



In the name of Allah the most Compassionate, the most Merciful

## **REGULAITON ON SUPPORT AND PROMOTION OF BREASTFEEDING**

### **CHAPTER 1**

#### **GENERAL CONSIDERATIONS**

**Article 1: this regulation is ratified under act of section (1) of Article 33 of the Public Health Law**

#### **Aims**

#### **Article 2**

**The aims of this regulation are:**

1. Realizing health and physical/ psychological wellbeing of child and mother
2. Provision of safe and adequate nutrition for children support and promotion of breastfeeding.
3. Ensuring the proper use of special formulas
4. Encouraging mothers for breastfeeding
5. Feeding of children with complementary foods
6. Provision of healthy foods for children by using safe commodities based on national and international standards.

#### **Terms/ definitions**

**Article 3:** The meaning of the following terms in this regulation is:

1. **Advertisement:** is the activity for promotion of sale or use of any specific product through print media, advertising of TV, radio, film, internet, video, telephone, bill boards, press releases, shows etc.
2. **Follow-up formula:** is milk or complementary milk substitutes that is derived from plants or animals according to national and international standards and is supplied to the market

3. **Infant formula:** milk or milk substitutes similar to breast milk formulated from animal or plant origin industrially according to national and international food standard and applied to the market.
4. **Complementary food:** any considered suitable food in addition to Breast milk, infant formula or follow-up formula.
5. **Container:** any form of packaging used for sale of a designated product, (including wrapper or Bag)
6. **Manufacturer and distributor:** a person, corporation or other entity engaged in the wholesale or retail production, importation, business and in marketing of any designated product.
- 7- **Health care facilities:** a public or private organizations or private clinics, involved directly or indirectly in the provision of health care
7. **Health professional:** an individual with an valid specialized degree, endorsed by the Minister of Public Health
8. **Health worker:** a person who provides health care services in a health care facility whether officially or voluntarily
9. **Infant:** the new born baby from birth up to the age of 30 months.
10. **Label:** a paper including name, form, storage descriptions, weight and amount, composition, batch number, manufacturing date, expiry date, name and address of manufacturing company, which is embossed, attached or otherwise appearing on a container of a designated product.
11. **License:** an official document that shows that permission of Ministry of Public Health, given to a eligible person for a specific activity..
12. **Designated product:** including infant formula, follow-up formula; complementary foods or drinks, feeding bottles, teats and pacifiers and other products which are announced by Minister of Public Health as specific products

**Implementing agency:**

Article 4:

1. Ministry of public health is the main implementing agency for this regulation. Other ministries and relevant agencies are responsible to provide exclusive collaboration accordingly.

2. Ministry of public health is responsible to prepare a plan for raising awareness among population regarding the proper use of Breast milk substitutes, provide necessary information on child feeding and monitor the implementation

## **CHAPTER 2, PROHIBITIONS**

### **Prohibition on Sale of a designated product**

#### **Article 5:**

No person shall distribute/ sell, store or make for sale the products about to expiry, the product not registered as per article 24 of this regulation and apposite to its

### **Prohibited situation for promotion**

#### **Article 6 :**

A manufacturer or distributor can not promote any designated (prohibited) product in a health care facility or elsewhere through the following means:

1. advertising,
2. Sales methods such as special displays, discount coupons, premiums, rebates, special sales, loss-leaders, tie-in sales, prizes or gifts.
3. Sponsorship of any programs or events in which a designated product is promoted
4. Donation or distribution of informationl or education material referring to infant feeding.

### **Information on designated products:**

#### **Article 7:**

Manufacturers and distributors may not offer information about designated products to health professionals without written request by such health professionals or relevant authority if such information is restricted to scientific and factual matters regarding the technical aspects and methods of use of designated products.

### **Prohibitions of sales, donation, or promotion of designated products**

#### **Article 8;**

- (1) A manufacturer or distributor shall not , donate or provide at lower than the published wholesale price where one exists, and in its

absence, lower than 80 percent of the retail price, any quantity of a designated product to a health worker or a health care facility;

provided that a manufacturer or distributor may, distribute free or at low cost, supplies of designated products for emergency relief operations, if all of the following conditions apply:

- i) if there are infants who have to be fed on the products;
- ii) if the supplies are not used as sales inducements.
- iii) when there are need for these products

(2) Manufacturer and distributors donate to or distribute within health care facility equipment or services which refer to or may promote the use of a designated product; at the sales points, mother and child health services, basic health centers, comprehensive health centers or other places.

(3) ) Manufacturer and distributors donate to or distribute within a health care facility materials including but not limited to pens, calendars, posters, note pads, growth charts and toys .

(4) ) **Manufacturer and distributors offer or give any gift, contribution or benefit to a health worker or to associations of health workers engaged in maternal and child health including but not limited to fellowships, research grants or funding for meetings, seminars, continuing education courses or conferences;**

(5) ) Manufacturer and distributors sponsor events, contests, telephone counseling lines or campaigns aimed at pregnant or lactating women, parents of infants or young children, or members of their families nor sponsor events, contests, telephone counseling lines or campaigns related to fertility, pregnancy, childbirth, infant or young child feeding or related topics

(6) Manufacturer or distributors include the volume of sales of designated products when calculating employee remuneration or bonuses, nor set quotas for sales of designated products.

