

29th October 2021

Minister Roderic O’Gorman  
Department of Children, Equality, Disability, Integration and Youth  
Leinster House

Dear Minister O’Gorman,

**BFLGI Submission on Ireland's draft State Report to the UN Committee on the Rights of the Child**

Baby Feeding Law Group Ireland (BFLGI) acknowledges the Irish State Party’s draft response prepared by DCEDIY, October 2021, which responds to a List of Issues Report provided by the UN Committee on the Rights of the Child (CRC) on 18th November 2020.

BFLGI would specifically like to draw your attention to two points that were raised by the CRC, who are currently seeking feedback from Ireland on progress being made regarding the implementation of the UN Convention on the Rights of the Child:

- (1) Develop a national strategy on breastfeeding and implement the International Code of Marketing of Breast-milk Substitutes (point 23 e).
- (2) Strengthen the State party’s regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on children’s rights (point 9 a).

BFLGI notes that the DCEDIY response, [Draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child \(October 2021\)](#), at 24 (e) states: “Encouraging mothers to breastfeed is a priority for Ireland. The HSE has established a National Breastfeeding Committee which developed the “*Breastfeeding in a Healthy Ireland – HSE Action Plan 2016 - 2021*”.

The principles of the WHO Code of Practice are reflected in EU Delegated Regulation 2016/127, which came into force in February 2020. In advance of this, the Food Safety Authority of Ireland (FSAI) established a working group in relation to the advertising and marketing practices of infant formula in Ireland. The FSAI has drafted a guidance document to assist health professionals and industry and prepared an assessment tool to assist the checking of marketing materials for compliance. The FSAI routinely follows up on any incidences of non-compliance identified.”

BFLGI is pleased to see that the draft Irish State Party response includes a statement about encouraging mothers to breastfeed. However, this response does not address the substantive issue raised by CRC which is that Ireland has still not fully implemented the International Code of Marketing of Breast-milk Substitutes and its subsequent WHA resolutions, despite having endorsed the International Code in 1981. Furthermore, BFLGI questions if Breastfeeding actually is a priority for Ireland, given the role of the government and state bodies in promoting and investing in the production of Infant Formula.

BFLGI would suggest that there is a huge conflict of interest by the Irish State Party on the one hand with its remit to ensure a child's right to health (which includes breastfeeding as optimal nutrition) and its stated target to sell an increasing proportion of infant formula to a global market. It is estimated that Ireland exported Infant Formulae to a value of €896 million in 2020 and that the Department of Agriculture, Food and the Marine are actively involved in audits and inspections as well as regular meetings with representatives of the dairy industry with regard to infant formula. The Irish Government also subsidises the dairy industry and provides funds to multinational formula industry companies who are based in Ireland as noted in a recent article entitled ([Ireland's complicated relationship with infant formula](#)).

BFLGI believes that this effort by the Irish Government to increase production and promote breast milk substitutes is having a serious negative impact on children's rights to optimal health in Ireland and abroad. This is why we need full implementation of the WHO International Code of Marketing of Breast-milk substitutes and its subsequent WHA resolutions to ensure that the blatant and aggressive marketing of infant formula and milks for older children, designed to undermine breastfeeding, is no longer allowed in Ireland. Current Irish legislation is weak with regard to marketing of formulae and foods for infants and young children and contains loopholes which allows the marketing and cross branding of follow-on formula and toddler milks which are expensive and unnecessary products. Furthermore, new parents are targeted online by the formula industry in contravention of the Code to which they signed up to. [A recent systematic review](#) has identified that the formula industry has been making false scientific claims - this unethical behaviour and misinformation can impact on parental decisions about infant feeding as well as influencing decision makers and practitioners who are responsible for providing health information ([Hastings et al, 2020](#)).

BFLGI is an alliance of organisations and individuals who work together to protect infant, young child and maternal health. BFLGI seeks to protect breastfeeding and to protect all children by improving legislation to end marketing practices which commercialise infant and young child feeding, mislead consumers and threaten breastfeeding. BFLGI does not seek to limit the accessibility of safe and appropriate infant formulae or complementary foods and drinks for those who need or want to use them. As a member of the International Baby Food Action Network (IBFAN), BFLGI aims to improve child, maternal and public health by protecting breastfeeding and by protecting infants and young children fed on infant formula, other milks and complementary foods. BFLGI would be happy to work with the Irish Government and other partners to ensure the full implementation of the International Code of Marketing of Breast-milk Substitutes and its resolutions in Ireland.

Yours faithfully,



Claire Allcutt  
On behalf of Baby Feeding Law Group Ireland

Cc.  
Minister Roderic O'Gorman  
Committee on the Rights of the Child  
Dr Niall Muldoon, Ombudsman for Children  
Ms Tanya Ward, Children's Rights Alliance