

To: District Council Chief EHOs  
cc: Group Chief EHOs  
NIFLG Members

30<sup>th</sup> July 2008

Reference: **ENF/NI/08/037**

Dear Colleagues,

**INFANT FORMULA AND FOLLOW-ON FORMULA: LEGISLATION - IN-STORE PRESENTATION AND PROMOTION OF PRODUCTS AND THE PROVISION OF INFORMATIONAL AND EDUCATIONAL MATERIAL ON INFANT FEEDING**

It has come to the Agency's attention that some retailers and their managers may not be aware that the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007<sup>1</sup> cover aspects relating to in-store presentation and promotion of infant formula and follow-on formula and that these Regulations update the provisions that were in the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995 (as amended).

The Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 introduce strict controls on the composition, labeling, advertising, presentation and promotion of infant formula and follow-on formula. Similar legislation applies in England, Scotland and Wales. The Regulations implement Commission Directive 2006/141/EC, which gives effect to the principles and aims of the WHO Code on the Marketing of Breastmilk Substitutes. The Regulations are intended to ensure that

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<sup>1</sup> [http://www.opsi.gov.uk/sr/sr2007/pdf/nisr\\_20070506\\_en.pdf](http://www.opsi.gov.uk/sr/sr2007/pdf/nisr_20070506_en.pdf)



users of the products clearly distinguish between them, and that breastfeeding is not undermined.

The Food Standards Agency has also published guidance notes to help those who are required to apply and enforce the legislation (available at <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/inform07guide>)

I would like to draw your attention to the particular aspects of this legislation and guidance which relate to in-store activity:

- regulation 20<sup>2</sup> lays down restrictions in relation to the **presentation** of infant and follow-on formula. This includes restrictions and conditions on the use of in-store presentation shelf talkers and in-store promotional devices. Further advice is provided in paragraphs 52 and 53 of the guidance notes;
- regulation 23 lays down restrictions on **promotion** of infant formula at retail level. This includes activities such as advertising, special displays, coupons, premiums, loss-leaders and tie-in sales. Further advice is provided in paragraphs 71-73 of the guidance notes;
- regulation 24 lays down restrictions on the **provision of informational and educational material** on infant feeding. Further advice is provided in paragraphs 74-79 of the guidance notes.

I would be grateful if you could ensure that all retailers who sell infant formula and/or follow-on formula are aware of these requirements and, if any are found not to be complying with the Regulations, take appropriate steps to ensure compliance. Please note that the Agency has written to the major retailers and their Home Authorities (listed in Annex 1) advising them of the requirements of the Regulations.

Yours faithfully,



Michael Jackson  
Head of Enforcement  
Food Standards Agency Northern Ireland

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<sup>2</sup> please note: a technical amendment to this Regulation is being considered by the Agency as set out in Agency's letter dated 8<sup>th</sup> July 2008.

Annex 1:

Bracknell Forest borough Council  
Warwickshire County Council  
West Yorkshire Trading Standards Service  
Nottinghamshire County Council  
Manchester City Council  
London Borough of Merton  
Coventry City Council  
City of London  
Bristol City Council  
London Borough of Sutton  
Hertfordshire County Council