

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4_

NFSDU/43 CRD 11

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

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REVIEW OF THE STANDARD FOR FOLLOW-UP FORMULA STRUCTURE AND PREAMBLE

Comments by Costa Rica, Malaysia, Mali, Nepal, Niger, Nigeria, Norway, Republic of Korea, Rwanda, South Africa, Uganda, Vietnam, Helen Keller International, ILCA, ISDI, UNICEF

COSTA RICA

General Comment

Costa Rica would like to thank New Zealand and the co-chairs for the work done and the opportunity to comment on the structure and preamble of the standard.

Specific comments:

Recommendation 1 - Structure

That CCNFSDU agree to one standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Costa Rica supports recommendation 1.

Recommendation 2 - Preamble

That the CCNFSDU consider and discuss the following text options for the preamble:

This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Costa Rica would like to ratify the position expressed above that a preamble is not necessary.

1. However, if 43CCNFSDU decides to include the preamble, it will only support the text proposed in the first paragraph of CRD 2: "This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children".
2. Costa Rica doesn't support the inclusion of the following bracketed suggested paragraphs.

[The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context].

[Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries

Justification: The proposed texts could generate ambiguity in the scope and respective application of the standard, which should be consistent with national health and nutrition policies, so this should not be mentioned in the preamble.

Comentarios en español

Comentario General

Costa Rica agradece a Nueva Zelandia y sus copresidentes el trabajo realizado y la posibilidad de realizar comentarios sobre la estructura y el preámbulo de la norma.

Comentarios específicos:

Recomendación 1 – Estructura de la norma

El CCNFSDU aprueba una norma con dos partes: parte A para los preparados complementarios para lactantes de más edad y parte B para la bebida con nutrientes añadidos para niños pequeños o el producto con nutrientes añadidos para niños pequeños o la bebida para niños pequeños o el producto para niños pequeños.

Costa Rica apoya la recomendación 1.

Recomendación 2 - Preámbulo

Que el CCNFSDU considere y discuta las siguientes opciones de texto para el preámbulo:

La presente norma está dividida en dos partes: la parte A se refiere a los preparados complementarios para lactantes de más edad y la parte B cubre la bebida con nutrientes añadidos para niños pequeños o el producto con nutrientes añadidos para niños pequeños o la bebida para niños pequeños o el producto para niños pequeños.

Costa Rica ratifica su posición en cuanto a que no es necesario un preámbulo.

1. Sin embargo, en caso de que el comité decida incluir el preámbulo, apoyaría únicamente el texto propuesto en el primer párrafo del CRD 2:
2. Con respecto a la propuesta de inclusión de los siguientes párrafos 2 y 3 que se presentan entre corchetes, Costa Rica no apoya su inclusión.

[La aplicación de esta norma debe ser coherente con las políticas nacionales de salud y nutrición y la normativa nacional o regional pertinente, además de tener en cuenta las recomendaciones realizadas en el Código internacional de comercialización de sucedáneos de la leche materna, según el contexto nacional].

[En la elaboración de esta norma se tuvieron en cuenta las directrices y políticas pertinentes de la Organización Mundial de la Salud (OMS) y las resoluciones de la Asamblea Mundial de la Salud (AMS), y pueden servir de orientación adicional a los países].

Justificación: Los textos que se proponen podrían generar ambigüedad en el alcance y aplicación de la norma, que debe ser coherente con las políticas nacionales de salud y nutrición, por lo que no debería mencionarse esto en el preámbulo.

MALAYSIA

Recommendation 1 - Structure

Malaysia would like to thank New Zealand for preparing the Review of the Standard for Follow-up Formula: Preamble and Structure, and appreciates the opportunity to provide comments.

Malaysia would like to reiterate our previous position in CX/NFSDU 23/43/4 to support option b) Two separate standards: One standard for Follow-up Formula for Older Infants, and one standard for Product for Young Children.

The rationales for separate standards older infants and young children are as follows:

- a. The nutritional requirements of older infants and young children are different.
- b. The feeding pattern for older infants and young children are also different. The older infants take small to moderate amount of weaning diet, and milk is still very much a main source of nutrition. Follow-up formulas should be nutritionally adequate to meet these needs. Young children, on the other hand, generally eat family foods, while milk is a wholesome addition to the child's regular diet.
- c. There are differences in the activity, physiological, growth and development pattern between older infants and young children.

