



本署檔號 OUR REF: (8) in DH FHS 7030/10 /2 Pt.8

來函檔號 YOUR REF:

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13 June 2017

Dear Doctor,

**Launching of the Hong Kong Code of Marketing of
Formula Milk and Related Products, and Food Products
for Infants & Young Children**

Please be informed that the “Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children” (“the HK Code”) has been issued by the Food and Health Bureau and the Department of Health on 13 June 2017.

The HK Code is voluntary in nature and it aims to protect breastfeeding and contribute to the provision of safe and adequate nutrition for infants and young children, based on adequate and unbiased information and through appropriate marketing. It was drafted by the Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes, comprising representatives from relevant government departments, non-governmental organisations, healthcare organisations, and academia, with reference to the World Health Organization’s (“WHO”) International Code of Marketing of Breastmilk Substitutes and WHO’s relevant recommendations. Moreover, the HK Code has taken into account the latest local situation and views from various stakeholders collected during public consultation.

The HK Code is an integral part of a comprehensive strategy to protect, promote and support breastfeeding. In addition to the launching of the HK Code, a series of multi-faceted measures have been implemented in phases to strengthen professional support for breastfeeding in healthcare facilities; to strengthen public’s acceptance and support of breastfeeding; to support working mothers to sustain breastfeeding by encouraging the community to adopt breastfeeding friendly workplace policy; to promote and support breastfeeding in public places through promotion of breastfeeding friendly premises and provision of babycare facilities; and to strengthen the surveillance on local breastfeeding.

The HK Code provides guidance to relevant sectors including traders, healthcare workers and healthcare facilities, as well as childcare workers and childcare facilities that are involved in infants and young children nutrition. We appeal for the support of healthcare professional groups, institutions, NGOs and members of the public to work hand in hand to protect healthy infant and young child feeding practices from undue commercial influences.

Enclosed herewith is the summary of the HK Code for your reference. You may wish to refer to our website www.hkcode.gov.hk for the full version. Should you have any enquiries, please feel free to contact us at 3796 0820 (telephone) or hkcode@dh.gov.hk (email).

Yours sincerely,



(Dr Rita HO)
Principal Medical and Health Officer
Department of Health

Encl.

1. A summary of the HK Code

Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children (“HK Code”)

A Summary of the HK Code

<u>Article</u>	<u>Major Provisions</u>
1. Title of the Code	This Code is named as the Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children (“the HK Code”).
2. Aim and Scope	<p>The HK Code aims to contribute to the provision of safe and adequate nutrition for infants and young children by protecting breastfeeding and ensuring the proper use of designated products, on the basis of adequate and unbiased information and through appropriate marketing.</p> <p>The HK Code applies to the following <u>designated products</u> for infants and young children under 36 months old:</p> <ul style="list-style-type: none">• Infant formula• Formula milk related products: Feeding bottles and teats• Follow-up formula• Prepackaged food products for infants and young children
3. Definitions	Terms used in the HK Code are defined.
4. Information and Education (to the general public, expectant parents and parents)	<p><u>Information and education provided by manufacturers or distributors (M&Ds)</u></p> <p>M&Ds of designated products should not perform / sponsor educational activities nor produce and distribute informational / educational materials on <i>breastfeeding and formula milk feeding</i>.</p> <p>Nevertheless, M&Ds may:</p> <ul style="list-style-type: none">• distribute and reproduce the informational / educational materials on <i>breastfeeding and formula milk feeding</i> prepared by the Department of Health, with the source of information acknowledged, and

<u>Article</u>	<u>Major Provisions</u>
	<ul style="list-style-type: none"> produce, donate or distribute informational / educational materials <i>on matters related to infants and young children other than breastfeeding and formula milk feeding</i>, provided that such materials do not contain the name, brand name, packshot, logo and / or trade mark of any formula milk and formula milk related product. <p><u>Provision of product information by M&Ds</u></p> <p>M&Ds should only provide product information about formula milk, feeding bottles and teats <u>upon request</u>, via electronic (e.g. websites, emails) or physical means (e.g. hot-lines, at the premises of retailers or at health care facilities). The information provided should be factual and correct and does not undermine or discourage breastfeeding.</p> <p>Notification of pre-order service for formula milk provided by any parties should only contain essential information pertaining to the operation of order and delivery.</p> <p><u>Information and education provided by other parties</u></p> <p>Parties other than M&Ds may produce or distribute informational / educational materials on <i>infant-and-young-child feeding and nutrition</i>, provided that such materials:</p> <ul style="list-style-type: none"> do not contain the brand name, logo or trade mark of formula milk and formula milk related product nor the name of M&Ds except for matters concerning public health / risks, and for patient care; and explain the relevant points about breastfeeding, complementary feeding, formula or bottle feeding as specified.
5. Promotion to the Public	<p>M&Ds should not carry out promotional activities involving formula milk, and formula milk related products. Such activities include but are not limited to advertising, using special displays, and offering prizes or gifts such as free samples.</p> <p>M&Ds may promote prepackaged food for infants and young children, provided that the promotional activity does not:</p> <ul style="list-style-type: none"> cover infants less than 6 months of age, take place in health care facilities, and promote formula milk or formula milk related products.

