

LAW OF TURKMENISTAN ON PROTECTION AND PROMOTION OF BREASTFEEDING AND BABY FOODS REQUIREMENTS

The Law determines the main public policies in the area of protecting child health through support, protection and promotion of breastfeeding, and regulates issues of provision and marketing of adequate and safe baby foods.

CHAPTER I. GENERAL PROVISIONS

Article I. Main definitions.

The present Law has the following definitions:

Infant – a child below 1 year;

Toddler – a child aged 1 to 3 years;

Breastfeeding – feeding of infants and toddlers with breast milk;

Exclusive breastfeeding – feeding of children below 6 months exclusively with breast milk (excluding water, tea and other liquids from their diet);

Breast milk substitutes – foods in a liquid or powder form, produced from cow's or other agricultural animals' milk and soya proteins, intended for use as breast milk substitute, maximally approximated to breast milk in a chemical composition and nutritional value, and intended to satisfy physiological needs of children in early age;

Foods for infants and toddlers – foods intended for nutrition of children aged 6 months to 3 years, the composition and properties of which should be adequate the age-specific physiological characteristics, should provide for effective absorbency, and should not be harmful to the children's health;

Artificial nutrition products for children:

– formula No 1 produced industrially in compliance with state, interstate or international standards, and intended to satisfy nutrition needs of infants below 6 months;

– formula No 2 produced industrially in compliance with state, interstate or international standards and intended to satisfy nutrition needs of children aged 6 months to 3 years, as well as animal or vegetable dairy products;

Supplementary foods – foods, included into the diet of children aged 6 months to 3 years, according to their age-specific physiological characteristics as a supplement to breast milk or its substitutes, and produced out of animal or vegetable products;

Distributor – a legal or natural person – a private entrepreneur engaging in advocacy, advertisement, wholesale and/or retail trade of products intended for artificial feeding of children;

Label – any tag, mark, text, symbol, picture or any other image or description made by hand or stenciling, printing, stamping or branding, as well as impressed or otherwise attached to the consumer container;

Nutritive value of children foods – combination of foods' properties, the presence of which satisfies physiological needs of children in required substances and energy;

Quality of baby foods – combination of products' characteristics ensuring nutritive value and capable of satisfying nutrition needs of the child's body, when used in usual conditions;

Safety of baby foods – a guarantee that a child nutrition product, when used as intended, will cause no harm to the health and the life of the child, ensured by the compliance of the

product with the requirements of regulations on sanitary, epidemiological, and hygienic indicators, veterinary and phyto-sanitary norms and regulations;

Consumer package – a container delivered to the consumer with the product, which does not function as a shipping container;

Producer – a legal entity or individual entrepreneur producing baby foods.

Article 2. Legislation of Turkmenistan on protection and advocacy of breastfeeding and baby foods requirements

1. Legislation of Turkmenistan on protection and promotion of breastfeeding and baby foods requirements is based on the Constitution of Turkmenistan and generally recognized principals and norms of the international law, and comprises the present Law and other regulatory acts of Turkmenistan related to protection of breastfeeding and provision of adequate and safe baby foods.

2. If an international agreement of Turkmenistan provides for norms other than those in the present Law, the norms of the international agreement shall be applied.

Article 3. Main principles of the state policy of Turkmenistan in the sphere of protection and advocacy of breastfeeding and provision of baby foods.

The main principles of the state policy on protection and promotion of breastfeeding and provision of baby foods are as follows:

- 1) support to, and protection of breastfeeding of children;
- 2) ensuring high quality and safety of domestically produced or imported food products and their components, materials and items intended for infants and toddlers;
- 3) state guarantees of quality and safe baby foods, corresponding to the age, physiological characteristics and health condition of the child;
- 4) implementation of the state quality and safety control of baby foods, materials and items intended for infants and toddlers, at all stages of production, transportation, storage and sale.

CHAPTER 2. COMMUNICATION AND ADVOCACY

Article 4. Communication, advocacy and education materials on child nutrition

1. Communication and advocacy activities to support breastfeeding shall be carried out by The Ministry of Health and Medical Industry of Turkmenistan, local authorities, local governments, as well as public associations.

2. On order to support, protect and promote breastfeeding, the Ministry of Health and Medical Industry shall:

- 1) develop and distribute communication and health-education materials on nutrition of infants and toddlers;
- 2) develop training and methodological recommendations on issues related to child nutrition;
- 3) advocate breastfeeding in mass media (television, radio, newspapers, magazines) as well as conduct special actions to support breastfeeding (World- or Nation-wide weeks to support breastfeeding).

Article 5. Advocacy of breastfeeding practices.

