



**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
Website: www.bpni.org

BPNI/IMS Act/2024/41

August 22, 2024

To,
**Shri. Apurv Chandra, Secretary,
Ministry of Health and Family Welfare, Government of India, Nirman Bhavan, Delhi -110011**

Sub: Violation of Section 9 of the IMS Act by Danone Nutricia

Sir,

The Breastfeeding Promotion Network of India (BPNI) <https://www.bpni.org/> is a 32-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 27th June 1994, to monitor the compliance with the Act under clause (c) of the sub-section (1) of Section 21.

We would like to draw your attention to this activity of hosting an event for doctors at Amritsar in Punjab happening today 22nd August 2024. Attached invite is the proof of the complaint. It violates Section 9 of the IMS Act, which is a central Law. Section 9 reads as under:

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.

9(2) 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, **conference, educational course, contest, fellowship, research work or sponsorship.** (Emphasis added)

Full legislation can be seen at the GOI's web repository of laws:

https://www.indiacode.nic.in/handle/123456789/1958?view_type=browse

We kindly request you to initiate immediate action against the offending company and the inform the attending doctors through your sources of MOHFW in Punjab.

Sir, we have been reporting such violations on a regular basis and once again request you to take a serious view to enforce the existing law effectively in order to protect mothers and babies from the aggressive marketing of the manufacturers of the products.

We, therefore, request the MOHFW to set up a Mechanism to deal with such violations being a cognizable offence.

Your message to the company and the doctors can make a huge difference.

Look forward to your kind and immediate response,

With kind regards

Sincerely,

**Dr. Arun Gupta
Central Coordinator BPNI**

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.