Regulating and Monitoring the Marketing of Breast-milk Substitutes

Facilitating Code compliance in countries

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Outline of the presentation

1. The need for regulation of marketing of BMS, the International Code and its status
3. WHO e-learning course on the Code
4. Tracking Code implementation and monitoring in countries and GINA database
Why regulate the marketing of breast-milk substitutes?

Breastfeeding unparalleled in providing the ideal food for infants:
⇒ safe, clean, protects against infections, long-term benefits

Promotion, protection and support for breastfeeding:
⇒ among the most effective interventions to improve child survival

Poor breastfeeding practices remain common:
Globally, 37 % of children are exclusively breastfeed for six months
Why regulate the marketing of breast-milk substitutes?

Mothers can make the best possible feeding choice through:

- access to impartial, adequate information, free from commercial influences
- support structures and mechanisms

Inappropriate marketing of BMS may negatively affect choice and ability of a mother to breastfeed her infant optimally

BMS poses risks by not having breast milk’s protective qualities
BMS is not a sterile product, which may lead to fatal illnesses
BMS is costly, requires clean water, minimum standard of hygiene
International Code of Marketing of Breast-milk Substitutes

Aim of the Code:

To contribute to the provision of safe and adequate nutrition for infants by:

- the protection and promotion of breastfeeding, and
- ensuring proper use of breast-milk substitutes, when these are necessary, on basis of adequate information and through appropriate marketing and distribution.
THE INTERNATIONAL CODE OF MARKETING OF BREAST-MILK SUBSTITUTE

The Code and subsequent relevant WHA resolutions

⇒ Protect breastfeeding from commercial advertising and other promotional tactics

⇒ Protect artificially fed infants by ensuring adequate instructions and warnings on labels

⇒ Ensure parents have full information on the benefits of breastfeeding and the costs and risks of artificial feeding (including intrinsic contamination of powdered infant formula)

⇒ DO NOT prohibit sale and availability of breast-milk substitutes or restrict freedom of choice
Scope of the Code

Marketing, practices related, quality and availability, and information concerning the use of:

- breast-milk substitutes, including infant formula
- other milk products, foods and beverages, including bottle-fed complementary foods, when intended for use as a partial or total replacement of breast milk
- feeding bottles and teats
Main provisions of the Code

⇒ No advertising of breast-milk substitutes and other products to the public
⇒ No donations of breast-milk substitutes and supplies to maternity hospitals
⇒ No free samples to mothers
⇒ No promotion in the health services
⇒ No company personnel to advise mothers
⇒ No gifts or personal samples to health workers
Main provisions of the Code

⇒ No use of space, equipment or education materials sponsored or produced by companies when teaching mothers about infant feeding

⇒ No pictures of infants, or other pictures idealizing artificial feeding on the labels of the products

⇒ Information to health workers should be scientific and factual

⇒ Information on artificial feeding, including that on labels, should explain the benefits of breastfeeding and the costs and dangers associated with artificial feeding

⇒ Unsuitable products, such as sweetened condensed milk, should not be promoted for babies
Code status in countries by early 2011—key WHO report findings

⇒ 37 out of 165 countries reporting having full Code legislation
⇒ More countries have legislation with some of few Code provisions
⇒ Few countries have functioning Code monitoring and enforcement mechanisms in place
Specific issues and concerns included in the Code implementation report

**Code monitoring**

- Weak or poor monitoring system
- Irregular monitoring activities
- Inadequate mechanisms for reporting violations (lack of funds and capacity)

**Industry**

- Consistent, repeated, systematic violation
- Very aggressive direct marketing or indirect advertisement to mothers

**Provisions and regulatory mechanisms** (3 out of 53 countries)
Improve Code implementation and monitoring

Strengthening information on and knowledge of the Code

- Capacity building of all relevant stakeholders
  - WHO/UNICEF e-course on the International Code
  - WHO statement on Follow-Up Formula and the Code

- Improving access to information on Code status in countries
  - WHO/GINA database and Code implementation status in Member States

Strengthening monitoring and enforcement mechanisms

- Increase knowledge on bottlenecks/barriers to functioning monitoring and enforcements mechanisms in countries

- Expand and coordinate monitoring/implementation stakeholders in countries
  - Global Network on Monitoring of the International Code (NetCode)

- Utilize international human rights and accountability mechanisms
The Sixty-fifth World Health Assembly (May 2012)

URGES Member States, to put into practice, as appropriate, the comprehensive implementation plan, including:

(2) developing or, where necessary, strengthening legislative, regulatory and/or other effective measures to control the marketing of breast-milk substitutes;

REQUESTS the Director-General:

(2) to support Member States in the monitoring and evaluation of policies and programmes, including those of the global strategy for infant and young child feeding....
Global Monitoring Network for the Code (NetCode)

Vision
World where all sectors of society are protected from inappropriate and unethical marketing of BMS

Goal
To strengthen Member States and civil society capacity to monitor the Code; and Member State’s Code legislation and enforcement by bringing a group of committed partners to support this process
Enhancing Code understanding and knowledge

WHO/UNICEF e-learning course on the Code-

Developed by WHO and UNICEF, in collaboration with Ellen Sokol, International Code consultant

An introduction for WHO and UNICEF staff on the Code and their roles in assisting countries in Code implementation
Aim and objectives of the e-learning course

Developed to strengthen knowledge of WHO / UNICEF staff on:

1. Importance of breastfeeding and appropriate complementary feeding
2. International recommendations for optimal IYCF
3. Code and its role in achieving optimal IYCF
4. Code and relevant WHA resolutions
5. Implementation of Code and relevant WHA resolutions at national level and its place among international human rights and other legal instruments
6. Monitoring and implementing Code and relevant WHA resolutions in countries
Content of the e-learning course

8 Units, each divided in READ, SEE, REVIEW and TEST sections:

1. The International Code and Infant and Young Child Feeding
2. Development of the International Code
3. Aim and Scope of the International Code
4. Promotion to the Public
5. Promotion in the Health Care System
6. Labelling
7. The Code and infant feeding in exceptionally difficult circumstances
8. Implementation and Monitoring
Course roll-out

- To be launched in Q4 of 2014
- Hosted by WHO and UNICEF
- Initially available to WHO and UNICEF staff in headquarters, regional and country offices
- Adaptation and launch for legislators, health policy makers and health workers in early 2015
WHO Code monitoring and information collection

⇒ Periodic reporting to World Health Assembly:

⇒ Code Article 11.6 requires WHO Member States to provide information to WHO on implementation of the Code

⇒ Code article 11.7 requires WHO to report to the World Health Assembly on the status of implementation of the Code

⇒ Reporting results included in GINA
GINA - quick facts

- Launched November 2012
- Data content
  - Policy (1,400)
  - Action (2,400)
  - NLiS & GHO data into the map
- Data access
  - Interactive map
  - A-Z country lists
  - Search
- Data sources
  - WHO policy monitoring
  - Partner databases
  - Wiki approach

http://www.who.int/nutrition/gina
Where does GINA get the data from?

**WHO policy monitoring**
- WHO Global Database on National Nutrition Policies and Programmes
- WHO EURO Database on Nutrition, Obesity and Physical Activity (NOPA)
- WHO Int’l Code of Marketing of BMS survey

**Partner databases**
- UN: FAO, ILO
- NGOs: GAIN, HarvestPlus, HKI, WCRF International, FFI, WBTi, CMN, WVI, IBFAN
- SUN

**Wiki approach by registered users**
- Any registered user
  - New submissions
  - Updates to existing data
  - Verification
- User data from:
  - Countries
  - Academics
  - NGOs individual submissions
GINA verification

1. Submission
   Any registered user

2. Verification
   Assigned approvers

Verified! → Published

3. Wiki approach
   Anyone can register and propose updates
GINA and the Code

Status August 2014: 134 Code-related legislations/codes in 105 countries
Policy - Law of Turkmenistan on protection and propaganda of breastfeeding and requirements for infant food

Start date: April 2009
Published year: April 2009
Adopted year: April 2009
Type of policy: Legislation relevant to nutrition

Legislation Details

Title: Law on protection and propaganda of breastfeeding and requirements for infant food

Legislation details:

ЗАКОН ТУРКМЕНИСТАНА О заботе и пропаганде грудного вскармливания и требования к продуктам детского питания (от 18 апреля 2009 года №30 IV)

Настоящий Закон определяет основные направления государственной политики в области содействия здоровому питанию детей посредством пропаганды грудного вскармливания и регулирования вопросов обеспечения их полноценным и безопасным питанием, реализации продуктов детского питания. Настоящий Закон вступает в силу с 10 апреля 2009 года

- грудное вскармливание - ребенок в возрасте до 1 года
- смешанное вскармливание - ребенок в возрасте от 1 года до 3 лет

Исполнению грудного вскармливания до 6 месяцев, а также продолжению грудного вскармливания до 2 лет и более.

URL link:
http://www.turkmenlegaldatabase.info/nudocuments.html

File upload:
ТУРКМЕНСТАН ЗАКОН 2009 Law on protection and propaganda of breastfeeding and requirements for infant food.pdf

Reference:

Further notes:
Scope of the Code: 0-24 months of age

Revision log
Scope of the Code: 0-26 months of age
2014 Country Survey on the implementation of the Code

1. Legislation and other appropriate measures
   • Key provisions of the Code

2. Monitoring and enforcement
   • Monitoring mechanisms
   • Monitoring activities
   • Sanctions imposed

3. Capacity building activities
   • Development/implementation/monitoring of the Code

Information uploaded in GINA
**Questionnaire 2: Monitoring and enforcement**

This questionnaire concerns the established formal and informal monitoring mechanisms as well as actions taken to enforce the implementation. Please describe here the structure, mandate and criteria of any established monitoring mechanism. Please also describe the actual monitoring activities and sanctions implemented.

1. Has a formal mechanism been established by the government to monitor the implementation of the national legislative or other appropriate measure?  
   - [ ] Yes  
   - [ ] No. Please proceed to Question 24.

2. Title of monitoring mechanism:  

3. When was the mechanism established?  

4. Which government sector and agency is responsible for the monitoring mechanism?  
   - Sector: **Please select**  
   - Agency:

5. Which other government sectors and agencies are involved in the monitoring mechanism?  
   Please list sector and title of up to five government sectors and agencies involved in the mechanism  
   - Sector: **Please select**  
   - Agency:  
   - Sector: **Please select**  
   - Agency:  
   - Sector: **Please select**  
   - Agency:  
   - Sector: **Please select**  
   - Agency:  
   - Sector: **Please select**  
   - Agency:  
   - Sector: **Please select**  
   - Agency:
Thank You!