

# Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes

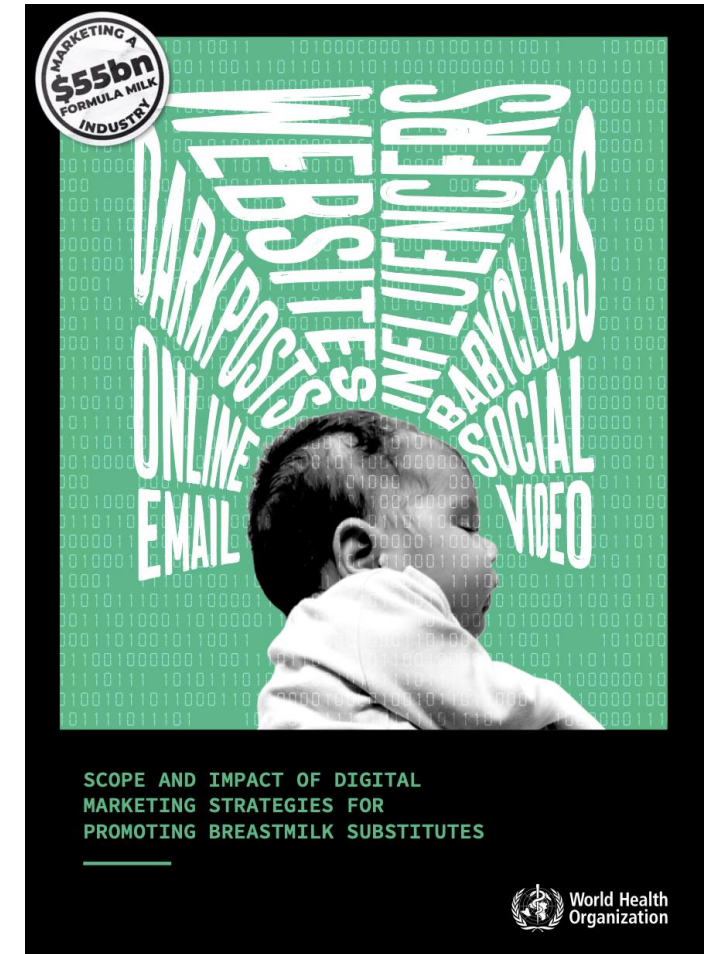
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# Report on digital marketing of breast-milk substitutes

- In 2019, WHO described the growing use of digital tools for the promotion of breast-milk substitutes
- WHA73(26) requested comprehensive report on scope and impact
- Scope and impact of digital marketing strategies for the promotion of breast-milk substitutes
  - Digital marketing dominant in many countries
  - Exploits mothers' vulnerabilities and fears
  - Highly targeted with personal data and algorithms
  - Extremely cost-effective
  - Often not recognizable as advertising
  - Below radar of regulators



# How digital marketing differs from traditional marketing

- Types of marketing made possible through technology

- social media marketing
- video-sharing
- games
- targeted advertisements
- search engine priorities
- email marketing
- online social clubs
- smartphone apps
- like, share, comment
- chat services

- Newer marketing strategies

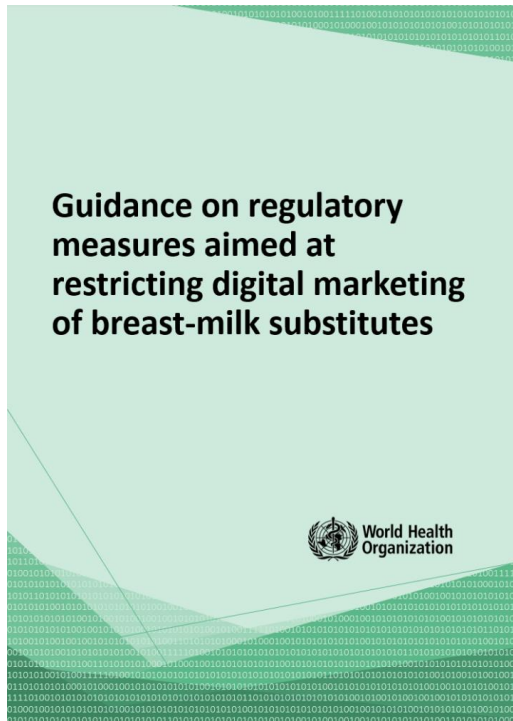
- cross promotions
- brand promotion
- advisory services
- influencer marketing

- Broader set of actors involved in digital marketing

- content producers
- publishers
- hosts
- navigators
- access providers



# Scope of the Guidance

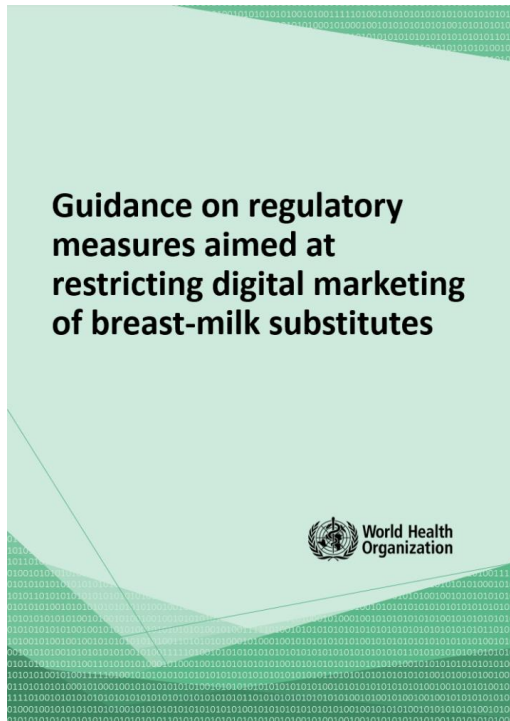


<https://www.who.int/publications/i/item/9789240084490>.

