INDEPENDENT REVIEW OF THE CONTROL ON INFANT FORMULA AND FOLLOW-ON FORMULA

RESPONSES TO CONSULTATION ON DRAFT REPORT

INTRODUCTION

In September 2009 the panel conducting an independent review of new controls on the advertising and presentation of infant and follow-on formula put in place by the 2007 Regulations asked key stakeholders to comment on its draft report. Specifically the panel asked key stakeholders to comment on the accuracy with which the panel had represented material they had previously submitted to help the panel in its work.

The panel would like to thank all stakeholders for taking the time to respond to this consultation and for the full and comprehensive responses. A list of those who responded is given in annex 1 to this paper. The panel was particularly struck by the passion which infused the responses and which further highlighted the strength of feeling surrounding the issue of infant and follow-on formula. The gravity of the responses reinforced the panel's resolve to produce a robust, evidence based review.

SCOPE OF THE REVIEW

Several comments received related to the objective, remit and scope of the review, expressing view that the review was too narrow. The objective and remit presented to the panel by the Minister directly relate to the new controls in the 2007 Infant formula and follow-on formula Regulations i.e. those requiring follow-on formula to be advertised and presented in such a way that it is clear that follow-on formula is meant only for babies over 6 months and is not confused as infant formula. The remit went on to specify particular tasks the review panel was to carry out referring to the "new controls" on presentation and advertising of follow-on formula. The only such new control introduced by the 2007 Regulations comprised the introduction of a new requirement that there be no risk of confusion between follow-on formula and infant formula. The panel is, however, very much aware that the review is looking at a small, but important, part of a much wider set of public health concerns and commitments and has been mindful of this throughout the review. It was for that reason that the panel considered it important to include the "summary of the background to the review" in the report, so that the recommendations would be seen in that context.

The panel has carried out the review to meet the objective and remit presented to it. With this in mind the panel agreed that it was for the Department of Health, Food Standards Agency and ultimately the Minister to answer questions about the scope of the review and the remit that had been presented to it.

ADDITIONAL INFORMATION THAT HAD NOT PREVIOUSLY BEEN SUBMITTED

Information relating to the advertising and the presentation of infant formula and follow-on formula will be constantly evolving. The panel provided stakeholders with two opportunities to provide information which might inform the review and also conducted new research to inform its conclusions and recommendations. The panel thanks stakeholders for their continued support of the review and for submitting additional new information at this point. However the panel is not able to consider new information at this stage.

TABLE 1 – SUMMARY OF STAKEHOLDER COMMENTS ON ACCURACY WITH WHICH THE PANEL HAD REPRESENTED THE MATERIAL SUBMITTED AND PANEL RESPONSES

Respondent	Stakeholder Comment	Panel Response	Associated changes to the report
Baby Milk Action on behalf of the Baby Feeding Law Group (BMA/BFLG)	**Paragraph 46** NICE Public Health Guidance 11 (*Improving the nutrition of pregnant and breastfeeding mothers and children in low-income households*) published in March 2008 recommendation 14 not only calls for access to independent advice but also calls for no sponsorship by companies: • *Commissioners and managers should ensure mothers have access to independent advice from a qualified health professional on the use of infant formula. This should include information on the potential risks associated with formula-*	The panel would like to thank BFLG for this suggestion.	Paragraph 66

	feeding and how to obtain ongoing advice at home. • *Avoid promoting or advertising infant or follow-on formula.* ***Do not display, distribute or use product samples, leaflets, posters, charts, educational or other materials and equipment produced or donated by infant formula, bottle and teat manufacturers.***		
BFLG	**Para 47** refers to **'infant formula'** instead of to **'breastmilk substitutes'**	The panel would like to thank BMA/BFLG for this correction.	Paragraph 67
BMA/BFLG	**Paragraph 50**: Regarding the call by the UN Committee on the Rights of the Child for the UK to implement the International Code of Marketing of Breastmilk Substitutes, this was not following a visit to the UK, but following submissions made to the Committee by the UK Government in Geneva and written submissions by Baby Milk Action, including the monitoring information submitted to the Review Panel, and other NGOs.	The panel would like to thank BMA/BFLG for this correction.	Paragraph 71
BMA/BFLG	**Paragraph 51**: The Panel incorrectly cites the prohibition on advertising in the International Code as applying to infant formula, when the prohibition applies to all breastmilk substitutes. This includes infant formula, follow-on formula and other complementary foods that replace breastmilk.	The panel would like to thank BMA/BFLG for this correction.	Paragraph 72
BMA/BFLG	**Para 53.** The concerns were not just about confusion.	The panel would like to thank BMA/BFLG for this correction.	Paragraph 74

