



IBFAN (International Baby Food Action Network) submission on the Draft Guidelines on the Prevention and Control of Food Fraud

[draft text CX/FICS 26/28/4 at Step 6/7.](#)

[IBFAN is a global community of over 300 groups in 114 countries](#) that works for the protection of child and maternal health by promoting, supporting and protecting breastfeeding and optimal maternal, infant and young child feeding practices. IBFAN has participated in Codex since 1995, with the aim of bringing its standards and guidelines into line with the [International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions](#) and is pleased to contribute general and specific comments on the [draft guidelines at Step 6/7.](#)

General Comments

- IBFAN's concerns regarding the prevention and control of food fraud are primarily focussed on labelling and information for products marketed globally for infant and young child feeding and "nutritional" products for pregnant and lactating women.
- Food fraud perpetrated for foods for vulnerable populations is of particular high risk, both to health and to the economic sustainability of families and therefore requires special consideration.
- Misrepresentation and false misinformation on product labels and via digital and other marketing methods is invariably intentional, and directly competes with breastfeeding and recommended optimal feeding practices that are based on culturally appropriate family foods.
- Codex has clear guidelines on the use of health and nutrition claims and the prohibition of unauthorized and unsubstantiated claims.

IBFAN notes the following:

- [The Codex Guidelines on Nutrition and Health \(CAC/GL 23-1997\)](#) 4.1 of the Scope states: *Nutrition and health claims shall not be permitted for foods for infants and young children - except where specifically provided for in relevant Codex standards or national legislation.*
- [The Codex General Guidelines on Claims CAC/GL 1-1979\(Rev. 1-1991\)](#)(16), 3.3 of the Prohibition of Claims – *prohibits claims which cannot be substantiated.*
- These provisions are reinforced by the [International Code of Marketing of Breastmilk Substitutes* and subsequent World Health Assembly Resolutions](#) (WHA Res 54.2, 58.32, 63.23).
- The prohibitions in the [Code of Ethics for International Trade in Food \(CAC/RCP 20 – 1979\)](#) are also highly relevant. Para 3.2 states that *"No food (including re-exported food) should be in international trade which is labelled or presented in a manner that is false, misleading or deceptive".*
- IBFAN's monitoring of claims on labels and marketing information notes widespread and systemic use of *"claims as marketing and promotional tools to gain economic advantage."* (See examples on the IBFAN website) Numerous, independent analyses of claims for

maternal, infant and young child feeding products demonstrate the overwhelming use of claims that lack substantive credible scientific validation (references)^{1,2,3}.

- The 2022 WHO/UNICEF report on [How the Marketing of formula milk influences our decisions on infant feeding](#)⁴, found widespread use of “scientific language and imagery” or unsubstantiated promotional claims for ingredients such as oligosaccharides and fatty acids that imply these synthesised added ingredients are essential for brain development and immune protection.

Sound Infant and young child feeding decisions are undermined when fraudulent claims:

- promote nutrition and health benefits, such as improved growth and development, improved cognition and visual acuity, improved immunity etc.,
- imply that the product will prevent or cure disease (diarrhoeal or other disease) and are necessary for normal child behaviours such as sleep, satiety, reflux,
- used as brand names for example ‘Recover’, ‘A+’, ‘Growing Up Milk’,
- imply that ultra-processed products are sustainable and environmentally friendly.

Fraudulent claims are reinforced when:

- they are accompanied by free samples and sponsored professional endorsements,
- they target parents via social media and personalised digital marketing,
- they are cross-promoted with infant formulas.

Food Fraud impacts negatively on maternal health by increasing sub-optimal breastfeeding practices. Breastfeeding is associated with lower risk of Type 2 diabetes, cardiovascular disease and ovarian and breast cancers, reduced post-partum depression.⁵ Pregnant women consuming commercial milk formulas with claims promoting smarter and stronger babies were more likely to feed their infants formula⁶. Commercial milk products for pregnant, lactating women and those with Caesarean sections are promoted with claims of improving cognitive development and immunity.

Concealment of the risks of Ultra Processed products. The labelling and promotion of ultra-processed food products is highly deceptive. When images of real foods such as whole fruits, vegetables, leaves, farmyards etc. are used a perception is created that the product is a healthy and sustainable option⁷.

IBFAN considers that misleading and deceptive claims on labels and marketing tools qualify as misrepresentation and concealment as noted in the Draft Guidelines Section 4. *Types of Food Fraud*.