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### **Prohibition of accepting any gifts by health care providers**

#### Article 9:

**A health worker** engaged in maternal and child health shall not, accept any gift, contribution benefit, financial or otherwise, of whatever value from a manufacturer or distributor or any person on his or her behalf; accept or give samples of designated products to any person; or demonstrate the use of infant formula or special

infant formula except to individual mothers or members of their families in very special cases of need.

**Prohibitions related to labels of designated products :**

**Article 10:**

A manufacturer or distributor shall not offer for sale or sell a designated product if the container or label affixed thereto includes

- 1- a photograph, drawing or other graphic representation other than for illustrating methods of preparation;
- (2) any health claim;
- (3) any reference to standards and organizations, Codex Alimentarius Commission ) that may be construed as promotion or an indication of quality; or
- (4) any reference to a manufacturer or distributor that may be construed as an indication that the manufacturer or distributor is an expert or an authority on infant and young child -feeding.

**Prohibition related to teats or pacifiers:**

**Article 11:**

A manufacturer or distributor shall not offer for sale or sell a designated product, other than a feeding bottle, teat or pacifier unless the container or label that is affixed and not removable thereto indicates in a clear, conspicuous and easily readable manner, in Dari and Pashto, the following particulars:

- (1) instructions for appropriate preparation and use in words and in easily understood graphics;
- (2) the age after which the product is recommended in numeric figures;
- (3) a warning about the health hazards of improper preparation and of introducing the product prior to the recommended age;
- (4) the ingredients used, specifying the origin of any milk or milk-like product;
- (5) the composition and nutritional analysis;
- (6) the required storage conditions both before and after opening, taking into account climatic conditions;
- (7) the batch number, date of manufacture and date before which the product is to be consumed, taking into account climatic and storage conditions;

- (8) the name, complete national street address and phone number of the manufacturer.
- (9) the name and complete address of importer; and
- (10) such other particulars as may be prescribed the Ministry of Public Health upon recommendation from the Committee.

**Prohibitions related to labels of infant formula and follow up formula:**

**Article 12:**

A manufacturer or distributor shall not offer for sale or sell infant formula or follow up formula unless the container or label affixed thereto, in addition to the requirements of Article(10), conforms to the following:

- (1) contains the words "important notice" on the main display panel in capital letters and indicated there under, the statement "Mother's milks is the best. Mother milk is the best food for the healthy growth and development of infants and young children. It protects against diarrhea and other illnesses" in characters not less than 5 millimeters in size;
- (2) contains the word "warning" and indicated there under the statement "Before deciding to supplement or replace breastfeeding with this product, seek the advice of a health professional. It is important for your baby's health that you follow all preparation instructions carefully. If you use a feeding bottle, your baby may refuse to feed from the breast. It is more hygienic to feed from a cup" in characters "no less than one-third the size of the characters in the product name, and in no case less than 1.5mm in height;
- (3) contains the "Caution" and warns against the health hazards of inappropriate preparation with the statement: "Careful and hygienic preparation of infant formula/follow-up formula is most essential for health. Do not use fewer or more scoops than directed."
- (4) that the product should be prepared appropriately and hygienically and that care should be taken in the cleaning of utensils, feeding bottles and teats; the approximate compositions of nutrients per 100 grams of product including its energy value in calories; the storage conditions, specifically with the statement, "store in cool dry place in an air-tight container" or the like.
- (5) does not use the terms "maternalized", "humanized" or terms similar thereto nor any comparison with breastmilk; and
- (6) does not use text that may tend to discourage breastfeeding;

(7) in the case of follow up formula or special follow-up formula, states that the product shall not be used for infants less than 6 months.

### **Prohibitions related to labels of skimmed or condensed milk**

#### **Article 13:**

A manufacturer or distributor shall not offer for sale or sell skimmed or condensed milk in powder or liquid form, unless the container or label affixed thereto contains the words "This product should not be used to feed infants" on the main display panel in characters no less than one-third the size of the characters in the product name, and in no case less than 1.5mm in height;

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### **Prohibitions related to labels of low-fat and standard fat milk**

#### **Article 14:**

A manufacturer or distributor shall not offer for sale low-fat or standard milk in powder or liquid form, unless the container or label affixed thereto contains the words "This product should not be used as an infant's sole source of nourishment" on the main display panel in characters no less than one-third the size of the characters in the product name, and in no case less than 1.5mm in height;

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### **Prohibitions related to labels of feeding bottles and teats**

#### **Article 15:**

A manufacturer or distributor shall not offer for sale or sell a feeding bottle or teat unless the packaging or label affixed thereto, in addition to the requirements of Article (12) indicates in a clear, conspicuous and easily readable manner, in Dari and Pashto, the following particulars:

