

From: [maif](#)
To: [Jonathan Chew](#)
Cc: [maif](#)
Subject: Updated MAIF Signatories contact list [SEC=OFFICIAL]
Date: Tuesday, 4 February 2025 3:31:28 PM
Attachments: [image001.png](#)
[MAIF Signatory contacts - 2025 update.xlsx](#)

Dear Jonathan

We hope you've been well.

We are currently reviewing our contact list for the MAIF Signatories as we realised it hasn't been updated for a while, and were hoping you would be able to help us.

We understand that to be a member of the INC, they must sign up to be a signatory of the MAIF Agreement. As such, we are hoping you have their most current contacts and contact details. Would you be able to review the attached spreadsheet and confirm whether the contacts for each signatory are up to date? I have also included a column on the end to input new contacts if they require updating.

We would be very grateful for your assistance. If we could get an updated list back by next **Monday 10 February**, we'd really appreciate it.

Kind regards

s22

s22

Section
Preventive Health & Food Branch
Primary and Community Care Group | Population Health Division
Australian Government Department of Health and Aged Care
Yaradhang Building, Level 10, South
GPO Box 9848, Canberra ACT 2601, Australia

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Name	Contact
Abbott Australasia Pty Ltd	Dana Felder s47F
Aspen Pharmacare Pty Ltd	Patricia Demopoulos
Australian Dairy Nutritionals Limited	s47F
Australian Dairy Park Pty Ltd	s47F Zhen Xia
Bellamy's Organic	s47F
H&H Group	s47F
The Infant Food Co. Pty Limited	s47F
The LittleOak Company	s47F Belinda Futter
Max Biocare	s47F
Nature One Dairy Pty Ltd	Nick Dimopolous
Nestlé Australia Ltd	s47F Elizabeth Lloyd s47F
Nuchev Limited	s47F Justin Peace s47F
Nutricia Australia Pty Ltd	s47F
Sanulac Nutritionals Australia Pty Ltd	Davd Spurway s47F
Spring Sheep Milk Co	Nick Hammond
Sprout Organic	Ben Chester s47F
The a2 Milk Company Ltd	Dandan Chen s47F

Contact Details	Are contacts current (Y/N)
s47F	

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by the Department of Health, Disability and Ageing

[illegible]

From: [Infant Formula Policy](#)
To: [WILTON, Kellie](#)
Cc: [Infant Formula Policy](#); s22
Subject: FW: For Action DUE COB 23/12 - MAIF Complaint 2425-02 out of session determination [SEC=OFFICIAL]
Date: Tuesday, 7 January 2025 11:11:14 AM
Attachments: [RE MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update SECOFFICIAL.msg](#)
[image001.png](#)
[image002.png](#)

Hi Kellie

Happy New Year! I hope you had a nice break.

I just wanted to follow up on the below email relating to complaint 2425-02 to see if you have had a chance to review the out of session decision.

Let me know if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

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From: maif

Sent: Wednesday, 18 December 2024 4:53 PM

To: WILTON, Kellie

Cc: maif ; s22

Subject: For Action DUE COB 23/12 - MAIF Complaint 2425-02 out of session determination [SEC=OFFICIAL]

Hi Kellie

I hope you're having a good week. Firstly, I wanted to let you know that s22 has left the team on a new venture elsewhere in the department, as sad as we are that s22 gone I'm happy to e-introduce you to our new assistant director s22 (copied).

Regarding complaint 2425-02, all Committee members have provided their out of session determination.

Please see the attached email trail for the Committee's responses as well as the original email, including links to the complaint/company response. I have summarised below:

Complaint Summary:

- Alleged breach of clause 5(a) relating to a Coles sponsored advertisement on Facebook for Alula Advanced Stage 3 toddler formula promoting it as "food for happy, healthy babies":
 1. The term baby is inappropriate for stage 3 formula because toddler milk is only suitable for children aged 12mo or more.
 2. By using the term babies (rather than a more appropriate alternative such as 'toddler' or children) it inadvertently promotes Alula formula for those under 12 months which is a

breach of the MAIF Agreement.

3. Toddler milk is a drink (not a food)

4. All stage 3 toddler milk formulas are considered unnecessary for most children especially those who are 'happy and healthy' and otherwise eating well.

Committee determination:

In scope – breach:

- The Committee agreed the complaint had four parts. Noting complaint part 1 & 2 are the same but worded differently, therefore part 1 could be dismissed or considered together with part 2.
- The Committee agreed part 2 is a **breach of clause 5a** of the MAIF Agreement, noting as a sponsored ad, the whole post was reasonably within the signatory's control. Therefore further efforts should have been made to avoid the inadvertent promotion of infant formula through the use of the word 'babies'.
- The Committee agreed complaint part 3 and 4 are out of scope.

Question from Secretariat to Chair: Please confirm if part 1 is to be considered along side part 2 or if it is dismissed?

Action:

- Grateful if you could please confirm the decision of '**In scope - Breach**' and question relating to complaint part 1 by COB Monday 23 December 2024.

Next Steps:

- Share the Chair's confirmation of outcome with all committee members.
- Send final determination letters to company and complainant (director/chair cleared).
- Update departments website.

Please let me know if you are happy with the above approach or if there are additional steps required.

Happy to discuss.

Many thanks

s22

Nutrition Policy Section
Preventative Health & Food Branch

Population Health Division | Primary & Community Care Group
Australian Government, Department of Health and Aged Care
T: 02 s22 | E: s22@health.gov.au

Location: Yaradhang Building 5.S.231

GPO Box 9848, Canberra ACT 2601, Australia

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From: [Jonathan Chew](#)
To: [Infant Formula Policy](#); [WILTON, Kellie](#); [Jane Scott](#)
Cc: [Infant Formula Policy](#)
Subject: Re: Update: Complaint 2425-02 determination and Agenda Item 8a outcome [SEC=OFFICIAL]
Date: Wednesday, 8 January 2025 10:52:40 AM
Attachments: [image002.png](#)

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hi s22

Noted, thank you.

Cheers

Jonathan

From: maif

Date: Wednesday, 8 January 2025 at 10:22 AM

To: WILTON, Kellie , Jonathan Chew , Jane Scott

Cc: maif

Subject: Update: Complaint 2425-02 determination and Agenda Item 8a outcome [SEC=OFFICIAL]

Hi Kellie, Jonathan and Jane

Please see the below updates.

Complaint 2425-02 – Out of session determination:

Complaint Summary:

- Alleged breach of clause 5(a) relating to a Coles sponsored advertisement on Facebook for Alula Advanced Stage 3 toddler formula promoting it as “food for happy, healthy babies”:

The term baby is inappropriate for stage 3 formula because toddler milk is only suitable for children aged 12mo or more.

By using the term babies (rather than a more appropriate alternative such as ‘toddler’ or children) it inadvertently promotes Alula formula for those under 12 months which is a breach of the MAIF Agreement.

Toddler milk is a drink (not a food)

All stage 3 toddler milk formulas are considered unnecessary for most children especially those who are ‘happy and healthy’ and otherwise eating well.

Committee final determination – Chair endorsed:

In scope – breach:

- The Committee agreed the complaint had four parts, noting complaint part 1 & 2 are the same but worded differently. For the purpose of this determination part 1 & 2 will be considered together.
- The Committee agreed part 1 & 2 are **a breach of clause 5a** of the MAIF Agreement, noting as a sponsored ad, the whole post was reasonably within the signatory’s control. Therefor further efforts should have been made to avoid the inadvertent promotion of infant formula through the use of the word ‘babies’.
- The Committee agreed complaint part 3 and 4 are out of scope.

Next steps:

- Secretariat will write to the complainant and company to advise of the outcome.
- Publish the outcome on the department's website.

Agenda Item 8a – Publishing of complaint outcomes – for noting:

After careful consideration the decision was made to proceed with the standard process of publishing, on the department's [website](#), the complaint outcomes determined at MAIF Complaints Committee Meeting 16 in October 2023. s47G(1)(a) have been notified of the outcome.

Please reach out if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division
Preventive Health and Food Branch
Australian Government Department of Health and Aged Care
E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

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From: [Jane Scott](#)
To: [Infant Formula Policy](#); [WILTON, Kellie](#); [Jonathan Chew](#)
Subject: RE: Update: Complaint 2425-02 determination and Agenda Item 8a outcome [SEC=OFFICIAL]
Date: Friday, 10 January 2025 1:47:56 PM
Attachments: [image004.png](#)
[image005.png](#)

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Thank you s22 for this update.

Jane Scott

PhD, MPH, Grad Dip Diet, BSc, FDAA

Emeritus Professor

Public Health Nutrition

School of Population Health

Curtin University

Tel | s47F

Email | s47F [@curtin.edu.au](mailto:s47F@curtin.edu.au) Web | <http://curtin.edu.au>

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 CRICOS Provider Code 00301J

From: maif

Sent: Wednesday, 8 January 2025 7:23 AM

To: WILTON, Kellie ; Jonathan Chew ; Jane Scott

Cc: maif

Subject: Update: Complaint 2425-02 determination and Agenda Item 8a outcome [SEC=OFFICIAL]

Hi Kellie, Jonathan and Jane

Please see the below updates.

Complaint 2425-02 – Out of session determination:

Complaint Summary:

- Alleged breach of clause 5(a) relating to a Coles sponsored advertisement on Facebook for Alula Advanced Stage 3 toddler formula promoting it as “food for happy, healthy babies”:
 1. The term baby is inappropriate for stage 3 formula because toddler milk is only suitable for children aged 12mo or more.
 2. By using the term babies (rather than a more appropriate alternative such as ‘toddler’ or children) it inadvertently promotes Alula formula for those under 12 months which is a breach of the MAIF Agreement.
 3. Toddler milk is a drink (not a food)

4. All stage 3 toddler milk formulas are considered unnecessary for most children especially those who are 'happy and healthy' and otherwise eating well.

Committee final determination – Chair endorsed:

In scope – breach:

- The Committee agreed the complaint had four parts, noting complaint part 1 & 2 are the same but worded differently. For the purpose of this determination part 1 & 2 will be considered together.
- The Committee agreed part 1 & 2 are **a breach of clause 5a** of the MAIF Agreement, noting as a sponsored ad, the whole post was reasonably within the signatory's control. Therefore further efforts should have been made to avoid the inadvertent promotion of infant formula through the use of the word 'babies'.
- The Committee agreed complaint part 3 and 4 are out of scope.

Next steps:

- Secretariat will write to the complainant and company to advise of the outcome.
- Publish the outcome on the department's website.

Agenda Item 8a – Publishing of complaint outcomes – for noting:

After careful consideration the decision was made to proceed with the standard process of publishing, on the department's [website](#), the complaint outcomes determined at MAIF Complaints Committee Meeting 16 in October 2023. s47G(1)(a) have been notified of the outcome.

Please reach out if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team

Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

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From: [WILTON, Kellie](#)
To: [Jane Scott](#); [Jonathan Chew](#); [Infant Formula Policy](#)
Subject: RE: MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update [SEC=OFFICIAL]
Date: Monday, 16 December 2024 12:11:31 PM
Attachments: [image004.png](#)
[image005.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image001.png](#)

Thank you Jane and Jonathon for your considered responses. I agree with both your thoughts and advice and support that:

s47F

Regards

Adjunct Associate Professor Kellie Wilton (Midwife) (she/her)
Senior Midwifery Advisor

Bmidwif(UniSA), GradCertIntlHealth(Curtin), GradCertClinEd (Flin),
 MPrimaryMaternityCare(Griff), MHML MPH (UNSW)
 PhD Candidate (Monash), MACM
 Chief Nursing and Midwifery Officer Division | Health Resourcing Group

E: s47F [@health.gov.au](#)

M: s47F

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From: Jane Scott

Sent: Wednesday, 11 December 2024 1:29 PM

To: Jonathan Chew ; maif ; WILTON, Kellie

Subject: RE: MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update [SEC=OFFICIAL]

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Thank you Jonathon for this very considered response. s47F

Your legal training is evident in crafting this response and I am sure will be valued by the Secretariat when writing to the company.

Best wishes,

Jane

Jane Scott

PhD, MPH, Grad Dip Diet, BSc, FDAA

Emeritus Professor

Public Health Nutrition

School of Population Health

Curtin University

Tel | +s47F

Email | s47F [@curtin.edu.au](#) Web | <http://curtin.edu.au>

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From: Jonathan Chew s47F <s47F@infantnutritioncouncil.com>

Sent: Tuesday, 10 December 2024 10:05 AM

To: Jane Scott s47F <s47F@curtin.edu.au>; maif <maif@health.gov.au>; WILTON, Kellie s47F <s47F@Health.gov.au>

Subject: Re: MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update [SEC=OFFICIAL]

Hi All,

Thanks for the email about complaint 2425-02. Please find my comments below:

--

On the form, the complainant made four complaints about the advertisement:

1. The term "babies" is inappropriate for Stage 3 formula, because the product is only suitable for children 12 months and older
2. Using the term "babies" inadvertently promotes formula for children under 12 months
3. Toddler milk is a drink, not a food
4. All Stage 3 toddler milks are considered unnecessary for most children

s47F

For part 2, the issues to consider are:

s47F, s47G(1)(a)

s47F, s47G(1)(a)

.

Other issues

It is not clear that the complainant wrote to Sanulac. When the form states that a letter was written to the company on 17 June, it may have been written to Coles. That aside, I am sympathetic to Jane's general point, and would support the issue being on the agenda for February.

Merry Christmas and Happy New Year to all.

Cheers

Jonathan

From: Jane Scott s47F <[REDACTED]@curtin.edu.au>

Date: Monday, 9 December 2024 at 8:51 PM

To: maif <maif@health.gov.au>, WILTON, Kellie s47F <[REDACTED]@Health.gov.au>, Jonathan Chew s47F <[REDACTED]@infantnutritioncouncil.com>

Subject: RE: MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update [SEC=OFFICIAL]

Dear Kelly, Jonathon and Secretariat Team,

s47F, s47G(1)(a)

This form was developed long before I became a member and I do not know the reasoning for its inclusion in the first place. Given the turnover of members of the Secretariat and the Committee, I doubt that anyone knows the reasoning. Can this please be an agenda item for our next meeting? Wishing you and your families all the best for the Festive Season and the New Year

Jane

Jane Scott

PhD, MPH, Grad Dip Diet, BSc, FDAA

Emeritus Professor

Public Health Nutrition

School of Population Health

Curtin University

Tel | s47F [REDACTED]

Email | s47F [REDACTED] <[REDACTED]@curtin.edu.au> Web | <http://curtin.edu.au>

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From: maif <maif@health.gov.au>

Sent: Monday, 9 December 2024 7:22 AM

To: WILTON, Kellie ^{s47F} [@Health.gov.au](mailto:s47F@Health.gov.au); Jane Scott ^{s47F} [@curtin.edu.au](mailto:s47F@curtin.edu.au); Jonathan Chew ^{s47F} [@infantnutritioncouncil.com](mailto:s47F@infantnutritioncouncil.com)

Cc: maif <maif@health.gov.au>

Subject: MAIF Complaints Committee - Complaint 2425-02 Out of Session determination and Update [SEC=OFFICIAL]

Hi Kellie, Jonathan and Jane

Please see the below updates from Secretariat:

Complaint 2425-02 Sanulac (Coles) – Company response:

Secretariat have received the company response from Sanulac for complaint 2425-02 in relation to a sponsored Coles advertisement. As discussed at Meeting 17, please see the below links for the Committee Out of Session determination:

- The initial determination table includes the original complaint summary including links to the complaint form and company response letter. For ease of reference, below the table, I have also included a summary of the Meeting 17 discussions relating to this complaint - [Initial determination table - Out of Session - 2425-02.docx](#)
- If you have difficulties with the links within the initial determination table, the overarching Out of Session folder holds all the PDF documents linked within the table - [Out of Session](#)

We would be grateful for your action by **COB Monday 16 December 2024**. If a clear, consensus outcome is not possible out-of-session, we will hold this complaint over for discussion at the February 2025 MAIF Complaints Committee meeting.

s47G(1)(a) Correspondence:

For noting, on the 26 November 2024 ^{s47G(1)(a)} contacted the MAIF Secretariat email to advise the MAIF Complaints Committee of an accidental advertisement of infant formula by a new employee. Please see attached the email from ^{s47G(1)(a)}, including Secretariats Chair endorsed response. If you have any questions or concerns, please let me know.