<u>Article</u>	<u>Major Provisions</u>
	M&Ds should not seek directly or indirectly personal details of infants, young children, expectant parents or parents of children under the age of 36 months; or inviting their participation in activities including baby shows and mother craft activities, for the purpose of promoting designated products.
6. Promotion in Health Care Facility	<p>M&Ds of designated products should not:</p> <ul style="list-style-type: none"> ● offer free designated products; ● provide equipment, gifts or samples; and ● promote or distribute designated products to any person via health workers / health care facilities.
7. Information and Promotion to Health Workers	<p>Informational materials about products provided by M&Ds should be limited to scientific and factual matters.</p> <p>M&Ds may provide designated products to health workers only for the purpose of professional evaluation or research at the institutional level.</p> <p><u>Sponsorship of Continuing Medical Education Activities:</u></p> <ul style="list-style-type: none"> ● M&Ds should exert no influence on the choice of speakers, topics to be discussed and sponsorship recipients. ● Any interest in or relationship with M&Ds should be disclosed. ● M&Ds should not distribute gifts / materials or promote designated products through the continuing education activity.
8. Labelling	<p>The container or label of a designated product should not:</p> <ul style="list-style-type: none"> ● include any image, text or other representation that is likely to undermine or discourage breastfeeding, that makes a comparison to breastmilk, or that suggests that the product is nearly equivalent or superior to breastmilk; ● promote bottle feeding; and ● convey an endorsement by a professional or other body.

<u>Article</u>	<u>Major Provisions</u>
	<p>Product labels of formula milk, feeding bottles and teats should clearly state breastfeeding as the norm of infant feeding. Product labels of formula milk should also clearly state the need for the advice of a health professional before the use of formula milk and the health hazards of its use.</p>
9. Implementation and Evaluation	<p>M&Ds themselves are responsible for monitoring their marketing practices according to the principles and aim of the HK Code.</p> <p>Non-governmental organisations, professional groups, institutions and individuals concerned are invited to draw the attention of M&Ds to activities which do not follow the principles and aim of the HK Code.</p> <p>All parties are invited to collaborate with the Government to evaluate the overall effectiveness of the HK Code.</p> <p>Surveys will be conducted from time to time to evaluate the overall trends in marketing practices of designated products. Feedback and suggestions from members of the public will also be collated and analysed. The overall effectiveness of the HK Code will be reported to the Committee on Promotion of Breastfeeding, which will further advise the Government on the future strategies and actions to promote and protect breastfeeding and infant-and-young-child nutrition.</p>

Food and Health Bureau

Department of Health

June 2017

《香港配方奶及相關產品和嬰幼兒食品銷售守則》
(“《香港守則》”)
《香港守則》摘要

條	主要條文
1. 守則名稱	本守則名為《香港配方奶及相關產品和嬰幼兒食品銷售守則》(“《香港守則》”)。
2. 目的及範圍	<p>《香港守則》旨在透過充分及不偏頗的資料和適當銷售行為，維護母乳餵哺及確保指定產品獲得適當使用，以達致為嬰幼兒提供安全及足夠的營養。</p> <p>《香港守則》適用於下列擬供予年齡未滿 36 個月的嬰幼兒的指定產品：</p> <ul style="list-style-type: none">● 嬰兒配方奶● 配方奶相關產品：奶瓶及奶嘴● 較大嬰兒配方奶● 預先包裝嬰幼兒食物
3. 定義	為《香港守則》採用的辭彙作出定義。
4. 資訊及教育(為市民大眾、準父母及父母提供)	<p><u>製造商及分銷商提供的資訊及教育</u></p> <p>指定產品的製造商或分銷商不應舉辦或贊助有關母乳餵哺及配方奶餵哺的教育聚會或活動，或製作及派發有關素材。</p> <p>然而，製造商或分銷商可：</p> <ul style="list-style-type: none">● 向市民大眾派發及複製由衛生署編製有關母乳餵哺及配方奶餵哺的資訊或教育素材，並須在複製素材中鳴謝衛生署提供資訊；及● 製作、捐贈或派發有關嬰幼兒事宜(但不包括母乳餵哺及配方奶餵哺)的資訊或教育素材 <p>但該等素材不能展示任何配方奶或配方奶相關產品的名稱、牌子名稱、產品圖像、標識及／或商標。</p>