Almost all dietary guidelines in the world recommend the consumption of milk by children and all age groups. In line with this recognition that milk is still be a required and wholesome food for growing children in addition to family food, Malaysia proposes that a nutritious milk product should be made available for young children above 1 year of age and should be distinctly different in terms of labelling.

Furthermore, it can be noted that the issue on whether the products are breastmilk substitutes have been largely resolved. CCNFSDU40 had agreed that follow-up formula for older infants is a breastmilk substitute and as such this has been included in the product description (Section 2.1.1 of the Standard). On the other hand, CCNFSDU41 had agreed that the standard would remain silent on classifying product for young children as a breastmilk substitute but noted that in some countries they are regulated as such.

In conclusion, Malaysia is of the opinion that it would be more logical, more useful and less confusing to the consumer and the regulatory authorities if there are two separate products, with distinctly different nutrient composition and clearly labelled. Therefore, Malaysia does not support Recommendation 1 on structure to have one standard with two parts.

MALI

Contexte de la révision de la norme

La révision de la norme pour les préparations de suite a commencé en 2012, lors du CCNFSDU34. Le Comité avait adopté une stratégie permettant de procéder à la révision de la norme par étapes, ce qui signifie que les sections pour lesquelles un consensus avait été atteint ont été adoptées, les discussions sur le préambule et la structure étant les seules sections encore en discussion. Le Comité avait convenu que l'âge en question présente un point de différenciation à 12 mois, qui correspond à la période pendant laquelle les besoins nutritionnels commencent à changer, d'où la nécessité de considérer séparément les besoins nutritionnels des nourrissons plus âgés et ceux des jeunes enfants. Dans cette optique, la nécessité de faire référence aux résolutions de l'Assemblée mondiale de la santé dans le texte de la norme a fait l'objet d'un débat important au terme duquel le CCEXEC75 a proposé des orientations sur les modalités de référence aux documents externes au texte du Codex. Le CCEXEC75 a recommandé au Comité de veiller à intégrer les aspects techniques nécessaires dans la norme plutôt que de faire référence aux résolutions de l'AMS dans l'ensemble du texte. Cette décision a été réaffirmée par le CCEXEC77 (REP19/EXEC2 Para 11). Sur la base des directives du CCEXEC, le comité a fait intégrer la plupart des conditions des clauses relatives à l'étiquetage dans les deux parties de la norme, lesquelles ont depuis été adoptées par le CCFL. Dans le cadre de cette révision, la dernière étape consiste à prendre une décision sur les options suivantes : avoir une norme pour les préparations de suite en deux parties, ou deux normes distinctes, ou avoir toutes les normes traitant de l'alimentation des nourrissons dans une seule norme.

En outre, le Comité doit se mettre d'accord sur le préambule de la norme. Dans le préambule, trois paragraphes sont prévus, le premier devant préciser que la norme comporte deux parties, le deuxième devant faire référence aux politiques et législations nationales et le troisième devant faire référence aux résolutions de l'OMS/AMS. Toutefois, le deuxième paragraphe et le troisième paragraphe sont toujours entre crochets. Le CCEXEC82 (REP22/EXEC1 Para 14) a recommandé que la révision de cette norme soit achevée en 2023 lors du CCNFSDU43.

RECOMMANDATION POUR LA STRUCTURE

Observations d'ordre général:

Le Mali félicite le groupe de travail électronique présidé par la Nouvelle-Zélande pour la révision du document de travail.

Observations spécifiques

Recommandation 1:

Le Mali accepte la recommandation 1 l'option d'une norme en deux parties: la partie A traite des Préparations de suite destinées aux nourrissons du deuxième âge et la partie B traite de la Boisson pour enfants en bas âge avec éléments nutritifs ajoutés ou du Produit pour enfants en bas âge avec éléments nutritifs ajoutés ou de la Boisson pour enfants en bas âge ou du Produit pour enfants en bas âge.