BMA/BFLG	**Para 57:** The provision regarding follow-on milk presentation was brought in from the Codex Infant formula Standard and was most relevant when the composition of follow-on formula was very different to infant formula and presented much more of a health risk from a nutritional perspective.	The panel would like to thank BMA/BFLG for this correction.	Paragraph 68
BMA/BFLG	**Para 59**: The BFLG provided more detailed information about the aim of the Directive and in particular whether this is a total or partial harmonisation and that the report should include the points made by them *(the full response from the BFLG is available in the Food Standards Agency Library)*.	The panel would like to thank the BFLG for providing further details. However, the "*Summary of the Background to the Review*" section, is a summary and the panel does not consider it appropriate to go into this level of detail.	Paragraph 80
BMA/BFLG	**The footnote to paragraph 59 -** this refers to an informal verbal comment from someone in the British Embassy is irrelevant and has a disproportionate impact on the whole review. No written substantiation that Luxembourg is going to change the Law is given. The BFLG did not, as suggested, merely 'claim' that the Luxembourg Law bans follow-on milk advertising. We provided published legal texts of the Regulations. No change to the Luxembourg Law has been published to date.	The panel would like to thank BMA/BFLG for this suggested clarification.	Footnote on page 25

BMA/BFLG	**Paragraph 62**: The Panel refers to the Guidance Notes, but does not comment that these have no legal force. For example the Trading Standards Home Authority for Wyeth has stated regarding promotion in supermarkets: *"It may not comply with good practice in the guidance notes, but it does not infringe the 2007 Regulations. Therefore enforcement action cannot be taken."*	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraph 83
BMA/BFLG	**Paragraph 64:** The Panel refers to a consultation on the Independent Review process conducted by the Department of Health and the Food Standards Agency, but does not mention that the FSA received hundreds of submissions regarding this, raising the fear that the Panel may limit its deliberations to the 'confusion' issue. This was also raised in Parliament (see above).	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraph 54
BMA/BFLG	**Para 67**: The BFLG correspondence submitted to the IRP consistently stressed the BFLG concern about the funding of educational materials by the baby feeding industry – and parents and children's rights (enshrined in the International Code and Resolutions, CRC (Articles 32 and 36) and EU Directives) to protection from exploitation and to independent information on which to base decisions. This is different to advertising, PPP and the other points listed.	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraphs 88 and 89
BMA/BFLG	**Para 68**. BFLG has also submitted many comments regarding company carelines.	The panel would like to thank the BMA/BFLG for this suggested addition.	Paragraph 90
BMA/BFLG	**Para 69**: BFLG also called for manufacturers to label products in line with FSA guidance – especially relating to limiting the risk of intrinsic contamination.	The panel would like to thank the BMA/BFLG for this suggested correction.	Paragraph 91