Many thanks

^{s22}

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division
Preventive Health and Food Branch
Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au


MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

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INITIAL DETERMINATIONS – MEETING 17 DATE 13 November 2024

For Committee information- It is now possible to see all ads being run by companies/pages on the Facebook platform. From 'about' section on a Facebook page, you can go to the 'page transparency' section which shows if a page is currently running ads. If they are running ads you can click through to the 'Ad library'. The Ad library shows Ad history from the start of 2023, including those that are active and whether the material is being used across other ads. You are also able to link to the specific ad.

2425-02	Kellie Wilton	Jane Scott	Jonathan Chew
<p>Date received 01/07/2024</p> <p>Company/product Coles Supermarket (Alula – Sanulac)</p> <p>Secretariat initial determination Out of Scope (Retailer/toddler milk) – for noting</p> <p>Incident Date: 17/04/2024</p> <p>Clause: 5(a)</p> <p>Incident: Coles published a sponsored advertisement on Facebook for Alula Advance+ Stage 3 Toddler Formula promoting it as 'food for happy, healthy babies'. Concern for the use of the wording 'babies' when referring to toddler milk, inadvertently advertising the infant formula product by using the word 'babies'. Toddler milks are a drink not a food. Stage 3 toddler milk is considered unnecessary for most children.</p> <p>Links to complaint</p> <p>Form: 2425-02 Sanulac (Coles) - Original Complaint Redacted.pdf</p>			
<p>Company Response</p> <p>Link: 2425-02 Sanulac (Coles) - Company response.pdf</p>			

Meeting 17 – Summary of discussion

2425-02 – Sanulac

Complaint: Alleged breach of clause 5(a) relating to a Coles sponsored ad on Facebook for their toddler formula product promoting it as ‘food for happy, healthy babies’.

Key Comments:

- The Committee noted that signatories sponsoring a retailer to promote their infant formula products is a breach under MAIF. The Committee also considered that the use of the word ‘babies’ is equivalent of ‘infant’.
- The Committee noted that the complaint is in-scope and a final determination would be made once the company response is considered. Secretariat advised a company response has been requested and is expected on 6 December 2024 and can be shared out of session.

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From: [WILTON, Kellie](#)
To: [Infant Formula Policy](#)
Cc: s22
Subject: RE: For endorsement: Complaint 2425-02 - Final determination letters [SEC=OFFICIAL]
Date: Monday, 13 January 2025 3:40:01 PM
Attachments: [image001.png](#)
[image002.png](#)

Endorsed, thank you s22

Adjunct Associate Professor Kellie Wilton (Midwife) (she/her)
Senior Midwifery Advisor

Bmidwif(UniSA), GradCertIntlHealth(Curtin), GradCertClinEd (Flin),
 MPrimaryMaternityCare(Griff), MHML MPH (UNSW)
 PhD Candidate (Monash), MACM
 Chief Nursing and Midwifery Officer Division | Health Resourcing Group

E: s47F [@health.gov.au](mailto:s47F@health.gov.au)
 M: s4/r-

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From: maif

Sent: Thursday, 9 January 2025 10:01 AM

To: WILTON, Kellie

Cc: maif ; s22

Subject: For endorsement: Complaint 2425-02 - Final determination letters [SEC=OFFICIAL]

Hi Kellie

For your endorsement, please see attached the final determination letters to company and complainant in relation to complaint 2425-02.

Next steps are for secretariat to finalise the letters and send them to the respective recipients via email. Following this the outcome will be published on the department's website.

Please let me know if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

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MAIF Complaints Committee
GPO Box 9848
Canberra ACT 2601
maif@health.gov.au
www.health.gov.au/maif

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determinations – Complaint: 2425-02**

Dear s47F,

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaint, received in July 2024.

The Committee considered the complaint and the company's response out of session in December 2024 and made the following determination:

- **Complaint 2425-02:** the activity by Sanulac Nutritionals Australia was determined **in breach** of clause 5(a) of the MAIF Agreement. The Committee agreed that as a sponsored advertisement, the social media post was reasonably within the signatory's control. Therefore, further efforts should have been made to avoid the promotion of infant formula through the use of the word 'babies'.

The Committee has written to Sanulac Nutritionals Australia to advise of the determination in relation to the MAIF Agreement.

Thank you for taking the time to submit this complaint. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

14 January 2025

MAIF Complaints Committee
GPO Box 9848
Canberra ACT 2601
maif@health.gov.au
www.health.gov.au/maif

s47F

Sanulac Nutritionals Australia

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determinations – Complaints: 2425-02**

Dear s47F,

I refer to the above referenced complaint concerning the alleged breach of clause 5(a) of the MAIF Agreement by Sanulac Nutritionals Australia.

The MAIF Complaints Committee (the Committee) considered the complaint and your company's response out of session in December 2024 and made the following determination:

- **Complaint 2425-02:** the activity by Sanulac Nutritionals Australia was determined in breach of clause 5(a) of the MAIF Agreement. The Committee agreed that as a sponsored advertisement, the social media post was reasonably within your control. Therefore, further efforts should have been made to avoid the promotion of infant formula through the use of the word 'babies'.

Sanulac Nutritionals Australia's breach of clause 5(a), in relation to Complaint 2425-02, will be recorded on the MAIF Complaints Committee website.

The MAIF Secretariat is available to support MAIF signatories in meeting their obligations to the MAIF Agreement and can be contacted on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

14 January 2025

From: [WILTON, Kellie](#)
To: s22
Cc: [Infant Formula Policy](#); s22
Subject: RE: For clearance: MAIF Complaints Committee - Meeting 17 - Final determination letters [SEC=OFFICIAL]
Date: Wednesday, 11 December 2024 12:38:01 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Cleared, thank you

Adjunct Associate Professor Kellie Wilton (Midwife) (she/her)
Senior Midwifery Advisor

Bmidwif(UniSA), GradCertIntlHealth(Curtin), GradCertClinEd (Flin),
 MPrimaryMaternityCare(Griff), MHML MPH (UNSW)
 PhD Candidate (Monash), MACM
 Chief Nursing and Midwifery Officer Division | Health Resourcing Group

E: s47F [@health.gov.au](#)
 M: s47F

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From: s22
Sent: Thursday, 5 December 2024 3:15 PM
To: WILTON, Kellie
Cc: maif ; s22
Subject: For clearance: MAIF Complaints Committee - Meeting 17 - Final determination letters [SEC=OFFICIAL]

Hi Kellie

As discussed, seeking your clearance please for the final determination letters from MAIF Complaints Committee - Meeting 17, SharePoint links below:

- [Company Letters](#)
- [Complainant Letters](#)

Next Steps:

- Once we receive your clearance, I will apply the date and your e-signature. Following this the letters will be emailed as a PDF to the relevant addressee.
- Secretariat will then progress the Meeting 17 determinations for publishing on the Department's website [here](#).

Please reach out if you have any further questions.

Many thanks

s22

Nutrition Policy Section
Preventative Health & Food Branch

Population Health Division | Primary & Community Care Group
 Australian Government, Department of Health and Aged Care
 T: s22 | E: s22 [@health.gov.au](#)

Location: Yaradhang Building 5.S.231

GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health and Aged Care acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present

MAIF Complaints Committee
GPO Box 9848
Canberra ACT 2601
maif@health.gov.au
www.health.gov.au/maif

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determination – Complaint: 2425-07**

Dear s47F

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaint, received in September 2024.

The Committee considered the complaint on 13 November 2024 at MAIF Complaints Committee Meeting 17 and made the following determination:

- **2425-07** s47G(1)(a) the alleged breach of clause 7(a) was determined **not a breach** of the MAIF Agreement. While the conduct (providing information about infant formula to health professionals) is in scope of the MAIF Agreement, the Committee found the contents of the email sent to hospital staff to be factual information, that is permitted under clause 7(a).

The Committee has written to s47G(1)(a) to advise of the determination in relation to the MAIF Agreement.

Thank you for taking the time to submit this complaint. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely
s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

11 December 2024

MAIF Complaints Committee
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Canberra ACT 2601
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www.health.gov.au/maif

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determinations – Complaint: 2425-03, 2425-04**

Dear s47F

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaints, received in July 2024.

The Committee considered the complaints on 13 November 2024 at MAIF Complaints Committee Meeting 17 and made the following determinations:

- **2425-03** s47G(1)(a) : the alleged breach of clause 5(a) was determined out of scope of the MAIF Agreement as the s47G(1)(a) website link provided is a Singaporean website.
- **2425-04** s47G(1)(a) : the alleged breach of clause 5(a) was determined out of scope of the MAIF Agreement as the s47G(1)(a) website link provided is a Singaporean website.

Thank you for taking the time to submit the complaints. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

11 December 2024

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s47F

The LittleOak Company

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
 Final Determinations – Complaints: 2324-05, 2324-06**

Dear s47F ,

I refer to the above referenced complaints concerning alleged breaches of the MAIF Agreement by The LittleOak Company for complaint 2324-05 relating to clause 5(a), 5(c), 5(d) and complaint 2324-06 relating to clause 5(a) of the MAIF Agreement.

The MAIF Complaints Committee (the Committee) considered the complaints and your company's response at its meeting on the 13 November 2024 and made the following determinations:

- **Complaint 2324-05:** the activity by The LittleOak Company was determined **in breach** of clause 5(a) of the MAIF Agreement due to the use of infant formula tins at the event and pictured on social media. The Committee determined the alleged breaches of clause 5(c) and 5(d) to be in-scope but undetermined. In relation to clause 5(c) there was insufficient information regarding the contents of the goodie bag. In relation to clause 5(d), the Committee were unable to determine if there were marketing personnel present at the event.
- **Complaint 2324-06:** the activity by The LittleOak Company was determined **in breach** of clause 5(a) of the MAIF Agreement due to the promotion of new ready to drink goat milk infant formula product that included comparisons to breastmilk, during an ABC radio interview.

The LittleOak Company breaches of clause 5(a), in relation to Complaints 2324-05 and 2324-06, will be recorded on the MAIF Complaints Committee website.

The MAIF Secretariat is available to support MAIF signatories in meeting their obligations to the MAIF Agreement and can be contacted on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
 Chair
 MAIF Complaints Committee

11 December 2024

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s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
 Final Determinations – Complaint: 2324-04, 2324-05, 2324-06, 2324-07, 2425-05**

Dear s47F

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaints, received between October 2023 and August 2024. I apologise for the delay in making this information available to you and appreciate your patience during this time.

The Committee considered the complaints on 13 November 2024 at MAIF Complaints Committee Meeting 17 and made the following determinations:

- **2324-04 Sprout Organic:** was determined **in breach** of clause 5(a) of the MAIF Agreement as the company used images of a father holding an infant and an infant formula tin in their crowdfunding email. The Committee note alternate images could have been used to promote the crowdfunding campaign, thereby ensuring that infant formula was not promoted. In relation to the alleged breach of Clause 5(d) the Committee determined no breach on this occasion.
- **2324-05 The LittleOak Company:** was determined **in breach** of clause 5(a) of the MAIF Agreement due to the use of infant formula tins at the event and pictured on social media. The Committee determined the alleged breach of clause 5(c) to be in-scope - undetermined due to insufficient information on the contents of the goodie bag. The alleged breach of clause 5(d) was determined to be in-scope - undetermined as the Committee were not able to determine if there were marketing personnel present at the event.
- **2324-06 The LittleOak Company:** was determined **in breach** of clause 5(a) of the MAIF Agreement due to the promotion of new ready to drink goat milk infant formula product that included comparisons to breastmilk during an ABC radio interview with the company CEO.
- **2324-07 Bellamy's Organic:** The Committee acknowledges there were three parts to the complaint. Incident one – company signage, Incident two – toddler milk promotion and Incident three – promotion of infant formula via signage displayed in Chinese language. The Committee agreed that incident one and incident two, did not breach the MAIF Agreement. Incident three was determined **in breach** of the clause 5 (a) of the MAIF Agreement. The Committee agreed that Bellamy's Organic could have taken further action to clarify the ambiguous wording used in the promotion to ensure that infant formula was not promoted.

- **2425-05** ^{s47G(1)(a)} [REDACTED] the alleged breach of clause 5(a) was determined **out of scope** of the MAIF Agreement as it relates to the promotion of toddler milk products.

The Committee has written to MAIF signatories to inform them of the determinations in relation to the MAIF Agreement.

Thank you for taking the time to submit these complaints. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

11 December 2024

This document has been released under
the Freedom of Information Act 1982
by the Department of Health, Disability and Ageing

MAIF Complaints Committee
 GPO Box 9848
 Canberra ACT 2601
 maif@health.gov.au
 www.health.gov.au/maif

s47F

Sprout Organic

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
 Final Determinations – Complaints: 2324-03, 2324-04**

Dear s47F,

I refer to the above referenced complaints concerning the alleged breaches of the MAIF Agreement by Sprout Organic for complaint 2324-03 relating to clause 5(a) and complaint 2324-04 relating to clause 5(a) and 5(d) of the MAIF Agreement.

The MAIF Complaints Committee (the Committee) considered the complaints and your company's response at its meeting on the 13 November 2024 and made the following determinations:

- **Complaint 2324-03:** the activity by Sprout Organic was determined **in breach** of clause 5(a) of the MAIF Agreement due to the use of images of infant formula tins as part of the crowdfunding campaign social media post. The Committee note that alternate images (e.g. toddler milk products) could have been used to promote the crowdfunding campaign.
- **Complaint 2324-04:** the activity by Sprout Organic was determined **in breach** of clause 5(a) of the MAIF Agreement due to imagery used of a father holding an infant and an infant formula tin in the email. The Committee note alternate images could have been used to promote the crowdfunding campaign.

In relation to the alleged breach of Clause 5(d) the Committee determined no breach on this occasion.

Sprout Organic's breaches of clause 5(a), in relation to Complaints 2324-03 and 2324-04, will be recorded on the MAIF Complaints Committee website.

The MAIF Secretariat is available to support MAIF signatories in meeting their obligations to the MAIF Agreement and can be contacted on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
 Chair
 MAIF Complaints Committee

11 December 2024

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s47F

Bellamy's Organic

s47F

Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determination - Complaint Reference: 2324-02, 2324-07

Dear s47F,

I refer to the above referenced complaints concerning the alleged breach of clause 5(a) of the MAIF Agreement by Bellamy's Organic. The MAIF Complaints Committee (the Committee) considered the complaints and your company's response at its meeting on the 13 November 2024 and made the following determinations:

- **Complaint 2324-02**: the activity by Bellamy's Organic was determined to be in breach of clause 5(a) of the MAIF Agreement. The Committee acknowledge the company response noting there is no word for toddler in the Chinese language. Nonetheless, it was agreed that Bellamy's Organic could have taken further action to clarify the ambiguous wording used in the promotion to ensure infant formula was not promoted.
- **Complaint 2324-07**: the activity by Bellamy's Organic was determined to be in breach of clause 5(a) of the MAIF Agreement. There were three parts to the complaint. The Committee agreed that *incident one* - the company signage and *incident two* - the promotion of toddler milk do not breach the MAIF Agreement. However, *incident three* is considered to have breached clause 5(a), per the determination for Complaint 2324-02: due to the failure to clarify the ambiguous wording used in the promotion.

The Bellamy's Organic breach of clause 5(a), in relation to Complaints 2324-02 and 2324-07, will be recorded on the MAIF Complaints Committee website.

The MAIF Secretariat is available to support MAIF signatories in meeting their obligations to the MAIF Agreement and can be contacted on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

11 December 2024

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s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
 Final Determinations – Complaint: 2324-02, 2324-03**

Dear s47F

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaints, received in September 2023.

