

## **Amended DRAFT Appendix I – Interpretation of ‘advertising’**

The Agency considers the term “advertising” to mean.

Any representation that is made in connection with a trade, business, or company in order to promote, either directly or indirectly, the supply, including sale, or transfer of infant and/or follow on formula.

Appendix II sets out what the Agency considers the term “representation” to mean.

All advertising of infant and follow on formula must comply with the requirements of the Infant formula and follow-on formula Regulations 2007. In particular Regulation 21 restricts infant formula advertising to scientific publications and between trade, and Regulation 22 which applies Regulations 19 and 18(2) to follow on formula advertising.

## **Amended DRAFT Appendix II – Interpretation of Representation**

Representation includes any notice, circular, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound. The following list of specific examples is not a definitive list due to the fact that the nature of advertising is always changing:

- newspapers, magazines, brochures, leaflets, circulars, direct mailings, e-mails, text transmissions, fax transmissions, catalogues, follow-up literature and other electronic and printed material (including advertorials)
- publications for healthcare professionals which are not scientific publications
- posters and other promotional media in public places, including moving pictures
- cinema and video commercials
- non-broadcast electronic media, (refer to Appendix III for further guidance with regard to the internet)
- television and radio broadcast commercials.
- Correspondence between a trade, business, or company and their customers, in writing, orally (including telephone calls and company carelines), electronically or by other means
- press releases and other public relations material that can be accessed by consumers.
- tickets, timetables and price lists
- celebrity endorsements in connection with a trade, business, or company
- product placement in websites

## **New DRAFT Appendix V – Guidance on scientific publications and information of a scientific or factual nature**

Regulation 21 means infant formula can be advertised only in scientific publications and trade publications and puts in place controls on the content of such advertisements. Below is the Agency's view on what constitutes a scientific publication and the nature of the information that can and cannot be included in advertisements for infant formula.

### **Scientific Publication**

Scientific publications are published periodically (at regular or irregular intervals) and aimed at academic and/or professionals in a scientific field. They consist of an aggregation of original articles by different authors published under an umbrella title. Articles include those that report new scientific research or review existing scientific research. They may also include editorials, opinion pieces and book or other reviews dealing with a scientific theme.

In addition, they

- are static, rather than dynamic (i.e. the core content is fixed at the time of publication), and
- have been assigned an ISSN

### **Content of Infant Formula Advertisements**

Advertisements for infant formula can **only** include information that is of a scientific and factual nature (Regulation 21 (2)). In the Agency's view to comply with this requirement it must be possible to support all information provided in infant formula advertisements with an article from a peer-reviewed scientific journal.

In addition, where the information provided in an advertisement constitutes a nutrition or health claim, it must be listed in the first column of Annex IV and the product must meet the conditions specified in the second column. All other nutrition and health claims are prohibited. Paragraphs 26-29 provide information on what constitutes a nutrition or health claim.

Regulation 21 requires advertisements for infant formula to comply with the controls in Regulations 17(1)(e), (2) and (3), regulation 19 and regulation 21 (3).

## List of Interested Parties

A G Barr  
Academy of Culinary Arts  
Advertising Association  
Advertising Standards Authority  
Advisory Body for Social Services  
Catering  
Agricultural Industries  
Confederation  
Agricultural Supply Industry  
Ajinmoto Co Limited  
Alcontrol Laboratories  
Allied Technical Centre  
American Maize-Products  
Company (USA)  
Anglia Bio Science Consultancy  
Apco Europe  
Arkarius Limited  
Asda Stores  
Ashwell Associates  
Assoc of the British Pharmaceutical  
Industry  
Associated British Agriculture  
Association for Breastfeeding  
Mothers  
Association of Frozen Food  
Producers & Ice Cream Federation  
Association of Port Health  
Authorities  
Association of Radical Midwives  
Atwood Barry  
Baby Milk Action Group  
Baby Organix  
Babylicious Limited  
Berry Ottaway and Associates  
Limited  
Bibra Information Services Limited  
Bio Bambini  
Booth Smith & Associates  
Bradford Royal Infirmary  
Breastfeeding Network  
British Bakels Limited  
British Beekeeper's Association  
British Chemical Distributors &  
Traders Association Limited  
British Dental Association  
British Diabetic Society  
British Dietetic Association  
British Egg Industry Council  
British Essence Manufacturers  
Association  
British Independent Grocers  
Association  
British Medical Association  
British Oat and Barley Millers  
Association  
British Pasta Product Association  
British Poultry Council  
British Retail Consortium  
Burson Marsteller  
Buckinghamshire NHS Trust  
CASH (Consensus Action on Salt  
and Health)  
Cavaghan & Gray  
Centre for Public Health  
Excellence, National Institute for  
Health and Clinical Excellence  
Chemistry & Industry Magazine  
Christan Hansen UK Limited  
City of York Council  
Civo-institutes TNO  
Coffee Trade Federation Limited  
Committee of Advertising Practice  
Broadcast Committee of  
Advertising Practice  
Community Practitioners and  
Health Visitors Association  
Confederation of Indian Food  
Trade and Industry  
Consumer Education & Research  
Centre  
Co-operative Group  
Covington & Burling  
Crop Protection Association  
Cumbria County Council  
Dairy Council  
Department of Environment Food  
and Rural Affairs (DEFRA)  
Department for Trade & Industry  
Dept of Molecular & Cellular  
Pathology  
Derrisford Hospital  
Environment Council  
ENVG  
European Federation of Health  
EHPM  
Product Manufacturers Association