In order to protect and promote breastfeeding practices, health institutions shall provide pregnant women and mothers with information on:

- 1) importance of breastfeeding and its effect on the health of the child and the mother, and its advantages compared to artificial nutrition;
- 2) need for exclusive breastfeeding of children below 6 months, as well as continuation of breastfeeding of children up to 2 years and longer;
- 3) negative consequences of the early and premature introduction of supplementary foods, including those leading to the shortening of the breastfeeding period, which affects the health of the child;
- 4) importance of supplementary foods for children aged above 6 months;
- 5) possibilities and methods of supplementary food preparation at home;
- 6) negative consequences of inappropriate and improper use of artificial feeding products, affecting the health of the child;
- 7) the effect of using artificial feeding products on the financial condition of the family;

CHAPTER III. PACKAGING AND LABELING REQUIREMENTS TO BABY FOODS

Article 6. Requirements to baby foods packaging. Information of labels.

Packaging and information on labels of baby foods produced in, and imported to Turkmenistan, shall meet the following requirements:

- 1) compliance of packaging and packing of baby foods with the requirements providing for their safety and preservation of their nutritive value during storage, transportation and sale;
- 2) use of materials permitted by the Ministry of Health and Medical Industry of Turkmenistan for baby food packaging;
- 3) manufacture of baby foods for toddlers (including artificial feeding products) in small airtight packages, and liquid and paste-type products – in standard packages with the volume of not more than 0,35 l.
- 4) label written in the official language and, if necessary, replicated in a foreign language.
- 5) label containing the warning on inadmissible reuse and storage of earlier prepared child food, left from the previous feeding of the child.
- 6) digit indication of the child age, from which the nutrition product is recommended;
- 7) indication on the supplementary food label of its recommended use from the age of 6 months;
- 8) the label shall contain:
 - a) country, name, location (address) of the manufacturer, packer, exporter and importer.
 - b) the name of the product reflecting its intended use for child nutrition, correspondence to the main ingredient, and information on consistency;
 - c) trademark of the manufacturer (if any);
 - d) net weight or volume;
 - e) composition of the product;
 - f) method of preparation;
 - g) nutrition value, vitamin and mineral content;
 - h) storage conditions before and after opening the consumer container;

- i) shelf life or expiration date considering various temperature conditions of storage;
- k) certification information;
- l) indication of the regulatory or technical document for food products produced in Turkmenistan and other countries, in compliance with which the product is produced and can be identified;
- m) date of manufacture and packing;
- n) purpose and conditions of use;
- o) bar code of the product (if available);
- 9) contain information about use of the product only as advised by a physician;
- 10) label containing a warning of the following content: “Important note: Mother’s milk is the best food for your baby. Consult a health worker before taking the decision on artificial feeding using this formula.” The warning shall be printed in an easily readable form and not be covered by the cap or the sealing stripes of the package;
- 11) information on feeding schedule in the preparation instruction.

Article 7. Requirements to the conditions of baby food sale.

Sale of baby foods shall be carried out in specialized stores, departments of stores, and pharmacies in compliance with all necessary sanitary requirements. Sale of products in non-specialized trade facilities, departments of stores without adequate storage conditions (maintaining proper storage temperature, availability of refrigeration equipment) shall be prohibited.

Article 8. Prohibitions related to labeling of baby’s formulas.

The following shall be prohibited in the labels of artificial feeding products and descriptions of baby’s formulas:

- 1) using phrases such as “breast milk substitute or analog”, “approximated to the breast milk formula” or any other comparison with the breast milk;
- 2) using text with the content that may persuade the refusal of breastfeeding.
- 3) placing photographs of infants and other pictures, including of feeding bottles, if they do not directly illustrate the methods of product’s use or preparation.

Article 9. Requirements concerning labels of bottles and nipples.

Packing of bottles intended for artificial feeding should contain information that is necessary for their proper use and meets the following requirements:

- 1) it must be clear, readable, complete, unambiguous, reliable;
- 2) text on the labels of domestically produced bottles and nipples must be made in the official language of Turkmenistan. Text on imported goods can be made in the official language of Turkmenistan and/or in Russian and/or English, as well as other foreign languages. In cases, when the text on the packing (label) is made in the language that is not understood by the consumer, an additional tag in the official language of Turkmenistan must be used without replacing the original label,.
- 3) it must contain the following information:
 - a) country, location (address) of the manufacturer, packer, exporter, importer.
 - b) name of the product;
 - c) trademark of the manufacturer (if available);
 - d) shelf life;

- e) certification information;
 - f) date of manufacture and packing;
 - g) purpose and conditions of use;
 - h) indication of the regulatory document, in compliance with the requirements of which the product has been manufactured (for domestically produced goods);
- 4) instructions on washing and sterilization procedures in verbal and visual form;
 - 5) recommendation on preferred feeding of children from a cup rather than from a bottle with the nipple;
 - 6) warning that use of sweetened liquids and drinks, including baby formulas, can cause tooth decay;

Article 10. Requirements concerning pacifier labels

Manufacturers or distributors shall not offer for sale or sell pacifiers, if the label does not contain the text: “Warning: use of pacifiers can hamper breastfeeding”, with the font size of the warning not smaller than 1,5 mm.