The Committee considered the complaints on 13 November 2024 at MAIF Complaints Committee Meeting 17 and made the following determinations:

- **2324-02 Bellamy's Organic:** was determined **in breach** of clause 5(a) of the MAIF Agreement. The Committee agreed that Bellamy's Organic could have taken further action to clarify the ambiguous wording used in the promotion to ensure that infant formula was not promoted.
- **2324-03 Sprout Organic:** was determined **in breach** of clause 5(a) of the MAIF Agreement as the company used images of infant formula tins in their crowdfunding post. The Committee noted alternate images could have been used instead to promote the crowdfunding campaign.

The Committee has written to Bellamy's Organic and Sprout Organic to advise of the determinations in relation to the MAIF Agreement.

Thank you for taking the time to submit these complaints. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

s47F

Adjunct Associate Professor Kellie Wilton
 Chair
 MAIF Complaints Committee

11 December 2024

MAIF Complaints Committee
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s47F

s47G(1

(a)

s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
 Final Determinations – Complaints: 2324-01, 2425-07**

Dear s47F,

I refer to the above referenced complaints concerning the alleged breach of the MAIF Agreement by s47G(1) for complaint 2324-01 relating to clause 5 and complaint 2425-07 relating to clause 7(a) of the MAIF Agreement.

The MAIF Complaints Committee (the Committee) considered the complaints and your company's response at its meeting on the 13 November 2024 and made the following determinations:

- **Complaint 2324-01:** the activity by s47G(1) in relation to alleged breach of clause 5 was determined **out of scope** of the MAIF Agreement because the complaint relates to promotion of a toddler milk product. Toddler milk products are not subject to the MAIF Agreement.
- **Complaint 2425-07:** the activity by s47G(1) in relation to the alleged breach of clause 7(a) was determined **not a breach** of the MAIF Agreement. While the conduct (providing information about infant formula to health professionals) is in scope of the MAIF Agreement, the Committee found the contents of the email sent to hospital staff to be factual information, that is permitted under clause 7(a).

Thank you for your efforts in adhering to the requirements of the MAIF Agreement as a MAIF signatory. Please contact the MAIF Secretariat if you have any questions regarding the above information or the MAIF Agreement on 02 6289 7358 or maif@health.gov.au.

Yours sincerely
 s47F

Adjunct Associate Professor Kellie Wilton
 Chair
 MAIF Complaints Committee

11 December 2024

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GPO Box 9848
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s47F

**Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement
Final Determinations – Complaint: 2324-01**

Dear s47F

I am writing to advise you of the outcome of the MAIF Complaints Committee (the Committee) determination of the above referenced complaint, received in September 2023.

The Committee considered the complaint on 13 November 2024 at MAIF Complaints Committee Meeting 17 and made the following determination:

- **2324-01** s47G(1)(a) the alleged breach of clause 5 was determined to be out of scope of the MAIF Agreement, noting the complaint relates to promotion of a toddler milk product.

The Committee has written to s47G(1)(a) to advise of the determination in relation to the MAIF Agreement.

Thank you for taking the time to submit this complaint. If you have any questions or require further information, please contact the MAIF Secretariat on (02) 6289 7358 or maif@health.gov.au.

Yours sincerely

s47F

Adjunct Associate Professor Kellie Wilton
Chair
MAIF Complaints Committee

11 December 2024

From: s22
To: [Jonathan Chew](#); [Infant Formula Policy](#)
Cc: [WILTON, Kellie](#); [Jane Scott](#); [Infant Formula Policy](#); s22
Subject: RE: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]
Date: Monday, 16 December 2024 12:37:49 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Jonathon

I think that we will need a paper for consideration at the next MAIF Complaints Committee – thanks very much for making that offer. If the paper could please identify proposed alternatives to s47E(d)

that has been superseded.

Kind thanks

s22

From: Jonathan Chew

Sent: Monday, 16 December 2024 10:00 AM

To: maif

Cc: s22 ; WILTON, Kellie ; Jane Scott ; maif

Subject: Re: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi s22

Thanks for your email.

s47C

Cheers

Jonathan

From: maif <maif@health.gov.au>

Date: Thursday, 12 December 2024 at 11:16 AM

To: Jonathan Chew s47F <@infantnutritioncouncil.com>

Cc: s22 <@Health.gov.au>, s22 <@Health.gov.au>, WILTON, Kellie s47F <@Health.gov.au>, Jane Scott s47F <@curtin.edu.au>, maif <maif@health.gov.au>

Subject: RE: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi Jonathan

Thanks for your patience while secretariat worked through this request. We have been in communication with the National Health and Medical Research Council (NHMRC) director of Public Health Guidelines to confirm the correct reference to use for the Clause 7 guidance document.

NHMRC have recommended referencing the s47E(d)

s47E(d)

s47C, s47E(d)

I have attached a copy of the clause 7 guidance document with the proposed changes in track for you to share with the MAIF Signatories to gain endorsement.

Please reach out if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division
 Preventive Health and Food Branch
 Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: maif <maif@health.gov.au>

Sent: Friday, 6 December 2024 4:28 PM

To: Jonathan Chew s47F <s47F@infantnutritioncouncil.com>; maif <maif@health.gov.au>

Cc: maif <maif@health.gov.au>; s22 <s22@Health.gov.au>; s22 <s22@Health.gov.au>;

s47F <s47F@Health.gov.au>; WILTON, Kellie s47F <s47F@Health.gov.au>; Jane Scott s47F <s47F@curtin.edu.au>

Subject: RE: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi Jonathan

I wanted to acknowledge your email below.

For some background, Secretariat updated this reference as it's our understanding that the

s47E(d) . We are currently going through the process to validate this and will come back to you with a response as soon as possible.

Please reach out if you have any questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division
Preventive Health and Food Branch
Australian Government Department of Health and Aged Care
E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: Jonathan Chew ^{s47F} [@infantnutritioncouncil.com](mailto:Jonathan.Chew@infantnutritioncouncil.com)>

Sent: Thursday, 5 December 2024 8:09 AM

To: maif <maif@health.gov.au>

Cc: maif <maif@health.gov.au>; ^{s22} [@Health.gov.au](mailto:maif@health.gov.au)>; ^{s22} [@Health.gov.au](mailto:maif@health.gov.au)>; WILTON, Kellie ^{s47F} [@Health.gov.au](mailto:Kellie.Wilton@Health.gov.au)>; Jane Scott ^{s47F} [@curtin.edu.au](mailto:Jane.Scott@curtin.edu.au)>

Subject: Re: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Dear All,

This change has been shared with INC members, and there is no concern raised about the language prohibiting competition prizes.

However, several members advised there was concern about another part of the updated guidance.

^{s47E(d)}

Could the Secretariat provide advice on this issue?

Cheers

Jonathan

From: maif <maif@health.gov.au>

Date: Thursday, 28 November 2024 at 11:40 AM

To: Jonathan Chew ^{s47F} [@infantnutritioncouncil.com](mailto:Jonathan.Chew@infantnutritioncouncil.com)>

Cc: maif <maif@health.gov.au>; ^{s22} [@Health.gov.au](mailto:maif@health.gov.au)>; ^{s22} [@Health.gov.au](mailto:maif@health.gov.au)>; WILTON, Kellie ^{s47F} [@Health.gov.au](mailto:Kellie.Wilton@Health.gov.au)>; Jane Scott ^{s47F} [@curtin.edu.au](mailto:Jane.Scott@curtin.edu.au)>

Subject: RE: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi Jonathan

Thanks for your email.

Secretariat is happy for you to circulate the Clause 7 guidance document to MAIF Signatories, noting this is the updated version following last consultation in 2023.

For additional context, the clause 7 guidance document on the department's website is not the updated guidance. At Meeting 16 in October 2023 the Committee updated the clause 7 guidance document taking into consideration the notes from INC members collated by Jan Carey. The

Committee endorsed the wording changes with one exception around the wording relating to competitions. As you know, at Meeting 17 the Committee discussed and agreed to align the wording around competitions with Medicines Australia. This should be the only additional change to the guidance that the MAIF signatories are yet to see.

Please let me know if you have any further questions.

Many thanks

s22

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: Jonathan Chew ^{s47F} @infantnutritioncouncil.com>

Sent: Thursday, 28 November 2024 9:53 AM

To: maif <maif@health.gov.au>; ^{s22} @Health.gov.au>; ^{s22} @Health.gov.au>

Subject: Re: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi All,

Further to this, there is now a question raised by INC members as to whether the Clause 7 guidance that was consulted on in 2023 was formally adopted. We note on the Department's website, the old guidance notes are still online, not the one that is circulated below.

When ^{s22} is back from leave, can we clarify?

Cheers

Jonathan

From: Jonathan Chew ^{s47F} @infantnutritioncouncil.com>

Date: Thursday, 28 November 2024 at 8:00 AM

To: maif <maif@health.gov.au>; ^{s22} @Health.gov.au>; ^{s22} @Health.gov.au>

Subject: Re: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi ^{s22}

As you know, the current MAIF Agreement operates under a self-regulatory model – the infant formula industry in Australia voluntarily agrees to commitments rendered in the text, and the guidance notes form an interpretation of how the text operates. To my understanding, this means that any changes to the text, or to the guidance notes, are done in consultation with the MAIF signatories. In the past, this has been coordinated through the INC CEO.

Obviously there have been a number of changes of personnel, including myself, since the guidance notes were last updated; however, before text is finalised, it should be shared with MAIF signatories as part of a sound and transparent process.

Although I do not foresee any concerns with these proposed changes in the guidance notes, while the MAIF Agreement remains a self-regulatory model, we should continue to follow past procedure. I am happy to circulate the text today, and given it is a minor amendment, ask for any feedback within 7 days.

I'm happy to discuss.

Cheers

Jonathan

From: maif <maif@health.gov.au>

Date: Wednesday, 27 November 2024 at 12:10 PM

To: WILTON, Kellie ^{s47F} <Kellie.Wilton@Health.gov.au>, Jane Scott

^{s47F} <jane.scott@curtin.edu.au>, Jonathan Chew ^{s47F} <Jonathan.Chew@infantnutritioncouncil.com>

Cc: maif <maif@health.gov.au>

Subject: MAIF Complaints Committee Meeting 17 - updates [SEC=OFFICIAL]

Hi Kellie, Jane and Jonathan

Please find below some updates from MAIF Complaints Committee – Meeting 17:

November Minutes:

- For Review - The draft minutes from Meeting 17 on 13 November 2024 are available in the MAIF SharePoint. Please feel free to include track changes and comments into the document.
- Link: [DRAFT Meeting 17 - Minutes.docx](#)

Clause 7 Guidance document:

- For noting – The revised clause 7 guidance document is available in the MAIF SharePoint, please note the updated wording relating to 'Competitions'. The has been amended to align with Medicines Australia and stipulates no prizes or gifts may be offered under any circumstances.
- Link: [Clause 7 - MAIF Agreement Guidance FINAL 20.11.24.docx](#)

We would be grateful if you could provide your input or endorsement by COB Friday 6 December 2024.

Please reach out if you have any questions or trouble accessing the link.

Many thanks

^{s22}

MAIF Complaints Committee Secretariat Team

Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

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Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement) Complaints Committee

Meeting 17 – Wednesday 13 November 2024, 2:30pm – 4:30pm AEDT

Location: Yaradhang Building, Woden, ACT

MINUTES

Attendees

Committee member

Adjunct Associate Professor Kellie Wilton (Chair), Independent representative - In person attendance

Emeritus Professor Jane Scott, Public Health representative – In person attendance

Mr Jonathan Chew, Infant Formula Industry representative – virtual attendance

Secretariat (Nutrition Policy Section, Department of Health and Aged Care)

s22 - Director - virtual attendance

s22 – A/g Assistant Director – virtual attendance

s22 - Departmental Officer – In person attendance

s22 - Departmental Officer – In person attendance

Minutes

Meeting opened at 2:30pm

Item 1 | Welcome and acknowledgement to country

The Chair welcomed the Committee to meeting 17 of the MAIF Complaints Committee (hereafter the Committee) held with some Committee members attending virtually and others attending face-to-face in Canberra acknowledging the lands in which we met on. The Chair reminded Members of their confidentiality obligations.

Item 2 | Updates of Declaration of Interest Register and agreement to publish

Members were invited to declare any new interests. Adjunct Associate Professor Kellie Wilton (Chair) informed members she has accepted the role of Chief Nursing and Midwifery Officer in the Northern Territory, which involves overseeing some Baby Friendly Health Initiative (BFHI) Hospitals. No additional interests were declared.

Item 3a | Meeting 16 (20 October 2023) – Action Items

Members noted progress against action items.

Item 4 | Complaints from previous meeting (20 October 2023)

Members noted the complaints completed from previous meeting, 20 October 2023 and expressed concern about the delay in releasing the final determination letters. The MAIF Secretariat acknowledged and apologised for the extensive delay and undertook to ensure timely issue of the Committee's determinations going forward; noting further discussion on this topic to take place under Item 8a - Publishing of complaints on the MAIF website.

Item 5a | New complaints – New in-scope or not yet determined

2324-02 – Bellamy's Organic

Complaint: Alleged breach of clause 5(a) relating to company signage at the FIFA Soccer World Cup promoting infant formula in Chinese writing which translated in English to “the leader of infant milk powder”.

Key Comments:

- The Committee acknowledged the complaint to be in-scope. Noting that advertising on an international platform and in a foreign language within Australia can still constitute a breach of the MAIF Agreement. The Committee considered the company response which admitted that the promotion had referenced infants (because in the Chinese language there is no word for toddler).
- The Committee agreed this was a breach of Clause 5(a) of the MAIF Agreement and considered that further action by the company could have been taken to address the ambiguous wording including to distinguish products and ensure that infant formula is not promoted.

Decision: Breach

ACTIONS:

- Secretariat to draft letter to company advising of final determination and upload breach to website.
- Secretariat to draft letter to complainant advising of final determination.

2324-07 – Bellamy’s Organic

Complaint: Alleged breach of clause 5(a) relating to incidents (1) Company signage during the FIFA Soccer World Cup, (2) Promotion of their toddler milk product ad and (3) Signage promoting infant formula in Chinese writing which translated to “Australian organic infant milk powder leader”.

Key Comments:

- The Committee noted the complaint has three parts and is linked to discussion for complaint 2324-02. Members noted complaint 2324-09 is also similar, however the wording in the image is in English and clearly says “Toddler milk” therefore the determination of out of scope remains.
- The Committee noted Incident 1 - Company signage and Incident 2 - Promotion of toddler milk do not breach the MAIF Agreement.
- Relating to Incident 3, the Committee agreed that the company have breached the MAIF Agreement, Clause 5(a). As per Complaint 2324-02 the company admitted that the promotion referenced infants (because Chinese language does not include a word for toddler). However, the Committee considered that Bellamy’s Organic should have taken further action to address the ambiguous wording.

Decision: Breach

ACTIONS:

- Secretariat to draft letter to company advising of final determination and upload breach to website.
- Secretariat to draft letter to complainant advising of final determination.

2324-03 – Sprout Organic

Complaint: Alleged breach of clause 5(a) relating to a social media post advertising infant formula and inviting members of the public to become shareholders in the organisation.

Key Comments:

- The Committee acknowledged the company response, which explained that the purpose was to promote the company and not the company's products.
- The Committee discussed crowdfunding in the context of the MAIF Agreement and the use of sale figures to share success or promote a company e.g. 100,000 tins sold in 24 months.
- The Committee noted no concerns arise for company promotional activities, but the concern arises when promotional activities use clear images of infant formula cans.
- The Committee agreed that other images could have been used but using an image of an infant formula can is promotional and is considered a breach of the MAIF Agreement, Clause 5(a).

Decision: Breach

ACTION:

- | |
|---|
| <ul style="list-style-type: none"> • Secretariat to draft letter to company advising of final determination and upload breach to website. • Secretariat to draft letter to complainant advising of final determination. |
|---|

2324-04 – Sprout Organic

Complaint: Alleged breach of clause 5(a) and 5(d) relating to an email sent to their mailing list promoting their crowdfunding campaign to expand their company internationally. The email included promotional material including infant formula products and links to media coverage.

