AIMS For a better birth...

Codex Alimentarius

AIMS Journal 2006, Vol 18, No 2

Maryse Lehners-Arendt, a member of ENCA (European Network of Childbirth Associations) and ENCA's Codex contact has been battling for many years as a lay-member and consumer representative to challenge the power of industry and other vested interests to strengthen the regulations regarding infant feeding products such as baby milk composition and marketing

The Codex Alimentarius Commission was created in 1963 by Food and Agricultural Organisation (FAO) and World Health Organisation (WHO) two specialised agencies in the United Nations system to develop food standards, guidelines and codes of practice under the Joint FAO/WHO Food Standards Programme.

The Codex Alimentarius standard setting process has two primary objectives

- to protect consumer health
- to facilitate fair practices in the food trade.

These objectives are often forgotten when member states discuss food standards and try to protect their national food market or worse try to protect their most important food industries, helped by advisors on their national delegation who come from this food industry.

The Codex Alimentarius or food code has gained even more importance in our globalised world where the World Trade Organisation(WTO) in the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement) both encourage the international harmonisation of food standards.

After the Uruguay Round of multinational trade negotiations, Codex standards have become the benchmarks against which national food measures and regulations are evaluated by WTO in case of trade disputes. The objective of WTO to facilitate international trade invariably clashes with the objectives of Codex to protect the health of consumers and to facilitate fair trade- objectives which are often sidelined by industrialised countries where the world's largest food companies are based.

European Network of Childbirth Associations (ENCA) and colleagues from International Baby Food Action Network (IBFAN), Consumers International (CI), International Association of Consumer Food Organisations (IACFO) and International Lactation Consultant Association (ILCA) have attended Codex meetings for the last 10 years in order to protect breastfeeding and indigenous foods and have focussed on incorporating evidence based public health recommendations, the WHO International Code of marketing of breastmilk substitutes and relevant World Health Assembly (WHA) Resolutions into Codex

Standards, so ensuring that countries can implement the recommendations of the WHA without facing challenges of Technical Barriers to Trade.

But this task is extremely difficult. Together these country representatives with industry lobbyists and industry associations act in the interest of protecting their market and export interests at the expense of consumer needs and public health interests.

Compromised positions between conflicting interests are frequently the outcomes. Considerations of southern, developing countries, where the majority of the world's population reside are still weakly represented in this process, despite the formation of a Codex Trust Fund which aims to increase the participation of developing countries.

Industrialised countries are well able to afford, participate and maintain their commercial and trade interest in the many Codex meetings which take place each year: Commission meeting, five general subject committees, five other Commodity Committees and in the many working groups.

At the latest Codex Committee on Nutrition and Foods for Special Dietary Uses 68 countries were represented, only 11 African countries were there with one or two delegates. The US delegation consisted of 11 people. It had three government delegates and eight industry representatives, two of them from infant formula companies, the UK was represented by four government officials, Switzerland had six delegates only one was from the government the others from prominent Swiss food industries. 33 international organizations were present, too. Only six represented consumer groups, all the others represented industrial associations ranging from the sugar industry to the infant formula manufacturers. This results in the consumer voice being drowned out and we have to fight hard to make any changes.

NGOs are only allowed to participate in the discussion after the country delegates have spoken. The new electronic request for speaking time which replaced the name tags being waved is much less transparent as only the chair of the committee sees the requests for speaking and selects the people allowed to speak.

Patti Rundall of the UK IBFAN group Baby Milk Action represents IACFO at Codex and has consistently asked for the declaration of interest of the experts submitting recommendations on infant formula composition to be made public. At the last meeting the chair Prof. Dr Rolf Grossklaus threatened her with a 'red card' (as used in soccer games) simply for raising such a potentially embarrassing issue. The same chair tried to force the ENCA delegate into apologising to Germany because the delegate explained that Germany is not following the much weaker EU ban on advertising infant formulas exposing Luxemburg parents to unlawful advertising.

One success of the joint efforts of the few consumer representatives is that now cereal based food can no longer be labelled as suitable for infants before six months of age and that cereal based food, if prepared following the manufacturer's instructions, should have a texture for spoon feeding. This means that presenting it or giving instructions to feed it in a bottle will be unlawful, because by giving cereals in a bottle it would mean that the cereals are a breastmilk substitute. If cereal based foods are given after 6 months with a spoon then it will not be considered a breastmilk substitute.

In the Committee on General Principles ENCA is supporting IBFAN to include the International Code and the subsequent WHA resolutions in the draft Code of Ethics for international trade in food. After 8 years of fruitless discussions some countries are openly questioning the need for ethical guidance from Codex as they see this as a barrier to free trade. This is blocking the drafting process, costing enormous amounts of public money and of course not raising confidence in international gatherings nor in the intentions and goodwill of international actors in food trade.

ENCA is not only participating in meetings but also submits written comments even to committees where we are lacking money to attend. For example ENCA has sent written comments to the Committee on Food Hygiene and the Committee on Food Labelling asking for labelling requirements to inform parents and caregivers about the intrinsic contamination of infant formula with Enterobacter sakazakii.

The process of agreeing on standards is quite long, as compromise is preferred over voting. ENCA, IBFAN and other non profit NGOs will continue their work in representing consumers at these meetings and reminding the delegates that protection of consumer health has to be the main focus.