

## **IBFAN recommendation on amendments to the Commission proposal on *Food for infants & young children and for special medical purposes.***

**February 29<sup>th</sup> 2012** IBFAN is supporting the following Amendments:

3,4,8,13,14,17,18,21,22,27,38,41,45,47,52,53,54,61,81,85,91,103,104,106,107,173,175,179,190,193,194,195,196, 199,204, 213, 216,225,240, 250,254,256, 259,261, 279

**IBFAN is also supporting the following Consolidated Amendments which could replace some of the above:**

### ***No 7 on the legal status for growing-up milk and toddler milk***

*(19 a) The Commission should clarify, after consulting the European Food Safety Authority, the status of milks intended for infants between and 12 and 36 months (also known as 'growing-up milks' (GUMs)) which are currently regulated by different EU regulations , and submit a report to the European Parliament and the Council assessing whether further legislative action is required, at the latest 1 year after the date of the entry into force of this Regulation. if appropriate the report should be accompanied by a legislative proposal*

---

### ***No 12 on **Labelling, presentation and advertising of food*****

**Please support the following Consolidated Amendment by the GREENS AND SOCIALISTS (replaces amendments 240 and 196)**

*Article 10 Paragraph 3 a (new) Advertising of infant formulae and follow-on formulae shall be restricted to publications specialising in baby care and scientific publications and shall contain only information of a scientific and factual nature. Member States may further restrict or prohibit such advertising. The advertising of infant formulae and follow-on formulae shall be such that it enables consumers to make a clear distinction between infant formula and follow-on formula and avoid any risk of confusion between the above mentioned categories of products.*

---

**No ??? which replaces amendments 41 and 216 (rapporteur), 193 (Rossi), 194 (Schlyter and Schaldemose), 195 (Schlyter and Schaldemose), 240 Sârbu, Willmott, Schaldemose))**

*3. The labelling, presentation and advertising of food referred to in Article 1(1) shall be accurate, clear and easy to understand for consumers and must not be misleading. It shall not attribute properties to such products for the prevention, treatment or cure of human disease, or imply such properties.*

*3 a. The labelling of infant formulae and follow-on formulae shall not include pictures of infants, nor shall it include other pictures or text which may idealise the use of the product. Graphic representations for easy identification of the product and for illustrating methods of preparation shall, however, be permitted. Directive 2006/141 will be amended accordingly.*

---

**No ??? on **Communications to Healthcare professionals (article 9-paragraph 4)****

**Replacing amendments 43 (rapporteur), AM 197 (Sarbu), 198 (Rossi), 199 (Liotard), 200 (Gardini), 201 (Girling), 202 and 206 (De Lange) and 203 (Sonik))**

*The dissemination of any useful information or recommendations with reference to the categories of food referred to in points (a), (b) (c) and (ca) of Article 1 (1) may be made exclusively to persons having qualifications in medicine, nutrition or pharmacy. Additional information by health care professionals to the final consumer shall only be of a scientific and factual nature and shall not constitute advertising.*

---

**The are many other good amendments about safety of ingredients, monitoring and marketing. Here are some of the most important:**

**No 61 Daciana Sarbu – Exports**

*Having regard to the Council Resolution of 18th June 1992 on the marketing of breast-milk substitutes in third countries by Community-based manufacturers.*

---

**No 196 from Carl Schlyter - Greens: 3 c." Advertising of infant formulae, follow-on formulae and of any other kind of food intended for infants or young children shall be prohibited. This includes advertisements in publications, point-of-sale advertising, giving samples or any other promotional device to induce sales directly to the consumer.**

---

**197 Daciana Octavia Sârbu, Glenis Willmott, Christel Schaldemose**

*4. The dissemination of any useful information or recommendations with reference to the categories of food referred to in Article 1 (1) may be made exclusively by persons having qualifications in medicine, nutrition, pharmacy or other professionals responsible for maternal and child health care. 4. The dissemination of any useful information or recommendations with reference to the categories of food referred to in Article 1 (1) may be made exclusively by persons having qualifications in medicine, nutrition, pharmacy or other professionals responsible for maternal and child health care. **Such information shall not constitute advertising or promotional material.***

---

**225 Carl Schlyter on behalf of the Verts/ALE Group (f a) a requirement for post-market monitoring in order to ensure that the specific legislative requirements e.g. regarding pesticides, contaminants, labelling and advertising are met.**

---

240 by Daciana Octavia Sârbu, Glenis Willmott, Christel Schaldemose

**Article 14 of Commission Directive 2006/141/EC is amended as follows:** 1. Advertising of infant formulae and follow-on formulae shall be restricted to publications specialising in baby care and scientific publications. Member States may further restrict or prohibit such advertising. Such advertisements for infant formulae and follow-on formulae shall be subject to the conditions laid down in Article 13(3) to (7) and Article 13(8)(b) and contain only information of a scientific and factual nature. Such information shall not imply or create a belief that bottlefeeding is equivalent or superior to breast feeding.

2. There shall be no point-of-sale advertising, giving of samples or any other promotional device to induce sales of infant formula or follow-on formulae directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.

3. *Manufacturers and distributors of infant formulae and follow-on formulae shall not provide, to the general public or to pregnant women, mothers or members of their families, free or low-priced products, samples or any other promotional gifts, either directly or indirectly via the health care system or health workers."*

---

**Amendment 13 Frederique Ries (Rapporteur) ALDE Liberal - precautionary**

**principle** European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety establishes common principles and definitions for Union food law in order to ensure a high level of protection of **public health and consumer interests**, while allowing the effective functioning of the internal market. It establishes the principles of risk analysis in relation to food, **sets out the precautionary principle as a provisional risk management measure** and establishes the structures and mechanisms for the scientific and technical evaluations which are undertaken by the European Food Safety Authority (hereinafter referred to as 'the Authority'). Therefore, certain definitions laid down in that Regulation must also apply in the context of the present Regulation. Moreover, for the purpose of this Regulation, the Authority should be consulted on all matters likely to affect public health.