Summary of IBFAN recommendations

In order to meet their objective to ‘maintain consumer confidence’ and prevent ‘risk to public health’ National Policies must:

- adopt legislation that fully implements the [International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly Resolutions](#),
- prohibit labelling statements that are false, misleading and not substantiated with independent and verifiable evidence,
- prohibit claims that compare products to breastmilk and breastfeeding and/or that idealise the product,
- prohibit statements that urge parents to place trust in manufacturers reputation and food safety procedures,
- prohibit concealment of warnings such as the non-sterility of. powdered infant formula, its recommended reconstitution and use; age of introduction,

- to avoid needless and unsafe use of the product labelling must provide only full, independent, science-based and factual information,
- exercise due diligence in exposing conflicts of interest to ensure the independence of Competent Authorities who will have the responsibility to monitor, detect, mitigate and prevent food fraud,
- promote the need for proportionate penalties,
- prohibit sustainability claims.

Specific Comments on the Draft Guidelines on the Prevention and Control of Food Fraud at step 6/7.

1. Preamble IBFAN proposed that following text changes:

Item 1.6: The Guidelines should ensure that organizations cooperating with governments are free from conflict of interest. Work in the area of food fraud is widespread in a range of International organizations. National Governments should ensure due diligence in the oversight and development of tools and strategies to prevent detect, mitigate, *monitor* and control food fraud is protected from commercial influence.

Insert new number 8 To address the higher risk of harm resulting from food fraud for vulnerable populations, add the following:

- *Regulatory frameworks, governments should ensure that their oversight of feeding products marketed for infants and young children, pregnant women and lactating mothers have measures in place to prioritize their greater risk of harm from exposure to labelling and information fraud.*

Insert New no 9.

- *The Guidelines should ensure that while the cooperation of FBOs is essential, the setting and implementation of national and regional policies should be safeguarded from commercial influence.*

2. Purpose/Scope: IBFAN agrees with the purpose and scope.

3. Definitions:

The proposed draft aims to “*maintain consumer confidence*” and prevent “*risk to public health.*” IBFAN is pleased that this aim is supported by specific inclusions in the definitions such as, “*deliberate practices intended to deceive*” and the disparity between “*food product characteristics and the corresponding information through product labelling or other information associated with food trade*”.

IBFAN supports the text for the definitions and the types of food fraud – “*Misrepresentation*” and “*concealment*” – that must be prohibited to protect vulnerable consumers.

Food Fraud: Delete: “~~to gain an unfair economic advantage~~”.

Rationale: The definition should not be limited to economic impact, it should be inclusive of all harm – including harm to consumers.

Food Integrity: IBFAN agrees with the definition and the removal of the brackets.

Food Authenticity: IBFAN agrees with the definition and the removal of the brackets.

4. Types of Food Fraud: IBFAN agrees with the examples provided as types of food fraud. The examples should not be limited to economic considerations and must include harm to consumers.

5. Principles: 11. Add: “*especially measures to address products marketed for vulnerable populations*”.

6. Responsibilities and Activities of Competent Authorities: IBFAN supports all the measures outlined, including the call to have “*measures to protect the identity of persons acting as “whistle blowers” reporting incidents of food fraud*”. However, the Guidelines should ALSO:

- specifically encourage proportionate penalties,
- reinforce due diligence and transparency in the exposure of conflicts of interest. It is critically important to safeguard the independence of competent authorities so this should be mentioned again in this section.

7. Roles and Responsibilities of FBOs

1. a.bis – IBFAN agrees with the text and the removal of the brackets.

References:

1. Munblit D, Crawley H, Hyde R, Boyle RJ. Health and nutrition claim for infant formula are poorly substantiated and potentially harmful. *BMJ. (Clinical researched)* 2020;369:m875.
2. Verfuenden ML, Dib S, Jerrim J, Fewtrell M, Gilbert RE. Effect of long-chain polyunsaturated fatty acids in infant formula on long-term cognitive function in childhood. A systematic review and meta-analysis of randomised controlled trials. *PLoS One.* 2020;15(11):e0241800.
3. Hughes H, Landa M, Sharfstein J. Marketing claims for infant formula: The Need for Evidence. *JAMA Pediatrics.* 2017;171(2):1056.
4. [How the Marketing of formula milk influences our decisions on infant feeding.](#) WHO, UNICEF, 2022. This multi-country study — the largest of its kind to date — drew on experiences of over 8500 women in 8 countries (Bangladesh, China, Mexico, Morocco, Nigeria, South Africa, the United Kingdom and VietNam)
5. Chowdury R, et al. Breastfeeding and maternal health outcomes: a systematic review and meta-analysis. *Acta Pediatr.* 2015: 104 (467)96.
6. Nguyen TT, Cashin J, Ching C, Baker P, Tran HT, Weissman A, Nguyen TT, Matthisen R. Beliefs and Norms Associated with the Use of Ultra-Processed Commercial Milk Formulas for Pregnant Women in Vietnam. *Nutrients.* 2021;13(11, 4143.
7. . *Lancet Series* [Volume 406, Issue 10520](#) P2667-2684 December 06, 2025
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