

**THE HONG KONG CODE OF MARKETING AND
QUALITY OF FORMULA MILK & RELATED
PRODUCTS, AND FOOD PRODUCTS FOR
INFANTS AND YOUNG CHILDREN**

**香港配方奶及相關產品和嬰幼兒食品
的銷售及品質守則**

Background To Setting Up of The Taskforce

成立專責小組的背景

Background to setting up of the Taskforce

成立專責小組的背景

3

- ◉ The Secretary for Food and Health chairs a Steering Committee on Prevention & Control of Non Communicable Diseases (SC).
- ◉ 食物及衛生局局長於防控非傳染病督導委員會擔任主席
- ◉ The SC endorsed the Action Plan proposed by Working Group on Diet and Physical Activities in Feb 2010.
- ◉ 二零一零年二月，督導委員會通過轄下飲食及體能活動工作小組所提議的行動計劃書
- ◉ One of the actions is to develop and implement the Hong Kong Code of Marketing of Breastmilk Substitutes, in view of the very aggressive marketing of FM in Hong Kong, which contributes to the low BF rates in Hong Kong. (Breastfeeding is fundamental to healthy eating)
- ◉ 由於本港配方奶的銷售方式過於進取，被認為是導致母乳餵哺率偏低的因素，因此當局提議推行該項計劃作為回應，行動之一就是制訂和推行一份母乳代用品銷售守則。(母乳餵哺是健康飲食的基礎)

Strategic Management Structure of Steering Committee

4

督導委員會的策略性管理結構

Exhibit 46: Strategic management structure 策略性管理結構



Remark: The tasks on control of tobacco use, cancer and poison control are taken up by the DH's Tobacco Control Office, Cancer Coordinating Committee and the Hong Kong Poison Control Network respectively.

The Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes

香港母乳代用品銷售守則專責小組

- ◉ Set up in June 2010
- ◉ Membership: Representatives from FHB, CFS, Office of Communications Authority, HA, Consumer Council, professional bodies, academia, NGO
- ◉ Terms of Reference
 - > To develop and promulgate the Hong Kong Code of Marketing of Breastmilk Substitutes (the Code)
 - > To develop a system for monitoring compliance of the Code
 - > To monitor the implementation of the Code
- ◉ 於二零一零年六月成立
- ◉ 成員包括來自食物及衛生局、食物安全中心、通訊事務管理局辦公室、醫院管理局、消費者委員會、專業團體、學術界及非政府組織的代表
- ◉ 職權範圍
 - > 制訂與頒布香港母乳代用品銷售守則
 - > 制訂一套系統以監察守則的遵行情況
 - > 監察守則的推行情況

Content of the Hong Kong Code

守則綱要

- Article 1 – Title of the Code
 - Article 2 – Aim & Scope
 - Article 3 – Definitions
 - Article 4 – Information & Education (to the general public, pregnant women & mothers)
 - Article 5 – Promotion to the Public
 - Article 6 – Promotion in Health Care Facility
 - Article 7 – Information & Promotion to Health Worker
 - Article 8 – Labelling
 - Article 9 – Quality Standards
 - Article 10 – Implementation & Monitoring
- 第一條 – 守則名稱
 - 第二條 – 目的及範圍
 - 第三條 – 定義
 - 第四條 – 資訊及教育(為市民大眾、孕婦及母親提供)
 - 第五條 – 向公眾推廣
 - 第六條 – 在醫護機構進行推廣
 - 第七條 – 向醫護人員提供資訊及推廣
 - 第八條 – 標籤
 - 第九條 – 品質標準
 - 第十條 – 推行及監察

Title of the Code

守則名稱

- Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children
- 香港配方奶及相關產品和嬰幼兒食品的銷售及品質守則

Aim of the Code 守則目的

- To contribute to the provision of **safe and adequate nutrition** for **infants and young children** by
 - (a) protecting breastfeeding
 - (b) ensuring the proper use of formula milk and related products and food products for infants and young children up to 36 months
- Through ensuring
 - > adequate and unbiased information, and
 - > appropriate **marketing**
- **Does not interfere with sales**
- 透過(a)維護母乳餵哺；以及(b)確保配方奶、配方奶相關產品及供36個月以下嬰幼兒的食品，
- 在有**充分及不偏頗的資料**和透過**適當銷售**的情況下獲得適當使用
- 為**嬰幼兒**提供**安全及足夠的營養**。
- **不干預售賣**

The Scope 範圍

- ◉ Marketing Practices
- ◉ Quality & Labelling of Designated products:
 - > Infant Formula
 - > Follow-up Formula (for up to 36 months)
 - > Formula milk related products (feeding bottles, teats, pacifiers)
 - > Food products for infants & young children
- ◉ 銷售手法
- ◉ 指定產品的品質及標籤:
 - > 嬰兒配方奶
 - > 較大嬰兒配方奶 (適用至36個月)
 - > 配方奶相關產品 (奶瓶、奶嘴及安撫奶嘴)
 - > 嬰幼兒食品

