

30 April 2024

Email: [exemptions@accg.gov.au](mailto:exemptions@accg.gov.au)

**Attention**

David Hatfield  
Director  
Competition Exemptions Branch  
ACCC

Dear Mr Hatfield

**Infant Nutrition Council Limited - application for revocation of authorisation AA1000534 and substitution of AA1000665 – interested party consultation**

The Australian Food and Grocery Council (**AFGC**) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry. With an annual turnover in the 2021-22 financial year of \$144 billion, Australia's food and grocery manufacturing sector contributes substantially to the Australian economy and is vital to the nation's future prosperity.

It is essential to the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry are recognised and factored into the Government's economic, industrial and trade policies.

The AFGC appreciates the opportunity to comment on the application for revocation of authorisation from the Infant Nutrition Council (**INC**) concerning the *Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (MAIF Agreement)* and associated guidelines.

The AFGC strongly supports breastfeeding and recognises that breastfeeding provides the best nutritional start for infants.

**General Comments**

The AFGC strongly supports the INC's application for revocation of the authorisation of the MAIF Agreement and associated guidelines that will expire on 31 August 2024. The MAIF Agreement is a voluntary self-regulation code of conduct between manufacturers and importers to Australia of Infant Formula.

The AFGC understands that INC seeks to substitute in its place a new authorisation of the MAIF Agreement on the same terms as the original authorisation for five years. Additionally, this authorisation continues to apply to current and future manufacturers in, and importers into, Australia of infant formula.

MAIF is an effective voluntary industry code with associated public benefits, including enhanced transparency and low compliance costs. These benefits are acknowledged by the ACCC and the New Zealand Commerce Commission.

## Specific Comments

### The term of authorisation

The AFGC supports INC's application to seek a five-year authorisation. This will provide sufficient time for the Federal Government's review<sup>1</sup> of the MAIF Agreement to conclude and allow time for recommendations to be agreed upon and implemented.

### Benefits of MAIF

The AFGC supports INC being re-authorised to administer and implement the MAIF Agreement so that it continues to provide public benefits such as:

- promoting and protecting breastfeeding, while also providing appropriate information to make informed choices to those parents and carers who are unable to breastfeed;
- allowing manufacturers to provide scientific evidence-based information and education about infant formula products to inform healthcare professionals who in turn can accurately inform parents and carers ensuring the proper use of breast milk substitutes when they are necessary;
- restricting the advertising and promoting of infant formula by manufacturers and importers directly to the general public;
- internal monitoring and compliance by signatories to ensure conformity to the principles and aims of the MAIF Agreement; and
- cost-effective complaint-handling procedures through avoidance of developing and implementing an alternative regulatory regime.

In summary, the AFGC strongly supports the application by the INC of the re-authorisation of the voluntary MAIF Agreement and associated guidelines.

Yours sincerely



**Dr Duncan Craig**

Director Nutrition & Regulation

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<sup>1</sup> [Review of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement \(MAIF Agreement\) - Australian Government Department of Health - Citizen Space](#)