

To: Directors of Public Protection

29th July 2008

ENF/W/08/047

Dear Director

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 (Wales) Regulations 2007¹ cover aspects relating to in-store presentation and promotion of infant formula and follow-on formula. They may also be unaware that the 2007 Regulations update the provisions that were in the Infant Formula and Follow-on formula Regulations 1995 (as amended).

The Infant Formula and Follow-on Formula (Wales) Regulations 2007 introduce strict controls on the composition, labelling, advertising, presentation and promotion of infant formula and follow-on formula. Similar legislation applies in England, Scotland, and Northern Ireland. 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 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>)

¹ http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi_20073573_en_1



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

- regulation 20² 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 should be grateful if you would 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 that they take appropriate measures. Please note that the Agency has written to the major retailers and their Home Authority (listed below, annex 1) advising them of the requirements of the Regulations.

Yours sincerely,



Rob Wilkins
Head of General Enforcement Branch

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

² please note: a technical amendment to this Regulation is being considered by the Agency