Article 4 – Information & Education (to the general public, pregnant women & mothers)

第四條 – 資訊及教育(為市民大眾、孕婦及母親提供)

- M&Ds should NOT
 - Perform / sponsor educational functions
 - Produce / distribute / sponsor Informational & educational (I&E) materials related to breastfeeding & Formula feeding & nutrition
- M&Ds may
 - Produce product information, accessible to the public upon request, through
 - M&Ds' website
 - Retailers
 - Healthcare facilities
 - Produce / distribute / sponsor I&E materials on other child health matters
- 製造商及分銷商不應
 - 舉行或贊助教育活動
 - 製造 / 派發 / 贊助 論述母乳餵哺及配方奶餵養與營養的資訊或教育材料
- 製造商及分銷商可
 - 透過製造商及分銷商的網頁、零售點及醫護機構，按公眾提出的要求向其提供產品資訊。
 - 製造 / 派發 / 贊助 論述其他兒童健康主題的資訊或教育材料

Article 5 – Promotion to the Public 第五條 – 向公眾推廣

M&Ds of Infant Formula, Follow-up Formula, Related products 嬰兒及較大嬰兒配方奶及相關產品的製造商和分銷商

• **No advertising in mass media**, e.g., TV, radio, newspaper, magazine, bus body, internet, etc. **不應在大眾傳播媒體進行廣告宣傳**，例如電視、電台、報章、雜誌、巴士車身、互聯網等

• **No promotional sale**, e.g., special display at retail outlet, no discount coupons, tie-in sales, prizes, gifts, premium, rebates, loss-leaders, etc. **不應使用促銷活動**，例如特別展覽、折扣贈券、搭配出售、獎金、獎品或禮品、回贈、特價出售、虧本出售等

• **No free samples** to anybody **不應向任何人士提供免費樣品**

No activities involving infants, young children, pregnant women and mothers of children aged 3 years or below should be performed or sponsored (e.g. baby crawling competitions, mother craft activities) **不應進行涉及嬰兒、幼兒、孕婦及三歲或以下幼兒母親的任何活動**，例如嬰兒表演、餵養指導活動等

No personal details of infants, young children, pregnant women and mothers of children aged 3 years or below, should be obtained directly or indirectly (e.g. joining mothers' club) **不應直接或間接取得嬰兒、孕婦及三十六個月或以下幼兒母親的個人資料**

M&Ds of Food products for children < 3 years

三歲以下嬰幼兒食品的製造商和分銷商

• Advertising & promotion **allowed**, subject to conditions 在下列情況下，可以進行廣告宣傳及促銷：

• not in health care facilities 不在醫護機構內進行

• free samples are allowed but not in health care facilities 不在醫護機構內提供免費樣品

Article 6 – Promotion in Health Care Facility

第六條 – 在醫護機構進行推廣

- M&Ds **should** not –
 - (a) Provide free or low-cost supplies of designated products;

- (b) Donate / distribute free gifts (e.g. pen, calendar, poster, note pad, growth chart, toy); equipment or services which promote designated products

- (c) Promote or distribute products via health workers

- 製造商及分銷商**不應** –
 - (a) 免費或以低於訂明批發價的價格提供指定產品

- (b) 捐贈 / 派發免費禮品 (例如原子筆、日曆、海報、記事本、成長圖、玩具)、器材或提供服務來推廣指定產品

- (c) 經醫護人員推廣或派發指定產品

Article 7 – Information & Promotion to Health Worker

第七條 – 向醫護人員提供資訊及推廣

M&Ds **should not** offer

- Any gift or benefit to health workers or associations (except sponsorship for CME & research grants)

製造商及分銷商**不應**

- 向從事母嬰健康的醫護人員或醫護人員協會提供或給予任何禮品、捐款或好處 (不包括持續教育活動或研究資助)

Article 7 – Information & Promotion to Health Worker

第七條 – 向醫護人員提供資訊及推廣

M&Ds may provide

- Designated products only for professional evaluation or research at the institutional level
- Scientific and factual information materials about designated product
- Sponsorship for CME activities, subject to conditions underpinned by 3 principles:
 - Preventing the sponsors from influencing the activities
 - Disclosing the sponsorship
 - Avoiding promotional activities within the venue

製造商或分銷商可

- 為在機構層面進行專業評估或研究的目的，向醫護人員或醫護機構提供指定產品
- 提供限於有關該產品的科學及事實的資訊材料
- 提供持續教育活動資助，並須符合下列三大原則：
 - 避免贊助商影響該等活動
 - 公布該贊助
 - 避免在該場地進行推廣活動