Key Comments:

- The Committee noted the similarities to complaint 2324-03 and the relevant discussion around crowdfunding.
- The Committee agreed that using an image of a father holding an infant and an infant formula tin is a clear breach of the MAIF Agreement, Clause 5(a).
- The Committee discussed additional images in the email, deemed acceptable for use, including one featuring a toddler holding a teddy bear and another of a family portrait. Further highlighting it was not necessary to include the image displaying an infant formula tin in the crowdfunding email.
- The Committee agreed there was no breach of Clause 5(d) on this occasion.

Decision: Breach

ACTION:

- | |
|---|
| <ul style="list-style-type: none"> • Secretariat to draft letter to company advising of final determination and upload breach to website. • Secretariat to draft letter to complainant advising of final determination. |
|---|

2324-05 – The LittleOak Company

Complaint: Alleged breach of clause 5(a), 5(c) and 5(d) relating to a free brunch event run during World Breastfeeding Week 2023. The event was marketed to mothers of babies and young children and included free food, entertainment, ready to drink toddler milk a goodie bag for mum. The full

product range was showcased, including Stage 1 & 2 infant formula plus imagery of infant formula on their Instagram stories.

Key Comments:

- The Committee agreed that the use of infant formula tins at the event and pictured on social media is promotional and a breach of the MAIF Agreement, clause 5(a).
- The Committee noted there was insufficient information on the contents of the 'goodie bag for mum' to determine if it was a breach of the MAIF Agreement, clause 5(c).
- The Committee discussed the definition of marketing personnel in the context of the complaint, noting the company CEO and a nutritionist were present at the event.
- The Committee considered personnel with a marketing title versus anyone in the company ie CEO or other staff.
- The Committee agreed for the purpose of the MAIF Agreement, to be considered marketing personnel the person would be required to have a marketing job title.
- From the information provided the Committee agreed there wasn't enough information to determine whether there was marketing personnel present at the event. Therefore the Committee acknowledged that the activity falls within the scope but could not determine a breach of the MAIF Agreement, clause 5(d).
- The Committee agreed clause 5(c) and 5(d) to be in-scope – undetermined.

Decision: Breach

ACTION:

- Secretariat to draft letter to company advising of final determination and upload breach to website.
- Secretariat to draft letter to complainant advising of final determination.

2425-02 – Sanulac

Complaint: Alleged breach of clause 5(a) relating to a Coles sponsored ad on Facebook for their toddler formula product promoting it as 'food for happy, healthy babies'.

Key Comments:

- The Committee noted that signatories sponsoring a retailer to promote their infant formula products is a breach under MAIF. The Committee also considered that the use of the word 'babies' is equivalent of 'infant'.
- The Committee noted that the complaint is in-scope and a final determination would be made once the company response is considered. Secretariat advised a company response has been requested and is expected on 6 December 2024 and can be shared out of session.

Decision: Initial determination In-scope; company response due 6 December 2024

ACTION:

- Secretariat to provide company response to the Committee out of session for final determination.

2425-07 – s47G(1)

()

Complaint: Alleged breach of clause 7(a) relating to a company sales representative attending a maternity facility and related conversations with hospital staff as well as emails sent from the sales representative to hospital staff.

Key Comments:

- The Committee acknowledged the company response and discussed the emails sent to hospital staff were objective information, that was educational content that was in line with clause 7(a).
- The Committee note the sales representative's interaction with healthcare professionals at the hospital may be a breach of local healthcare policy, however in the context of the MAIF Agreement it is not a breach of Clause 7(a).
- The Committee agreed that the complaint is in-scope but does not breach the MAIF Agreement, clause 7(a).

Decision: No Breach

ACTION:

- Secretariat to draft letter to company and complainant advising of final determination

Item 5b | New complaints – Determined out of session – for noting

The Committee noted the complaints determined out of session. Discussion ensued regarding complaint 2425-03 and 2425-04, the Committee discussed the s47G(1)(a) website linked to the complaint was a Singaporean website. The Committee agreed to change the reasoning from *Out of Scope – Retailer* to *Out of Scope – Other*, as it is considered international activity and not retailer activity.

ACTION:

- Secretariat to draft letter to company and complainant advising of final determination for complaint 2324-01 and 2324-06.
- Secretariat to reflect complaint 2425-03 and 2425-04 as *Out of Scope – Other* in the Annual Report 2024-25.

Item 6 | MAIF guidance documents

Item 6a | Clause 7 Guidance:

The Committee considered the Medicines Australia guidance in relation to Competitions. Members agreed to amend the wording of the Clause 7 Guidance 'Competitions', that no prizes or gifts may be offered under any circumstances.

ACTION:

- Secretariat to update the wording of the Clause 7 guidance document for publishing and circulate to the Committee for noting.

Item 6b | Electronic Media Guidance:

- The Committee noted the Department's undertakings to improve the Electronic Media Guidance document. Members discussed the Therapeutic Goods Administration Guidance and the Australian Taxation Office Guidance as most relevant sources of model guidance.
- Key Comments:
 - Align with the TGA and ATO Guidance on social media advertising and include influencers.

- Consider the TGA Guidance information on third-party comments, noting the responsibility of signatories to moderate these comments. It was also noted that there needs to be reasonable timeframes for removal of third-party comments.
- Consider the “breast is best” statement and social media posts, noting signatories have business owner responsibilities to use the mandatory statement when entering their website.
- Australian Health Practitioner Regulation Agency (AHPRA) was also noted as having some advertising guidance in social media e.g. cosmetic surgery.
- Case studies to include in the guidance would be helpful.
- Include the table of social media themes noted in the agenda papers in the guidance document.

ACTION:

- Secretariat to amend the Electronic Media Guidance in line with the Committees feedback and circulate to the Committee for further input.

Item 7 | Departmental Updates

The Committee noted the Departmental update. Further clarification on the ‘Live Decisions Dashboard’ was provided, noting the decision dashboard will be on the MAIF website and will be updated by the MAIF Secretariat at various key stages of the complaint processes, such as when a company response is received.

Item 8 | Committee matters**Item 8a | Publishing of complaints on the MAIF website**

The Committee noted the delays in publishing of complaints from the last meeting (October 2023) on the Department’s website and acknowledged s47G(1)(a) concerns. Members were of the view that despite the delays, due process should be followed, and all complaints should be published on the website.

ACTION:

- Secretariat to consider this feedback and update the Committee on the Department’s decision.

Item 8b | Committee Membership Update

The Committee noted that as part of strengthening the voluntary arrangements and consistent with the MAIF Review, the MAIF Complaints Committee will be expanded to include one additional independent member by the next committee meeting in February 2025. Members agreed the desired skill set required is someone with a legal background.

ACTION:

- Members to recommend suitable candidates to the Secretariat out of session to ensure a new member is onboarded by the next Committee meeting (Feb 2025).

Item 8c | Annual Reports

The Committee acknowledged and agreed with Secretariat’s proposed updates to the Annual Report and streamlining the complaints publishing process.

ACTION:

- Secretariat to proceed with MAIF website complaint updates and to draft the Annual Report 2023-24 for members to consider.

Item 9 | Other Business**Item 9a | Next meeting date**

The Committee agreed the 2025 meeting dates:

- 27 February 2025
- 21 May 2025
- 20 August 2025
- 19 November 2025

ACTION:

- Secretariat to publish 2025 meeting dates on the department's website.

Additional business raised:

Jonathan Chew raised that Infant Nutrition Council members have requested a Signatory's Forum for educational purposes. Discussion ensued by members regarding requirements for a forum and optics e.g. inclusion of public health stakeholders.

ACTION:

- Secretariat to consider further the option of holding a Signatory's Forum and report back to the Committee.

Item 10 | Meeting Close

Meeting concluded at 4:20pm.

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<u>Actions Table – Meeting 17</u>					
Item	MAIF complaints Meeting/Agenda item	Action	Who	When	Status
1	Meeting 17: 13 November 2024 Item 5a: New complaints - New in-scope or not yet determined	Secretariat to draft letters from the Chair to companies and complainants in relation to the following complaints 2324-02, 2324-07, 2324-03, 2324-04, 2324-05, 2425-07.	Secretariat	Nov 2024	Not commenced
2	Meeting 17: 13 November 2024 Item 5a: New complaints - New in-scope or not yet determined	Secretariat to provide company response to the Committee out of session for final determination - 2425-02.	Secretariat	1 Dec 2024	Not commenced
3	Meeting 17: 13 November 2024 Item 5b: New complaints – Determined out of session – for noting	Secretariat to draft letter from the Chair to company and complainant in relation to the following complaints 2324-01, 2324-06.	Secretariat	Nov 2024	Not commenced
4	Meeting 17: 13 November 2024 Item 5b: New complaints – Determined out of session – for noting	Secretariat to reflect complaint 2425-03 and 2425-04 as <i>Out of Scope – Other</i> in the Annual Report 2024-25.	Secretariat	Nov/Dec 2024	Noted
5	Meeting 17: 13 November 2024 Item 6a Clause 7 Guidance	Secretariat to update the wording of the Clause 7 guidance document for publishing and circulate to the Committee for noting.	Secretariat	Nov 2024	Not commenced, publication request needed, accessibility request
6	Meeting 17: 13 November 2024 Item 6b Electronic Media Guidance	Secretariat to amend the Electronic Media Guidance in line with the Committees feedback and circulate to the Committee for further input.	Secretariat	Nov/Dec 2024	Not commenced
7	Meeting 17: 13 November 2024 Item 8a Publishing of complaints on the MAIF website	Secretariat to consider this feedback and update the Committee on the outcome.	Secretariat	Dec 2024	s22 drafting email to Anthea for approval

8	Meeting 17: 13 November 2024 Item 8b Committee Membership Update	Members to recommend suitable candidates to the Secretariat out of session to ensure a new member is onboarded by the next Committee meeting (Feb 2025).	Members	Nov 2024	In progress
9	Meeting 17: 13 November 2024 Item 8b Committee Membership Update	Secretariat to action the onboarding process for the additional member once members have provided contact details.	Secretariat	Dec 2024/Jan 2025	Not commenced
10	Meeting 17: 13 November 2024 Item 8c Annual Reports	Secretariat to investigate the feasibility of this option further with the departments Web Team.	Secretariat	Nov 2024	In progress - awaiting web team response
11	Meeting 17: 13 November 2024 Item 8c Annual Reports	Secretariat to draft the Annual Report 2023-24 for members to endorse.	Secretariat	Dev 2024	Not commenced
12	Meeting 17: 13 November 2024 Item 9a Next meeting date	Secretariat to publish 2025 meeting dates on the department's website.	Secretariat	Dec 2024	In progress, Web update drafted
13	Meeting 17: 13 November 2024 Additional business raised	Secretariat to consider further the option of holding a signatory's Forum and report back to the Committee.	Secretariat	TBA	Noted

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From: [maif](#)
To: [Jonathan Chew](#); [maif](#); [WILTON, Kellie](#); [Jane Scott](#); s47F
Cc: [maif](#); s22
Subject: RE: MAIF Complaints Committee - Independent Member update [SEC=OFFICIAL]
Date: Thursday, 9 January 2025 10:46:27 AM
Attachments: [image001.png](#)

Hi Jonathan

Thanks for your question.

Secretariat will explore this further and include it on the agenda for discussion at Meeting 18 in February.

Many thanks

s22

MAIF Complaints Committee Secretariat Team Nutrition Policy Section

Primary and Community Care Group | Population Health Division
 Preventive Health and Food Branch
 Australian Government Department of Health and Aged Care
 E: MAIF@health.gov.au
 MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: Jonathan Chew, s47F <s47F@infantnutritioncouncil.com>
Sent: Wednesday, 8 January 2025 10:54 AM
To: maif <maif@health.gov.au>; WILTON, Kellie, s47F <s47F@Health.gov.au>; Jane Scott, s47F <s47F@curtin.edu.au>; s47F <s47F@Health.gov.au>
Cc: maif <maif@health.gov.au>; s22 <s22@Health.gov.au>
Subject: Re: MAIF Complaints Committee - Independent Member update [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hi s22

Noted, thank you.

One question I had about the committee membership now is – what happens when a decision is split 2 v 2? In the past, we have tried to reach consensus, or otherwise a majority vote. What will be the result if the committee is evenly split?

Cheers
Jonathan

From: maif <maif@health.gov.au>

Date: Wednesday, 8 January 2025 at 10:46 AM

To: WILTON, Kellie ^{s47F} <Kellie.Wilton@Health.gov.au>, Jonathan Chew ^{s47F} <Jonathan.Chew@infantnutritioncouncil.com>, Jane Scott ^{s47F} <Jane.Scott@curtin.edu.au>, ^{s47F} <Jane.Scott@curtin.edu.au>

Cc: maif <maif@health.gov.au>, ^{s22} <maif@health.gov.au>

Subject: MAIF Complaints Committee - Independent Member update [SEC=OFFICIAL]

Good morning Kellie, Jonathan and Jane

Thank you for providing the nominations for appointing an Independent Member to the MAIF Complaints Committee (Committee). I wanted to provide you with an update on this matter.

All nominations received were highly qualified, making the selection process very competitive. After careful consideration, Jacky Mandelbaum has been appointed as an Independent Member of the Committee.

So, by way of e-introduction we would like to welcome Jacky to the Committee, we look forward to working with you soon Jacky.

Please see attached an updated copy of the Member Guidelines for your records.

Many thanks

^{s22}

MAIF Complaints Committee Secretariat Team
Nutrition Policy Section

Primary and Community Care Group | Population Health Division
Preventive Health and Food Branch
Australian Government Department of Health and Aged Care
E: MAIF@health.gov.au
MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

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Australian Government

**Department of Health
and Aged Care**

Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement Complaints Committee

Member Guidelines

December 2024

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1. Introduction

The Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement) Complaints Committee (the Committee) was established on 5 September 2018. The Committee provides determinations on alleged breaches of the MAIF Agreement and advice on the operation of the MAIF Agreement to the relevant Australian Government Minister as required.

The Australian Government Department of Health and Aged Care (the Department) provides oversight of the handling of complaints made in relation to alleged breaches of the MAIF Agreement. A MAIF Complaints Committee Secretariat (Secretariat) located within the Department provides administrative support for the Committee.

2. Role of Committee

The role of the Committee is to receive complaints about alleged breaches of the MAIF Agreement, determine whether the complaints are in-scope or out-of-scope of the MAIF Agreement, and if in-scope, determine if a breach of the MAIF Agreement has actually occurred.

3. Terms of Reference

The Committee terms of reference are to:

- Receive complaints and determine whether they are in-scope of the MAIF Agreement.
- For in-scope complaints, investigate the complaint to determine a potential breach of the MAIF Agreement by a signatory:
 - If a complaint is considered a potential breach, correspondence will be sent to the signatory advising this and requesting the signatory provide a response should they wish to provide any information or evidence against the potential breach.
 - Following receipt of a response, the Committee will provide final determination as to whether there is a breach of the MAIF Agreement and correspondence will be provided to the signatory and the complainant advising the final decision.
 - Decisions of the Committee will be by majority.
- Manage and amend guidelines on the interpretation and application of the MAIF Agreement as needed; and
- Provide input into matters relating to the function of the MAIF Complaints Committee

4. Composition of the Committee

The Committee has four members comprising a Chair, and three other members.

The members include an Independent Chair with expertise in midwifery, lactation and breastfeeding, a representative of the infant formula industry, a public health representative with expertise in breastfeeding, lactation, midwifery or infant nutrition, and an independent member with expertise in health law.

The members appointed to the committee are:

Adjunct Assoc Professor Kellie Wilton	Independent Member	Chair
Mr Jonathan Chew	Industry representative	Member
Adjunct Professor Jane Scott	Public health representative	Member
Ms Jacky Mandelbaum	Independent Member	Member

5. Terms of Appointment

Each member is appointed on the basis of their individual skills, knowledge and expertise and holds their appointment at the discretion of the First Assistant Secretary, Population Health Division. The duration of Committee member appointments will be at the discretion of the delegate or until cessation of the Committee.

