

NOTE

Commission Delegated Regulation 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding.

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016R0127>

Extracts are articles from the Delegated Regulation related to advertising.

Article 6. 6. The labelling, presentation and advertising of infant formula and follow-on formula shall provide the necessary information about the appropriate use of the products, so as not to discourage breast feeding.

The labelling, presentation and advertising of infant formula and follow-on formula shall not use the terms 'humanised', 'maternalised', 'adapted', or terms similar to them.

The labelling, presentation and advertising of infant formula and follow-on formula shall be designed in such a way that it avoids any risk of confusion between infant formula and follow-on formula and enables consumers to make a clear distinction between them, in particular as to the text, images and colours used.

Article 8. Nutrition and health claims shall not be made on infant formula.

Article 9. Statements related to lactose and docosahexaenoic acid (DHA)

1. The statement 'lactose only' may be used for infant formula and follow-on formula provided that lactose is the only carbohydrate present in the product.

2. The statement 'lactose free' may be used for infant formula and follow-on formula provided that the lactose content in the product is not greater than 2,5 mg/100 kJ (10 mg/100 kcal).

When the statement 'lactose free' is used for infant formula and follow-on formula manufactured from protein sources other than soya protein isolates, it shall be accompanied by the statement 'not suitable for infants with galactosaemia', which shall be indicated with the same font size and prominence as the statement 'lactose free' and in close proximity to it.

3. The statement 'contains Docosahexaenoic acid (as required by the legislation for all infant formula)' or 'contains DHA (as required by the legislation for all infant formula)' may only be used for infant formula placed on the market before 22 February 2025.

Article 10. Requirements for promotional and commercial practices for infant formula

1. Advertising of infant formula shall be restricted to publications specialising in baby care and scientific publications. Member States may further restrict or prohibit such advertising. Such advertising shall contain only information of a scientific and factual nature. Such information shall not imply or create a belief that bottle-feeding is equivalent or superior to breast feeding.

2. There shall be no point-of-sale advertising, giving of samples or any other promotional device to induce sales of infant formula directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.

3. Manufacturers and distributors of infant formula shall not provide, to the general public or to pregnant women, mothers or members of their families, free or low-priced products, samples or any other promotional gifts, either directly or indirectly via the health care system or health workers.

4. Donations or low-price sales of supplies of infant formula to institutions or organisations, whether for use in the institutions or for distribution outside them, shall only be used by or distributed for infants who have to be fed on infant formula and only for as long as required by such infant