Le Mali a déjà fourni une justification de cette approche dans des commentaires en réponse à la lettre circulaire CL 2022/24/OCS-NFSDU.

RECOMMANDATION POUR LE PRÉAMBULE

Recommandation 2:

Le Mali estime qu'un préambule est nécessaire étant donné l'importance de la norme pour la tranche d'âge la plus vulnérable. Il aidera les États membres à contextualiser la norme. Ceci est particulièrement important lorsque l'on considère des produits destinés à un groupe d'âge vulnérable, où la clarté est essentielle pour les régulateurs. Le préambule jouera un rôle important en aidant à assurer la cohérence des politiques et en spécifiant quels instruments et normes internationaux pertinents concernant les laits artificiels doivent être pris en compte lors de l'application de cette norme au niveau national. Le préambule pose le cadre de la/des norme(s) et indique comment les utiliser. Il prend en compte l'utilisation appropriée des Préparations de suite destinées aux nourrissons du deuxième âge et les Produits pour enfants en bas âge. Le Comité a déjà reconnu la nécessité de protéger, de promouvoir et de soutenir l'allaitement maternel en tant que moyen inégalé de fournir une alimentation idéale pour la croissance et le développement sains des nourrissons et des jeunes enfants, et un préambule est nécessaire à cet effet.

Dans un esprit de compromis, pour protéger la santé les enfants en premier, le Mali soutient les propositions de texte.

La présente norme est divisée en deux sections. La Section A concerne les préparations de suite pour les nourrissons plus âgés (du deuxième âge), et la Section B traite des boissons pour jeunes enfants avec nutriments ajoutés, ou des produits pour jeunes enfants avec nutriments ajoutés, ou des boissons pour jeunes enfants, ou des produits pour jeunes enfants.

L'application de la présente norme doit être conforme aux politiques nationales en matière de santé et de nutrition, à la législation nationale/régionale pertinente et doit tenir compte des directives du Code international de commercialisation des substituts du lait maternel, selon le contexte national.

Les directives et politiques pertinentes de l'Organisation Mondiale de la Santé (OMS) et des résolutions de l'Assemblée mondiale de la santé (AMS) ont été prises en compte lors de l'élaboration de la présente norme et peuvent fournir des orientations supplémentaires aux pays.

NEPAL

STRUCTURE

Nepal strongly supports recommendation 1 in CRD 2, that the Follow-up formula Standard be one standard made up of 2 parts - Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Justification: The justification are the same as presented in our Comments in reply to CL 2022/24/OCS-NFSDU.

PREAMBLE

Nepal strongly believes that a Preamble is required.

Justification: Considering the importance of the standard to the most vulnerable age group, preamble will be important to us. It will ensure coherent policy within existing international standards, particularly the Code and its subsequent WHA resolutions. It will guide the member states with relevant global standards or instruments to consider when developing our own or the member states' national standards.

NIGER

Contexte de la révision de la norme

La révision de la norme pour les préparations de suite a commencé en 2012, lors du CCNFSDU34. Le Comité avait adopté une stratégie permettant de procéder à la révision de la norme par étapes, ce qui signifie que les sections pour lesquelles un consensus avait été atteint ont été adoptées, les discussions sur le préambule et la structure étant les seules sections encore en discussion. Le Comité avait convenu que l'âge en question présente un point de différenciation à 12 mois, qui correspond à la période pendant laquelle les besoins nutritionnels commencent à changer, d'où la nécessité de considérer séparément les besoins nutritionnels des nourrissons plus âgés et ceux des jeunes enfants. Dans cette optique, la nécessité de faire référence aux résolutions de l'Assemblée mondiale de la santé dans le texte de la norme a fait l'objet d'un débat important au terme duquel le CCEXEC75 a proposé des orientations sur les modalités de référence aux documents externes au texte du Codex. Le CCEXEC75 a recommandé au Comité de veiller à intégrer les aspects techniques nécessaires dans la norme plutôt que de faire référence aux résolutions de l'AMS dans l'ensemble du texte. Cette décision a été réaffirmée par le CCEXEC77 (REP19/EXEC2 Para 11). Sur la base des directives du CCEXEC, le comité a fait intégrer la plupart des conditions des clauses relatives à l'étiquetage dans les deux parties de la norme, lesquelles ont depuis été adoptées par le CCFL. Dans le cadre de cette révision, la dernière étape consiste à prendre une décision sur les options suivantes : avoir une norme pour les préparations de suite en deux parties, ou deux normes distinctes, ou avoir toutes les normes traitant de l'alimentation des nourrissons dans une seule norme. En outre, le Comité doit se mettre d'accord sur le préambule de la norme. Dans le préambule, trois paragraphes sont prévus, le premier devant préciser que la norme comporte deux parties, le deuxième devant faire référence aux politiques et législations nationales et le troisième devant faire référence aux résolutions de l'OMS/AMS. Toutefois, le deuxième paragraphe et le troisième paragraphe sont toujours entre crochets. Le CCEXEC82 (REP22/EXEC1 Para 14) a recommandé que la révision de cette norme soit achevée en 2023 lors du CCNFSDU43.

