

Regulating the digital marketing of breast-milk substitutes

Draft decision proposed by Armenia, Bangladesh, Brazil, Burkina Faso, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Iraq, Lesotho, Mexico, Norway, Panama, Paraguay, Peru, Slovakia, Spain, Sri Lanka, Uruguay and Vanuatu

The Executive Board, having considered the report by the Director General,¹

Decided to recommend to the Seventy-eighth World Health Assembly the adoption of the following resolution:

The Seventy-eighth World Health Assembly,

(PP1) Having considered the report by the Director-General;

(PP2) Recalling all previous resolutions on infant and young child nutrition, appropriate feeding practices and related questions, in particular WHA31.47 (1978), WHA33.32 (1980), WHA34.22 (1981), WHA35.26 (1982), WHA37.30 (1984), WHA39.28 (1986), WHA41.11 (1988), WHA43.3 (1990), WHA45.34 (1992), WHA46.7 (1993), WHA47.5 (1994), WHA49.15 (1996), WHA54.2 (2001), WHA55.25 (2002), WHA58.32 (2005), WHA59.21 (2006), WHA61.20 (2008), WHA63.23 (2010); WHA65.6 (2012); WHA69.9 (2016), WHA 71.9 (2018), and relevant decisions including, WHA73(26) (2020) and WHA75(21) (2022);

(PP3) Recognizing that the marketing of breast-milk substitutes and feeding bottles and teats and the inappropriate promotion of foods for infants and young children,² continue to significantly undermine progress in optimal infant and young child feeding;

(PP4) Mindful of the United Nations Convention on the Rights of the Child, under which 196 States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and that State Parties shall take appropriate measures to ensure that all segments of society, in particular parents and children are informed, have

¹ Document EB156/35.

² Foods for infants and young children are defined as commercially produced food or beverage products that are specifically marketed as suitable for feeding children from the age of 6 months to 36 months, accordingly with the [Guidance on ending the inappropriate promotion of foods for infants and young children](#).

access to education and are supported in the use of basic knowledge of child health and nutrition, and the advantages of breastfeeding as emphasized under Article 24 of the Convention;

(PP5) Emphasizing that protecting, promoting and supporting breastfeeding as well as ensuring the protection of children's and women's rights from harmful effects and interference of marketing by breast-milk substitute manufacturers and distributors are both relevant for the implementation of States Parties' commitments under the United Nations Convention on the Rights of the Child;

(PP6) Noting the conclusions of recent evidence on the marketing of breast milk substitutes, including recognizing that digital technologies have created powerful new marketing tools for the promotion of breast milk substitutes, and the needs to strengthen the implementation of the International Code of Marketing of Breast-milk Substitutes;

(PP7) Recognizing that digital marketing, including influencer marketing, has become the dominant form of marketing in many countries;³ that when not effectively regulated, it leads to harmful impact on public health; and that parents and caregivers in every country of the world are exposed to direct and indirect promotions of breast-milk substitutes;

(PP8) Expressing deep concern over inappropriate digital marketing strategies used by manufacturers and distributors of breast-milk substitutes, feeding bottles and teats, and food for infants and young children to target pregnant women, parents and caregivers, as well as health professionals, including with personalized content;

(PP9) Noting the importance of ensuring that information on infant and young child feeding available to health professionals and consumers is unbiased, objective, evidence-based, free of conflicts of interest and in accordance with WHO recommendations;

(PP10) Expressing also further concern over challenges that digital marketing, including influencer marketing, presents for the development, monitoring and enforcement of national regulatory measures aimed at restricting promotion and advertising of breast-milk substitutes and ending the inappropriate promotion of foods for infants and young children, including cross-border digital marketing strategies and practices;

(PP11) Aware that effective application of the International Code of Marketing of Breast-milk Substitutes⁴ to digital environments requires the development of national regulatory mechanisms, coordination across a broader set of government bodies within Member States, as appropriate, and between Member States, as appropriate, and the establishment of specific legal duties on the range of entities involved in digital marketing, including influencer marketing, along with effective, proportionate deterrent sanctions and disincentives for non-compliance with any established mandatory regulatory measures;

(PP12) Reiterating the need for good governance practices that include safeguards against possible conflicts of interest when developing and implementing regulatory measures to regulate the digital marketing of breastmilk substitutes, the need for mandatory regulatory measures as voluntary measures have proven ineffective or insufficient for the

³ See [Scope and impact of digital marketing strategies for promoting breastmilk substitutes](#). Geneva: World Health Organization; 2022.

⁴ [International Code of Marketing of Breast-Milk Substitutes](#).

implementation of the International Code of Marketing of Breast-milk Substitutes,⁵ and the importance of ensuring that effective monitoring and enforcement systems are developed to function in a transparent, and independent manner that is free from commercial influence;

(PP13) Underscoring the need for technical support for Member States on regulatory measures aimed at restricting digital promotion and advertising of breast-milk substitutes, feeding bottles and teats and ending the inappropriate digital promotion of foods for infants and young children, so as to ensure that such practices are adequately addressed by the existing and new national regulations designed to implement the International Code of Marketing of Breast-milk Substitutes, as well as the Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children⁶ and the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes,⁷

(OP)1. CALLS ON Member States,⁸ in accordance with national context and priorities:

- (1) to enhance their efforts to develop and strengthen robust regulatory measures to regulate the marketing of breast-milk substitutes and foods for infants and young children, including in digital environments, taking into full consideration the recommendations contained in the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes;⁹
- (2) to build and strengthen their monitoring systems and technologies to identify and report on marketing of breast-milk substitutes and foods for infants and young children and strive to ensure that such systems are sufficiently equipped to detect inappropriate marketing practices in digital environments;
- (3) to identify, empower, coordinate and strengthen all appropriate government agencies responsible for domestic implementation and monitoring of the International Code of Marketing of Breast-milk Substitutes, the Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children and the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes;
- (4) to engage all appropriate government agencies responsible for regulating advertising, marketing content, and communication technologies to ensure effective regulation across all areas and to carry out the necessary inspection, monitoring, and control processes;
- (5) to safeguard against conflicts of interest in the development, implementation, monitoring and evaluation of regulatory measures to enact and implement the International Code of Marketing of Breast-milk Substitutes, the Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children and the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes;

⁵ See WHO guideline on [Policies to protect children from the harmful impact of food marketing](#).

⁶ [Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children](#).

⁷ [Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes](#).

⁸ And, where applicable, regional economic integration organizations.

⁹ While taking into account international obligations, as applicable.

(OP)2. CALLS ON civil society to support the development and implementation of robust regulatory measures to regulate the digital marketing of breast-milk substitutes and foods for infants and young children;

(OP)3. REQUESTS the Director-General:

- (1) to provide technical support to Member States, upon request, in implementing the recommendations of the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes, as well as in monitoring and evaluating their application, including through the implementation of new or existing monitoring tools;
- (2) to compile national experiences, challenges faced and lessons learned related to implementing the recommendations of the Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes through, including but not limited to, regional consultations, in order to summarize new or existing evidence on their effectiveness and consider changes, if required;
- (3) to report back to the Health Assembly on the implementation of this resolution, as part of the report on progress in implementing the comprehensive implementation plan on maternal, infant and young child nutrition in 2028.