BMA/BFLG	**Paragraph 70**: The report does not accurately reflect the BFLG position on claims, which is that health or nutrition claims on foods and drinks for infants and young children should not be permitted because they are misleading, highly promotional and undermining of breastfeeding which is not packaged and placed on sale in the same way. This is in line with Codex Guidelines and on Health and Nutrition Claims and the International Code of Marketing of Breastmilk Substitutes, which prohibits all idealizing text and images. The BFLG has called for any permitted claims to be placed at the pack of packages in non-promotional text and for the Regulations to be strictly enforced. The BFLG considers that the 'optional ingredients' permitted by the Directive encourage the use health and nutrition claims. New ingredients should only be included when they have been unequivocally demonstrated to be essential and beneficial by an independent review of data, which must include a substantial proportion of independently-funded research. They should then be mandatory, not promoted with claims for commercial advantage.	The panel represented the BMA/BFLG's position, outlined in a letter from 2005, which provided their response to the negotiations of the recast Directive. The panel welcomes up-to-date information on the BMA/BFLG's position.	Paragraph 92
BMA/BFLG	**Paragraph 80**. The last line is missing.	The panel would like to thank BMA/BFLG for this suggested correction.	This section of the report has been redrafted.
BMA/BFLG	**Paragraphs 85-90**: The Panel includes LACORS opinion that: "alignment of brand names and company names and logos blurs the distinction between infant formula and follow-on formula to the extent that consumers are unable to distinguish between them. Consumers 'read across' and whilst the manufacturers indicate that they are advertising / promoting follow-on formula the consumer sees this as applying to infant formula as well." However, this section does not refer	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraph 102

	to the BFLG monitoring reports which provided comprehensive evidence of pregnant women and parents being targeted by advertising that was ostensibly for baby clubs or follow-on formula. The fact that pregnant women are targeted is surely particularly relevant as companies cannot argue they are intending to bring follow-on formula to their attention: the formula relevant to pregnant women is infant formula. The recommendations fail to address the submissions made by LACORS or BFLG in this regard.		
BMA/BFLG	**Paragraph 94:** The Panel states: *"LACORS stated 21, but did not provide further details, that: aside from the Baby Feeding Law Group (BFLG) reports15,16,48, the local authorities with responsibility for the major UK [formula] manufacturers have received around 10 complaints during the past 12 months (taken to mean between October '07 and September '08)."* If significance is to be given to these figures, it should be mentioned that LACORS specifically asked BFLG to stop referring members of the public to Trading Standards officers with cases of malpractice, but to collect data itself and include examples in its periodic monitoring reports. If BFLG had been requested to provide data on the number of complaints, it could have done so. A quick crude check shows that about 100 forms were submitted by members of the public via the monitoring section of the BFLG site during the period cited, as well as reports made by conventional post. BFLG will consider ending the arrangement with LACORS if it is going to be used to suggest there is limited public concern, as is implied by the Panel's note.	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraph 102
BMA/BFLG	**Para 103 and Para 106:** The Panel should make it clear that the list of advertisements is examples it has selected as the BFLG monitoring reports submitted contain many more examples as given in the	The panel would like to thank BMA/BFLG for this suggested clarification.	Paragraph 120 and 123

	appendix of the reports. Considering that the Panel specifically requested an update of the BFLG report on company marketing strategies 'Hard Sell Formula' - requiring time and expense - it is particularly disappointing that the executive summary makes no reference to these examples of malpractice and how the regulations are failing and the recommendations have nothing to say on what should be done to rectify the situation.		
Infant and Dietetic Foods Association Limited (IDFA)	**Paragraph 44** – The report contains data regarding sales of infant and follow-on formula as extracted from a separate publication. We request that the panel insert the following additional sentence (provided in the original communication from IDFA) for clarity and to ensure the data is taken in context. The data which has been published is only shown in value and not volume. High increases in dairy commodity prices during 2008 may have been the key driver changes recorded in the 2008 year.	The panel would like to thank IDFA for this suggested clarification.	Page 21 footnote.
IDFA	**Paragraph 78** – The report references the fact that much of the material requested by the panel was 'commercially sensitive' and could not be put into the public domain. For clarity we would like to request that the following sentence by included: 'The IDFA and its members also have obligations under Competition law when receiving requests for information about the market place which prevent commercially sensitive information from being shared.'	The panel would like to thank IDFA for this suggested clarification.	Paragraph 57