## List of Interested Parties

Faculty of Public Health of the  
Royal College of Physicians of the  
United Kingdom  
Federal Office of Public Health  
Federation of Small Businesses  
Food standards Australia New  
Zealand (FSANZ)  
Food Additives & Ingredients  
Association  
Food and Drink Federation (FDF)  
Food Commission (UK) Limited  
Food Science Australia library  
Food Standards Australia New  
Zealand  
Forum Products Limited  
FTSE  
General Dietary Limited  
Glisten Confectionery  
Grace GmbH  
HCIMA  
Health Food Manufacturers  
Association  
Health Promotion Agency  
Hipp Nutrition UK Limited  
Hipp – Werk Georg Hipp OHG  
HJ Heinz Company limited  
Hobbelink  
Holland & Barrett  
Horticulture Research International  
Hotel & Catering International  
Management Association  
Huntingdon Life Sciences  
HUSH (Haemolytic Uraemic  
Syndrome Help)  
ILS Limited  
Imperial College  
Infant and Dietetic Foods  
Association  
Informa PLC  
Institute of Food Science &  
Technology (IFST)  
IFIS Publishing  
International Food Information  
Service  
International Laboratory Services  
Limited  
International Obesity Task Force  
J Ralph Blanchfield Consultancy  
J Sainsbury Plc  
John Russell Associates  
King's College London  
Kreglinger Europe  
L B Croydon Food Team  
L Hepner & Associates Limited  
La Leche League  
Lactation consultants of Great  
Britain (LCGB)  
Lawdata Limited  
Lawson Dr R G  
Leeds Metropolitan University  
LGC Limited  
Lifetreeshop  
Local Authorities Co-ordinators of  
Regulatory Services (LACORS)  
London Chamber of Commerce  
London International Group Plc  
Marks & Spencer Plc  
MCC Public Relations Limited  
Mead Johnson Nutritionals  
Meat & livestock commission  
(MLC)  
Midwives Information & Resource  
Service  
Morrisons PLC  
National Association of Local  
Government Officials  
National Association of British &  
Irish millers (NABIM)  
National Association of Health  
Stores  
National Childbirth Trust  
National Consumer Council  
National Consumer Federation  
National Family & Parenting  
Institute  
National Institute for Health and  
Clinical Excellence  
National Pharmaceutical  
Association  
Norton Rose  
Nutricia Limited  
Omya UK Limited  
Organix Brands Plc  
Periodical Publishers Association  
Pioneering Foods  
Pizza hut (UK)  
Proprietary association of Great  
Britain (PAGB)  
Provision Trade Federation

## List of Interested Parties

Reading Scientific Services Limited (RSSL)  
RHM technology limited  
Royal College of Midwives (RCM)  
Royal College of Nursing  
Royal College of Paediatrics & Child Health (RCPCH)  
Royal Pharmaceutical Society of Great Britain (RPSGB)  
Royal Society for the Promotion of Health  
Royal Society of Chemistry  
Royal Society of Health  
Salt Manufacturers Association  
Salford Primary Healthcare Trust  
SCI - where science meets business  
Scottish Breastfeeding Group  
Seale-Hayne College  
Sheffield City Libraries  
Simply Organic - serious food company  
Small Business Service (SBS)  
Society of Chemical Industry  
Solway Foods  
Somerfield Stores Limited  
St Marys Hospital NHS Trust  
Sure Start Breastfeeding Project  
Sure Start Centre  
Sustain  
Syngenta Crop Protection UK limited  
Table jellies association  
Tate & lyle plc  
Tesco stores plc  
Trade Association Forum  
Truuuly scrumptious baby food Limited  
UK Association of Frozen Food Producers  
UNICEF  
Unilever UK Limited  
University College & Middlesex  
University of Dundee  
University of Hertfordshire  
University of Leeds  
University of New South Wales  
University of Reading  
University of Sussex  
Vegetarian Society of the UK Limited  
Veterinary Science Library  
Vitacare Limited  
Waitrose Limited  
Ward Prof A G  
Webershandwick Public Affairs  
Welsh Assembly Government  
Which?  
Whitehouse Consultancy Limited  
Wm Morrison Supermarkets