

Briefing Note Adhering to the WHO Code in Canada

Purpose: To ensure Canadian families are supported to make an informed decision on how they safely feed their infants by regulating, monitoring, and enforcing the International Code of Marketing of Breastmilk Substitutes (The Code) and relevant World Health Assembly Resolutions in Canada.

Background and current situation:

The International Code of Marketing of Breastmilk Substitutes and relevant World Health Assembly resolutions are collectively referred to as '[the Code](#)'. The Code provides minimum requirements for regulating the marketing of breastmilk substitutes such as commercial infant formula, follow-up formula, and infant feeding equipment such as bottles. Its overarching aim is to eliminate unnecessary disease and death by preventing aggressive or misleading marketing and it protects all babies whether they are breastfed or fed commercial milk formula.

- Canada has been a signatory of the Code since 1981, however Canada does not strongly regulate, monitor, or enforce mechanisms to ensure compliance from the commercial formula industry.
- Repeatedly the commercial formula industry has violated [Health Canada's regulations on labels](#) of infant formula, particularly related to health claims, and they have unethically and aggressively marketed to Canadian families.
- The commercial food industry misrepresents infant formula and related products covered by the Code and makes them sound equal or better than human milk.
- The noncompliance to the Code regulations by infant formula companies results in the distribution of free formula, free related products, and aggressive marketing to the public and professional audiences without the awareness by its recipients of the effect of this marketing.
- Not only does this undermine families' confidence in their choice to breastfeed, it is also harmful to all Canadians, as [substantial evidence](#) points to the adverse health and economic impacts of commercial infant formula compared with breastfeeding and the feeding of human milk.
- For over 40 years, the World Health Organization (WHO) has been urging states to enact legislation that protects, promotes, and supports breastfeeding in alignment with the Code.
- [WHO/UNICEF/IBFAN Code Status Report 2022](#) notes higher breastfeeding rates in countries that are substantially aligned with the Code compared to those with limited or no alignment.
- Presently there is a unique opportunity to advocate for the adherence of the Code within Canada's regulatory framework. To address shortages of infant formula and foods for a special dietary purpose (FSDP), Health Canada plans to [Modernize Divisions 24 and 25 of the Food and Drug Regulations](#).
- Ensuring that the Code is strengthened in Health Canada's updated regulatory framework is crucial for the health of our most vulnerable population and for promoting, promoting, and supporting the widespread benefits of breastfeeding across Canada.
- It is important for Canadian families to be protected from unethical and aggressive marketing practices.

- We anticipate that the [commercial formula industry will actively lobby](#) to prevent the Code from being implemented and enforced in Canada.
- Parents who intend to feed infant formula deserve complete and factual information about the products available, including, when applicable, how to properly and safely prepare and store infant formula.

Recommendations:

- Complete our brief survey to demonstrate your support to implement, monitor, and enforce the Code in Canada <https://forms.office.com/r/ykCUzD1WN9>.
- Visit our Facebook page [KeenOnTheCode](#) for information on how you can take action to ensure Canada appropriately regulates, monitors and enforces the Code.

References:

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