



# Marketing in Australia of Infant Formulas (MAIF) Complaints Process

## (Copy of Online Survey)

### Respondent details

1. What group do you or your organisation best align to? \*
  - Infant formula manufacturer or importer - Signatory to the MAIF Agreement
  - Infant formula manufacturer or importer - Non-signatory to the MAIF Agreement
  - Pharmacy or retail outlet
  - Health professional / organisation
  - Consumer or member of the general public
  - Consumer group
  - Government agency
  - Industry representative
  - Other - Write In (Required)

2. What is the name of your organisation? \*

Dietitians Association of Australia (DAA)

3. What is your role at the organisation? \*

National association of the dietetic profession

4. Please provide the following details. A response to this section is voluntary.

Executive

Board member

Health professional

Other - Write In (Required)

Organisation name – Dietitians Association of Australia (DAA)

Role – Policy & Advocacy Officer

Email address – pao@daa.asn.au

Phone number - 02 6189 1200

5. Would you like the opportunity to have a thirty-minute phone conversation with a Nous Group consultant to further discuss your response? Yes

If yes, please ensure that you have provided your contact details in the previous section. Please note that we can only directly contact a limited number of stakeholder groups so depending on the number of requests for further contact, we may not be able to fulfil all requests. \*

### Respondent details

6. Have you or your organisation ever submitted a complaint to the Department of Health through the MAIF complaints handling process?

No

7. Was this complaint, or any complaint if more than one, made within the last three years?

NA

8. Has your organisation ever been subject to a complaint? \*

NA

9. Was this complaint, or any complaint if more than one, made within the last three years?

NA

### Awareness about the complaints handling process

#### Page description:

To what extent do you agree with the following statements:

10. Voluntary regulation is an effective means of encouraging compliance. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

11. I am aware of the role of the Tribunal and the MAIF complaints handling process. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

12. I know how to lodge a complaint about a potential breach of the MAIF Agreement. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

Yes

No

13. Enough has been done to increase awareness in the community about the MAIF Agreement. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

14. Enough has been done to increase awareness in the community about the MAIF complaints handling process. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

15. Do you have any suggestions about how to further increase awareness about the MAIF Agreement or the complaints handling process?

Aside from having information available on the Department of Health website, a commitment to 'ongoing awareness raising' via social media channels (especially those channels specific to new mums and parent groups) would certainly help to increase awareness of the MAIF Agreement and complaints handling process.

### Timeliness and transparency of the decision making process

#### Page description:

To what extent do you agree with the following statements:

16. The MAIF complaints handling process is **timely**. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

17. The MAIF complaints handling process is **transparent**. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

18. The MAIF complaints handling process is **fair**. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

19. The decision about whether a complaint is in or out of scope is communicated effectively. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

20. The decision about whether a complaint is a breach, and its rationale, is communicated effectively. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

21. Overall, the MAIF complaints handling process is effective. \*

Strongly disagree, Disagree, Agree, Strongly agree, Unsure

22. What changes should be made to improve the timeliness, transparency and fairness of the MAIF complaints handling process?

**Timeliness issues:** Complaints received by the Department of Health (DOH) are assessed and classified as being within or outside the scope of the MAIF Agreement. Complaints that fall 'in scope', along with any supporting documents are forwarded to St James Ethics Centre (the Secretariat) for submission to the Tribunal at its next available meeting. However, the MAIF Complaints Tribunal 'Terms of Reference' (TOR) do not provide maximum time frames on DOH complaint assessments, nor do they disclose how frequently MAIF Tribunal meetings occur. Hence, the timeliness of this step is unknown. The timeliness of the next step is clearer, with the TOR stating that *'In all but exceptional circumstances, the deliberations of the Tribunal are to be concluded within a period of three months after an 'in scope' complaint has been received by the Secretariat'*.

DAA recommends improving timeliness of the MAIF Complaints Process by editing the MAIF Complaints Tribunal TOR to:

- (1) include a maximum timeframe for the DOH to assess complaints (e.g. establish a timeframe of 2 weeks and incorporate into TOR item 23); and
- (2) disclose frequency of the MAIF Complaints Tribunal meetings per annum.

**Transparency on reporting of complaints:** Transparency around determinations is essential. DAA would like to see reporting of the nature of complaints which are considered (by the Commonwealth Department of Health) to be 'out of scope', at least at the level published in previous APMAIF Annual Reports, and preferably with some description about the nature of complaints. Reporting of complaints which are out of scope may provide the Tribunal with valuable insight into deficiencies of the guidelines on the interpretation and application of the MAIF Agreement, and direction for further refinement of the guidelines.

**A 'Breach' determination:** The Terms of Reference state that in cases where a breach of the MAIF Agreement has been found, the Tribunal may make recommendations to the respondent and the Infant Nutrition Council (INC) as to how the breach might best be remedied. DAA notes that the Nous Review stated that 'the effectiveness of the APMAIF in influencing industry behaviour

could also be improved through stronger disincentives for breaching provision of the MAIF Agreement'. DAA would like to see a range of approaches described which could be used to address breaches, with the intention of providing reference points for the Tribunal and consistency in interpretation.

## Areas for improvement

### Page description:

To what extent do you agree with the following statement:

23. The MAIF complaints handling process influences industry behaviour. \*  
Strongly disagree, Disagree, **Agree**, Strongly agree, Unsure

24. What improvements should be made to improve the effectiveness and efficiency of the MAIF complaints handling process?

**Tribunal Composition:** In addition to being 'competent to perform the assigned role' and 'disinterested' or impartial, DAA believes the three Tribunal members should have sufficient knowledge and technical skills to make fair assessments based on the intent and purpose of the MAIF Agreement. As such, DAA proposes the following:

- Legal representative – the criteria for appointment should also include a knowledge of food legislation (i.e. the Australia New Zealand Food Standards Code), particularly regulations for Infant Formula Products.
- Public health and nutrition expert - the criteria for appointment should include specific knowledge regarding infant nutrition and food legislation (i.e. the Australia New Zealand Food Standards Code), particularly labelling and other information requirements for infant formula.
- Community representative - the criteria for appointment should include evidence based knowledge and demonstrated experience of infant feeding practices, including breastfeeding and use of breast milk substitutes, and demonstrated understanding of the regulation of infant formula marketing.

**Assessment by Department of Health:** The Terms of Reference state that complaints made about milk products formulated for children over 12 months of age (i.e. toddler milks) fall outside the scope of the MAIF agreement. While

this may be true, DAA does not support a blanket exclusion (by the Department) of complaints made about toddler milks. Issues have been raised where toddler milks have been marketed as part of a 'range' of products, including starter and follow-on formula, which are sequentially numbered and packaged very similarly. Excluding toddler milks from the list of 'in scope' complaints may mean that clever marketing of a toddler milk, with connotations to infant formula and a breach of the MAIF Agreement, may be missed.

### **Further comments**

25. Do you have any further comments that were not addressed in this submission form?

**No**