條	主要條文
	<p><u>製造商及分銷商提供的產品資訊</u></p> <p>製造商或分銷商可因應顧客要求，經電子方式（例如網站、電郵）或實體方式（例如電話熱線、零售處所或醫護機構），就特定牌子的配方奶及配方奶相關產品提供資訊，但該等資訊僅限於確實無誤，亦不應包含任何可能貶抑或不鼓勵母乳餵哺等的陳述。</p> <p>任何人士如特別就配方奶預訂服務提供通告安排，該通告應只包含有關訂購和交付運作的必須資訊。</p> <p><u>製造商及分銷商以外人士提供的資訊及教育</u></p> <p>製造商或分銷商以外人士可製作或派發提述嬰幼兒餵哺及營養的資訊或教育素材，但該等資訊或素材：</p> <ul style="list-style-type: none"> ● 不應包含任何配方奶及配方奶相關產品的牌子名稱、標識或商標，也不包含配方奶及配方奶相關產品的任何製造商或分銷商的名稱（但關乎公共衛生／風險或旨在護理病人的事宜則除外）；及 ● 應說明有關母乳餵哺、以補充食品餵食、配方奶餵哺或使用奶瓶的相應事宜。
<p>5. 向公眾推廣</p>	<p>製造商或分銷商不應進行任何有關配方奶及配方奶相關產品的推廣活動。該等推廣活動包括但不限於進行廣告宣傳、使用特別展示，以及給予獎品或禮品（例如產品的樣品）。</p> <p>製造商或分銷商可推廣預先包裝嬰幼兒食物，但推廣手法須符合下列條件：</p> <ul style="list-style-type: none"> ● 不涵蓋年齡未滿 6 個月的嬰兒； ● 不在醫護機構內進行；及 ● 不推廣配方奶或配方奶相關產品 <p>製造商或分銷商不應為推廣指定產品而直接或間接索取嬰幼兒、準父母或年齡未滿 36 個月的幼兒的父母的個人資料；或邀請他們參與活動，例如嬰兒表演、餵哺指導活動等，藉以推廣指定產品。</p>
<p>6. 在醫護機構進行推廣</p>	<p>指定產品的製造商及分銷商不應：</p>

條	主要條文
	<ul style="list-style-type: none"> ● 提供免費的指定產品； ● 提供器材、禮品或樣品；及 ● 經醫護人員或醫護機構向任何人推廣或派發指定產品。
7. 向醫護人員提供資訊及推廣	<p>製造商及分銷商提供有關產品的資訊素材應限於科學及事實資料事宜。</p> <p>製造商及分銷商僅可為在機構層面進行專業評估或研究的目的，向醫護人員提供指定產品。</p> <p><u>贊助持續進修活動</u></p> <ul style="list-style-type: none"> ● 製造商及分銷商不應影響誰人擔任講者、討論主題以及誰可獲得贊助。 ● 應申報與製造商或分銷商的任何利益關係。 ● 製造商及分銷商不得藉持續進修活動派發任何禮品或物品，或推廣指定產品。
8. 標籤	<p>附貼在指定產品的標籤不應－</p> <ul style="list-style-type: none"> ● 包含可能貶抑或不鼓勵母乳餵哺、與母乳作出比較，或表示產品近乎等同或勝於母乳的任何圖像、文字或其他陳述； ● 推廣奶瓶餵哺；及 ● 傳達由某專業或其他組織所作的認可。 <p>配方奶、奶瓶及奶嘴的標籤應清楚陳述母乳餵哺是餵哺嬰幼兒的正常方法。在決定使用配方奶前，應先徵詢醫護專業人士的意見，及了解其使用的風險。</p>
9. 推行及評估	<p>製造商及分銷商有責任依照《香港守則》的原則和目的，監察其銷售手法。</p> <p>非政府組織、專業團體、有關機構及人士鼓勵製造商及分銷商應注意與《香港守則》的原則和目的不符的活動。</p>

條	主要條文
	<p>政府會與社會各界通力合作，評估《香港守則》的整體效益。</p> <p>衛生署會不時進行研究調查，以掌握指定產品銷售手法的整體趨勢，並會整理和分析市民大眾的意見和建議。有關評估《香港守則》整體效益的結果將會向促進母乳餵哺委員會匯報，該委員會會就促進和維護母乳餵哺及嬰幼兒營養的未來策略和行動，向政府進一步提出意見。</p>

食物及衛生局

衛生署

二零一七年六月