

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2016 - 2017

Division/Agency: Australian Competition and Consumer Commission

Question No: 106

Topic: Promotion of processed foods including milk formula for infants and young children – Packaging and labelling

Reference: Written

Senator: Kakoschke-Moore, Skye

Question:

The 2012 NOUS report commissioned by the Department of Health, recommended the government prevent toddler formula/milk from being packaged and labelled to resemble infant formula. The NHMRC Dietary guidelines state that from 12 months of age, toddlers ‘should be consuming family foods’ and that ‘special complementary foods or milks are not required for healthy children’. Despite these and other expert health and regulatory bodies indicating the inappropriateness of allowing promotion of toddler formula milks to continue, particularly in the current form, the I am told the ACCC is choosing not to use its powers to prevent such promotion using Australian consumer law.

As the government did not act on the NOUS recommendation, despite WHO guidance and WHA resolutions consistently also indicating such products are covered by the WHO Code, are unnecessary, and are potentially harmful to children, will the ACCC monitor industry practices and initiate its own action under Australian Consumer Law against toddler formula marketing which misleads consumers in this way?

Answer:

The ACCC has previously investigated allegations of misleading or deceptive conduct in relation to whether images of infant children, or children who appear younger than 12 months, were being used to market and promote the sale of toddler formula. We would be pleased to consider any specific examples of marketing or labels that might be considered misleading.