

Market Study Notice

Infant formula and follow-on formula

1. The Competition and Markets Authority (the CMA) publishes this market study notice in accordance with section 130A of the Enterprise Act 2002 (the Act).
2. The CMA is proposing to carry out its functions under section 5 of the Act in relation to the supply of infant formula and follow-on formula to consumers in the United Kingdom, to consider the extent to which a matter in relation to the supply of such formula has or may have effects adverse to the interests of consumers, and to assess the extent to which steps can and should be taken to remedy, mitigate or prevent any such adverse effects.
3. In this notice, the term 'infant formula and follow-on formula' encompasses:
 - infant formula and follow-on formula as defined in Commission Delegated Regulation (EU) 2016/127;¹ and
 - formulas labelled by manufacturers as foods for special medical purposes developed to satisfy the nutritional requirements of infants as defined in Commission Delegated Regulation (EU) 2016/128 and, specifically, that are (a) suitable from birth, and (b) can be sold directly to consumers without prescription.² This includes, for example, certain 'anti-reflux' and 'comfort' formulas.
4. The CMA is also proposing to carry out its functions under section 5 of the Act in relation to milks marketed for children over 12 months of age, including 'growing up' and 'toddler' milks, to the extent that these affect the supply of infant formula and follow-on formula products described in paragraph 3 above.

¹ Legislation: Commission Delegated Regulation (EU) 2016/127 (Assimilated direct legislation)

² Legislation: Commission Delegated Regulation (EU) 2016/128 (Assimilated direct legislation)

5. Further details of this market study, including detailed issues on which the CMA would welcome responses, are provided in the [Invitation to Comment document which is published on our case page](#).
6. The CMA now invites any persons wishing to make representations on the matter, including on whether the CMA should make a market investigation reference under section 131 of the Act, to do so in writing no later than **13 March 2024**.
7. If the CMA proposes to make a market investigation reference, or if representations (as provided for in section 131A of the Act) have been made to the CMA that such a reference should be made but the CMA proposes not to make one, the CMA will publish a notice of that proposal and begin the process of consultation under section 131A(2)(b) of the Act no later than 19 August 2024.
8. Save where paragraph 7 applies, if the CMA decides not to make a market investigation reference under section 131 of the Act, the CMA will publish notice of that decision under section 131B(3) of the Act no later than 19 August 2024.
9. The CMA will publish its market study report, setting out its findings in relation to the matter specified in this notice, and the action (if any) which the CMA proposes to take in relation to that matter, no later than 19 February 2025.

20 February 2024

Competition and Markets Authority

Notes

- (i) Representations should be emailed to InfantFormula@cma.gov.uk
- (ii) A copy of this notice is placed on the CMA webpages on 20 February 2024.