IDFA	**Paragraph 80 and 112.** It appeared that sentences at the end of both these paragraphs were unfinished.	The panel would like to thank IDFA for this correction.	These sections of the report have now been redrafted.
Jessica Mitchell, report author and Director, the Food Commission	My report is incorrectly named and referenced in the panel report. It is in fact entitled as mentioned above. “I hear it’s closest to breast milk, published by the Caroline Walker Trust.”	The panel would like to thank Jessica Mitchell for responding to the consultation and for this correction.	Paragraph 109
Jessica Mitchell,	It is true that my report did not find much evidence in the website conversations examined that there was confusion over the use of follow-on milks, or that these were frequently discussed by parents of children under 6 months. However, important aspects of the report’s findings were: the high level of product and company awareness; and the ways in which specific advertising messages had filtered through to, and were being disseminated by, parents, health professionals, and company representatives. The title of the report is indeed a reference to this activity. Variations on – I hear it’s the closest to breast milk – were the most often repeated statements in the conversations I examined. This message was repeated, including by health professionals (and frequently attributed by parents to health professionals), as if it was fact, rarely did people seem to be aware that it is in fact an advertising message from the company that makes Aptamil.	The panel would like to thank Jessica Mitchell for this clarification.	Paragraph 109

	Parents of young infants showed a high awareness of formula types (staydown, hungry etc) and discussed the merits of different brands. Parents mentioned that health professionals, including health visitors, had told them certain brands were of better quality. Parents also were clearly vulnerable and uncertain about whether their babies were doing well socially(were they sleeping enough, were they crying too much etc) and in terms of their health (were they gaining weight properly, were they being sick to much etc). Their discussions regularly addressed whether specific formulas could address these perceived problems. It seemed clear that parents were desperately keen to have happy, healthy babies, and that they felt they needed feeding support on occasions to achieve this. The website discussion forums were ones means of achieving this support. However, these forums were full of company references, and ideas, that often went completely unchallenged. So, although people did not always indicate what drove their awareness of companies and company messages – it is clear that these messages are hugely visible. Afterall, why weren't these parents actively repeating and noting that: Breast milk is a hungry, staydown, probiotic, no cost food, easy to prepare food.		
National Childbirth Trust (NCT)	**Page 17 para 53** Again, this is only a partial description of the less important concern. The NCT, BFLG and health professional organisations are clear that FoM is a breastmilk substitute.	The panel would like to thank NCT for this correction.	Paragraph 67

NCT	**Page 17 para 54** In the DH survery *Attitudes to Feeding*[1] conducted with pregnant women and women with children under a year old, 24% of the sample thought there was no difference between formula and FoM and 18% did not know. • 14% of pregnant women were not aware of either formula or FoM, and 32% were not aware of both infant formula and FoM. • Only 68% of pregnant women were aware of both infant formula and follow on formula and • 43% of women who are aware of both think there is no difference between them or don't know if there is a difference • 27% of pregnant women said they did not know when follow on milk should be given and a further 8% said it should be given at less than 6 months of age. • 67% of the sample said that they had seen advertising for formula milk. Only after they were questioned about whether it was infant formula or FoM that was advertised were 39% (41% of pregnant women) clear they thought it was infant formula, and a further 7% didn't know or couldn't tell*. • 60% of pregnant women thought this was for infant formula and a further 13% didn't know which product was advertised. *quoting the 39% figure only does not represent the full picture. [More data are quoted for pregnant women as this group is the main target of advertising in mother & baby and pregnancy magazines.]	The panel would like to thank NCT for this suggested clarification.	Paragraph 75

[1] Report of a survey commissioned by the Department of Health to explore the understanding and perceptions of infant formula and follow-on formula advertising in the UK amongst pregnant women and mothers of children under one year.