RECOMMANDATION POUR LA STRUCTURE

Observations d'ordre général :

Le Niger félicite le groupe de travail électronique présidé par la Nouvelle-Zélande pour la révision du document de travail.

Observations spécifiques

Recommandation 1 :

Le Niger accepte la **recommandation 1** l'option d'une norme en deux parties : la partie A traite des Préparations de suite destinées aux nourrissons du deuxième âge et la partie B traite de la Boisson pour enfants en bas âge avec éléments nutritifs ajoutés ou du Produit pour enfants en bas âge avec éléments nutritifs ajoutés ou de la Boisson pour enfants en bas âge ou du Produit pour enfants en bas âge.

Le Niger a déjà fourni une justification de cette approche dans des commentaires en réponse à la lettre circulaire CL 2022/24/OCS-NFSDU.

RECOMMANDATION POUR LE PRÉAMBULE

Recommandation 2 :

Le Niger estime qu'un préambule est nécessaire étant donné l'importance de la norme pour la tranche d'âge la plus vulnérable. Il aidera les États membres à contextualiser la norme. Ceci est particulièrement important lorsque l'on considère des produits destinés à un groupe d'âge vulnérable, où la clarté est essentielle pour les régulateurs. Le préambule jouera un rôle important en aidant à assurer la cohérence des politiques et en spécifiant quels instruments et normes internationaux pertinents concernant les laits artificiels doivent être pris en compte lors de l'application de cette norme au niveau national. Le préambule pose le cadre de la/des norme(s) et indique comment les utiliser. Il prend en compte l'utilisation appropriée des Préparations de suite destinées aux nourrissons du deuxième âge et les Produits pour enfants en bas âge. Le Comité a déjà reconnu la nécessité de protéger, de promouvoir et de soutenir l'allaitement maternel en tant que moyen inégalé de fournir une alimentation idéale pour la croissance et le développement sains des nourrissons et des jeunes enfants, et un préambule est nécessaire à cet effet.

Dans un esprit de compromis, pour protéger la santé les enfants en premier, le Niger soutient les propositions de texte.

La présente norme est divisée en deux sections. La Section A concerne les préparations de suite pour les nourrissons plus âgés (du deuxième âge), et la Section B traite des boissons pour jeunes enfants avec nutriments ajoutés, ou des produits pour jeunes enfants avec nutriments ajoutés, ou des boissons pour jeunes enfants, ou des produits pour jeunes enfants.

L'application de la présente norme doit être conforme aux politiques nationales en matière de santé et de nutrition, à la législation nationale/régionale pertinente et doit tenir compte des directives du Code international de commercialisation des substituts du lait maternel, selon le contexte national.

Les directives et politiques pertinentes de l'Organisation Mondiale de la Santé (OMS) et des résolutions de l'Assemblée mondiale de la santé (AMS) ont été prises en compte lors de l'élaboration de la présente norme et peuvent fournir des orientations supplémentaires aux pays.

NIGERIA

Background

This standard has been under review since 2012 and Nigeria has been actively involved in the revision which the CCNFSDU34 agreed to undertake in phases. While other sections of the standard have been discussed and agreed through consensus, the structure of the standard and the preamble are still pending. In 2018 electronic working group (EWG) of CCNFSDU held two rounds of consultations on the structure of the standard were summarised and circulated.

