



**Breastfeeding  
Promotion Network of India**  
(Registered Under Societies Registration Act  
XXI of 1860, Delhi R-No S-23144)  
BP-33, Pitampura, Delhi-110034  
Tel: +91-11-42683059  
Email: [bpni@bpni.org](mailto:bpni@bpni.org)  
Website: [www.bpni.org](http://www.bpni.org)

**BPNI/2022/034**

**October 7, 2022**

**Shri Vaidya Rajesh Kotecha**  
**Secretary**  
**Ministry of Ayush**  
**Ayush Bhawan, B Block,**  
**GPO Complex, INA, New Delhi – 110023**  
[secy-ayush@nic.in](mailto:secy-ayush@nic.in)

**Sub:** Support and appreciation of action taken against an illegal activity of Neolacta

Dear Shri. Kotecha,

The Breastfeeding Promotion Network of India (BPNI) <https://www.bpni.org/> is a thirty- year old non-profit organization that works for protection, promotion and support of breastfeeding in India. BPNI works on policy analysis, skill training of health workers, and monitoring the compliance with the *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003* (IMS Act). India enacted the IMS Act, which came into force in August 1993. An offence committed under this law is cognizable. The Government of India notified “Breastfeeding Promotion Network of India (BPNI)”wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the Act under clause (c) of the sub-section (1) of Section 21.

BPNI appreciates and supports the action taken by the Ministry of Ayush, Government of India on the illegal activity of production and trading of human breastmilk; and having withdrawn the product approval under License No. AUS-993 dated 24.11.2021. BPNI believes this to be an important and historical step to protect mothers and babies from exploitation of the commercial marketing of such substitutes of mother’s milk.

BPNI also appreciates the commitment and clarification of the Ministry of Health, as stated by the Minister of State MOHFW, in the Parliament on 29<sup>th</sup> July 2022 in response to a question No. 2225, “(a) to (f): Food Safety and Standards Authority of India (FSSAI) has informed that Food Safety and Standards Act, 2006 and Rules and Regulations do not cover the commercial processing/selling of human milk..... “As per the national guidelines on Lactation Management Centre (LMC) in Public Health Facilities, Donor Human Milk (DHM) cannot be used for any commercial purpose....”

The IMS Act was enacted to control such marketing. In the definitions, “ *“infant milk substitute” means any food being marketed or otherwise represented as a partial or total replacement for mother’s milk, for infant up to the age of two years*”. Going by this definition all the products of Neolacta are infant milk substitutes Under the Section 3 (c) of IMS Act prohibits any promotion - “No persons shall- *“take part in the promotion of infant milk substitutes, feeding bottles or infant foods”*”.

BPNI submits as under in support:

1. The company indulged in a prohibited activity under the IMS Act i.e. promoting these products to health workers. This is like creating a ‘market’ for their products. This was reported to Ministry of Health and Family Welfare wide letter No-BPNI/IMS Act/015 dated 28<sup>th</sup> Feb 2020 (Annex-1)

**As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and from organization/industry having conflict of interest.**



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2. Such products are unnecessary. If needed, mothers can preserve their own milk in the refrigerator and freeze it too for longer duration and make use when they need for the purpose of convenience or if they need it for their babies at times when they are born preterm.

3. Mothers, who provide their milk to make these products, may be denying this to their own children. This would be highly unethical and violates the rights of both mothers' children.

4. Neolacta products do not come under any regulation of FSSAI or Drugs Act. Further, if the products existed, there is no way to regulate their safety as well as prevention of adulteration with bovine milk.

BPNI appreciates once again the action of Ayush Ministry for withdrawal of the license of Neolacta.

With regards,

Sincerely,

**Dr. Arun Gupta MD, FIAP.**  
**Central Coordinator,**  
**Breastfeeding Promotion Network of India (BPNI)**  
**Convener, Nutrition Advocacy in Public Interest (NAPi)**  
**Former Member PM's Council on India's Nutrition Challenges**

Copy to

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**The Director (Ay.) & Licensing Authority, Directorate of Ayush, Gov of Karnataka, - [ayushdla@gmail.com](mailto:ayushdla@gmail.com)**

Encl: Annex-1