NCT	**Page 17 para 55** The International Code states that there should be no advertising or other forms of promotion to the general public of any of the breastmilk substitutes or other products covered by the Code. So, for accuracy the first line should read : 'In the light of the concern that advertising of breastmilk substitutes may have a negative impact…' There has been a misperception that it is only infant formula which is in question when the Code and subsequent resolutions warn of the need to guard against promotion. In fact – as pointed out in para 47 – it is all breastmilk substitutes,	The panel would like to thank NCT for this correction.	Paragraph 67
NCT	**Para 68** The main concern is that direct contact with mothers is contrary to the Code and Regulations; it is not appropriate for the manufacturer to be a source of advice. *The NCT referred the panel to the findings of the MORI poll mentioned above.*	The panel would like to thank NCT for this clarification.	Paragraph 90
NCT	**Page 21 para 74.** It should be noted that NGOs such as the NCT and health professional bodies are required under the Code to play a role in monitoring the Code: *"11.4 Nongovernmental organisations, professional groups, institutions, and individuals concerned should have the responsibility of drawing the attention of manufacturers or distributors to activities which are incompatible with the principles and aim of this Code, so that appropriate action can be taken. The*	The panel would like to thank NCT for this clarification	Paragraph 96

	appropriate governmental authority should also be informed."		

RESEARCH METHODOLOGY.

In addition to receiving comments on the accuracy with which the panel had represented the material submitted, the panel also received comments on the research methodology as outlined in table 2 below. The panel accepts that, as with all research, certain compromises have to be made in the interests of time, value for money and the suitability of existing methodology; however the panel has always taken the view that the research should be as robust as possible. As such, the panel sought stakeholder views from the outset, involved external appraisers and has been directly involved at all stages of the research. The panel was conscious that the results of the research be considered with any limitations in mind and stressed that the researchers included reference to these limitations in their reports. In addition these limitations have been reflected in the review report (paras 123, 124, 146, 147, 184 and 185). Where the comments received on the research have been addressed in the review report, they have been highlighted below.

TABLE 2 – SUMMARY OF STAKEHOLDER COMMENTS ON THE RESEARCH METHODOLOGY AND PANEL RESPONSES

V

Respondent	Comments on Research Project One Report	Panel Response	Reference to research report or review panel report
NCT	**Page 4 point 6.** **'***A larger sample of infant formula advertising was found in 2008/2009 (21 adverts)* *than in 2006 (9 adverts) and average campaign expenditure dropped in*	Expenditure can be affected by many factors including the size of the advert, frequency,	

	2008/2009 *(£3,200) compared to 2006 (expenditure £8,300).'* These financial figures must be wrong.	changes to the costs of advertising space. For this reason the panel has not considered them further when reaching its conclusions and recommendations.	
NCT	**Page 7 points 15 and 17.** '*TV adverts for formula products used techniques designed to play on the emotions of consumers more often than did print adverts, and emotional triggers increased in prevalence from 2006 to 2008-09. These emotion-triggering techniques can influence less involved consumers by drawing their attention to an advert. However, from the advertiser's perspective, it is important to achieve an optimal level of emotionally arousing attributes because too much emotional arousal can impede uptake of information from adverts by consumers.'* It could be argued that manufacturers do not need the viewing public to take much information from their advertisements. The point would be to promote the brand image and associate it with a warm, positive image – such as laughing babies - thereby promoting their brand of infant formula as well as the follow on formula.	The research looked at those factors shown through existing research or project two to mediate a consumer response.	Page 8 of research project one report.
NCT	**Page 11** *'By law, follow-on formula products may be advertised in media targeted directly at consumers. Infant formula products may only be promoted in scientific publications such as those targeted at health and medical professionals.'*	The controls on advertising in the previous Regulations are explained on page 58 of the research report.	Page 58 of research project one report

	Also page 43 *'The advertising of infant formula to the general public is not permitted, but it may be advertised in scientific publications (such as those targeted at health professionals)[2].'* It is not clear here that it was permitted to promote infant formula through the health service up to at least the end of 2007.		
NCT	**Page 19** '*These are described, but were not included in the main sample because they did not promote one specific brand.'* See NCT, SCF, UNICEF poll carried out by MORI on logos and brand name association with products (Appendix A).	The review and research are to assess the new controls on the advertising and presentation of infant and follow-on formula. The definitions of advertising and presentation are given in paragraph 23 of the review report.	Paragraph 23 of the review report and page 3 of the research report.
NCT	**Page 21** '*Expenditure on print advertising campaigns increased from an average of £26k in 2006 to £49k in 2008-09. TV advertising campaigns also experienced increased expenditure between 2006 (£2.1m) and 2008-09 (£7.8m).'* The advertising does not seem to have picked up promotion of the carelines and other information targeted at pregnant women with offers cuddly toys and information – all associated with the brand name of the infant formula.	The review and research are to assess the new controls on the advertising and presentation of infant and follow-on formula. The definitions of advertising and presentation are given in paragraph 23 of the review report.	Paragraph 23 of the review report and page 3 of the research report.