New Zealand was mandated by CCNFSDU to analyse the responses from Committee members to the questions in the Circular Letter which contained the analysis of the responses and recommendations covering the structure of the standard and wording for a Preamble for the Committee's consideration at CCNFSDU43.

Options Presented (for Structure of the Standard):

a. One standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children.

b. Two separate standards: One standard for Follow-up Formula for Older Infants, and one standard for Product for Young Children.

c. Can support either approach.**d. Support a different structure approach** – please describe the approach and provide your justification.**Comments:**

- ✓ Nigeria supports one standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children with Added Nutrients, or Drink for Young Children or Product for Young Children.
- ✓ Nigeria therefore supports Recommendation 1 as proposed by CCNFSDU.

Justification:

The products covered in Part A and Part B are recognized, used and regulated as breastmilk substitutes. Nigeria is therefore of the opinion that both Products should remain within the same standard as it would make for alignment and coherence of the Codex standards, the International Code, and national laws. Also, a precedent to the proposed standard structure already exists with the Standard for Infant Formula and Formula for Special Medical Purposes intended for infants. (CODEX STAN 72-1981).

Recommendation of CCNFSDU (on Preamble of the Standard):**Recommendation 2**

That CCNFSDU consider and discuss the following Preamble text options: This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

[The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context]. NFSDU/43 CRD2 7 [Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries]

Comment: Nigeria notes that a lot of discussions were undertaken by CCNFSDU in order to arrive at the consensus for the inclusion of a preamble in this standard.

Nigeria therefore supports Recommendation 2 and accepts the texts in the square bracket for the final adoption of this standard.

Justification:

The inclusion of a Preamble in this standard is a subtle reminder that in addition to this standard, other guidance documents exist, therefore citing WHO/WHA resolutions is to ensure policy coherence/alignment towards the protection, promotion, and support of breastfeeding.

NORWAY**Structure**

Norway supports that there should be one standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children. As it seems to be consensus on this view, we refer to our response to CL 2022/24/OCS-NFSDU for detailed justification.

Preamble

In accordance with the response to CL 2022/24/OCS-NFSDU, Norway supports the view that this standard requires a preamble. A preamble should set the scene by providing the overall context, as clarified by the Chair at CCNFSDU42, in relation to Ready-to-Use Therapeutic Foods.

As both Follow-up Formula for older infants and Product for Young Children are recognized and used as breastmilk substitutes, the overall context in this case should be the protection of breastfeeding, by referring to WHA resolutions and WHO documents that are relevant in the regulation of marketing of breast milk substitutes and protection of breastfeeding. The Codex Alimentarius Commission acknowledges breastfeeding as an unequalled way of providing ideal food for the healthy growth and development of infants.

WHO and UNICEF have documented how parents and pregnant women globally are exposed to aggressive marketing for baby formula milk and how marketing of formula milk influences decisions on infant feeding and undermines breastfeeding. ([How the marketing of formula milk influences our decisions on infant feeding.](#)) The report states: *The evidence is strong. Formula milk marketing, not the product itself, disrupts informed decisionmaking and undermines breastfeeding and child health.*

Foreword in the report by Dr Tedros A. Ghebreyesus, Director-General, WHO, and Henrietta H. Fore, Executive Director, United Nations Children's Fund: *..'.As detailed in this report, marketing – powered by enormous budgets and the deliberate misuse of science – is driving over-consumption of formula milk and discouraging breastfeeding. It is also undermining women's confidence and cynically exploiting parents' instinct to do the best for their children. The consequences for children and families are significant. Consumption of milk formula can adversely affect children's health, growth and development. It also incurs significant costs for families who can ill afford it.*

The preamble will provide guidance for Member States to contextualize the standard within existing international instruments and ensure policy coherence by specifying which relevant international instruments and standards must be considered when applying this standard at the national level.

Norway appreciates the proposed preamble text provided by the New Zealand chairs. Although we would have preferred a more comprehensive wording, with referral to key WHO and WHA documents, as well as a reference to subsequent WHA resolutions concerning infant and young child feeding, we believe it is important to complete the work on the standard at this meeting. Thus, Norway can accept the proposed text, that is all text with the removal of both sets of square brackets and retention of all three paragraphs of text.