Members may resign from the Committee at any time by providing a letter stating their intention to resign to the First Assistant Secretary, Population Health Division (copied to the Chair and Secretariat) at least four weeks prior to the date of resignation.

The First Assistant Secretary, Population Health Division will consider appointments to vacancies as appropriate. The First Assistant Secretary, Population Health Division retains the discretion to terminate a member's appointment to the Committee at any time and for whatever reason.

6. Proxies

Where a committee member is unable to attend a meeting, proxies will **not** be allowed to attend the meeting.

7. Confidentiality

Committee members may, on occasion, be provided with confidential material. Members are not to disclose this material to anyone outside the Committee and are to treat this material with the utmost care and discretion and in accordance with terms of their confidentiality agreement.

8. Conflict of Interest

Conflict of interest is defined as any instance where a committee member, partner or close family friend has a direct financial or other interest in matters under consideration or proposed matters for consideration by the Committee. A member must disclose to the Chair any situation that may give rise to a conflict of interest or a potential conflict of interest, and seek the First Assistant Secretary, Population Health Division's/ Chair's agreement to retain the position giving rise to the conflict of interest. Where a member gains agreement to retain their position on the Committee, the member must not be involved in any related discussion or decision-making process.

A committee member is not to participate in committee business until the Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form has been completed (**Appendix 4**).

9. What conflicts should be declared?

Actual conflicts of interest, where an individual has an interest (whether financial or non-financial) or an affiliation that **affects or will affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- directly benefits from the Commonwealth accepting the person's advice;
- directly receives funding from the Department under another agreement; or
- is advising on an arrangement, or assisting formulating policy relating to an industry or business, in which they have a financial interest or on which they sit on a board.

Potential conflicts of interest, where an individual has an interest (whether financial or non-financial) or an affiliation that **may affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- is appointed as a committee member but is also an industry representative of a relevant industry;
- conducts work for other organisations who work for the Department;
- is involved in a selection process in which a relative or friend is an applicant; or
- has previously worked for, or received funding or gifts from, a company being recommended for a contract

Perceived conflicts of interest, where an individual has an interest (whether financial or non-financial) or an affiliation that **could be perceived to affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- partakes in recreational activities which could be perceived to be at odds with the Department's agenda or objectives under the Appointment; or
- has a reasonably close friendship with a sitting member of the Parliament of Australia and they are regularly seen in public together.

A Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form **MUST** be completed by all Members on an annual basis, however, this can be updated at any time as required.

10. Official Business

A committee member will be deemed to be undertaking official committee business:

- during travel to and from and while attending meetings of the Committee, and
- while undertaking a task at the request of the Chair, including representing the Committee on other committees, sub-committees or forums approved by the Chair.

Note: Formal speeches and papers to be delivered by a member on behalf of the Committee should be cleared with the Chair and the Secretariat prior to presentation. A copy is to be provided to the Secretariat.

11. Insurance

The Department's insurance coverage for legal liabilities extends to committee members who act in an official capacity on behalf of the Department.

The Department's insurance does not extend to cover the member's private travel arrangements for example private motor vehicle or passengers.

12. Support for Committee

The work of the Committee is supported by the Secretariat located within the Nutrition Policy Section, Preventive Health and Food Policy Branch of the Department of Health and Aged Care.

Staff members of the Secretariat have knowledge of the MAIF Agreement and MAIF complaints processes, and a good knowledge of the Department's programs and organisational structure. Secretariat contact information is available at **Appendix 1**.

The Secretariat is responsible for:

- providing support to the Committee,
- providing policy advice to the Committee,
- receiving and collating complaints,
- developing, in consultation with the Chair, agendas for Committee meetings and other business involving the Department and the Committee,
- distributing of agenda, complaints and associated material,
- ensuring all members are kept informed of issues and information relevant to the work of the Committee,
- drafting and distribution of meeting minutes,
- drafting and distribution of letters on behalf of the Committee to MAIF Agreement signatories,
- arranging venues and catering for meetings,
- arranging appropriate travel and accommodation,
- verifying reimbursement of eligible expenses, and
- carrying out annual conflict of interest checks.

The Department will not provide a computer or other equipment on personal issue to a member to undertake business of the Committee.

13. Operation of the Committee

The Chair is ultimately responsible to the First Assistant Secretary, Population Health Division, for the operations of the Committee. The Chair will preside at all meetings. If the Chair is unavailable for the meeting, a new meeting date will be scheduled.

The Committee normally holds four meetings each year, and members may also undertake ongoing work on specific projects on sub-committees.

A quorum for this committee will consist of all four members. Therefore, if a member is unable to attend, a new meeting will need to be scheduled. Any vacancy on the Committee will not affect its power to function.

A draft agenda will be cleared prior to each meeting by the Chair in consultation with the Secretariat. In developing the agenda, consideration will be given to the terms of reference specified by the First Assistant Secretary, Population Health Division, to the Committee.

The agenda and related papers are normally circulated to members one week prior to the meeting.

The minutes of the meeting will be prepared by the Secretariat. They will provide a concise and focused report of decisions and actions taken. Minutes will be made available to members after they have been cleared by the Chair. This will usually be undertaken within two weeks after the meeting.

14. Business between Meetings

The Chair may write and sign letters and conduct business between meetings on behalf of the Committee. The Secretariat must be provided with copies of all correspondence. Members are expected to advise the Chair and the Secretariat when they have completed agreed actions arising from previous meetings.

Any material that is considered to be of particular importance and requiring immediate action will be circulated by email.

15. Remuneration

Non Statutory Committees – Department

Not all non-statutory committee members are eligible for remuneration. The table below outlines the types of membership and eligibility for remuneration for members of non-statutory committees under the jurisdiction of the Department.

Type of Membership	Personal Income	Nature of Participation	Remunerated?
Personal	salaried	technical	no
Personal	private income lost	technical	yes
Representative	salaried	technical	no
Representative	salaried	organisational interests	no
Representative	private income lost	organisational interests	no
Consumer organisation employee	salaried	organisational interests	no
Consumer advocate	not applicable	consumer networks	yes

Below lists the current remuneration rates for the committee:

Office	Daily Fees Rate (\$)
Chairperson	\$1,291
Member	\$971

Commonwealth and State/Territory Employees

Where a person is employed full-time by the Commonwealth (or a business owned by the Commonwealth) or in the administration of a Territory and is appointed to a part-time public office, section 7(11) of the [Remuneration Tribunal Act 1973](#) prevents that employee from being paid for that part-time public office, even though the Remuneration Tribunal may have set fees for that public office.

Whether a State public servant can receive payment for holding a part-time public office (for example on a Federal Government board) is a matter for the relevant State government.

16. Taxation Arrangements

Committee members who are receiving annual fees or daily fees are to notify their Tax File Number Declaration (TFD). The member must complete Tax File Declaration form **(Appendix 6)**.

Taxation instalment deductions will be calculated accordingly to the Australian Taxation Office (ATO) requirements. If the member does not provide a Tax File Number Declaration (TFD), a withholding tax will be withheld at the rate of 47% of the remuneration fee.

The Department no longer provides payment summaries. End of financial year income tax statements can be accessed through the member's MyGov account. If the member does not have a MyGov account, they should visit the following to create one:

<https://www.servicesaustralia.gov.au/individuals/online-help/mygov>

17. Salary Packaging

Salary packaging of committee member remuneration payments is **not** allowable for members who are remunerated on a daily fee basis.

18. Superannuation

The Department will make an employer superannuation contribution for committee members.

The committee member may choose the superannuation fund or retirement savings account to which the Department will make future superannuation guarantee contributions (10.5%). If the committee member does not make a choice, the Department's 'employer contributions' will be paid into the preferred fund of the Department. For further information on superannuation see **Appendix 7**.

19. Personal Information

The personal information a committee member provides is required to enable the Department to contact the member and to undertake any necessary financial and administrative transactions.

The general information retained by the Department may include:

- members' names,
- contact phone numbers,
- address,
- places of employment,
- curricula vitae,
- cultural background,
- correspondence to members, or
- details of submissions from the Department.

Sensitive information retained by the Department may include:

- tax file numbers,
- financial information,
- culturally sensitive issues, and
- conflict of interest details (eg previous employment with a particular entity).

Staff members have access to this information on a "needs to know" basis. Access is restricted to management and the Secretariat staff servicing the Committee. Generally, the records are retained as per the [Administrative Functions Disposal Authority](#).

Members may contact the Freedom of Information Unit on (02) 6289 1666 or by calling the toll-free number 1800 020 103 (extension 1666) to obtain advice regarding access to their personal information.

20. Travel Arrangements

Travel Allowance Rates

Committee members travelling on official committee business are regarded as being on official government business and may receive travel allowance and reimbursement for additional expenses.

Where the committee member receives travel allowance or reimbursement of travelling expenses from any other source for the same travel, the Department will not make a payment of travel allowance or expenses to the member. Where travel on official business does not require an overnight absence, the Department will not make a payment of travel allowance.

Committee members attending an event where meals are provided will not receive the component of the travel allowance in respect of those meals. Committee members will be paid travel allowance in accordance with the [Remuneration Tribunal \(Official Travel\) Determination 2024](#). The level of travel allowance is at the Tier 3 rate. Current rates of travel allowance as determined by the Remuneration Tribunal are at **Appendix 2**.

Accommodation

Accommodation may be:

- booked and paid by the Department through:
 - the accommodation reservation service provider, The Hotel Network, or
 - other accommodation providers,
- booked and paid by the committee member when making their own arrangements.

Air Travel

All committee business related flights will be booked by the Secretariat through the Department's travel management company. Committee members are not to book their own flights and seek reimbursement from the Department.

When booking travel, the Department is to comply with the Government's 'Best Fare of the Day' policy. The Best Fare of the Day is "the cheapest fare which suits official requirements". Members for this Committee are entitled to fly ECONOMY class.

Where practicable, committee members should travel on the day of the meeting or other event. Confirmation of reservation will be forwarded to members. The preferred method of air travel ticketing is an E-ticket.

Members are responsible for contacting the Secretariat if they would like their flights changed. The Secretariat will ensure the members are made aware of their revised air travel arrangements.

The Department does not belong to a frequent flyer scheme and members will not accrue frequent flyer points for air travel undertaken in conjunction with committee related business. The Department will not pay any additional costs incurred for the member's private business. The Department will not pay airline lounge membership for committee members.

Use of Private Vehicle

While air travel is the preferred means of transport, alternative means of travel may be

approved when it is considered to be in the best interests of the Department.

Members may claim motor vehicle allowance if they travel by their own vehicle to/from a meeting. Motor vehicle allowance is paid according to the [Remuneration Tribunal \(Official Travel\) Determination 2024](#).

Prior to travel the Expenditure Approver has a duty of care to sight a copy of the member's driver licence, insurance and registration documentation.

The member will receive the lesser of the calculated motor vehicle allowance or the amount the Department would have to pay for the flights (where an airline service is not in operation the motor vehicle allowance is payable).

Any traffic or parking infringements sustained by the member will be the responsibility of the member.

21. Payment Arrangements

General Information

Payment of members' remuneration, travel allowance and additional expenses will be made:

- within one week following the month in which the expenditure is acquitted,
- by electronic funds transfer into a financial institution account of the member's choice.

No committee payments will be made until a completed Committee Member Onboarding form (**Appendix 5**) has been provided by the member to the Secretariat. The Department will not pay an organisation for the services of an individual on the Committee.

Remuneration Information

[Remuneration Tribunal \(Remuneration and Allowances for Holders of Part time Public Office\) Determination 2024](#)

Remuneration will be paid to members once the Chair has certified that members have attended a formal meeting or conducted the business of the committee. The duration of the formal meeting is to be specified.

The amount of the daily fee to be paid is calculated in accordance with Remuneration Tribunal guidelines which are summarised as follows:

- if a formal meeting is 3 hours or more – full daily fee is paid,
- if a formal meeting, or formal meeting and business of the committee on the day of a formal meeting, is two hours or more but less than three hours – an amount equal to 60% of the daily fee is paid, or
- if a formal meeting is less than two hours – an amount equal to 40% of the daily fee is paid.

The daily fee for a formal meeting includes a component to cover normal preparation time, but where the Chair considers the period of preparation time involved is so unusual as to warrant further remuneration recognition that period may be included as business of the committee.

Aggregation of hours (sometimes referred to as Preparation Time)

A committee member may also be paid a daily fee in respect of aggregated periods of business of the committee subject to the following conditions:

- individual periods of business must be conducted on other than formal meeting days,
- each period must be for a minimum of one hour,
- aggregated periods must total at least five hours,
- the maximum payment in respect of any one day shall be the appropriate daily fee, and
- eligibility for each payment must be certified by the Chair.

Business between meetings

A committee member may be invited to participate in seminars, working parties or other representations between formal meetings. Such participation will be at the member's own expense unless the Chair gives approval for the member to attend in the capacity of the business of the committee.

The Secretariat must be advised of the participation of a member in such events to enable travel arrangements to be made and payments processed.

The Chair may write and sign letters and conduct business between meetings on behalf of the committee. The Secretariat should be provided with copies of all correspondence. No daily fees or travel allowance are payable for consultation between meetings.

Additional costs incurred by the member

An incidental component is included in the domestic and overseas travel allowance received by committee members. The incidentals component provides the member with assistance for costs associated with private telephone calls, extra food or drink, mini-bar, dry cleaning and newspapers.

The Department may reimburse reasonable and legitimate committee related expenses not covered by the incidental component.

Members may claim additional expenses such as taxi fares, parking fees and committee related phone calls. Reimbursement for expenses valued at \$82.50 (GST incl) and above, must be accompanied by a tax invoice and all other expenditure should be evidenced by an original invoice or receipt.

Where the committee member has lost an invoice valued below \$82.50, it is at the discretion of the Department's Expenditure Approver to approve the reimbursement of the unreceipted expenditure. However, in accordance with the Taxation legislation the Department must have the Tax Invoice for goods and services valued \$82.50 (GST incl) and over to claim the input tax credit.

22. Media Contact

All contact with the media will require consultation with the Chair and Secretariat. Any information to be released to the media will need to be cleared through the Department's Communications Branch.

23. Forms to be Completed

Committee members will need to complete and return the following forms to the MAIF Complaints Committee Secretariat, MDP 570 GPO Box 9848, Canberra ACT 2601 or by email to maif@health.gov.au:

- Instrument of Appointment and Acceptance of Appointment Form (**Appendix 3**),
- Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll (External Committee Members) (**Appendix 4**),
- Committee Member Onboarding Form (**Appendix 5**),
- Tax File Number Declaration Form (**Appendix 6**), and
- Superannuation Choice Form (**Appendix 7**).

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Appendix 1: List of Secretariat Staff Members

MAIF Complaints Committee Secretariat

Phone: 02 6289 7358

Inbox: maif@health.gov.au

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Appendix 2: Travel Allowance Rates

[Remuneration Tribunal \(Official Travel\) Determination 2024](#)

www.remtribunal.gov.au

Column 1	Column 2	Column 3	Column 4
	Tier 1	Tier 2	Tier 3
Adelaide	\$426	\$408	\$319
Brisbane	\$472	\$454	\$342
Canberra	\$461	\$443	\$339
Darwin	\$508	\$490	\$381
Hobart	\$450	\$432	\$337
Melbourne	\$480	\$428	\$334
Perth	\$480	\$442	\$341
Sydney	\$480	\$461	\$359

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Appendix 3: Instrument of Appointment and Acceptance of Appointment Form

See attached

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Appendix 4: Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll (External Committee Members)

See attached

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Appendix 4a: Conflict of Interest Guidance Document (includes scenario examples at the end of this document)

What is a conflict of interest?

A conflict of interest can be defined as '... a conflict between the public duties and personal interests of an employee that improperly influences the employee in the performance of his or her duties.'

"Personal interests" are matters connected to an individual's personal circumstances. They may cover financial (e.g. shareholdings, small business ownership, company directorships or partnerships) and non-financial private interests (e.g. personal or family relationships or associations), as well as the private, professional or business interests of individuals or groups with whom the person has a close association (e.g. spouse or partner, relatives or close friends).