Article 8 – Labelling

第八條 – 標籤

Formula Milk and related products:

- The label **should not** create an impression that the product is equivalent to, comparable with or superior to breastmilk or breastfeeding
 - No photograph, drawing or graphic presentation other than for illustrating methods of preparation is allowed

配方奶及相關產品：

- 標籤不應造成一個印象，令人以為該產品等同、類似或勝於母乳或母乳餵哺
 - 不應顯示說明沖調方法以外的相片、繪圖或圖像顯示

Article 10 – Implementation & Monitoring

第十條 – 推行及監察

Target for monitoring:

- M&Ds

Aims:

- to educate non-compliant M&Ds
- to generate statistics on the state of compliance and time trend

監察對象：

- 製造商及分銷商

目的：

- 教育不遵循守則的製造商及分銷商
- 提供有關製造商及分銷商遵從守則的狀況及趨勢的統計數字

Monitoring Compliance with the Code

監察有關守則的遵從情況

- ◎ An Advisory Panel (AP)
 - To oversee the monitoring system
 - considers surveillance data / regular survey reports from CFS and DH
 - complaints from the public
 - Comprises a small membership drawn from the Taskforce
 - Secretariat served by DH, with support from FEHD
- ◎ The Monitoring System
 - Passive approach – complaint system
 - Active approach – surveillance / regular survey
- ◎ 諮詢小組
 - 監督監察制度的推行情況
 - 審議從衛生署和食環署所得的監察 / 調查報告
 - 處理市民的投訴
 - 成員來自專責小組
 - 衛生署負責秘書處工作，而食環署則提供專業支援
- ◎ 監察制度
 - 被動方式 – 接收投訴
 - 主動方式 – 監察及定期調查

Receiving Complaints 接收投訴

- The complainant submits a complaint
- M&Ds involved informed and given a chance to provide a written response within 21 calendar days
- The AP considers information from
 - the complainant
 - the M&D
 - other sources as deemed appropriate
- The AP makes a decision
 - substantiated
 - not substantiated
- Refer to relevant Government departments in suspected cases of violations of existing laws
- 市民提交投訴表格
- 涉及的製造商及分銷商會獲得通知，並可於21個曆日之內以書面作出回應
- 諮詢小組考慮由下列來源提供的資訊
 - 投訴人
 - 製造商及分銷商
 - 其他合適的來源
- 諮詢小組作出以下決定
 - 證明屬實
 - 缺乏理據
- 把事件轉介相關政府部門調查和採取跟進行動，包括現行法例訂明的法律行動

Surveillance and Regular Surveys

監察及定期研究調查

FEHD

- ◉ Continue existing surveillance of
 - > food label
 - > Quality, including composition
- ◉ Conduct special study on the nutritional composition of infant formula and follow-up formula in 2012 & 2013

食物環境衛生署

- ◉ 持續監察下列項目
 - > 食物標籤
 - > 品質(包括成份)
- ◉ 於2012及2013年就嬰兒配方奶及成長配方奶進行有關營養成份的特定研究

DH

- ◉ Monitoring advertising activities
- ◉ Carry out studies in collaboration with Consumer Council, NGOs or academics

衛生署

- ◉ 監察宣傳活動
- ◉ 與消費者委員會、非政府組織或學術團體合作進行研究

Consequences for a Substantiated Complaint 投訴屬實的後果

- If a complaint is substantiated, DH will issue an advisory letter and remind about the requirements in the Code. If it is not substantiated, the Secretariat will also inform M&D of the result.
- In the case of any suspicion of violations of existing laws, AP will refer the matter to the relevant Government departments for investigation and follow-up actions including legal actions under the existing laws
- The AP will regularly publish reports on the number of advisory letters issued and the number of M&Ds involved. The names of M&Ds involved will be kept confidential.
- 如投訴個案證明屬實，衛生署會向涉及的製造商和分銷商及其母公司發出勸諭信。如投訴缺乏理據，秘書處亦會把結果通知製造商和分銷商。
- 如懷疑個案違反現行法例，諮詢小組會把事件轉介相關政府部門調查和採取跟進行動，包括現行法例訂明的法律行動
- 諮詢小組會就已發出的勸諭信數目和涉及的製造商及分銷商數目，定期發表報告。涉及的製造商及分銷商的名稱或姓名會保密處理。

Schedule 時間表

- Public Consultation
 - > Start date: 26 October 2012
 - > End date: 31 December 2012
- Date of Issue (Tentative):
2nd Quarter of 2013
- Date of Implementation (Tentative):
4th Quarter of 2013
- 公眾諮詢
 - > 開始日：2012年10月26日
 - > 結束日：2012年12月31日
- 推出日期 (暫定):
2013年第二季
- 推行日期 (暫定):
2013年第四季

The End
完