

GOVERNMENT OF LIBERIA



CODE OF MARKETING OF BREAST MILK SUBSTITUTES

October 2008

The Government of Liberia:

Affirming the right of every child and every pregnant and lactating woman to be adequately nourished, as a means of attaining and maintaining health;

Recognizing that infant malnutrition is part of the wider problems of lack of education, poverty, and social injustice;

Recognizing that the health of infants and young children cannot be isolated from the health and nutrition of women, their socioeconomic status and their roles as mothers;

Conscious that breast-feeding is an unequalled way of providing ideal food for the healthy growth and development of infants; that it forms a unique biological and emotional basis for the health of both mother and child; that the anti-infective properties of breast-milk help to protect infants against disease; and that there is an important relationship between breast-feeding and child-spacing;

Recognizing that the encouragement and protection of breast-feeding is an important part of the health, nutrition and other social measures required to promote healthy growth and development of infants and young children; and that breastfeeding promotion is an important aspect of primary health care and the basic package of health services;

Considering that, when mothers do not breast-feed, or only do so partially, there is a legitimate market for infant formula and for suitable ingredients from which to prepare it; that all these products should accordingly be made accessible to those who need them through commercial or non-commercial distribution systems; and that they should not be marketed or distributed in ways that may interfere with the protection and promotion of breast-feeding;

Recognizing further that inappropriate feeding practices lead to infant malnutrition, morbidity and mortality in Liberia, and that, improper practices in the marketing of breast-milk substitutes and related products can contribute to these major public health problems;

Convinced that it is important for infants to receive appropriate complementary foods, usually when they reach four to six months of age, and that every effort should be made to use locally available foods; and convinced, nevertheless, that such complementary foods should not be used as breast-milk substitutes;

Appreciating that there are a number of social and economic factors affecting breast-feeding, and that, accordingly, the governments should develop social support systems to protect, facilitate and encourage it, and that they should create an environment that fosters breast-feeding, provides appropriate family and community support, and protects mothers from factors that inhibit breast-feeding;

Affirming that health care systems, and the health professionals and other health workers serving in them, have an essential role to play in guiding infant feeding practices, encouraging and facilitating breast-feeding, and providing objective and consistent advice to mothers and families about the

superior value of breastfeeding, or, where needed, on the proper use of infant formula and breast milk substitutes, whether manufactured industrially or home-prepared;

Affirming further that, educational systems and other social services should be involved in the protection and promotion of breastfeeding, and in the appropriate use of complementary foods;

Aware that families, communities, women's organizations and other nongovernmental organizations have a special role to play in the protection and promotion of breast-feeding and in ensuring the support needed by pregnant women and mothers of infants and young children, whether breast-feeding or not;

Affirming the need for the governments, families, communities, women's organizations, organizations of the United Nations system, nongovernmental organizations, and experts in various related disciplines, consumer groups and industry to cooperate in activities aimed at the improvement of maternal, infant and young child health and nutrition;

Recognizing that governments should undertake a variety of health, nutrition and other social measures to promote healthy growth and development of infants and young children, and that this Code concerns only one aspect of these measures;

Considering that manufacturers and distributors of breast-milk substitutes have an important and constructive role to play in relation to infant feeding, and in the promotion of the aim of this Code and its proper implementation;

Affirming that governments are is called upon to take action appropriate to their its social and legislative framework and their overall development objectives to give effect to the principles and aim of this Code, including the enactment of legislation, regulations or other suitable measures;

Believing that, in the light of the foregoing considerations, and in view of the vulnerability of infants in the early months of life and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of breast-milk substitutes, the marketing of breast-milk substitutes requires special treatment, which makes usual marketing practices unsuitable for these products;

THEREFORE:

The Government of Liberia Member States hereby agrees the following articles, which are recommended as a basis for action.

ARTICLE 1: AIM OF THE CODE

The aim of this Code is to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breastfeeding and by ensuring the proper use of breast-milk substitutes, when these become necessary, on the basis of adequate information and through appropriate marketing and distribution.

ARTICLES 2: SCOPE OF THE CODE

The Code applies to the marketing and practices related thereto, of the following products: Breast-milk substitutes, including infant formula; other milk products, food and beverages, including complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breast-milk, feeding bottles and teats. It also applies to their quality and availability; and to information concerning their use.

ARTICLE 3: DEFINITIONS FOR THE PURPOSE OF THIS CODE

“BREAST-MILK SUBSTITUTES” means any food being marketed or otherwise represented as a partial or total replacement for breast-milk, whether or not suitable for that purpose.

“COMPLEMENTARY FOOD” means any food, whether manufactured or locally prepared, suitable as a complementary to breast-milk, or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called “Weaning Food or breast-milk supplement”.

“CONTAINER” means any form of packaging of products for sale as a normal retail unit, including wrappers.

“DISTRIBUTOR” means a person, corporation or any other entity in the Public or Private Sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level, a product within the scope of this Code. A “Primary Distributor” is a manufacturer’s sales agent, representative national distributor or broker.