Conflicts of interest may be real or apparent. A real conflict of interest occurs when there is an actual conflict between the public duty and personal interests of an employee that improperly influences the employee in the performance of his or her duties. An apparent conflict of interest occurs where it appears that an employee's personal interests could improperly influence the performance of his or her duties, but this is not in fact the case. A real or apparent conflict of interest for contractors and consultants is any matter, circumstance, interest or activity affecting them (including their personnel) which impairs their ability to provide services to the department fairly and independently, or could be perceived or appear to do so.

The personal interests of an employee's partner or spouse, family members or close personal friends can also present a real or apparent conflict of interest for an employee, when those interests may be furthered or advantage gained through departmental policies, activities or decisions which the employee has knowledge of, or has direct and substantive influence over. Examples of situations in which the personal interests of a partner or spouse, family member or close personal friend can represent a real or apparent conflict of interest for an employee could include:

- the employee is assessing tenders from a company or organisation in which their partner or spouse, family member or close personal friend has an interest (e.g. is the business owner/partner or a company director)
- the employee is responsible for undertaking or determining regulatory activities which apply to a business or organisation in which their partner or spouse, family member or close personal friend has an interest
- two employees are in a close personal relationship or friendship, where one is able to advantage the other by influencing decisions or exercising delegations to favour them in workplace opportunities, or access to conditions, benefits or other entitlements.

The appearance of a conflict of interest is as important as any real conflict of interest. Both these situations have the potential to undermine the credibility of a project, process or decision. In situations of close personal relationships at work, real or perceived patronage or favouritism may impact on morale and productivity, as well as the credibility and professionalism of the individuals.

What needs to be disclosed?

Both section 13(7) of the [PS Act](#) and section 29 of the [PGPA Act](#) require employees to disclose 'material' personal interests relating to their employment with the department. To be 'material', the employee's personal interest must be such that a reasonable person would draw a connection between the interest and the employee's duties (i.e. there needs to be a real or reasonable possibility of conflict with the employee's duties and not simply a remote or theoretical possibility of a conflict occurring).

There is no standard list of items which must be disclosed. Employees need to consider their personal circumstances and disclose those personal interests or relationships which would reasonably be considered as 'material'. Relevant factors in determining what needs to be disclosed include:

- the department's functions and responsibilities and its particular probity concerns and
- the employee's specific role and responsibilities.

Personal interests which could be 'material' and which may need to be disclosed are not limited to financial interests and could include:

- small business ownership
- company directorships or partnerships
- shareholdings
- trusts or nominee companies
- previous employment for employees undertaking specific roles (e.g. regulatory, investigative or compliance)
- real estate investments
- gifts and benefits
- participation on boards or committees
- memberships or affiliations with associations, community groups and other organisations (either past or present)
- paid, unpaid or voluntary outside employment
- personal and family relationships or associations (either past or present)
- hostile relationships with other persons or organisations.

When can a conflict of interest occur?

A conflict of interest resulting from the interaction of an individual's personal interests, relationships or associations (either past or present) with their duties can occur in a wide range of circumstances during the course of their APS career. Without limiting the situations and circumstances where a conflict of interest may arise, the following are some of the more common situations in which employees will need to be aware of real or apparent conflicts of interest.

Participation on committees

The department has a large number of committees. Some comprise a chair and/or members appointed by the Minister. The way in which conflict of interest should be managed for committees will vary depending on:

- the nature of the committee
- the method by which the members have been selected or appointed and
- the extent to which the committee influences decision making, rather than receiving information or providing general advice.

The following model should be applied when the committee is formal, and has significant influence on decision making. This model can be modified as necessary to suit the circumstances of each particular committee, and any specific legislative requirements on the handling of conflict of interest issues (e.g. requirements contained in the [National Health and Medical Research Council Act 1982](#)).

If the appointment is made by the Government, within a month of being appointed, the chair of the committee must give to the Minister, and members of a committee must give to the chair, a written declaration of interests the member has that may relate to any activity of the committee. Chairs of other committees where members are appointed by the department should provide similar information to the Secretary.

In any situation that gives rise to a real or apparent conflict of interest, the member should immediately declare that conflict of interest to the chair of the relevant committee and seek the chair's agreement to retain their position.

In assessing the appropriate response if a conflict of interest has arisen, the chair of the committee should consider both the real or apparent conflict. The department should also be notified of the real or apparent conflict of interest.

If the appearance of conflict may undermine or lead to questions about the credibility of the committee of particular project, the chair should take appropriate action to avoid or minimise that impact. Ideally the person involved should step down from any involvement with that committee or particular project. This, for example, could entail not attending meetings when the committee considers the matter or not taking part in any discussion of the committee in relation to the matter.

If this is not possible because that person is the most suitable, or the only person with the required expertise, the chair should consider ways in which any actual or perceived bias can be overcome (e.g. seeking references, declaring the potential interest in documentation relating to the project). Where relevant, the public consultation process may also minimise the impact of any actual or perceived bias.

Other committees and negotiations

From time to time the department will create time-limited committees, or negotiate with external parties in order to reach agreements. For participants in such committees or negotiations, there remain personal obligations for all involved individuals to recognise and manage any conflict of interest or the appearance of such conflict.

Notwithstanding the personal obligation of each participant, departmental employees must:

- raise and document the real or apparent conflict of interest
- determine how the department should respond to any such conflicts and
- report to the Minister or Secretary as appropriate.

Managers in all forums are expected to remain alert to the possibility of a conflict of interest arising, and to raise it with the committee or other relevant body if deemed necessary. However, the actual method of dealing with a conflict of interest needs to fit the situation. The above principles apply equally to internal committees in the department where there are no or few external members. However due to the nature of the committee and the issues discussed, conflicts of interest may arise less frequently.

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Regardless of the situation, it is essential that:

- any conflict of interest disclosed during a committee meeting is recorded in the minutes
- a conflict of interest disclosed to the chair outside meeting times is recorded in the minutes of the next committee meeting and
- copies of any declarations of interest are kept on file.

If minutes are not generally kept of a committee's proceedings, then the chair of the committee is responsible for documenting in a file note the declaration and subsequent decision on resolving the conflict.

Insider trading

Insider trading is the trading of securities or a wider set of financial products (as defined in s.1042A of the [Corporations Act 2001](#)) while in possession of information which is not generally available; and if it were, would be likely to have a material effect on the price or value of the security. Insider trading is prohibited under the [Corporations Act 2001](#) and has significant criminal penalties. Insider trading by a member would also be a breach of the APS Code of Conduct requirements to:

- Behave honestly and with integrity in connection with their APS employment
- Comply with all applicable Australian laws when acting in connection with their APS employment
- Not improperly use inside information to gain, or seek to gain, a benefit or an advantage for the employee or any other person and
- Behave at all times in a way that upholds the [APS Values](#) and [APS Employment Principles](#); and the integrity and good reputation of the department and the APS.

Members should be aware that any information they access as a result of their employment with the department may potentially be considered as 'inside' or commercially sensitive information and, as such, they must not trade in shares or other financial products or induce others to do so on the basis of that information. Members must make an assessment of whether any information they have access to in the course of the duties would be considered to be inside information for this purpose, with key considerations being that:

- the information is not 'generally available' (as defined in s.1042C of the [Corporations Act 2001](#)) and
- if it was generally available, a reasonable person would expect it to have a 'material effect' (as defined in s.1042D of the [Corporations Act 2001](#)) on the price or value of financial products.

Scenario examples

Situations in which 'conflict of interest' (actual, potential or perceived) may arise in relation to external committee members

We further note the template at Appendix 4 also provides general examples of the circumstances where a member should provide a conflict of interest declaration. We consider those examples more broadly reflect the circumstances in which a conflict of interest may arise than the examples below.

Example 1

Person A is appointed to an advisory group tasked with reviewing the efficacy of various medicines that receive government subsidies. The advisory group's recommendations will be provided in a Report to the Minister and could potentially inform whether the medicines being reviewed will continue to be subsidised. Person A holds shareholding in a pharmaceutical company that manufactures a medicine being reviewed by the advisory group. Their spouse is the CEO of a pharmaceutical company which manufactures medicines being reviewed by the advisory group. Person A must disclose their shareholding because they have a financial interest in a medicine being reviewed by the advisory group. There is also a risk of a conflict (potential or perceived) in relation to their spouse's work. Therefore, Person A should also disclose information about the nature of their spouse's work.

Example 2

Person B is a member of an independent panel that reviews applications for the supply of a particular type of test kit. The panel provides its recommendations (including in relation to performance of the kit) to the relevant drug authority, who determines whether the test kit can be approved for supply based on the statutory requirements. The panel's recommendation can also be used to inform government decision on which supplier's test kit should be purchased for the national stockpile. While Person B predominately works as a medical researcher, through a consultancy arrangement, Person B occasionally collaborates with a testing company to develop and potentially commercialise test kits, that may be reviewed by the panel. Person B should disclose information about their consultancy arrangement with the testing company as there is a conflict with Person B's role on the panel. This conflict arises even though there is no testing kit currently commercialised and being considered by the panel.

Example 3

Person C is a member of a panel that assesses proposals for research funding and makes recommendations to an Agency's board as to which proposals should be awarded funding. One of the proposals, is from an organisation that Person C had recently provided consultation services in relation to an unrelated project. Person C does not know the individuals who submitted the proposal from the organisation in question and members of the panel are not aware of Person C's previous work with that organisation. There is a risk that assessment of the proposal by Person C could give rise to a reasonable apprehension of bias on the basis that Person C is directly or indirectly affiliated with the organisation seeking the grant. As a matter of caution, after becoming aware of the conflict, Person C should immediately disclose their affiliation with the organisation and not assess the relevant proposal unless the potential conflict can be otherwise appropriately managed.

Appendix 5: Committee Member Onboarding Form

See attached

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Appendix 6: Tax File Number Declaration Form

See attached

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Appendix 7: Superannuation Choice Form

See attached

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From: [Jonathan Chew](#)
To: [Infant Formula Policy](#)
Subject: Re: DUE COB 13/02 - MAIF Complaints Committee - Meeting 18 - Initial determinations table [SEC=OFFICIAL]
Date: Wednesday, 29 January 2025 2:39:28 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hi s22

Thanks for your email.

Would it be possible to see a copy of the letter(s) sent to the s47G(1)(a) with respect to the complaints?

Cheers

Jonathan

From: maif

Date: Wednesday, 29 January 2025 at 1:26 PM

To: s47F, Jane Scott, Jonathan Chew, jackymandelbaum

Cc: maif

Subject: DUE COB 13/02 - MAIF Complaints Committee - Meeting 18 - Initial determinations table [SEC=OFFICIAL]

Hi Kellie, Jane, Jonathan and Jacky

We hope you're all having a good start to your week.

The MAIF Secretariat have prepared the complaint documentation ahead of MAIF Complaints Committee Meeting 18 on the 27 February 2025.

The [Initial Determinations.docx](#) table is a summary of all pending complaints to be considered. It includes links to all complaints, associated links and company responses. Please provide your determination and leave any comments/questions relating to each complaint within the table. We ask that you complete your initial determinations by **COB Thursday 13 February 2025**.

If you experience difficulties with accessing the links within the table, the overarching folder for Meeting 18 holds all the PDF documents linked within the initial determination table here: [Meeting 18 - 27 February 2025](#)

For reference, the MAIF Agreement and guidance documents can be found in SharePoint here: [Reference Materials](#)

Next steps:

- The MAIF Secretariat will collate the Committee's comments and prepare a draft agenda to be approved by the Committee ahead of the meeting. This will outline complaints where the Committee did not reach a consensus (requiring further discussion) and complaints for noting.

Please reach out if you have any questions or difficulty accessing the SharePoint documents.

Many thanks

s22

MAIF Complaints Committee Secretariat Team

Nutrition Policy Section

Primary and Community Care Group | Population Health Division

Preventive Health and Food Branch

Australian Government Department of Health and Aged Care

E: MAIF@health.gov.au

MDP 570, GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

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INITIAL DETERMINATIONS – MEETING 18 DATE 27 February 2025

For Committee information- It is now possible to see all ads being run by companies/pages on the Facebook platform. From 'about' section on a company Facebook page, you can go to the 'page transparency' section which shows if a page is currently running ads. If they are running ads you can click through to the 'Ad library'. The Ad library shows Ad history from the start of 2023, including those that are active and whether the material is being used across other ads. You are also able to link to the specific ad.

2425-08	Kellie Wilton	Jane Scott	Jonathan Chew	Jacky Mandelbaum
<p>Date received: 11/12/24</p> <p>Company/product: s47G(1)(a)</p> <p>Secretariat initial determination: In scope</p> <p>Incident date: 11/09/24</p> <p>Medium: Facebook</p> <p>Clause: 5(a)</p> <p>Incident: A sponsored advertisement on a third-party Facebook page promoting the company's toddler milk product, with wording in the caption "is available in three stages suitable from newborn to 4 years."</p> <p>Links to complaint:</p> <p>Form: 2425-08 s47G(1)(a) - Original</p> <p>Complaint Redacted.pdf</p> <p>Link:</p> <ol style="list-style-type: none"> 1. s47G(1)(a) <p>Links to company response:</p> <p>Link: s47G(1)(a) Company response request 2425-08 and 2425-09 250113.pdf</p>	<p>This document has been released under the Freedom of Information Act 1932 by the Department of Health, Disability and Ageing</p> <p>S47F</p>			

2425-09	Kellie Wilton	Jane Scott	Jonathan Chew	Jacky Mandelbaum
<p>Date received: 11/12/24</p> <p>Company/product: s47G(1)(a)</p> <p>Secretariat initial determination: In scope</p> <p>Incident date: 12/09/24 (date listed in photo)</p> <p>Medium: Facebook</p> <p>Clause: 5(a)</p> <p>Incident: A sponsored advertisement on a third-party Facebook page promoting the company's toddler milk product, with wording in the caption "is available in three stages suitable from newborn to 4 years."</p> <p>Links to complaint:</p> <p>Form: 2425-09 s47G(1)(a) - Original</p> <p>Complaint Redacted.pdf</p> <p>Link:</p> <ol style="list-style-type: none"> 1. s47G(1)(a) <p>Links to company response:</p> <p>Link: s47G(1)(a) Company response request 2425-08 and 2425-09 250113.pdf</p>	<div data-bbox="1039 316 1869 609">s47F</div>			
2425-10	Kellie Wilton	Jane Scott	Jonathan Chew	Jacky Mandelbaum
<p>Date received: 11/12/24</p> <p>Company/product: The LittleOak Company</p> <p>Secretariat initial determination: In scope</p>	<div data-bbox="1039 1299 1291 1396">s47F</div>			

Incident date: 01/05/24

Medium: Instagram

Clause: 5(a)

Incident: A social media post of a mother sharing her morning routine with her family, including baby who is less than 12months old. The video includes the mother making formula prior to waking baby.

Links to complaint:

Form: [2425-10 The LittleOak Company - Original Complaint Redacted.pdf](#)

Links:

1. [2425-10 The LittleOak Company - video transcription.docx](#)
2. <https://www.instagram.com/reel/C6aKBrgP3BP/?igsh=MWdudnBhb3d5bDYyYw%3D%3D>

Links to company response:

Link: [FINAL The LittleOak Company Company response request 2425-10, 2425-11, 2425-12 and 2425-13 250121.pdf](#)

2425-11

Kellie Wilton

Jane Scott

Jonathan Chew

**Jacky
Mandelbaum**

Date received: 11/12/24

Company/product: The LittleOak Company

Secretariat initial determination: In Scope

Incident date: 04/05/24

Medium: Instagram

S47F

s47F

Clause: 5(a), 5(c), 10(a)

Incident: A social media post on a mother's personal page. The post states that it is a paid partnership with the company and provides a discount code to use when purchasing the products. The video also includes images of infant formula tin, mother making a bottle of infant formula, images of a mother and infant breastfeeding and baby drinking from a bottle.

