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D.O. No.5-20/2010-ND/Tech  
17<sup>th</sup> August, 2010

Dear Sir/Madam

We would like to draw your attention to the Resolution of the 63<sup>rd</sup> World Health Assembly on Infant and Young Child Nutrition of May, 2010, which the Government of India is committed to implement. The resolution recognizes that promotion of breast milk substitutes and some commercial foods for infants and young children undermines progress in optimal infant and young child feeding. The Resolution No. 3 calls for *"to develop and/or strengthen legislative regulatory and/or other effective measures to control the marketing of breast milk substitutes in order to give effect to the International Code of Marketing of Breast milk Substitutes and relevant resolution adopted by the World Health Assembly"*:

2. There have been many relevant resolutions in the past, and as a follow up, India has taken suitable action by enacting the Infant Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 and the Amendment Act, 2003.

3. We hope you are aware that the IMS Act clearly prohibits any sponsorship of health workers or their associations or health systems by the manufacturers of the products under the scope of the law directly or indirectly. This is evident in the Section 9 of the Act, which says,

*"Section 9.(1). No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall offer or give, directly or indirectly, any financial inducements or gifts to a health worker or to any member of his family for the purpose of promoting the use of such substitutes or bottles or foods.*

4. Recently we have come across several instances of baby food manufacturers through their own research/education or other front organizations indulging in sponsorship of doctors meetings or even acting as a host of these meetings. Most recently, we have come to know that one of them are offering to set up libraries in Medical colleges. Another is approaching paediatricians and providing them gifts and also distributing infant feeding booklets with misleading information on infant feeding and, most recently, one manufacturer has been found to distribute baby care booklets in Bengali through the hospitals in West Bengal which also contains misleading information on infant and young child feeding.

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5. There are other examples of baby food manufactures coming over to sponsor doctor's conference using other brands which are meant for children over two years.

6. You may also be aware that Section 3 of this Act prohibits 'any promotion' of infant milk substitutes, infant foods or feeding bottles by 'any person' and in Section 9, makes it clear that direct or indirect support which violates the IMS Act. Some baby food manufactures are violating these sections of the Act also by distributing pamphlets, and free samples of baby food, milk powder and even other gifts.

7. We seek your cooperation in implementing this Act more effectively by establishing mechanisms-

- (a) Implement the IMS Act as read amended read with it rules in letter and script & report step taken toward it implementation through a monthly report.
- (b) To take action under your directives to check and ban such sponsorships. These actions could include directives to the state government offices, medical colleges, health care institutions, and associations of doctors and nurses to abstain from such collaborations.
- (c) To direct all hospitals/ nursing homes – public or private – to avoid receiving any gifts what so ever from baby food companies.
- (d) Take any other action you deem fit in implementing the IMS Act in your jurisdiction including appointment of nodal officers of Group A status in the state WCD or Health Departments to monitor the act properly.

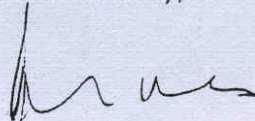
8. We look forward to your kind cooperation in the interest of women and children of our country and translate the intent of this important legislation.

9. We are enclosing a copy of the IMS Act 1992 alongwith amendment Act 2003 and rules framed thereunder for your ready reference.

10. We would like to hear from you about the action taken in this regard and to monitor the Act on a regular basis hereafter.

With regards

Yours sincerely,



(K.Sujatha Rao)

Secretary to the Govt. of India  
Ministry of Health & Family Welfare



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