Article 11. Requirements concerning advertisement of artificial feeding products for infants

1. It shall be prohibited to advertise breast milk substitutes in any form, to organize promotional exhibitions, special demonstrations, as well as short term sales of artificial feeding products for infants at reduced prices;

2. The necessary precondition for placement of information about artificial feeding products is indication of the superiority of breastfeeding.

3. Information on artificial feeding products for infants can only be placed in scientific publications and editions. This information must be limited to scientific and factual description and not create an impression of equal value or superiority of artificial feeding as compared with breastfeeding.

4. Manufacturers and distributors are permitted to inform the medical staff through educational materials, video and audio materials, scientific research and articles (souvenirs in the form of notebooks, pens, notepads, and calendars shall not contain information on breast milk substitutes). Detailed information shall remain within science-based research and shall not create an impression of equal value or superiority of artificial feeding as compared with breastfeeding.

CHAPTER IV. RIGHTS OF HEALTHCARE INSTITUTIONS AND OBLIGATIONS OF HEALTH WORKERS INVOLVED IN NUTRITION OF INFANTS AND TODDLERS.

Article 12. Rights of healthcare institutions involved in nutrition of infants and toddlers

Specialized closed childcare medical institutions (children’s homes) shall have the right to obtain artificial feeding products from legal and natural persons as a donation or at reduced prices for children deprived of parental care who stay in these institutions.

Article 13. Restrictions on activities of healthcare institutions involved in nutrition of infants

Healthcare institutions, except those mentioned in Article 12, shall not have the right to accept donations, cheap or free artificial feeding products from legal or natural persons who are commercially interested in businesses related to nutrition of infants.

Article 14. Obligations of health workers involved in nutrition of infants and toddlers

Health workers involved in nutrition of infants and toddlers are obliged:

- 1) to strictly follow the rules established for breastfeeding, and bring these rules regularly to the notice of the medical staff and parturient women;
- 2) to teach the medical staff the necessary skills to practice breastfeeding;
- 3) to inform pregnant women about breastfeeding advantages and techniques;
- 4) to assist mothers to start breastfeeding during the first half an hour after the delivery;
- 5) to teach mothers how to perform breastfeeding and how to preserve lactation even if they are temporarily separated from their children.
- 6) not to give the newborns any food or liquid other than breast milk, except in cases of medical indications;
- 7) to practice continuous staying of mothers together with their newborns in one room;
- 8) to encourage breastfeeding as demanded by the infant rather than according to the schedule;
- 9) not to give the breastfed newborns any calming instruments imitating mother's breast (pacifiers and other);
- 10) to encourage the establishment of breastfeeding support groups and refer mothers to these groups after their discharge from the maternity hospital or hospital;
- 11) not to provide names and addresses of pregnant women and nursing mothers, as well as infants, to producers and distributors of artificial feeding products;
- 12) to conduct educational activities on health issues aimed at advocating healthy baby nutrition.

Article 15. Restrictions on the activities of manufacturers and distributors of artificial feeding products;

Restrictions on activities of manufacturers and distributors of artificial feeding products shall include the following:

- 1) inadmissibility of funding scientific research related to nutrition of infants without positive consent of an appropriate government authority;
- 2) non-distribution among health workers of promotion materials related to breast milk substitutes for feeding infants;
- 3) non-reproduction of trademarks and names of breast milk substitutes on items (pens, notepads, height meters, notebooks and others).
- 4) non-distribution of information on artificial feeding products for infants among mothers and their family members.

CHAPTER V. FINAL PROVISIONS

Article 16. Responsibility for violating the present Law

Legal entities regardless of their form of ownership, individual entrepreneurs producing foods, materials and items for children, distributors, as well as officials of the public health system and state authorities exercising surveillance and control over baby foods, who are guilty of violating the present Law and other legal and regulatory acts of Turkmenistan related to the provision of adequate and safe nutrition for children and protection of breastfeeding shall bear responsibility in accordance with the procedure establish by the law of Turkmenistan.

Article 17. Coming into effect of the present Law.

The present Law shall come into effect from the day of its publication.

President of Turkmenistan Gurbanguly Berdimuhammedov

Translated from the official language of Turkmenistan