The proposed text provides context for understanding and implementing the standard. This will be of great importance for many countries in order to facilitate coherence with global policies to protect breastfeeding.

REPUBLIC OF KOREA

The Republic of Korea submits following opinions on recommendations 1 and 2.

- **Recommendation 1:** We support the suggestion to have one standard with two parts; Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children.

- **Recommendation 2:** We support including the preamble with a simple statement that the Standard is divided into two sections for different age groups.

SOUTH AFRICA

Structure:

South African Position:

South Africa is in support of Recommendation 1 in NFSDU/43 CRD 2 and agree to one standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Rationale:

Based on the majority agreement as per the CL2022/24/OCS-NFSDU, we support one standard with two parts as both of these products are categorised as breastmilk substitutes in South Africa.

Preamble:

South African Position:

South Africa is in support of the text as per Recommendation 2 NFSDU/43 CRD 2 with the deletion of the square brackets and the retention of the text in the last two paragraphs as follows:

This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children. The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context.

Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries.

Rationale:

Based on majority consensus that the committee agrees to one standard with two parts, it makes sense that there is a requirement for a preamble. Therefore, South Africa supports the deletion of the square brackets to ensure reference to the International Code of Marketing of Breast-milk Substitutes, as aligned to our national context. In addition, it is also imperative to include the broader WHO/WHA texts as part of the relevant global guidance documents.

RWANDA

Section or Paragraph	Nature of comment (Indicate whether technical or editorial)	Comment/Proposed Changes	Rationale
Structure 1.3 Questions	Technical	Rwanda supports the option of having One standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children.	This approach of having one standard with two parts has been used in other codex standards such as in CXS 72-1981- Standard for Infant Formula and Formulas for Special Medical Purposes intended for Infants and it is an approach/option easy to be interpreted by the users of the standard
Preamble 2.4 Questions	General	No comments	-

UGANDA

Uganda appreciates the work done by the Electronic Working Group (EWG) on the review of the standard for Follow-up Formula (CXS 156-1987).

Structure:

Uganda agrees to support the structure and preamble of Follow-up Formula (CXS 156-1987) as below;

One standard with two parts: Part A covering Follow-up Formula for Older Infants and Part B covering Product for Young Children.

Justification:

Following Uganda's earlier submission on the subject matter, Uganda appreciates the support by other Member countries and EWG recommendations and conclusions. Uganda further retaliates that, 'option a' is consistent with the approach taken in the other Codex standards such as; Standard for cereal-based foods for infants and young Children (STAN 74-1981) and Guidelines on formulated complementary foods for older infants and young children (CAC/GL 8-1991).

Further having two parts of the standard specify two products, which are conceptually alike and serve as a liquid part of the diversified diet of older infants and young children during the complementary feeding period and both products are breast-milk substitutes. Uganda therefore, agrees to support the EWG recommendation as below;

"One standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children".

Preamble:

Uganda strongly agrees to have a preamble to the standard given that the standard has two

parts and arbitrating to two different age groups. Uganda appreciates the simplified text and structure of the preamble recommended by EWG and thus agrees to the guidance taken drafting of the preamble. Uganda therefore, supports the preamble as is below:

"This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

[The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context].

[Relevant World Health Organization (WHO) guidelines, policies, and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries]”.

Uganda also notes to agreement with the text in the square bracket since we already drafted national regulation on marketing of breastmilk substitutes and took into consideration of the applicable international guidelines and policies related to the matter. Uganda therefore, accepts to support the proposed preamble to be considered with the revised standard as is and to progress to the sub-sequent steps.

VIETNAM

PREAMBLE:

Vietnam does not support to put the Preamble in the Standard for FUF, in case the updated standard is have the preamble, Vietnam could support a simple text as similar to the standard for Infant Formula as followings:

“This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B refers to Drink for young children with added nutrients or Product for young children with added nutrients or Drink for young children or Product for young children.”