NCT	**Page 24** *'Risk Warnings* *The message that the product was to be used only on the advice of a health or medical professional appeared in none of the sampled 2006 print adverts, but in over one in two of those sampled in 2008-09 (55%). This statement was found in none of the sampled TV adverts from 2006 or 2008-09.'* However, this is a legal requirement.	Neither The Infant Formula and Follow-on Formula Regulations 1995 nor The Infant Formula and Follow-on Formula Regulations 2007 require such statements.	Regulation 17 of The Infant Formula and follow-on Formula Regulations 1995. Regulation 22 of The Infant Formula and Follow-on Formula Regulations 2007
NCT	**Page 33- 34** '*Eight adverts, all from 2008-09, provided warnings about health hazards associated with inappropriate preparation of the product. None of the sampled adverts from 2006 or from 2008-09 contained warnings about the hazards associated with inappropriate storage. All sampled infant formula adverts from 2006 and from 2008-09 contained the words "Important Notice". Use of a signal word to draw attention to a risk warning together with a statement describing the nature of the risk appeared in 13 adverts in 2008-09 and just one from 2006. A statement about the consequences of misuse of the product appeared in three infant formula adverts, all from 2008-09. A statement about the superiority of breast feeding appeared in all adverts from 2008-2009 in just over half (56%) from 2006.'*	Although there is a requirement that infant formula advertising display the words "important notice" and a statement concerning the superiority of breastfeeding, neither The Infant Formula and Follow-on Formula Regulations 1995 nor The Infant Formula and Follow-on Formula Regulations 2007 require warnings about inappropriate	Regulation 17 of The Infant Formula and follow-on Formula Regulations 1995. Regulation 22 of The Infant Formula and Follow-on Formula

	However, this is a legal requirement.	preparation, storage or misuse.	Regulations 2007
Respondent	**Comments on Research Project Two Report**	**Panel Response**	**Reference to research report or review panel report**
NCT	The remit as presented in the GfK research is: *"To assess whether the new controls upon the ways in which follow-on formula are presented and advertised2 have been effective in making it clear to all those likely to be involved in child care, including parents, formal and informal carers, health professionals and parents-to-be, that advertisements for follow-on formula relate to formula only for older babies (6 months plus), and are not perceived as, or confused with, infant formula advertising, which is prohibited "* The NCT are not just concerned with those likely to be involved in child care, but the views of the whole population who have attitudes to baby feeding. Advertising on television for instance reaches a much wider audience, encouraging young people in particular, who have less experience and lower knowledge to think that formula feeding and breastfeeding are equivalent choices, rather than personal decisions that can affect them and their children for life.	The panel accepts that, as with all research, certain concessions have to be made, however the panel has always strived for the research to be as robust as possible. As such the panel sought stakeholder views from the outset and considered comments on the sample made at the 11th July meeting with stakeholders.	Section 5 of the minutes of the 11th July Panel meeting
NCT	The key findings mention *'• Formula advertising was seen to have very little effect on the feeding behaviour of parents and carers.'*	The panel has previously considered the point made by the NCT and would point out that this limitation	Page 16 of the research report.