“HEALTH CARE SYSTEM” means governmental, non-governmental or private institutions or organization engaged, directly or indirectly in health care for mothers, infants and pregnant women; and day-care or child-care institutions. It also includes health workers in private practice. For the purpose of this Code, health care system does not include pharmacies or other established sales outlets.

“HEALTH WORKER” means a person working in a component of such a Health Care System, whether professional or non-professional, including voluntary, unpaid workers.

“INFANT FORMULA” means-a breast-milk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal

requirements of infants up to six months of age and adapted to their physiological characteristics. Infant formula may also be prepared at home, in which case it is described as “Home Prepared”.

“LABEL”

means- any tag, brand, mark, pictorial, or other descriptive matter, written, printed stenciled, marked, embossed or impressed on or attached to a container.

“MANUFACTURER”

means- a corporation or other entity in the public or private sector engaged in business or function (whether directly or through an agent or through an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.

“MARKETING”

means- product promotion, distribution, selling, advertising, product public relations and information services.

“MARKETING PERSONNEL

means-any persons whose functions involve the marketing of a product or products within the scope of this Code.

“SAMPLES”

means- single or small quantities of product provided without cost.

“SUPPLIES”

means- quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided for families in need.

ARTICLE 4: INFORMATION AND EDUCATION

- 4.1 The Government of Liberia through the Ministry of Health and Social Welfare is responsible to ensure that objective and consistent information is provided on infant and young child feeding for use by families and those involved in feeding infant and young children.. This responsibility includes, planning, provision, design, and dissemination of information; or their control.
- 4.2 Information and educational materials dealing with the feeding of infants should include clear information on benefits of breast-feeding and preparation for maintenance of breast-feeding. Such materials should not use pictures or text, which may idealize the use of breast-milk substitutes.
- 4.3 Donations by distributors should be done only through the Ministry of Health and Social Welfare and such donations should not advertise breast-milk substitutes in any way.

ARTICLE 5: GENERAL PUBLIC AND MOTHERS

- 5.1 There should be no distribution of samples of breast-milk substitutes or promotion

devices such as poster, pens, calendars, etc, to mothers and family members.

ARTICLE 6: CARE SYSTEM

- 6.1 The Government of Liberia through the Ministry of Health and Social Welfare, will take appropriate measures to encourage and protect breast-feeding and promote the principles of this Code; and will give appropriate information through training and advice to health workers in regard to their responsibilities.
- 6.2 No health facility should be used to advertise or promote breast-milk substitutes by means of displaying posters, placard, brochures, calendar, etc.
- 6.3 The Government of Liberia through the Ministry of Health and Social Welfare will not permit distributors to sponsor staff members for the sole purpose of promoting their products, such as breast-milk substitutes in any care facility, such as health facilities, day care centers and other child care institutions.
- 6.4 Where breast-milk substitutes is to be utilized, only qualified health workers or community health workers should demonstrate the preparation and give appropriate information to the mother on negative effects if not properly followed.
- 6.5 Donation of breast-milk substitutes should only be accepted if (1) it will be used for an infant who has to be fed on breast-milk substitutes upon Doctor's advice, (2) donor will continue to supply as long as an infant needs it, such donation should be done through the Ministry of Health and Social Welfare.

ARTICLE 7: HEALTH WORKERS

- 7.1 All health workers at facility and community levels should promote and protect breastfeeding and support mothers to breast feed their infants and are responsible to:
 - a. Refuse to accept free or gift or sample of formula
 - b. Refuse to allow free samples, gifts, or leaflets to be given to mothers.
 - c. Eliminate teaching of formula use to groups of mothers either in health care facilities or within the community.

ARTICLE 8: PERSONS EMPLOYED BY MANUFACTURERS AND DISTRIBUTORS

- 8.1 Any personnel employed by a distributor and assigned within a health facility purposely to perform other functions, is not allowed to advertise breast substitutes to pregnant women or mothers and families.

ARTICLE 9: LABELING

- 9.1 Labels should be designed to provide the necessary information about the appropriate use

of the product, and so as not to discourage breast-feeding.

- 9.2 Food products for infant feeding, which do not meet the requirement for infant formula, but which can be modified, should not be the sole source of nourishment of an infant.
- 9.3 The label of food products within the scope of this code should also state all the following points:
 - a. The ingredients used;
 - b. The composition/analysis of the product;
 - c. The storage condition required and,
 - d. The batch number and the date before which the product is to be consumed;

ARTICLE 10: QUALITY

- 10.1 The Government of Liberia through the Ministry of Health and Social Welfare is to ensure that all food products imported into or manufactured in Liberia should be of high quality and standard.

ARTICLE 11: IMPLEMENTATION AND MONITORING

- 11.1 All importers or distributors are to adhere to this policy. Moreover, non-governmental organizations, professional groups, institutions and individuals have the responsibility of drawing the attention of government to violators of this policy.