STRUCTURE OF THE STANDARD

Vietnam supports that: One standard and 02 parts: Part A (Follow-up-Formula for older Infants); Part B (Drink for young children with added nutrients or Product for young children with added nutrients or Drink for young children or Product for young children).

HELEN KELLER INTERNATIONAL

STRUCTURE

Helen Keller International (Helen Keller) fully supports recommendation 1 in CRD 2, that the Follow-up formula Standard be finalised at this meeting as one standard made up of 2 parts - Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

As it seems there is consensus on this view, we are not providing the detailed justification which was submitted in our response to CL 2022/24/OCS-NFSDU.

PREAMBLE

Helen Keller strongly believes that a Preamble is required as it will assist Member States to contextualise and implement the standard. The Preamble will play a critical role in helping ensure policy coherence by both highlighting relevant international instruments/standards that were considered when developing the standard, and that should be taken into account when applying the standard at the national level. This clarity for regulators is especially important for products targeting this vulnerable age group. Further, as the Committee has acknowledged the need to protect, promote and support breastfeeding as an unequalled way of providing ideal food for the healthy growth and development of infants and young children, the preamble text would affirm this commitment.

Helen Keller also strongly believes that the work on this standard should be completed at this 43rd CCNFSDU meeting. The standard is of critical importance as the sale of these unnecessary products (as agreed by the WHA) continues to increase at an alarming rate. To this end, Helen Keller thanks the New Zealand Chairs for having considered the submissions made by many countries and observers in response to CL 2022/24/OCS-NFSDU and for providing proposed Preamble text. While the proposed text is not as comprehensive as Helen Keller has proposed or would have wanted, we are willing, in the spirit of consensus, to accept the full text put forward in CRD 2 (i.e. the removal of both sets of square brackets and retention of all three paragraphs of text). The proposed text does not contradict the advice of CCEXEC nor repeat anything included in the Standard, it simply provides valuable context for its understanding and implementation.

In the same spirit of consensus, we urge all countries and observers to accept the verbalised needs of many countries for all the proposed text to be included, knowing that this would facilitate coherence with global policies that could, if fully implemented, benefit and save the lives of millions of children.

Delaying the completion of the standard would not serve the best interest of the world’s children.

In the spirit of compromise and to protect and put children first, Helen Keller supports the proposed text as follows.

This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context.

Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries.

Should the Committee however decide to open the proposed Preamble text for rewording, Helen Keller will propose other, more comprehensive text.

ILCA

1. Structure

The International Lactation Consultant Association (ILCA) supports recommendation 1 in NFSDU/43 CRD2, as one standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

Rationale for this structure: both products are considered and used as breastmilk substitutes, and defined as such in the International Code of Marketing of Breastmilk Substitutes. Additionally, while infant formula is sometimes necessary, both follow-up formula for older infants and drink for young children are recognized by the World Health Assembly and by WHO as unnecessary products. Finally, dividing one standard of similar products into two parts based on age-related definitions makes sense. The Infant Formula Standard has already set a precedent by combining Infant formula and formulas for special medical purposes for infants into one standard.

2. Preamble

ILCA strongly supports a Preamble to make specific reference to WHO/WHA documents and resolutions by naming them in the preamble of the Codex Standard for Follow-up Formula and Drink for Young Children. Because these are products for a vulnerable group, and because they are used as breastmilk substitutes with possible health impacts, it is especially important to provide this context in order to help provide guidance to member states in utilizing the standard to protect public health of a vulnerable group of consumers and reduce NCDs. The inclusion of a preamble is consistent with a child-rights approach and the obligations of governments contained in the Convention on the Rights of the Child, the CRC general comment 15¹ and the Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health.²

ILCA supports including the International Code of Marketing of Breastmilk Substitutes (1981) and all subsequent relevant WHA resolutions:

(<https://apps.who.int/nutrition/netcode/resolutions/en/index.html>), specifically identifying WHA 39.28 and WHA 69.9 as these resolutions deal explicitly with follow-up formula; the WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children; and the Global Strategy for Infant and Young Child Feeding.