Links to complaint:

Form:

1. [2425-11 The LittleOak Company - original complaint Redacted.pdf](#)
2. <https://www.instagram.com/reel/C6h8rwPpEpG/?igsh=MWx2eDJ1ems4emwyNA%3D%3D>

Links to company response:

Link: [FINAL The LittleOak Company Company response request 2425-10, 2425-11, 2425-12 and 2425-13 250121.pdf](#)

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<div></div>					S47F			
					This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing			
2425-12					Kellie Wilton	Jane Scott	Jonathan Chew	Jacky Mandelbaum
<p>Date received: 11/12/24</p> <p>Company/product: The LittleOak Company</p> <p>Secretariat initial determination: In scope</p> <p>Incident date: 27/07/24</p> <p>Medium: Instagram</p> <p>Clause: 5(a), 10(a)</p> <p>Incident: A social media post on the company's page of a testimonial video from a mother who is holding a tin of follow-on</p>					S47F			

formula. The video ends with the wording “all stages now available online”.

Links to complaint:

Form: [2425-12 The LittleOak Company - original complaint Redacted.pdf](#)

Links:

1. [2425-12 The LittleOak - video transcription.docx](#)
2. https://www.instagram.com/reel/C96FIZ_tPEh/?igsh=MXA2YXAYMnA1eXJsaQ%3D%3D

Links to company response:

Link: [FINAL The LittleOak Company Company response request 2425-10, 2425-11, 2425-12 and 2425-13 250121.pdf](#)

2425-13

Date received: 11/12/24

Company/product: The LittleOak Company

Secretariat initial determination: In scope

Incident date: 01/10/24

Medium: Instagram

Clause: 5(a), 10(a)

S47F

Kellie Wilton

Jane Scott

Jonathan Chew

Jacky
Mandelbaum

S47F

Incident: A video posted to the company's social media page of an expectant mother packing her hospital bag and including a tin of formula in the bag in case her breastfeeding journey does not go to plan.

Links to complaint:

Form: [2425-13 The LittleOak Company - original complaint Redacted.pdf](#)

Links:

1. [2425-13 The LittleOak Company - video transcription.docx](#)
2. <https://www.instagram.com/reel/DAkcCA7NQAK/?igsh=NHEydWkzNTFpZXBu>

Links to company response

Link: [FINAL The LittleOak Company Company response request 2425-10, 2425-11, 2425-12 and 2425-13 250121.pdf](#)

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COMPLAINT FORM

FOI 25-0391 LD - Document 30

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement

INSTRUCTIONS

1. **COMPLETE YOUR ANSWERS IN THE SECOND COLUMN OF THE TABLE.**
2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
3. **YOU MUST INCLUDE THE CLAUSE OF THE MAIF AGREEMENT THAT YOUR COMPLAINT REFERS TO.**
4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

Email your completed form to the MAIF inbox at maif@health.gov.au or post it to:

MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601

PERSONAL DETAILS

Question	Answer
Name *	[REDACTED]
Position	[REDACTED]
Address *	[REDACTED]

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	11 September 2024
Clause of the MAIF Agreement relevant to your complaint	5 A
Briefly describe your complaint	The social media post pictured toddler milk tin which specifically stating that this product is suitable for newborns.
Manufacturer's or Importer's company name	s47G(1)(a) [REDACTED]
Type of product (delete where irrelevant)	<input checked="" type="checkbox"/> Infant formula (0-12 months) <input type="checkbox"/> Follow on formula (6-12 months) <input type="checkbox"/> Other <input type="checkbox"/> [Enter other]

<p>Type of marketing activity (delete where irrelevant)</p> <p>Please attach any relevant documentation (i.e correspondence, emails, advertisement etc)</p> <p><i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i></p>	<div>FOI 25-0391 LD - Document 30</div> <div> <input type="checkbox"/> advertisement <input type="checkbox"/> seminar/conference <input type="checkbox"/> display <input type="checkbox"/> infant formula samples <input type="checkbox"/> sample packs/information packs <input type="checkbox"/> brochure/booklet <input type="checkbox"/> inducements (eg. Free offers/give aways) <input type="checkbox"/> [Enter other] Social Media </div>
<p>Title and description of publication or item</p>	
<p>Location or place where marketing activity was sighted (delete where irrelevant)</p>	<div> <input type="checkbox"/> Health centre/medical facility <input type="checkbox"/> Pharmacist/chemist <input checked="" type="checkbox"/> media <input type="checkbox"/> health professional journal <input type="checkbox"/> retailer (eg. Department store/supermarket) <input type="checkbox"/> [Enter other] </div>
<p>Details of location/place where the material/s were acquired</p> <p>Provide site/location or name of the journal/circular/form of media and address if applicable</p>	<div>s47G(1)(a)</div> <div></div>
<p>List any attempts which have been made to resolve this issue with the subject company or organisation</p> <p>Please include contact names/details and dates if applicable.</p>	<p>Significant time is required to notify the Department of Health about breaches of the insufficient MAIF Agreement. I have not allocated additional time to engage with a company solely focused on expanding its customer base.</p>

AUSTRALIAN PRIVACY PRINCIPLE 5 NOTIFICATION

The Australian Department of Health and Aged Care is collecting this personal information about you in order to process your complaint about a possible breach of the Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement and notify you of the complaint outcome. The Department of Health and Aged Care can be contacted by telephone on (02) 6289 1555 or freecall 1800 020 103 or by using the online enquiries form at www.health.gov.au.

If you do not provide the required information, the Department may not be able to process the complaint. The Department will disclose the complaint in its entirety to the MAIF Complaints Committee.

The Department has an APP privacy policy which you can read at <http://www.health.gov.au/internet/main/publishing.nsf/Content/privacy-policy>.

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- how you may access the personal information the Department holds about you and how you can seek correction of it; and
- how you may complain about a breach of the Australian Privacy Principles

FOI 25-0391 LD - Document 30

The Department is unlikely to disclose your personal information to overseas recipients.

DEPARTMENTAL USE ONLY

Date Received: 11/12/24	Reference No: 2425-08
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s47G(1)(a)

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by the Department of Health, Disability and Ageing

COMPLAINT FORM

FOI 25-0391 LD - Document 31

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement**INSTRUCTIONS**

1. **COMPLETE YOUR ANSWERS IN THE SECOND COLUMN OF THE TABLE.**
2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
3. **YOU MUST INCLUDE THE CLAUSE OF THE MAIF AGREEMENT THAT YOUR COMPLAINT REFERS TO.**
4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

Email your completed form to the MAIF inbox at maif@health.gov.au or post it to:

MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601

PERSONAL DETAILS

Question	Answer
Name *	
Position	

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	11 September 2024
Clause of the MAIF Agreement relevant to your complaint	5 A
Briefly describe your complaint	The social media post pictured toddler milk tin while specifically promoting a shipment of infant formula.
Manufacturer's or Importer's company name	s47G(1)(a)
Type of product (delete where irrelevant)	<input checked="" type="checkbox"/> Infant formula (0-12 months) <input type="checkbox"/> Follow on formula (6-12 months) <input type="checkbox"/> Other <input type="checkbox"/> [Enter other]

<p>Type of marketing activity (delete where irrelevant)</p> <p>Please attach any relevant documentation (i.e correspondence, emails, advertisement etc)</p> <p><i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i></p>	<p><input type="checkbox"/> advertisement</p> <p><input type="checkbox"/> seminar/conference</p> <p><input type="checkbox"/> display</p> <p><input type="checkbox"/> infant formula samples</p> <p><input type="checkbox"/> sample packs/information packs</p> <p><input type="checkbox"/> brochure/booklet</p> <p><input type="checkbox"/> inducements (eg. Free offers/give aways)</p> <p><input type="checkbox"/> [Enter other] Social Media</p>
<p>Title and description of publication or item</p>	
<p>Location or place where marketing activity was sighted (delete where irrelevant)</p>	<p><input type="checkbox"/> Health centre/medical facility</p> <p><input type="checkbox"/> Pharmacist/chemist</p> <p><input checked="" type="checkbox"/> media</p> <p><input type="checkbox"/> health professional journal</p> <p><input type="checkbox"/> retailer (eg. Department store/supermarket)</p> <p><input type="checkbox"/> [Enter other]</p>
<p>Details of location/place where the material/s were acquired</p> <p>Provide site/location or name of the journal/circular/form of media and address if applicable</p>	<p>s47G(1)(a)</p>
<p>List any attempts which have been made to resolve this issue with the subject company or organisation</p> <p>Please include contact names/details and dates if applicable.</p>	<p>Significant time is required to notify the Department of Health about breaches of the insufficient MAIF Agreement. I have not allocated additional time to engage with a company solely focused on expanding its customer base.</p>

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Date Received: 11/12/24

Reference No: 2425-09

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COMPLAINT FORM

FOI 25-0391 LD - Document 33

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement

INSTRUCTIONS

1. **COMPLETE YOUR ANSWERS IN THE SECOND COLUMN OF THE TABLE.**
2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
3. **YOU MUST INCLUDE THE CLAUSE OF THE MAIF AGREEMENT THAT YOUR COMPLAINT REFERS TO.**
4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

Email your completed form to the MAIF inbox at maif@health.gov.au or post it to:

MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601

PERSONAL DETAILS

Question	Answer
Name *	
Position	
Address *	

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	1/5/24
Clause of the MAIF Agreement relevant to your complaint	5a
Briefly describe your complaint	A mother sharing her morning routine with her family, including her baby who is less than 12months old. The video includes the mother making formula prior to waking baby. Image of formula tin is not very clear but the age of the baby indicates its infant formula.
Manufacturer's or Importer's company name	The LittleOak Company
Type of product (delete where irrelevant)	<input type="checkbox"/> Infant formula (0-12 months) <input type="checkbox"/> Follow on formula (6-12 months) <input type="checkbox"/> Other <input type="checkbox"/> [Enter other]

<p>Type of marketing activity (delete where irrelevant)</p> <p>Please attach any relevant documentation (i.e correspondence, emails, advertisement etc)</p> <p><i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i></p>	<p><input checked="" type="checkbox"/> advertisement FOI 25-0391 LD - Document 33</p> <p><input type="checkbox"/> seminar/conference</p> <p><input type="checkbox"/> display</p> <p><input type="checkbox"/> infant formula samples</p> <p><input type="checkbox"/> sample packs/information packs</p> <p><input type="checkbox"/> brochure/booklet</p> <p><input type="checkbox"/> inducements (eg. Free offers/give aways)</p> <p><input type="checkbox"/> [Enter other]</p>
<p>Title and description of publication or item</p>	
<p>Location or place where marketing activity was sighted (delete where irrelevant)</p>	<p><input type="checkbox"/> Health centre/medical facility</p> <p><input type="checkbox"/> Pharmacist/chemist</p> <p><input checked="" type="checkbox"/> media</p> <p><input type="checkbox"/> health professional journal</p> <p><input type="checkbox"/> retailer (eg. Department store/supermarket)</p> <p><input type="checkbox"/> [Enter other]</p>
<p>Details of location/place where the material/s were acquired</p> <p>Provide site/location or name of the journal/circular/form of media and address if applicable</p>	<p>Instagram</p> <p>The LittleOak Company Join as she shares her morning routine with kickstarting his day with the nourishing goodness of LittleOak... Instagram s47F</p>
<p>List any attempts which have been made to resolve this issue with the subject company or organisation</p> <p>Please include contact names/details and dates if applicable.</p>	<p>N/A</p>

AUSTRALIAN PRIVACY PRINCIPLE 5 NOTIFICATION

The Australian Department of Health and Aged Care is collecting this personal information about you in order to process your complaint about a possible breach of the Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement and notify you of the complaint outcome. The Department of Health and Aged Care can be contacted by telephone on (02) 6289 1555 or freecall 1800 020 103 or by using the online enquiries form at www.health.gov.au.

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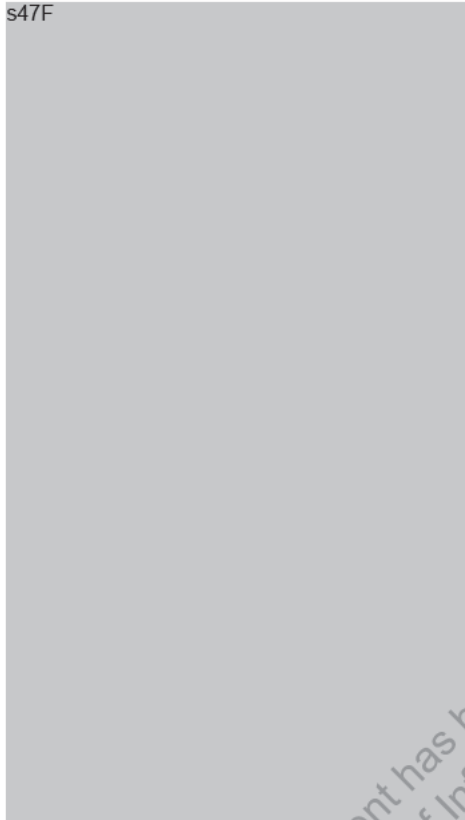
DEPARTMENTAL USE ONLY

Date Received: 11/12/24

Reference No: 2425-10

[The LittleOak Company | Join s47F as she shares her morning routine with s47F kickstarting his day with the nourishing goodness of LittleOak... | Instagram](#)

s47F



The LittleOak Company on Instagram:
"Join s47F as she shares
her morning routine with s47F
kickstarting his day with the nourishing
goodness of LittleOak ☺️ With love.
s47F LittleOak xx"
[Watch and share reels with friends](#)



littleoakcompany • Follow
Original audio



littleoakcompany Join
as she shares her
morning routine with s47F
kickstarting his day with the
nourishing goodness of LittleOak 🌞
🌱

With love, LittleOak xx
Edited · 32 w



s47F Check my
MSG :)
32 w Reply
View replies (1)



Liked by s47F and others
1 May

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Original audio



littleoakcompany Join
as she shares her
morning routine with s47F
kickstarting his day with the
nourishing goodness of LittleOak 🌞
🌱

With love, LittleOak xx
Edited · 32 w



s47F Check my
MSG :)
32 w Reply
View replies (1)



Liked by s47F and others
1 May

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Complaint 2425-10

Video Transcription:

Hey guys I thought I would fill in on my morning routine obviously I'm starting with my coffee, checking some emails, s47F and I debriefing on what the plans are for the day.

Then it is time to wake up little P so I get my LittleOak ??audio skips P kit in and wake him up, I love this part, its my favourite part of the day, he's so happy. Then we are going to change that nappy because it was not fun. And then we're putting our outfit on for the day, he is so wriggly at the moment and then we are going to have our morning feed and then he's going to have some play time and he'll be back down for a nap soon.

