) UK. Independent members: Dr Robert Boyle, Natasha Day, Dr Clare Patton, Dr Ernestine Gheyoh Ndzi.

⁶ APPG-IFI. 2018. Inquiry into the cost of infant formula in the United Kingdom. <http://www.infantfeedingappg.uk/wp-content/uploads/2018/11/APPGIFI-Inquiry-Report-cost-of-infant-formula.pdf>

⁷ Mintel. 2016. Baby Food and Drink.

⁸ Rollins N, Piwoz E, Baker P, et al. 2023. Marketing of commercial milk formula: a system to capture parents, communities, science, and policy. *Lancet*. 401; 10375: Pg 486-502. [https://doi.org/10.1016/S0140-6736\(22\)01931-6](https://doi.org/10.1016/S0140-6736(22)01931-6)

⁹ BFLG-UK Position Statement: The marketing of commercial milk formulas. November 2023. <https://www.bflg-uk.org/s/BFLG-UK-statement-Legal-restrictions-on-marketing-of-CMF-in-COL-crisis-revised-8Nov2023-1gj6.pdf>

¹⁰ Sky News. Iceland boss urges cross-party support to make baby formula more affordable. 22 January 2024. <https://news.sky.com/story/iceland-boss-urges-cross-party-support-to-make-baby-formula-more-affordable-13053733>

¹¹ First Steps Nutrition Trust. Press release in response to the CMA report: Government action warranted after watchdog criticises "greedflation" by infant formula brands. 29 November 2023. <https://static1.squarespace.com/static/59f75004f09ca48694070f3b/t/6567ceb891496d7b0b232c73/1701301945259/FSNT+press+release+on+the+CMA+report+-+infant+formula+-+29112023.pdf>