

## Annex I: SFA’s response to comments provided by stakeholders

Issues raised	SFA’s response
<p>1. Request for a clear and detailed set of criteria from SFA to</p> <p>(i) guide the industry in providing vital and appropriate information to parents and caregivers; and</p> <p>(ii) help the industry to assess the impact that the proposed regulation will have on claims that contain certain words or pictorial illustrations that are already part of a trademark.</p> <p>2. Clarification required on whether the prohibition of “health claims” on labels and advertisements could conflict with a trademark owner’s right under domestic and international law.</p>	<ul style="list-style-type: none"> <li>• Claims that state, suggest or imply that the infant formula has, or may have, a health effect, will not be allowed on the label or advertisement of infant formula. Details of what would constitute a “health effect” will be set out in the amended Food Regulations.</li> <li>• At this point in time, the prohibition of health effect related claims is not applicable to trademarks.</li> </ul>
<p>3. Clarification required on whether the prohibition of “nutrition claims” on labels and advertisements could conflict with a trademark owner’s right under domestic and international law</p> <p>4. Request for parameters for on prohibition of claims on presence of ingredients</p> <p>5. Request for clear criteria and detailed examples for “absence of ingredients”</p>	<ul style="list-style-type: none"> <li>• Prohibited claims on labels and advertisements of infant formula include the following: <ul style="list-style-type: none"> <li>❖ Claims which state, suggest, or imply the energy, carbohydrate and other nutritive property of any ingredient of the infant formula, other than those listed under Regulation 252(5) and (6) of the Food Regulations.</li> <li>❖ Claims which state, suggest or imply that the infant formula is enriched or fortified, or is an excellent source of the ingredients listed under Regulation 252(5) and 252(6).</li> </ul> </li> <li>• At this point in time, the prohibition of such claims is not applicable to trademarks.</li> </ul>

<p>6. Clarification on use of texts and images of feeding bottles, teats and pacifiers on labels of infant formula.</p>	<ul style="list-style-type: none"> <li>• The prohibition on idealisation of the use or effect of infant formula will not extend to the use of texts and images of feeding bottles, teats and pacifiers in the upcoming amendments to the Food Regulations.</li> </ul>
<p>7. Sought clarification on whether the use of company's mascot would fall under</p> <p>(i) pictures of carers and</p> <p>(ii) pictures to imply that happiness is associated with the formula.</p> <p>8. Request for clarity on what constitutes "Pictures or text which imply that infant health, happiness, well-being or enhanced abilities (eg. intellect), or the health, happiness and wellbeing of carers, is associated with infant formula.</p>	<ul style="list-style-type: none"> <li>• The prohibition of the use of pictorial or graphic representation or text which imply that infant happiness or well-being, or the health, happiness and wellbeing of carers, is associated with infant formula will for the moment not be included in the upcoming amendments to the Food Regulations.</li> </ul>
<p>9. Request for clear and consistent examples that best illustrate the types of pictures that would be perceived as making comparisons to breast milk.</p>	<ul style="list-style-type: none"> <li>• Claims that may suggest a comparison of infant formula with breast milk includes examples like "moving on from breastfeeding", "closer to/inspired by breastmilk", "{name of ingredient} sourced/obtained from breastmilk", "maternalised/"humanised" milk or "{name of ingredient} similar to breastmilk".</li> </ul>