

Reducing Digital Marketing of Infant Formulas: Self-Regulation



Digital marketing has created new opportunities to address infant formula marketing through self-regulation. This brief describes how digital platforms and infant formula manufacturers can voluntarily limit infant formula marketing.

DIGITAL PLATFORMS

The digital platforms Facebook and Google currently do not prohibit infant formula advertising in their U.S. advertising policies. Both companies prohibit tobacco advertising in accordance with U.S. policy and international standards. Google also prohibits child-directed marketing of foods and beverages on YouTube. These voluntary advertising policies operate parallel to the World Health Organization's (WHO) Framework Convention on Tobacco Control, and its Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children. Similarly, the WHO's International Code of Marketing of Breast-Milk Substitutes (WHO Code) prohibits infant formula advertising to the general public. In 2016, 135 countries had adopted portions of the WHO Code. Just as they have done with tobacco and food marketing to children, digital platforms should use their advertising policies to prohibit infant formula advertising.

INFANT FORMULA MANUFACTURERS

Infant formula manufacturers can self-regulate their marketing in the U.S. subject to limitations contained in antitrust settlements with the Federal Trade Commission (FTC) from the 1990's. A 1980's effort by Mead-Johnson and Abbott Laboratories to adopt a voluntary ban on marketing to the public violated antitrust laws for competitor collaborations. The companies settled with the FTC and agreed that they would not communicate with any infant formula competitors to restrict advertising. Advocates can still facilitate self-regulation in the U.S. by drafting an advertising moratorium independently and advocating for its adoption with individual infant formula manufacturers. In 2018, the three major U.S. infant formula manufacturers, Nestlé, Mead Johnson and Abbott adopted a voluntary marketing code in the U.K. that prohibits marketing to the public and free sampling. The time is ripe to strategically advocate that U.S. families be given these same protections.

Prepared by Cara Wilking, JD (Nov. 2020) with support from Healthy Eating Research, a national program of the Robert Wood Johnson Foundation. For the full *Reducing Digital Marketing of Infant Formulas* report visit: www.phaionline.org