---

**Amendments in Ries report 1-56**

1 NO  
2-OK - **calls for peer review but this is not strong enough - needs to refer to independent and systematic review of evidence.**  
3 YES  
4 YES  
5 NO  
6 NO (includes sports foods)  
7 NO  
8 **YES - abolish "foodstuffs for particular nutritional uses"**  
9-12 Deletes commission text which is replaced by 8  
13 **YES - calls for precautionary principle**  
14 **YES**  
15 NO includes Slimming foods  
17 **YES pesticides**  
18 YES  
19 Deleted text replaced  
20 Nutrient list ??  
21 **YES EFSA**  
22 **YES EFSA and Parliament oversight**  
23 Claims OK but not strong enough, ideally there should be no claims permitted for all these foods.  
24 NO  
25  
27 YES  
30 OK  
31 OK  
32 NO  
33 NO  
35 Import/export - not strong enough so NO  
38 YES (precautionary principle)  
41 against disease risk reduction claims YES  
42 **NO NO - 4-6 months (this is a mistake and must come out)**

43 Information to HPs The Commission will in any case change the 'TO' not 'By' YES  
44 **NO**  
45 **YES**  
46 **CLAIMS this is OK but not strong enough**  
47 YES  
50 Union list ?  
51 Union list ?  
52 **Calls for TRANSPARENCY AND CONFIDENTIALITY - CS (259) is better calling just for TRANSPARENCY**  
53 Delegation of powers YES  
54 Strengthened democratic oversight YES  
55 NO  
56 Calls for SMEs to be involved and encouraged - not appropriate for baby foods so could be abused so NO

**AMENDMENTS by other MEPs**

58 Oreste Rossie - NO  
59 Esthe de lange NO  
60 Sophie Auconie NO  
61 **Sarbu - YES (6a) Having regard to the Council Resolution of 18th June 1992 on the marketing of breast-milk substitutes in third countries by Community-based manufacturers.**  
62 EDL NO  
63 Girling NO  
64 OR NO  
65 /66 Sophie Auconie NO  
67 Oreste Rossi the concept of '**specialised nutrition**' should be **maintained NO**  
68 Gluten --  
69 Oreste Rossi NO  
70 asking to include toddler milk NO  
71 asking to include toddler milk NO  
73 Tiziano Motti - include toddler milks NO

74 Mairead mcguiness NO  
75 NO  
81 CS YES  
85 YES  
90 NO  
91 CS YES  
93 TM NO  
94 NO  
95 NO  
**97 JG deviation for Innovation NO**  
99 EDL clarify status of gum no  
100 BOGUSLAW SONIK Info to HPs - this should refer to INDEPENDENT HWs  
101 Gluten NO  
103 Kartika - caution on Nano YES  
104 CS Updating the list YES  
106 CS caution on Nano YES  
107 Kartika Asks for report on fums and gums OK  
108 Esther de Lange (EDL) ?  
116 EDL NO  
121 NO  
122 NO  
123 NO  
124 NO  
**125 MM proposing the words " in good health" - this should be for all infants so NO NO**  
126 in good health NO  
127 in good health NO  
128 including preterm formula NO  
129 EDL LBW formula NO  
**133 Kartika This opens the door to foods for the elderly NO The idea is to have LESS targeted foods - not more! Foods for elderly are exploitative.**  
136 LBW formulas NO  
142 NO  
147 CS defintion of nano needed YES  
149 OR specialised nutrition again NO  
150 Giles Pargneaux GUMs NO  
151 Deleting milk intended for young children NO  
153 Deleting milk intended for young children NO  
156 Deleting milk intended for young children NO  
157 NO  
158 EDL JG LBW formulas NO  
159 NO  
160 JG NO  
161 Daciana Sarbu SMP ?? not sure  
169 EDL LBW formulas No  
**173 Glenis Willmot calls for appropriate language in exports YES**  
**175 CS YES**  
**179 Tiziano Motti Nice prohibitions YES**  
185 Kartika - calls for peer review not wrong but strong enough.  
190 cs yes  
191 yes  
192 yes  
**193 Rossie - Nice =- yes**

194 CS idealising YES  
195 CS Health claims (same as IF)  
196 CS YESYES YES  
197 Sarbu willmott info YES  
198 rossi - OK  
**199 Kartika - independence - YES YES**  
200 - weak gardini  
201 JG NO  
202 EDL NO  
204 Kartika YES  
205 JG label only. weak NO  
206 EDL weak NO  
213 EDL pesticides OK Yes  
215 Kartiker YES  
224 Kartika FUMs and GUMs NO  
**225 CS Monitoring YES YES**  
228 sarbu willmott GUMs  
230 Gardin GUMs  
231 FR in french  
232 Tiziano  
233 EDL pesticide  
238 data no  
**No 240 by** Sârbu, Willmott, Schaldemose  
241  
248 CS YES  
249 JG NO  
250 CS Nano YES  
**251 Kartika - calls for peer review needs to refer to independent and systematic review**  
254 CS yes  
256 CS Yes  
**259 Transparency YES**  
260 ditto  
**261 Transparency - exception for confidentiality YES**  
279 Kartika Calls for review of GUMs YES