[The LittleOak Company on Instagram: "Join](#)

[s47F as she shares her morning routine with s47F, kickstarting his day with the nourishing goodness of LittleOak 🌱🍼 With love.](#)

[👉 LittleOak xx "](#)

[Watch and share reels with friends](#)

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COMPLAINT FORM

FOI 25-0391 LD - Document 35

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement

INSTRUCTIONS

1. **COMPLETE YOUR ANSWERS IN THE SECOND COLUMN OF THE TABLE.**
2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
3. **YOU MUST INCLUDE THE CLAUSE OF THE MAIF AGREEMENT THAT YOUR COMPLAINT REFERS TO.**
4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

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MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601


PERSONAL DETAILS

Question	Answer
Name *	
Position	
Address *	

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	4 May 2024
Clause of the MAIF Agreement relevant to your complaint	5(a) 5(c) 10(a)
Briefly describe your complaint	The breach relates to a video on an mothers personal Instagram page. The post declares that it is a paid partnership with the LittleOak Company and provides a discount code ^{s47F} for \$5 off when purchasing from LittleOak. The video is promotional of LittleOak goat milk infant formula. The video depicts images of an infant formula tin and mother making a bottle of infant formula. There are several images of an infant breastfeeding and several of the same infant bottle feeding. The caption explains the mother and babies feeding journey noting difficulties.
Manufacturer's or Importer's company name	The LittleOak Company
Type of product (delete where irrelevant)	<input checked="" type="checkbox"/> Infant formula (0-12 months) <input type="checkbox"/> Follow on formula (6-12 months)

	<input type="checkbox"/> Other <input type="checkbox"/> [Enter other] <div style="text-align: right; color: red;">FOI 25-0391 LD - Document 35</div>
<p>Type of marketing activity (delete where irrelevant)</p> <p>Please attach any relevant documentation (i.e correspondence, emails, advertisement etc)</p> <p><i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i></p>	<div> <input checked="" type="checkbox"/> advertisement </div> <div> <input type="checkbox"/> seminar/conference </div> <div> <input type="checkbox"/> display </div> <div> <input type="checkbox"/> infant formula samples </div> <div> <input type="checkbox"/> sample packs/information packs </div> <div> <input type="checkbox"/> brochure/booklet </div> <div> <input type="checkbox"/> inducements (eg. Free offers/give aways) </div> <div> <input type="checkbox"/> [Enter other] </div>
<p>Title and description of publication or item</p>	<div> <div>s47F</div> <div>  <div> <div>Maia Mothers on</div> <div>Instagram: "Our feeding journey with both girls has not been straight forward. Whilst I so desperately wanted to exclusively breastfeed both my babies - that has not been our reality. However, I am so grateful to have had @littleoakcompany to feed both my girls when needed. As a nutritionist, I did a lot of research into baby formulas and chose Little Oak for a few reasons: - it is goats milk, which only contains the A2 protein, therefore easier to digest for babies than A1 protein found in cows milk - it has no nasty oils in the formula - it only contains the highest quality ingredients, including prebiotics which feed good gut bacteria Our family have personally used Little Oak for over 3 years now, so I am thrilled to announce I have now partnered with them. So you'll get to see a lot more about why I love this brand over the coming months. If you'd like to try @littleoakcompany, you can use the code s47F at checkout for \$5 off your ord</div> <div>Watch and share reels with friends</div> </div> </div> </div>
<p>Location or place where marketing activity was sighted (delete where irrelevant)</p>	<div> <input type="checkbox"/> Health centre/medical facility </div> <div> <input type="checkbox"/> Pharmacist/chemist </div> <div> <input checked="" type="checkbox"/> media </div> <div> <input type="checkbox"/> health professional journal </div> <div> <input type="checkbox"/> retailer (eg. Department store/supermarket) </div> <div> <input type="checkbox"/> [Enter other] </div>
<p>Details of location/place where the material/s were acquired</p> <p>Provide site/location or name of the journal/circular/form of media and address if applicable</p>	<p>Instagram</p>

<p>List any attempts which have been made to resolve this issue with the subject company or organisation</p> <p>Please include contact names/details and dates if applicable.</p>	<p>N/A</p> <p>FOI 25-0391 LD - Document 35</p>
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AUSTRALIAN PRIVACY PRINCIPLE 5 NOTIFICATION

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DEPARTMENTAL USE ONLY

Date Received: 11/12/24	Reference No: 2425-11
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Follow

FOI 25-0391 LD - Document 35

Paid partnership
Olexy • Spring Sun

s47F

Our feeding journey with both girls has not been straight forward. Whilst I so desperately wanted to exclusively breastfeed both my babies - that has not been our reality.

However, I am so grateful to have had @littleoakcompany to feed both my girls when needed. As a nutritionist, I did a lot of research into baby formulas and chose Little Oak for a few reasons:

- it is goats milk, which only contains the A2 protein, therefore easier to digest for babies than A1 protein found in cows milk

- it has no nasty oils in the formula



65 likes

4 May

Log in to like or comment.

s47F

s47F

Follow

Paid partnership
Olexy • Spring Sun

s47F

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65 likes

4 May

Log in to like or comment.

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Paid partnership
Olexy • Spring Sun

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likes

May

to like or comment.

Paid partnership
Olexy • Spring Sun

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es

like or comment.

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by the Department of Health, Disability and Ageing

Paid partnership
Olexy • Spring Sun

s47F

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- it has no nasty oils in the formula

digest for babies than A1 protein found in cows milk

- it has no nasty oils in the formula

- it only contains the highest quality ingredients, including prebiotics which feed good gut bacteria

Our family have personally used Little Oak for over 3 years now, so I am thrilled to announce I have now partnered with them. So you'll get to see a lot more about why I love this brand over the coming months.

If you'd like to try @littleoakcompany, you can use the code s47F at checkout for \$5 off your order ☐☐

32 w

Paid partnership
Olexy • Spring Sun

s47F

47F

can I ask you more about the oils. I know it has a blend, but the first ingredient is still sunflower oil.

32 w 1 like Reply

View replies (4)

s47F

Yay! We love Little Oak too

32 w 1 like Reply

s47F

s47F

32 w 1 like Reply

s47F

Can I use this after she weans around 12 months instead of cows milk? 🍓

This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

Follow

FOI 25-0391 LD - Document 35

Paid partnership
Olexy • Spring Sun

s47F

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- it has no nasty oils in the formula



likes

May

Log in to like or comment.

s47F

s47F

Follow

Paid partnership
Olexy • Spring Sun

s47F

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65 likes

4 May

Log in to like or comment.

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COMPLAINT FORM

FOI 25-0391 LD - Document 36

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement

INSTRUCTIONS

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2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
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4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

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MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601

PERSONAL DETAILS

Question	Answer
Name *	
Position	
Address *	

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	27 July 2024
Clause of the MAIF Agreement relevant to your complaint	5(a) 10(a)
Briefly describe your complaint	<p>Summary of video: LittleOak posted a video testimonial from a mother/naturopath/nutritionist who is holding a tin of follow – on formula. The image of the writing is slightly blurred but the wording “follow on formula” on the tin is still clearly visible. The testimonial speaks of personally using and recommending Littleoak products in her clinic while holding up the tin of follow-on formula. The video speaks of the goat milk formula being ‘gentler on little tummies “ and “easier to digest”. The video finishes with a small snippet of a toddler in their cot with wording “all stages now available online’.</p> <p>Breach: This video breaches the MAIF Agreement by promoting infant and follow-on formula to the public by:</p> <ol style="list-style-type: none">1. using a tin of follow-on formula in the video2. words “all stages now available online”
Manufacturer’s or Importer’s company name	The LittleOak Company
Type of product (delete where irrelevant)	<input type="checkbox"/> Infant formula (0-12 months)

	<input checked="" type="checkbox"/> Follow on formula (6-12 months) <input type="checkbox"/> Other <input type="checkbox"/> [Enter other]
Type of marketing activity (delete where irrelevant) Please attach any relevant documentation (i.e correspondence, emails, advertisement etc) <i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i>	<input checked="" type="checkbox"/> advertisement <input type="checkbox"/> seminar/conference <input type="checkbox"/> display <input type="checkbox"/> infant formula samples <input type="checkbox"/> sample packs/information packs <input type="checkbox"/> brochure/booklet <input type="checkbox"/> inducements (eg. Free offers/give aways) <input type="checkbox"/> [Enter other]
Title and description of publication or item	<div> <div>s47F</div> <div> </div> </div> <p>This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing</p>
Location or place where marketing activity was sighted (delete where irrelevant)	<input type="checkbox"/> Health centre/medical facility <input type="checkbox"/> Pharmacist/chemist <input checked="" type="checkbox"/> media <input type="checkbox"/> health professional journal <input type="checkbox"/> retailer (eg. Department store/supermarket) <input type="checkbox"/> [Enter other]
Details of location/place where the material/s were acquired	Instagram

Provide site/location or name of the journal/circular/form of media and address if applicable	FOI 25-0391 LD - Document 36
List any attempts which have been made to resolve this issue with the subject company or organisation Please include contact names/details and dates if applicable.	N/A

AUSTRALIAN PRIVACY PRINCIPLE 5 NOTIFICATION

The Australian Department of Health and Aged Care is collecting this personal information about you in order to process your complaint about a possible breach of the Marketing in Australia of Infant Formulas: Manufacturers and Importers (MAIF) Agreement and notify you of the complaint outcome. The Department of Health and Aged Care can be contacted by telephone on (02) 6289 1555 or freecall 1800 020 103 or by using the online enquiries form at www.health.gov.au.

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- how you may access the personal information the Department holds about you and how you can seek correction of it; and
- how you may complain about a breach of the Australian Privacy Principles

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Date Received: 11/12/24	Reference No: 2425-12
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littleoakcompany • Follow

Original audio

•FOI 25-0391 LD - Document 36



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s47F

Thank you so much. Please reach out to our friendly Careline team at hello@thelittleoakcompany.com for any support on your feeding journey. Love, LittleOak

16 w Reply



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16 w Reply

s47F

s47F



20 w 1 like Reply

s47F

Nothing



Liked by s47F and others

27 July

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Original audio



littleoakcompany • Trusted my nutritionists and naturopaths globally
Loved by your little ones 🌟

s47F

With love,
LittleOak xx

Edited · 20 w

s47F

s47F

Can't wait to try this for my little one.

17 w Reply

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Thank you so much. Please reach out to our friendly Careline team at



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Complaint 2425-12 – The LittleOak Company

Video transcription:

Hi ^{s47F} [REDACTED], qualified nutritionist, naturopath and mumma to three toddlers (video cuts) I personally used and recommend in clinic is the Littleoak (holds up tin of follow on formula)(video cuts), the reason I love this is because it's a goat's milk (video cuts). Goat milk naturally contains A2 protein, which is just gentler on little tummies. Its also lower in lactose, then cows milk, again, making it easier to digest. And the other thing that I love about LittleOak is there's no nasty ingredients in it like many of them out there. However, I think Littleoak is a really nice starting point (video cuts) what I believe is one of the best products on the market.

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Complaint 2425-13 The LittleOak Company

Video Transcription:

So I'm currently 36 weeks pregnant and I wanted to show you how I'm organising my hospital bag basically I'm doing a very similar thing to what I did the first time around because I found it really efficient and worked well for us um and it was very organised. So I've got a medium size suitcase. On one side I tried to keep it to like after birth things. On the other side it's like during birth things. So what I found really handy was having these suitcase organisers. Basically it has blankets swaddles and then I've got mini Ziplock bags with each outfit in their clearly labelled so anyone can access this suitcase and know exactly where things are. I've also done the same for my clothes as well and then within the suitcase I've scattered around a whole bunch of different size clear bags. These have things like my birth tools, I've got a snack bag a toiletry, bag full of nappies wipes, peri bottle pack. A ton of breast pads. Some brand-new baby bottles and our formula of choice (holds up baby bottles in one hand and formula in the other hand). Yes I plan to breastfeed but there is an option there available to me that I've chosen myself and that gives me peace of mind. So that is basically my suitcase done, there will be some last minute items I will add in there. I have written some things down that I need to pack in. And then your partners bag, a spare change of clothes for them but also things like water bottles, your camera, speaker if you want music in the room, just things that you want to access really quickly it'll all be in one bag. Anyway, that is just an insight on how I pack my hospital bag and what works for me I hope your journey is as smooth as can be, best of luck.

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Aged Care

COMPLAINT FORM

FOI 25-0391 LD - Document 39

Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement

INSTRUCTIONS

1. **COMPLETE YOUR ANSWERS IN THE SECOND COLUMN OF THE TABLE.**
2. **FOR YOUR COMPLAINT TO BE CONSIDERED, YOU MUST ANSWER EVERY QUESTION.**
3. **YOU MUST INCLUDE THE CLAUSE OF THE MAIF AGREEMENT THAT YOUR COMPLAINT REFERS TO.**
4. **WHERE OPTIONS ARE PROVIDED, DELETE THE IRRELEVANT CHOICES.**

SUBMITTING THE FORM

Email your completed form to the MAIF inbox at maif@health.gov.au or post it to:

MAIF Complaints
Preventive Health and Food Branch
Department of Health MDP 570
GPO Box 9848
Canberra ACT 2601


PERSONAL DETAILS

Question	Answer
Name *	
Position	

*required

DESCRIPTION OF COMPLAINT

Question	Answer
Date of incident	1 October 2024
Clause of the MAIF Agreement relevant to your complaint	5(a) 10(a)
Briefly describe your complaint	<p>Summary of video: LittleOak posted a video of a pregnant mother packing her hospital. The mother describes plans to breastfeed but notes she is packing her LittleOak formula and some bottles. The formula is a backup plan in case her breastfeeding journey does not go as planned then she will have her "formula of choice" available. While the image of the formula type is not clear, the colour of the tin is that of LittleOak infant formula, the woman is pregnant and planning to use LittleOak formula if breastfeeding does not go to plan which implies that it is infant formula.</p> <p>Breach: This video is posted on a signatories social media page and breaches the MAIF Agreement by promoting infant formula to the public through:</p> <ol style="list-style-type: none">1. Displaying what appears to be a tin of LittleOak Infant formula in the video2. Packing formula in hospital bag and talking about plans to feed newborn using LittleOak if needed.

Manufacturer's or Importer's company name	The LittleOak Company FOI 25-0391 LD - Document 39
Type of product (delete where irrelevant)	<input checked="" type="checkbox"/> Infant formula (0-12 months) <input type="checkbox"/> Follow on formula (6-12 months) <input type="checkbox"/> Other <input type="checkbox"/> [Enter other]
Type of marketing activity (delete where irrelevant) Please attach any relevant documentation (i.e correspondence, emails, advertisement etc) <i>NOTE: For complaints relating to social media, please include the date of the post and the date you saw the post. Please include timestamps for images where possible.</i>	<input checked="" type="checkbox"/> advertisement <input type="checkbox"/> seminar/conference <input type="checkbox"/> display <input type="checkbox"/> infant formula samples <input type="checkbox"/> sample packs/information packs <input type="checkbox"/> brochure/booklet <input type="checkbox"/> inducements (eg. Free offers/give aways) <input type="checkbox"/> [Enter other]
Title and description of publication or item	<div style="background-color: #cccccc; height: 350px; position: relative;"> s47F <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%); opacity: 0.5; font-size: 24px; pointer-events: none;"> This document has been released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing </div> </div> <div style="margin-top: 10px;">  <p>The LittleOak Company on Instagram: "s47F has shared some of her favourite tips and a peek into her hospital bag essentials 🤱 With love. LittleOak xx"</p> <p>Watch and share reels with friends</p> </div>
Location or place where marketing activity was sighted (delete where irrelevant)	<input type="checkbox"/> Health centre/medical facility <input type="checkbox"/> Pharmacist/chemist <input checked="" type="checkbox"/> media <input type="checkbox"/> health professional journal <input type="checkbox"/> retailer (eg. Department store/supermarket) <input type="checkbox"/> [Enter other]
Details of location/place where the material/s were acquired	Page 2 of 3

Provide site/location or name of the journal/circular/form of media and address if applicable	Instagram FOI 25-0391 LD - Document 39
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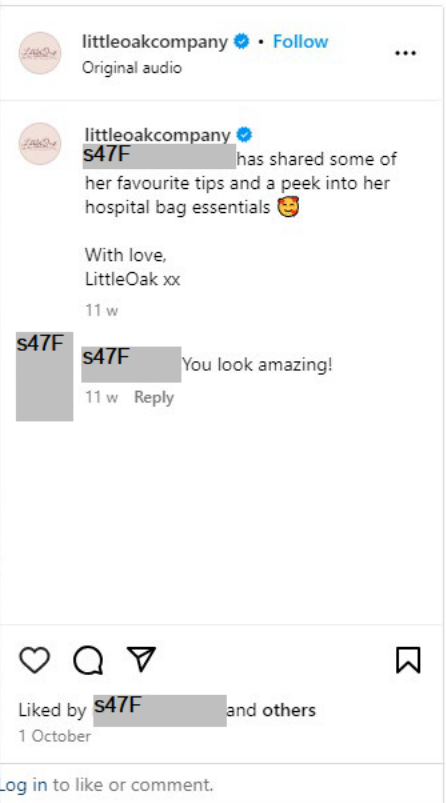
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s47F



littleoakcompany • Follow
Original audio

littleoakcompany has shared some of her favourite tips and a peek into her hospital bag essentials 🥰

With love,
LittleOak xx
11 w

s47F s47F You look amazing!
11 w Reply

Liked by s47F and others
1 October

Log in to like or comment.