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**Breastfeeding
Promotion Network of India**
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Dr. J. H. Panwal
Joint Technical Adviser
Food and Nutrition Board
Ministry of Women & Child Development
Jeevan Deep Building
Parliament Street
New Delhi – 110001

Sub: Implementation of IMS Act-Action Taken Report-reg.

Sir,

This is in reference to your letter No. 5(20)2010-ND/Tech dated 25th February 2014 regarding the Implementation of the Infant Milk Substitute Feeding Bottles and Food (Regulation of Production, Supply & Distribution) Act 1992, Amended in 2003 (IMS Act).

May I submit that BPNI has been monitoring, disseminating information about the IMS Act, building capacity on IMS Act, legally analysing possible violation, pursuing court case against Nestle India Ltd, providing information to Government of India regarding parliament questions and submitting possible violation information to the Ministry of Women and Child Development from time to time. Details about these activities during last 3 years (2011-2013) are as follows:

1. Monitoring violation of the IMS Act:

BPNI undertakes monitoring of IMS Act violation by actions like analysing labels of various products under purview of the Act, analysing various magazines journals etc. to look for instances of promotion through advertisement. Such information is shared with the media and other relevant agencies (**Annexure-1**). A dedicated programme officer in BPNI office and a legal advisor coordinate this task. If any possible violation is detected, necessary action is taken as described in subsequent paragraphs. Two such violations have been recently analyzed. We are considering for submission to the court of law for taking cognizance, subject to availability of financial resources.

2. Developing and disseminating information:

BPNI has developed following resource material, which has been disseminated widely

- Green Wash - BPNI developed a document titled "Nestle does a Green wash" to counter attempts of the formula maker to hide behind so called mother and baby friendly activities to deflect attention from legal scrutiny which company was facing.
- The document was shared with about 2000 relevant persons and Media globally, apart from disseminating it electronically. (**Annexure-2**)

- BPNI developed and disseminated about 10,000 copies of BPNI bulletin on IMS Act in 2012. **(Annexure-3)**
- BPNI developed a newsletter on the IMS act (Breaking the Law) in 2013, and 10,000 copies of the document disseminated. **(Annexure-4)**
- BPNI published a booklet on IMS Act titled 'The law to Protect, Promote and Support Breastfeeding and about 2000 copies were shared with the participants of IYCF counseling training programmes being conducted by BPNI in various parts of country and other relevant persons. **(Annexure-5)**

3. Organising advocacy meetings:

BPNI organized advocacy meetings during 2011-13 in various state in Lucknow, Bangaluru (2), Guwahati (2), Srinagar, and Mohali in which IMS Act was a major component. These meetings have participation from national and state policy makers and programme managers from Ministry of Health, Ministry of Women and Child Development, NIPCCD and other government and non-government agencies. In the World Breastfeeding Conference in December, 2012 in Delhi a full session was devoted to the International Code of Marketing and IMS Act. More than 720 participants from 83 countries participated in the conference.

4. Trainings on implementing IMS Act:

BPNI conducted/participated in training on IMS Act implementation at Lucknow and Bengaluru in collaboration with NIPCCD headquarter and regional centres.

5. Pursuing the Court case:

Central Coordinator of BPNI, on behalf of ACASH is pursuing a court case against Nestle India Ltd in trial Court and Delhi High Court. The case is going on since 1995 and entails court visits, preparing briefs and other documents for submission during the legal process. He also submitted a review petition in hon'ble supreme court in January 2014 which was later withdrawn with the permission of the court. On March 12, 2014, he will appear in the court in the complaint case in which Nestle was charged for violating IMS Act.

6. Submission of information to Ministry of Women and Child Development about violation of IMS Act:

BPNI regularly send information to MWCD about violation of IMS Act for such communication are as follows:

- Email communication sent to Dr. Premi Devi, Deputy Technical Adviser, FNB (dr.premidtafnb@gmail.com) on 6th August, 2011 providing information about the Rajya Sabha question on IMS Act. We hope, the information was useful. **(Annexure-6)**
- Letter no. BPNI/2011/361 dated 9th November, 2011 to Secretary MWCD about violation of IMS Act by Abbott & National Neonatology forum of India. **(Annexure-7)**
- Letter No. BPNI/2012/078 dated 15th March, 2012 to Joint Secretary, Ministry of Women and Child Development, Govt. of India about Nestle Nutrition Institute (NNI) organising scientific symposium in Bangalore on 16th March 2012 **(Annexure-8)**

- Letter No. BPNI/2012/077 dated 15th March, 2012 to Secretary, Ministry of Health and Family Welfare, Govt. of India about Nestle Nutrition Institute (NNI) organising scientific symposium in Bangalore on 16th March 2012 (**Annexure-9**)
- Letter no. BPNI/2012/404 dated October 30, 2012 to Joint Secretary, MWCD about violation of IMS Act by online shopping company www.flipkart.com (**Annexure-10**)
- Letters no. BPNI /2013/425 dated 1st August 2013 to Joint Secretary, MWCD about sale of misbranded infant food on E-marketing website www.firstcry.com (**Annexure-11**)

7. Taking relevant actions to prevent/stop violation of the IMS Act

- a. In the month of September, 2013, a promo of a programme titled power of Shunya - the quest for zero malnutrition was being aired on TV channel *Times Now*. The one-hour programme was scheduled for telecast later in the month. BPNI, on noticing this, wrote to the relevant officials of the TV channel, Joint Secretary, Ministry of Women and Child Development, Govt. of India and Indian Academy of Pediatrics. Telephonic discussion was also done with the channel officials regarding a possible violation of the IMS Act and a request to discontinue the promo on TV, digital media, online and social media, and to cancel the said episode of the quest for zero malnutrition. The channel withdrew the programme. (**Annexure-12**)
- b. BPNI wrote a letter to the CEO of the online shopping site www.Flipkart.com (letter no. BPNI/2012/346 dated 14th August, 2012 to withdraw advertisements of the feeding bottles on the site. (**Annexure-13**)
- c. BPNI in collaboration with Indian Academy of Pediatric submitted a response to an article in the British Medical Journal written by Ms. Veena Rao, India about the IMS ACT being a hurdle in addressing the undernutrition situation in India. (**Annexure-14**)

8. On the eve of the World Breastfeeding Week 2013, BPNI organized a press Conference at 31ST July 2013, at Indian Women Press Corps, 5, Winsdor Palace, Ashoka Road, New Delhi to highlight violation of the IMS Act. A press release was disseminating to media, which was covered widely. British Medical Journal (BMJ) published a story on the event. (**Annexure-15**)

I hope, you will find this information useful. I

With kind regards

J.P. Dadhich

Dr. J.P. Dadhich, MD, FNNF, PGD-DN
National Coordinator,

Received

AS
12/3/2014

PA to JTA (FNB)

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