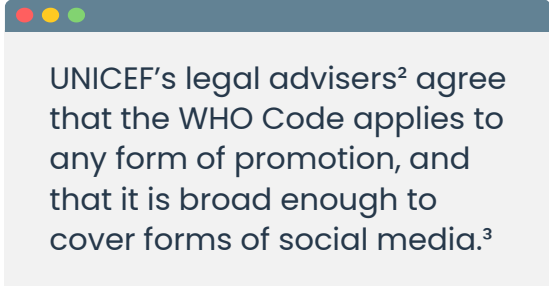


Digital marketing of breast-milk substitutes (BMS)

Digital marketing is not new – it's already covered by the WHO Code and national laws.¹



UNICEF's legal advisers² agree that the WHO Code applies to any form of promotion, and that it is broad enough to cover forms of social media.³


ISDI members comply with all national laws of countries in which they operate,⁴ but different entities have emerged in the last 20 years.

80% - 90%

of information about BMS products is **outside** of the manufacturers' control.



The growing presence of third-party platforms means BMS manufacturers can't control the majority of content related to their products.



ISDI members already work with the main online marketplaces to devise possible solutions by:



Educating and training third-party platforms about the WHO Code and national laws



Monitoring independent websites to identify regulatory and legal compliance issues

ISDI members support efforts by national governments to ensure that **compliance** with national laws and regulations **extends to the entire value chain** and all stakeholders in the digital ecosystem, and not just BMS manufacturers.

However, BMS – including their composition, manufacture and marketing – are already among the **most strictly regulated of all foods.**

To comply with all legal, regulatory, and nutritional science requirements, manufacturers have **extensive internal approval and audit processes** in place to review and approve:

Information within their control, including **digital content** and **specific digital platforms**, such as:



Manufacturers' own websites



Manufacturers' own digital and social media



Influencers contracted by manufacturers

AND Local antitrust laws often preclude manufacturers from taking down third-party content **even if that content breaches the WHO Code or national law.**

The WHO Secretariat report rightly acknowledges that “digital media” not only includes company websites, but also “**social media platforms, video-sharing applications [like YouTube], [and] search engines [like Google] ...**”,⁵ as well as “[independent] retailers”.⁶

BMS manufacturers **should not “be held responsible for advertising content generated by the general public** and mothers who are not employees or contractors of those companies.”⁷

–WHO Secretariat report



Given the complexity of the digital environment, **input from WHO's Chief Information Officer would be valuable** as WHO Members further deliberate this issue.

1: WHO, Report by the Director-General, “Maternal, infant and young child nutrition”, 29 December 2021 (EB150/23), para. 9, p13. (“WHO Secretariat Report”). https://apps.who.int/gb/ebwha/pdf_files/EB150/B150_23-en.pdf

2: David Clark, Legal Adviser at UNICEF.

3: <https://www.devex.com/news/opinion-what-the-makers-of-breast-milk-substitutes-are-doing-on-social-media-and-why-it-matters-98373>

4: In addition, ISDI members adopted communications guidelines for the digital marketing of BMS to ensure that digital information is communicated ethically and responsibly with information that is science-based and factual. <https://www.isdi.org/best-principles-digital-marketing-breast-milk-substitutes/>

5: WHO Secretariat Report, para. 5, p13.

6: *Id.*, para. 7, p13.

7: *Id.*, para. 17, p15.