

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 4a, 4b and 4c

NFSDU/41 CRD 27

Original language only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-first Session

Dusseldorf, Germany  
24 – 29 November 2019

### REVIEW OF THE STANDARD FOR FOLLOW-UP FORMULA (CXS 156-1987)

*Comments by Nepal*

#### AGENDA ITEM 4A)

#### SECTION A: FOLLOW-UP FORMULA FOR OLDER INFANTS

##### 9.3.1

Nepal supports the deletion of the square brackets around the \* adjacent to protein in this text.

##### 9.2.2 List of ingredients

Nepal supports the deletion of the text marked with strikethrough.

##### 9.3 Declaration of Nutritive Value

Nepal supports these proposed changes.

##### 9.4 Date Marking and Storage Instructions

9.4.1 Nepal supports the deletion of the text and the replacement text in **BOLD**.

9.4.2 Nepal supports the deletion of the text marked with strikethrough

##### 9.6 Additional Labelling Requirements

9.6.2.5 Nepal supports the deletion of the square bracket.

9.6.4 Regarding the second sentence, Nepal supports the text as it stands, since Nepal believes that cross promotion has been and will be creating confusion to the caregivers as there are range of such products for different age groups that might promote the infant formula and/or follow-up formula for older infants.

Furthermore, in the second sentence, Nepal strongly supports using the word labelling as it encompasses all aspects of marketing. Codex standard defines labelling as “any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal” (CODEX STAN 1-1985). Therefore, Nepal believes that in order to promote breastfeeding, all the aspects of cross promotion should be prohibited, and hence the term “labelling” be used instead of “label”.

#### AGENDA ITEM 4B)

#### SECTION B: [NAME OF PRODUCT] FOR YOUNG CHILDREN

##### 1. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.2.1 Nepal agrees with the deletion of the [ ] and that substances shall not be added with the purpose of imparting or enhancing a sweet taste.

#### AGENDA ITEM 4C)

#### [NAME OF PRODUCT] FOR YOUNG CHILDREN

The suggestion for the name is: [**Formulated**] drink for young children.

Nepal strongly opposes the word “formulated” since we believe that there is still considerable discussion to be done at the CCNFSDU meeting. We believe that this has to be open for discussion at the upcoming meeting in 2019.

Nepal not only believes in generating consensus during the Codex meeting, but also depends significantly on the WHO guidance while formulating national policies. At the WHA in 2016, Nepal supported that these products are breast-milk substitutes and the government is formulating policies that ends the inappropriate promotion of foods for infants and young children as is required of countries by WHA 69.9 that was adopted by consensus. In this regard, we believe that the word “formulated” may be used by the manufacturer to inappropriately market these products as it could be perceived as being beneficial. The world has agreed that these products are not necessary. We believe in using a more neutral word that does not confuse the consumers who may believe that this is a special kind of milk and should be fed to the children. Besides that, studies have found that “special” wording in the labelling confuses consumers of advanced countries, and hence there are great chances that consumers of countries like Nepal will be highly encouraged to feed this product which would in turn discourages breastfeeding. Thus we propose that the term “Formulated” should be deleted and the name of the product be “**Drink for Young Children**”.

## [PREAMBLE]

Nepal understands that reference to relevant WHA resolutions will appear in the Preamble or the Scope of both categories of the products. Nepal strongly supports using the words “Protect and Support” of breastfeeding rather than the word “Recognize”, as Nepal has laws, policies, and programs that aim to promote, protect and support breastfeeding. Nepal also supports the use of the word ‘necessary’ rather than ‘appropriate’ as we believe that the use of formula should only be used where necessary on the advice of a health worker.

Thus, the second sentence would read (underlined **bold** text added):

*“At the same time Codex acknowledges that numerous formulae have been produced, intended for use, where ~~{necessary / appropriate}~~, as a substitute for human milk in meeting the normal nutritional requirements of infants provided they are prepared under hygienic conditions, are given in adequate amounts, **and only used on the advice of a health worker.**”*

In the second paragraph, Nepal strongly believes that the words [as appropriate] should be deleted should include the phrase “give full consideration” to the relevant WHA resolutions, the WHO guidelines and recommendations and the International Code of Marketing of BMS. Furthermore, Nepal also strongly proposes to delete the word “supported” and keep the word “endorsed”.

Thus, Nepal proposes that the second paragraph should read (underlined **bold** text added):

*“The production, distribution, sale and use of follow-up formula for older infants and [name of product] for young children should be consistent with national health and nutrition policies and relevant national/regional legislation, and ~~take into account, [as appropriate,]~~ **give full consideration** to the recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981) and the Global Strategy for Infant and Young Child Feeding. Relevant WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions that have been ~~endorsed / supported~~ by member states ~~[may also]~~ provide guidance to countries in this context.*

## 2. DESCRIPTION

### 2.1 Product definition

#### 2.1.1

Nepal does NOT support the text as proposed and believes that there is not sufficient consensus to delete the phrase breastmilk substitutes, since Nepal strongly believes that these products function as BMS and hence are BMS. reference, in square brackets, to these products being breastmilk substitutes. Furthermore, since these products are unnecessary, Nepal believes that the words “in order to contribute to the nutritional needs of young children” are not necessary, as these statements would discourage breastfeeding which is against the Nepalese law. needs of young children].

Thus, Nepal believes the definition should read:

‘[Name of product] for young children means a product manufactured for use as a breast-milk substitute, as a liquid part of the diversified diet of young children.’

## 9.6 Additional Labelling Requirements

Nepal strongly believes that the additional labelling requirements of this category of product must be as the same as that for FUF for older infants, as both of these categories of the products are BMS. Nepal believes that this section has not been fully discussed in the previous session, and hence we recommend that it be discussed at the session.

### OTHER OUSTANDING MATTERS

#### STRUCTURE OF THE STANDARD

Nepal strongly supports the structure of this Standard being one Standard with two parts.

Nepal believes that the member states of the CCNFSDU have already agreed that there will be one preamble that covers both categories (6-12 months and 12-36 months) as two parts of the same standard. One standard with two parts is what Nepal has been expressing strongly and stands by as the products to be included in this standard are conceptually similar (a matter stated by numerous submissions to EWG 1) and so should be kept together. Furthermore, since there is a single standard for infant formula, CODEX STAN 72-1981, with two parts, having two distinct but similar products viz. infant formula and formula for special medical purposes intended for infants there is precedent for this approach. Thus, Nepal strongly believes to have one standard and two parts and NOT two separate standards.