Formula products were cited at the WTO in challenges to proposed national legislation, which shows that Codex standards in this area should adhere to WHO recommendations, particularly on marketing practices, to compete with breastmilk for “share of stomach” and quoted an increase in sales for growing-up drinks/ milks of 214% between 2005 and 2019.^{Error! Bookmark not defined.}

ILCA suggests the following adaptation of Recommendation 2 of NFSDU/43 CRD2 including the full text in all three paragraphs and including the information in the square brackets (brackets removed), with the additions noted in red, and one deletion:

“This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

¹ (N.d.). Retrieved February 23, 2023, from

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vHCIs1B9k1r3x0aA7FYrehINUfw4dHmlOxmFtmhaiMokH80ywS3uq6Q3bqZ3A3yQ0%2B4u6214CSatnrBIZT8nZmj>

² Joint Statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination Against Women in Law and in Practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding. (n.d.). OHCHR. Retrieved February 23, 2023, from <https://www.ohchr.org/en/statements/2016/11/joint-statement-un-special-rapporteurs-right-food-right-health-working-group>

The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes and all subsequent relevant WHA resolutions, including WHA 39.28 and WHA 69.9; the WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children, and the Global Strategy for Infant and Young Child Feeding. ~~as per the national context.~~

Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries.”

ISDI

ISDI notes that CCMAS41 informed CCFSDU42 that currently: “There are no known validated methods to measure sweetness of carbohydrate sources and therefore no way to determine compliance for such a provision”

For clarification purpose, this information shall be reflected in the relevant section of the revised Codex Standard, in Part B section 9 as follows:

Section 9. Methods of Analysis and Sampling

For checking the compliance with this Standard, the methods of analysis contained in the Recommended Methods of Analysis and Sampling (CXS 234-1999) relevant to the provisions in this standard, shall be used.

There are no known validated methods to measure sweetness of carbohydrate sources of Drink for young children with added nutrients or Product for young children with added nutrients or Drink for young children or Product for young children.

UNICEF

1. Structure

UNICEF supports recommendation 1 in NFSDU/43 CRD2, as one standard with two parts, Part A covering Follow-up Formula for Older Infants and Part B covering Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

UNICEF has previously provided justification for this approach in comments responding to CL 2022/24/OCS-NFSDU.

2. Preamble

UNICEF supports the inclusion of a preamble that is consistent with a child-rights approach. In particular, alignment with the obligations contained in the Convention on the Rights of the Child, including the implementation of the International Code of Marketing of Breastmilk Substitutes (the Code) and subsequent World Health Assembly (WHA) resolutions. The preamble should assist Member States to contextualize the standard within these existing international instruments, which already inform Member States’ development and implementation of national laws regulating all formula milk products. The preamble serves a key role in helping Member States realize their international obligations while ensuring policy coherence with Codex standards.

This approach aligns with many Member State submissions in response to CL 2022/24/OCS-NFSDU that call for the inclusion of the Code and subsequent WHA resolutions as well as other global guidance documents into the preamble. In particular, UNICEF recognizes and urges the Committee to support such proposals from low- and middle-income countries that are facing unique challenges due to the widespread promotion of formula milk products.

Acknowledging the variety of views within the committee, UNICEF appreciates the efforts to develop the proposed compromise text as set out in Recommendation 2 of NFSDU/43 CRD2. While this text does not reflect UNICEF’s preferred language as set out in prior submissions, UNICEF recognizes and supports the aim of timely finalization of this standard.

To this end, UNICEF accepts, as a minimum, the full text put forward in Recommendation 2 as contained within all three paragraphs with all square brackets removed:

This Standard is divided into two sections. Section A refers to Follow-up Formula for Older Infants, and Section B deals with Drink for Young Children with Added Nutrients, or Product for Young Children with Added Nutrients, or Drink for Young Children, or Product for Young Children.

The application of this Standard should be consistent with national health and nutrition policies and relevant national/regional legislation and take into account the recommendations made in the International Code of Marketing of Breast-milk Substitutes, as per the national context.

Relevant World Health Organization (WHO) guidelines and policies and World Health Assembly (WHA) resolutions were considered in the development of this Standard and may provide further guidance to countries.

If the Committee does choose to open this text to further amendment, UNICEF will take the opportunity to propose alternate text that emphasizes alignment with global instruments and guidance documents on infant and young child feeding.