

Keshav DesirajuAdditional Secretary
Telefax : 011-23063809
e-mail : ash-mohfw@nic.in

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110108
Government of India
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi - 110108

Dated the 29th December 2010

D.O. Z-28015/12/2010-E.I.

SUB: Implementation of the IMS Act 1992.

Dear

You would be aware of the Resolution of the 63rd World Health assembly on Infant and Young Child Nutrition in May, 2010 which recognized that the promotion of breast milk substitutes and some commercial foods for infants and young children undermine progress in optimal infant and young child feeding. You would also be aware that the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 and Amendment Act 2003 (IMS Act) prohibits any sponsorship of health workers or their associations or health systems by the manufactures of products under the scope of law, directly or indirectly.

2. I would like to draw your kind attention to the letter sent out to Chief Secretaries of the states on 17th August, 2010 jointly signed by both the Secretary of Women and Child Development and the Secretary of Health and Family Welfare, Government of India, recognizing the critical importance of the IMS Act. As you would note, the contents of the letter are directed towards effectively implementing the IMS Act, specifically on the section 9 that relates to Health workers and their associations.

Section 9 of the IMS Act states as under:

- (i) 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.
 - (ii) No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship.
3. The IMS Act clearly prohibits sponsorship of health workers or their association directly or indirectly by the baby food companies.
4. We take note that many of health workers are not aware of the IMS Act and its provisions as well as their duties to implement this, and therefore request you to kindly share this letter with all the members, branches, units or any other parts of your Associations to inform them of the seriousness needed in the implementing IMS Act.
5. A line of response and action taken would be highly appreciated.

Yours sincerely,

— sd —

(Keshav Desiraju)

Copy for information to:-



Dr. ARUN GUPTA
BP-33, Pitampura.
Delhi-110034

— List of
addressees enclosed.

Dr Sushma Nangia
Secretary
National Neonatology Forum (NNF)
Professor, Department of Pediatrics
Lady Hardinge Medical College & Kalawati Saran Children's Hospital
New Delhi - 110001. ✓

Dr. P K Shah
Secretary General, FOGSI
Model Residency, 605 Bapurao Jagtap Marg
Jacob Circle, Mahalaxmi East
Mumbai - 400011 ✓

Dr Dharam Prakash
Hony Secretary General
Indian Medical Association (IMA)
IMA House, 2 I P Estates
Delhi 110002 ✓

Dr Bir Singh
Secretary General
Indian Association of Preventive & Social Medicine (IAPSM)
Centre for Community Medicine
All India Institute of Medical Science (AIIMS)
Old OT Block, Ansari Nagar
Delhi 110029 ✓

Mrs Sheila Seda
General Secretary
Trained Nurses Association of India (TNAI)
L - 17, Green Park (Main)
Lane Opp. Hauz Khas Bus Stop
Delhi - 110016 ✓

Dr Priti V Taneja
Secretary
Nutrition Society of India
178 Anoop Nagar
Indore (MP) - 452 008 ✓

Dr Deepak Ugra
President
Indian Academy of Pediatrics
Central Secretariat
Kailas Darshan, Kennedy Bridge
Mumbai - 400007

Dr Manju Vats, PhD
President
Indian Association of Neonatal Nurses
Principal, College of Nursing
AIIMS, Ansari Nagar
New Delhi

Dr Varsha
President
Indian Society for Parental and Enteral Nutrition
"Shri Shraddha", No 5, 3rd street
Dr Thirumurthy Nagar, Nungambakkam
Chennai - 600034



D.K. Sikri

Secretary to the Government of India
Ministry of Women & Child Development
Shastri Bhavan
New Delhi
Tel: 23383586
Fax:23381495

K. Sujatha Rao

Secretary to the Government of India
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi
Tel: 23063221 / 23061863
Fax:23061252

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

Dear Sir/Madam

We would like to draw your attention to the Resolution of the 63rd 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.

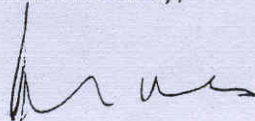
8. We look forward to your kind cooperation in the interest of women and children of our country and translate the intent of this important legislation.

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



(D.K. Sikri)

Secretary to the Govt. of India
Ministry of Women & Child Development