- **Recommendations 1, 2 & 3 (scope of the Code)**
  - Breast-milk substitutes: “any milks in either liquid or powdered form, that are specifically marketed for feeding infants and young children up to the age of 3 years (including follow-up formula and growing-up milks)”
  - Other food or liquid targeted for infants under 6 months of age
  - Feeding bottles and teats
- **Recommendation 4 (Foods for infants and young children)**
  - Commercially produced food or beverage products that are specifically marketed as suitable for feeding children up to 36 months of age



# Applying the Code in digital environments



<https://www.who.int/publications/i/item/9789240084490>.

- **Recommendation 1 (direct-to-consumer)**
  - Code article 5.1 (promotion of general public)
  - Code article 5.2 (samples)
  - Code article 5.4 (gifts)
  - Code article 5.5 (direct or indirect contact)
  - Code articles 4 & 9 (information on labels and educational materials)
  - WHA 69.9 Guidance, rec 5 (cross-promotion)
- **Recommendation 2 (health care)**
  - Code article 6 (health care systems)
  - Code article 7 (health workers)
  - WHA 69.9 Guidance, rec 6 (conflicts of interest)
- **Recommendation 3**
  - Code article 5.3 (point-of-sale)
  - Code article 9 (information on labels)

# Marketing of complementary foods in digital environments

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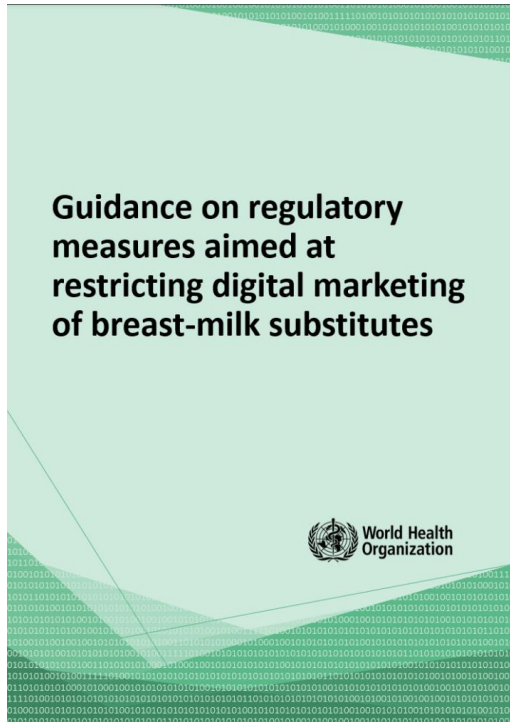


## • Recommendation 4

- WHA 69.9 Guidance, rec 3 (meeting standards)
- WHA 69.9 Guidance, rec 4 (required & prohibited messages)
- WHA 69.9 Guidance, rec 5 (cross-promotion)

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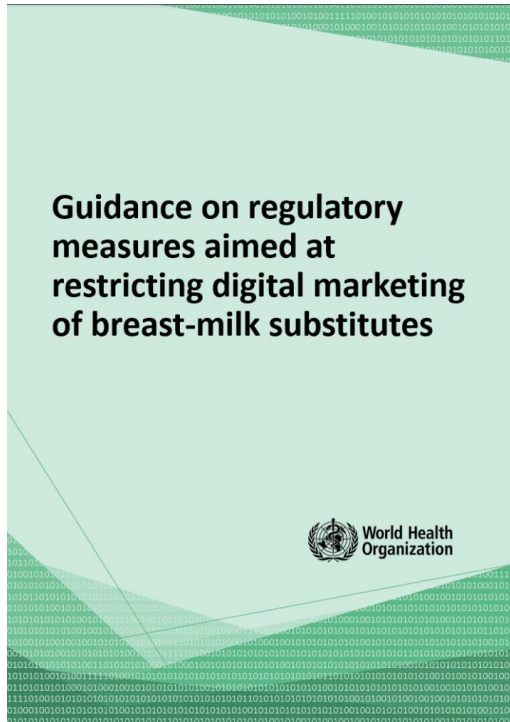
# Monitoring and enforcement



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- Recommendation 5
  - Confer legal duties of compliance
- Recommendation 6
  - Identify government agencies responsible for monitoring and enforcement
- Recommendation 7 (monitoring & enforcement options)
  - Requirements for entities to report to government
  - Public mechanisms to report violations
  - Legal rights of plaintiffs
  - Digital technologies to detect violations
- Recommendation 8
  - Range of sanctions proportional to offense

# Additional considerations



- Recommendation 9
  - Options for containing and responding to cross border marketing
    - Legal obligations of domestic entities that distribute marketing content or products
    - Prohibitions on nationals and domestic entities from promoting outside national borders
    - International cooperation in enforcement actions
- Recommendation 10
  - Responsibilities irrespective of regulatory measures
- Recommendation 11
  - Adaptation to new technologies and channels

<https://www.who.int/publications/i/item/9789240084490>.



# Key points

- Guidance addresses requests from Member States
- Builds on existing Member State practice in other areas of digital regulation
- Provides a practical application of existing Code provisions in digital environments
- Suggests practical tools for monitoring in digital spaces
- Addresses key enforcement issues
- Provides a range of implementation approaches that can be adapted to country situations and needs
- Recognises the need for flexible approaches to the ever-evolving digital technologies, channels and marketing practices

A close-up photograph of a newborn baby being held by a person. The baby is wrapped in a blue and white patterned cloth and is looking towards the camera. The person holding the baby is wearing a yellow shirt. The background is blurred.

Thank you

Gracias

Merci

Спасибо

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謝謝