

**Infant Formula and Follow on Formula Market Study**  
**Response to Competition and Markets Authority Interim Report, November 2024**  
**Obesity Health Alliance**

We acknowledge and welcome the publication, on 8 November 2024, of the Competition and Market Authority (CMA) interim report on the infant formula and follow-on formula market study<sup>1</sup> setting out provisional findings and possible options to address emerging concerns.

The Obesity Health Alliance (OHA) is a coalition of over 60 health organisations including the British Heart Foundation, Cancer Research UK, Diabetes UK, the British Medical Association and medical royal colleges. The vision of the Obesity Health Alliance is to prevent and treat obesity-related ill-health by supporting evidence-based population level policies to help address the wider environmental factors that lead to excess weight. The OHA advocates for government and policy-makers to take action to prevent inappropriate marketing of infant formula and other breastmilk substitutes/commercial milk formula which not only undermines breastfeeding but also safe and appropriate formula feeding.

We welcome this interim report on the market study by the Competitions and Markets Authority (CMA), exploring the unjustifiably high prices and marketing of infant formula and follow on formula. We note the contributions of a number of our member organisations including Baby Milk Action/IBFAN, the First Steps Nutrition Trust (and Baby Feeding Law Group), Sustain's Children's Food Campaign, the Food Foundation, and others into earlier stages of this process. Our response draws on their recommendations.

We support the CMA's statement that it wants "our final recommendations to drive better outcomes for parents, without compromising the compositional standards and safety of infant formula and follow-on formula, or undermining governments' wider policy objectives for this market, including not discouraging breastfeeding". Any measures suggested by the CMA must be aligned with public health goals and principles, and cannot have any risk of negative consequences for infant health.

There is a socioeconomic gradient in infant feeding, whereby those least able to afford formula are more likely to be reliant on it. High infant formula prices are an acute problem for some low socio-economic and disadvantaged families who use it, therefore the solutions need to work best for these families. The solutions should ensure breastfeeding is protected<sup>2</sup> (this being the ideal solution to high infant formula prices, as well as optimal for population health), as well as ensuring safe and appropriate formula feeding where needed.

Our responses to OHA relevant recommendations are as follows:

**Information and price promotion in retail settings**

- We would consider supporting (on provision of further information) the proposal that on-shelf signage could also be implemented by retailers in partnership with the NHS and an agreed form of wording in line with the WHO Code
- We would consider supporting (on provision of further information) the proposal that first stage infant formula should be displayed on retail shelves separately from other follow-on formula products (8.39, 8.40)

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<sup>1</sup> <https://www.gov.uk/cma-cases/infant-formula-and-follow-on-formula-market-study>

<sup>2</sup> It is vital to acknowledge that most women in the UK want to breastfeed, but also that 8 out of 10 do not meet their breastfeeding goals (McAndrew, 2011). This means that many families are not using formula because they wanted to but because they have had to in the face of factors undermining continued breastfeeding, which include inappropriate marketing of commercial milk formulas. It is also globally recognised that there is insufficient investment into **breastfeeding support**, including in the UK, where much breastfeeding support is provided on a voluntary basis. If universal, quality breastfeeding support together with maternity protection and restrictions on inappropriate marketing were guaranteed, fewer families would be reliant on infant formula.

- We oppose the proposal (8.45) to amend regulations to allow manufacturers or retailers to publicise price reductions or promotions of infant formula or follow on products. Publicising price reductions is a well-established form of advertising and marketing. Publicising a price reduction would contravene the WHO Code as it would reintroduce the marketing of infant formula and we urge the CMA to remove this proposal from its final report.

#### **Clarifying, monitoring and enforcing the existing regulations**

- We support the proposal of the CMA's identification of issues associated with ensuring clear definitions of what constitutes advertising
- We support the proposal to enhance the competent authority role with regard to placing new infant formula products on the market

#### **Strengthening labelling and advertising rules**

- We support the proposal that if new labelling regulations are being developed they prohibit child-friendly images, animals and cartoon mascots on packaging
- We would consider supporting (on provision of further information) the proposal of standardising infant formula labelling altogether (8.74).
- We would consider supporting (on provision of further information) the proposal to tighten the additional messaging allowed to be used and prohibit the use of messaging that parents find difficult to meaningfully assess (8.78).
- We support the proposal for additional research including lived experience and public health expertise involved in co-design of solutions so that changes could be introduced in ways that would not increase stigma
- We would consider supporting (on provision of further information) any proposal to expand advertising and marketing restrictions that currently apply to infant formula to include follow on formula and other toddler/growing up milks (8.85).

#### **Additional points**

We would like to encourage the CMA to work with DHSC to ensure the nutritional safety net mechanism Healthy Start provides a value of weekly payments sufficient to purchase infant formula, should families choose to feed their infants this way.

#### **For more information, contact:**

