

**The Committee on the Rights of the Child recommended the Mexican State to regulate advertising and marketing of infant formula and bottle feeding.**

The Committee on the Rights of the Child recommended the Mexican State to implement an international Code adopted in 1981 to regulate advertising and marketing practices of infant formula, juice, baby foods, as well as the advertising and marketing of bottles and teats, as a necessary action to address the decline of breastfeeding.

As part of its obligations acquired by signing and ratifying the International Convention on the Rights of the Child on the 19<sup>th</sup> and 20<sup>th</sup> May, 2015, in Geneva, the Mexican Government presented a report on the situation of children in Mexico and the advances that have been made on this matter. In response, on June 8, 2015, the Committee on the Rights of the Child issued its concluding observations and recommendations.<sup>1</sup>

In addition to the Mexican State report, the Committee received several alternative reports prepared by civil society organizations that highlighted specific issues that were not touched by the official report or which were approached with a different view. Among these reports, the IBFAN Network<sup>2</sup>, the organization “Proyecto Alimente”, the Ombudsman's Right to Health and the Training and Education Centre on Health and Ecology for Peasants presented an alternative report on the conditions of infant feeding in Mexico<sup>3</sup>. Among other subjects, it expressed concern over the sharp decline of breastfeeding and the inadequate regulation of marketing practices for breastmilk substitutes, considering it as a factor that significantly contributes to this serious problem.

In its concluding observations, the Committee expressed concern about the decline of breastfeeding and recommended that the Mexican State to:

*"Increase efforts to promote breastfeeding through educational campaigns and training to professionals, **adequately implement** the International Code of Marketing of Breast-milk Substitutes and the Child-Friendly Hospital Initiative."*<sup>4</sup>

Based on the concerns raised in the alternative report of IBFAN and discussions with the members of the Committee, it is important to make an interpretation of the adjective “**adequately**” used in this important recommendation.

It has been widely documented that aggressive marketing practices by producers and marketers of infant formula, complementary foods, bottles and teats for children under one year, constitutes a misinformation for mothers, parents and health workers about the most convenient way to feed children. Thus, it leads to artificial feeding practices that undermine breastfeeding causing serious

---

<sup>1</sup> United Nations Committee on the Rights of the Child, Concluding Observations on the combined fourth and fifth periodic reports of Mexico, 8 June, 2015, Geneva, available at: [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MEX/INT\\_CRC\\_COC\\_MEX\\_20804\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MEX/INT_CRC_COC_MEX_20804_E.pdf)

<sup>2</sup> IBFAN is the International Baby Food Action Network acronym. An international network active in 120 countries that promotes breastfeeding and the implementation of the International Code of Marketing of Breastmilk Substitutes since 33 years.

<sup>3</sup> IBFAN report on the situation of infant and young child feeding in Mexico, available at: [http://ibfan.org/CRC/IBFAN\\_CRC2015\\_session69\\_Mexico\\_FINAL.pdf](http://ibfan.org/CRC/IBFAN_CRC2015_session69_Mexico_FINAL.pdf)

<sup>4</sup> United Nations Committee on the Rights of the Child, paragraph 48 letter d, pg. 13.

damages to children's health and nutrition. Globally, these marketing practices have been linked to the annual deaths of more than one million children. The displacement of breastfeeding also has a high economic impact over families and health services, as well as depriving infants and their mothers from many other benefits. The evidence provided of these damages from many countries were the reasons why the World Health Organization, with the support of an overwhelming majority of countries, including Mexico, adopted the International Code of Marketing of Breastmilk Substitutes in 1981.

Due to all the above, it is of great importance that the United Nations Committee on the Rights of the Child, despite all the many complex issues that put a burden on children in Mexico, recommended an adequate implementation of this code. However, due to the concise and shortness of this text, the organizations that prepared the alternative report considered relevant to give the following interpretation to the term "**adequate implementation**" included by the Committee in its recommendation:

1. In the past, companies that produce baby food were allowed to self-regulate and monitor their marketing practices. **An adequate implementation means eliminating all possibility of self-regulation.** The marketing practices must be regulated by the Mexican State itself.
2. Only some aspects of the International Code have been incorporated into the regulation on the advertisement and marketing of baby foods, bottles and teats. **An adequate implementation should fully cover all articles of the International Code and subsequent relevant resolutions of the World Health Assembly.** Any partial implementation should be avoided.
3. The regulations on the marketing of breastmilk substitutes, feeding-bottles and teats is not monitored regularly. **An adequate implementation should establish a sustained mechanism for monitoring and reporting violations to the appropriate authorities with the participation of the civil society and academy.**
4. The International Code of Marketing of Breastmilk Substitutes and subsequent resolutions of the World Health Assembly are not well known by the authorities, health workers and the general public. **An adequate implementation requires a wide dissemination and understanding of the spirit<sup>5</sup> and content of the code**, therefore, it is a responsibility of the authorities to spread it widely in a simple and understandable language for everyone.
5. Currently there are no sanctions for breach of the code. **An adequate implementation should include sanctions for non-compliance** that are proportional to the gravity of the infringement and punish significantly its repeated contempt.

---

+ Breastmilk promotes sensory and cognitive development, and protects the infant against infectious and chronic diseases. Exclusive breastfeeding reduces infant mortality due to common childhood illnesses such as diarrhoea or pneumonia, and helps for a quicker recovery during illness. Breastfeeding contributes to the health and well-being of mothers, it helps to space children, reduces the risk of ovarian cancer and breast cancer, increases family and national resources, is a secure way of feeding and is safe for the environment. See it on: [http://www.who.int/maternal\\_child\\_adolescent/topics/newborn/nutrition/breastfeeding/en/](http://www.who.int/maternal_child_adolescent/topics/newborn/nutrition/breastfeeding/en/)

6. It should also be ensured that its **adequate implementation takes place without any participation or interference by producers and marketers of baby food, bottles and teats, guarantying, at any time, that its implementation is free from conflicts of interest.**

The Baby Friendly Hospital Initiative is included in the recommendation of the Committee on the Rights of the Child to Mexico, and also includes, as one of its components, the implementation of the International Code in clinics and hospitals.

The recommendation of the Committee on the Rights of the Child to the Mexican State confirms the importance of the International Code of Marketing of Breastmilk Substitutes as an international instrument. Even though not binding in nature, the International Code very important to uphold human rights; it needs to be incorporated into national standards and put into practice without delay as part of the responsibility of the Mexican State to protect its population.

Marcos Arana Cedenno and Yatziri Zepeda

“Proyecto Alimento”, IBFAN, the Training and Education Centre on Health and Ecology for Peasants, the Ombudsman's Right to Health.

[observatoriosalud@gmail.com](mailto:observatoriosalud@gmail.com), [yatziri@proyectoalimento.org](mailto:yatziri@proyectoalimento.org)