

**Table 1: Operative Section Analysis of the IMS Act**

Provisions of the IMS Act	Name of the Ministry (the influence for enforcement)
<p><b>Section 3 is about prohibiting promotion and advertisements of baby foods for children under 2 and feeding bottles;</b>                      No person shall -                      (a) advertise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes, feeding bottles or infant foods; or                      (b) give an impression or create a belief in any manner that feeding of infant milk substitutes and infant foods are equivalent to, or better than, mother's milk; or                      (c) take part in the promotion of infant milk substitutes, feeding bottles or infant foods;</p>	<p>Food Safety Standards Authority of India                       Ministry of Health and Family Welfare                       Ministry of Information and Broadcast</p>
<p><b>Section 4 is about incentives</b>                      No person shall -                      (a) supply or distribute samples of infant milk substitutes or feeding bottles or infant foods or gifts of utensils or other articles; or                      (b) contact any pregnant woman or the mother of an infant; or                      (c) offer inducement of any other kind,</p>	<p>Ministry of Health and Family Welfare</p>
<p><b>Section 5 is about donations</b>                      Subject to the provisions of sub-section (4) of section 8, no person shall donate or distribute                      (a) infant milk substitutes or feeding bottles or infant foods to any other person except to an orphanage;                      (b) any informational or educational equipment or material relating to infant milk substitutes or feeding bottles or infant foods;                      Provided that nothing in this clause shall apply to the donation or distribution, subject to such conditions and restrictions as may be prescribed, of such equipment or material through the health care system.</p>	<p>Ministry of Health and Family Welfare</p>
<p><b>Section 6 is about labelling on baby foods</b>                      (1) Without prejudice to the provisions of the Prevention of Food Adulteration Act, 1954 and the rules made thereunder, no person shall produce, supply or distribute any infant milk substitute or infant food</p>	<p>Ministry of Health and Family Welfare</p>

<p>unless every container thereof or any label affixed thereto indicates in a clear, conspicuous and in an easily readable and understandable manner, the words “important notice” in capital letters in such language as may be prescribed and indicating thereunder the following particulars in the same language, namely:-</p> <p>(a) a statement “mother’s milk is best for your baby” in capital letters;  (b) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;  (c) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant;  (d) the instructions for its appropriate preparation and a warning against the health hazards of its inappropriate preparation;  (e) the ingredients used;  (f) the composition or analysis;  (g) the storage conditions required;  (h) the batch number, date of its manufacture and the date before which it is to be consumed, taking into account the climatic and storage conditions of the country;  (i) such other particulars as may be prescribed.</p> <p>(2) No container or label referred to in sub-section (1) relating to infant milk substitute or infant food shall</p> <p>(a) have pictures of an infant or a woman or both; or  (b) have pictures or other graphic material or phrases designed to increase the saleability of infant milk substitutes or infant food ; or  (c) use on it the word “humanised” or “maternalised” or any other similar word; or  (d) bear on it such other particulars as may be prescribed.</p>	
<p><b>Section 7 is about information to pregnant and lactating women</b></p> <p>(1) Every educational or other material including advertisements or material relating to promotion of infant milk substitutes, feeding bottles and infant foods whether audio or visual, dealing with pre-natal or post-natal care or with the feeding of an infant and intended to reach pregnant women or mothers of infants shall include clear information relating to</p> <p>(a) the benefits and superiority of breastfeeding;  (b) the preparation for, and the continuance of, breastfeeding;</p>	<p>Ministry of Health and Family Welfare</p>

<p>(c) the harmful effects on breast-feeding due to the partial adoption of bottle feeding;  (d) the difficulties in reverting to breastfeeding of infants after a period of feeding by infant milk substitute;  (e) the financial and social implications in making use of infant milk substitutes and feeding bottles;  (f) the health hazards of improper use of infant milk substitutes and feeding bottles;  (fa) the date of printing and publication of such material and the name of the printer and publisher;  (g) such other matters as may be prescribed.</p> <p>(2) No material referred to in sub-section (1) shall be utilised to promote the use or sale of infant milk substitutes or feeding bottles or infant foods.</p>	
<p><b>Section 8 is about use of health care systems</b></p> <p>(1) No person shall use any health care system for the display of placards or posters relating to, or for the distribution of, materials for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods:</p> <p>Provided that the provisions of this sub-section shall not apply to</p> <p>(a) the donation or distribution of informational or educational equipment or material made in accordance with the proviso to clause (b) of section 5; and  (b) the dissemination of information to a health worker about the scientific and factual matters relating to the use of infant milk substitutes or feeding bottles or infant foods along with the information specified in sub-section (1) of section 7.</p> <p>(2) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall make any payment to any person who works in the health care system for the purpose of promoting the use or sale of such substitutes or bottles or foods.</p> <p>(3) No person, other than a health worker, shall demonstrate feeding with infant milk substitutes or infant foods to a mother of an infant or to any member of her family and such health worker shall also clearly explain to such mother or such other member the hazards of improper use of infant milk substitutes or feeding bottles or infant foods.</p> <p>(4) No person, other than an institution or organisation, engaged in health care for mothers, infants or</p>	<p>Ministry of Health and Family Welfare</p>

<p>pregnant women, shall distribute infant milk substitutes or feeding bottles to a mother who cannot resort to breastfeeding and who cannot afford to purchase infant milk substitutes or feeding bottles.</p> <p>(5) An orphanage may purchase infant milk substitutes or feeding bottles at a price lower than their sale price for the purpose of utilising them in the said orphanage.</p> <p>Explanation - For the purposes of this sub-section, such purchases shall not amount to an inducement for promoting the use or sale of infant milk substitutes or feeding bottles.</p>	
<p><b>Section 9 are about use of health care systems</b></p> <p>(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.</p> <p>(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, conferences, educational course, contest, fellowship, research work or sponsorship.</p>	<p>Ministry of Health and Family Welfare</p>
<p><b>Section 10 is about commissions</b></p> <p>(1) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall fix the remuneration of any of his employees or give any commission to such employees on the basis of the volume of sale of such substitutes or bottles or foods made by such employees.</p> <p>(2) The employees of such person shall not perform any function which relates to educating a pregnant woman or mother of an infant on pre-natal or post-natal care of the infant.</p>	<p>Ministry of Health and Family Welfare</p>
<p><b>Section 11 is about Food Standards</b></p> <p>(1) No person shall sell or otherwise distribute any infant milk substitute or infant food unless it conforms to the standards, specified for such substitute or food under the Prevention of Food Adulteration Act, 1954, and the rules made thereunder and the container thereof has the relevant Standard Mark specified by the Bureau of India Standards established under section 3 of the Bureau of Indian</p>	<p>Ministry of Health and Family Welfare</p>

Standards Act, 1986 to indicate that the infant milk substitute or infant food conforms to such standards:

Provided that where no standards have been specified for any infant milk substitute or infant food under the Prevention of Food Adulteration Act, 1954, no person shall sell or otherwise distribute such substitute or food unless he has obtained the approval of the Central Government in relation to such substitute or food and the label affixed to the container thereof under the rules made under that Act.

(2) No person shall sell or otherwise distribute any feeding bottle unless it conforms to the Standard Mark specified by the Bureau of Indian Standards referred to in sub-section (1) for feeding bottles and such mark is affixed on its container.