

Annexure 9 – Interim Guidance document on the interpretation of clause 5(a) of the MAIF Agreement and social media

From: maif <maif@health.gov.au>
Sent: Friday, June 2, 2023 12:12 PM
To:
Cc: maif <maif@health.gov.au>;
Subject: Signatory Forum Update [SEC=OFFICIAL]

Dear MAIF Signatories

Thank you for your participation in the recent signatories forum. The MAIF Complaints Committee and the Department of Health and Aged Care are appreciative of your engagement.

The Secretariat is in the process of developing a summary of the meeting which will be shared with you all. In the interim, we have addressed a couple of the actions from the forum and have items to share with below.

1. **Common social media complaints**

In response to the request for regular updates on the type of complaints that are being received we have compiled a summary of the issues from the substantial number of complaints about infant formula products being advertised on platforms such as Facebook and Instagram.

Some examples which may constitute a breach of the MAIF agreement are outlined below:

- **Use of social media “stories”**, which only appear for a short window of time (e.g. 24 hours) before disappearing from the company’s social media page. Advertising and promotion of infant formula, even if it is only available for viewing temporarily is still considered a breach of the MAIF agreement.
- **Images which depict infants**, even without specific mention of infant formula.
- **Re-posted images and text** promoting infant formula on the signatory’s social media pages, even if they didn’t originate from the signatories social media accounts, can be considered a breach of the MAIF agreement. For example sharing or re-posting a mother’s post.
- **Videos or images posted on social media, original or re-shared**, which don’t specifically discuss or reference infant formula, but may have infant formula images in the background of the video/image.
- **The use of hashtags** which promote infant formula products, can be used by members of the public to search for topics and posts of interest. If your post is about toddler milk products, but you’ve included a hashtag that refers to babies, infant feeding, infant formula etc – this can still constitute a breach of the MAIF agreement.

As discussed at the forum, when a company publishes content on social media that contains statements, pictorial representation or design that is intended, whether directly or indirectly, to promote the use or supply of the products it is an advertisement. Therefore any social media post that promotes the use or supply of infant formula products is also an advertisement.

The Committee acknowledges that the content in [Guidance document for interpretation of the MAIF Agreement – Electronic media](#) should be reviewed to incorporate the current social media

environment. Please note that this guidance will not be updated until after the completion of the MAIF review. In the meantime, it is important that signatories take a common sense approach and act in good faith when it comes to their use of social media platforms. If you have particular concerns in this interim period, please feel welcome to contact the MAIF Secretariat on maif@health.gov.au who would be happy to follow up with the Committee.

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Kind regards,

MAIF Complaints Committee Secretariat team
Nutrition Policy Section

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