	The research conducted here, including the literature review are not sufficient to make this conclusion. It is well known that people underestimate the extent to which they are influenced by advertising, and are do not frequently refer to advertising when asked what influences their decisions.	of the research is reflected on page 16 of the research report.	
NCT	The GfK also report mentions the: *'Robust guidance for industry and enforcement authorities to correctly apply the new law.'* But there is no discussion about the finding that this guidance is said to be unenforceable and seems to have been ignored by manufacturers and advertisers.	Research project two was tasked with assessing whether infants under 6 months are being fed follow-on formula and if so the reasons why and whether consumers are clear that the presentation of, and advertising of, follow-on formula relates to formula for older babies and not infant formula.	Page 2 of the research report.
NCT	Page 69 6.1 *'The qualitative work showed that the term 'follow-on' formula was not universally understood. While most recent and expectant parents believed it meant 'following-on from breast feeding', they did not always automatically associate this with a point in time (i.e. six months). The term 'infant formula' was even less well understood. Very few respondents (including health professionals) claimed to have heard it before or could accurately define it.'* This makes it imperative that neither infant formula nor follow-on milk	The panel has noted this finding of the research and has commented on it in its final report.	Para 237 of the review report.

	are advertised.		
NCT	**Literature Review** The Literature review quotes recent research which indicates parents need accurate reliable information on formula milks. NCT would agree with this conclusion, but disagree that formula manufacturers should be the source of that information as they inevitably have a vested interest. They should provide details of the ingredients, and sources of these ingredients but further contact with parents is contrary to the IC.	The panel has noted this finding of the literature review and research and has commented on it in its report.	Para 236 of the review report.
NCT	**Literature Review** The authors point out that they "make no claim to be especially knowledgeable about nutrition." However they go on debate the benefits of iron levels in follow-on milks for the following paragraph. It is true that the results of studies are mixed, as they point out. Some of this may be attributed to the source of funding where studies funded by manufacturers found positive results. However, an over view of studies concluded: *Randomised controlled trials have not shown any consistent benefit from the additional iron in follow-on milks compared to infant formula.* Neither this most recent review paper[2], the recent NICE review on the topic nor SACN[3] support the view that FoM is necessary. (p38)	The panel would like to thank the NCT for highlighting these studies. The panel is aware of the arguments concerning the need for follow-on formula (see paragraph 63 of the review report) and the NICE guidance (see paragraph 66 of the review report).	See paragraph 63 and paragraph 66 of the review report

[2] Moy, RJ. Iron fortification of infant formula. Nutrition Research Reviews 2000, 13(2): 215-227.

[3] "The Committee has not identified published evidence that the use of any follow-on formula offers any nutritional or health advantage over the use of infant formula among infants artificially fed." SACN. Consideration of the place of "Good night" milk products in the diet of infants aged 6 months and above. November 2008. www.sacn.gov.uk/pdfs/final_sacn_statement_on_good_night_milks.pdf

	Unfortunately there also seems to be a bias evident in the selection of quoted papers elsewhere in the report. In the discussion of research on promotion to parents it is surprising that the recent NICE reviews of research were not included.[4] Similarly, after a full and careful review of the topic, including the NICE *Evidence into practice briefing* on Promotion of breastfeeding initiation and duration, the NICE Maternal and Child Nutrition review concludes that there should be no advertising from formula milk manufacturers. To quote: "Avoid promoting or advertising infant or follow-on formula. Do not display, distribute or use product samples, leaflets, posters, charts, educational or other materials and equipment produced or donated by infant formula, bottle and teat manufacturers". Neither of these are mentioned in the literature review, although much older and smaller studies have been included.		

[4] Maternal and Child Nutrition Programme Evidence Summary 0 – 6 Months (MIRU, U of York)
Moreton JA, King SE. NICE Maternal and Child Nutrition programme, Review 4: The effectiveness of public health interventions to promote safe and healthy milk feeding practices in babies. February 2008

ANNEX 1
Stakeholders who submitted responses to the consultation

The review panel would like to thank the following stakeholders for responding to the consultation on the draft report of the review of the controls on infant formula and follow-on formula

Baby Milk Action/Baby Feeding Law Group

The Breastfeeding Network

The Infant and Dietetic Foods Association Limited

Local Authorities Coordinators of Regulatory Services (LACORS)

Louise Lotz Liberal Democrat Councillor

Jessica Mitchell, report author and Director, the Food Commission

National Childbirth Trust