- (1) the words "important notice" in capital letters and indicated there under the statement "Mothers milk is the best food. Mother's milk is the best food for the healthy growth and development of infants and young children. It protects against diarrhea and other illnesses" on the main display panel of the packaging, in characters no less than one-third the size of the characters in the product name, and in no case less than 2mm in height;
- (2) The statement "Warning: It is important for your baby's health that you follow the cleaning and sterilization instructions very carefully. If you use a feeding bottle, your baby may no longer want to feed from the breast because of nipple confusion" in

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- characters no less than one-third the size of the characters in the product name, and in no case less than 2mm in height;
- (3) Instructions for cleaning and sterilization in words and graphics; and no case less than 2 mm in height.
  - (4) a statement explaining that feeding with a cup is more hygienic than bottle feeding;
  - (5) a warning that children should not be left to self-feed for long periods of time because extended contact with sweetened liquids, including infant formula, may cause severe tooth decay; and
  - (6) The name and national address of the manufacturer or the distributor.

#### **Prohibitions related to labels of pacifiers**

##### **Article 16;**

A manufacturer or distributor shall not offer for sale or sell a pacifier unless, in addition to the requirements of Article (15), it is labeled with the words "Warning: use of a pacifier can interfere with breastfeeding" on the main display panel in characters no less than one-third the size of the characters in the product name, and in no case less than 1.5mm in height .

#### **Prohibitions related to the labels of production and distribution of complementary foods**

##### **Article 17:**

A manufacturer or distributor shall not offer for sale or sell complementary foods or any food or drink marketed or otherwise represented as suitable for feeding of infants unless the container or label affixed thereto , in addition to the requirement of Article 6, contains, on the main display panel , in a conspicuous and legible manner, in contrasting colors and in a font identical to that used for the product brand name, the following statement:

The child should exclusive breastfeeding for six months followed by nutrient rich family foods and continued breastfeeding for up to two years and beyond. This product should not be used for children under six months."

### **CHAPTER 3 INFORMATION AND EDUCATION**



## **Information and educational materials based on international standards**

### **Article 18:**

(1) Informational and educational materials which refer to infant feeding should developed based on national and international standards contain only correct and current information and shall not use any pictures, photo, and drawing, or text that encourage artificial feeding or discourage breastfeeding.

(2) informational and educational materials refer to infant feeding shall be reviewed and approved by the committee and conform and translated to National languages (Dari and Pashto) and international languages whether written, audio or visual should contain this information: clearly and conspicuously explain each of the following points:

- (a) the benefits and superiority of breastfeeding.
- (b) the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years or beyond;
- (c) how to initiate and maintain exclusive and sustained breastfeeding;
- (d) why it is difficult to reverse a decision not to breastfeed;
- (e) the importance of introducing complementary foods from the age of six months;
- (f) how and why any introduction of bottle feeding or early introduction of complementary foods negatively affects breastfeeding;
- (g) that complementary foods can easily be prepared at home using local ingredients, and
- (h) guidance on how to prepare complementary foods to provide adequate nutrition, whether from local or manufactured ingredients.
- (i) instructions for the proper preparation and use of the product including cleaning and sterilization of feeding utensils;
- (g) how to feed infants with a cup;
- (k) the health hazards of bottle feeding and improper preparation of the product; and
- (l) the approximate financial cost of feeding an infant with such a product in the recommended quantities.

## **Prohibition of educational materials**

### **Article 19:**

- (1) Information of educational materials shall include health claims not give an impression or create a belief that a designated product is equivalent to or comparable with or superior to breastmilk or breastfeeding.
- (2) contain the name or logo of any designated product nor of any manufacturer or distributor of a designated product,

#### **CHAPTER 4 National committee**

##### Structure of the committee

Article 20;

- (1) There shall be a National Committee for the Promotion and Protection of Breastfeeding under Ministry of Public Health to be composed of the following members:
  - 1. The Minister of Public Health as a Chairman;**
  - 2. representative of Ministry of Agriculture , Animal Husbandry and Food**
  - 3. representative of Ministry of Education**
  - 4. representative of Ministry of Religious Affairs**
  - 5. representative of Ministry of Women’s Affairs**
  - 6. representative of Ministry of Information , Culture and Tourism,**
  - 7. representative of Ministry of the Interior**
  - 8. representative of Ministry of Justice**
  - 9. representative of Ministry of Trade and Commerce**
  - 10. representative of Ministry of Finance**
  - 11. representative of Central Municipality**
  - 12. representative of central norms and standards**
  - 13. representative of trade and commerce (there is epecific agency we will put the exact name0**
- (2) **other persons or organizations as the Minister of Public Health may appoint as members of the Committee.**
- (3) The Committee may invite national or foreign experts to take part in the meetings as observers and may constitute committees or appoint experts for the purpose of detailed study of any matter set before it.

## **Duties and authority of the Committee**

### **Article 21:**

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The National Committee o support and promotion of berastfeeding has the following authority and responsibilities:

1. To advise **the President and** the Minister of Public Health on national policy for the promotion and protection of breastfeeding;
2. To advise the Ministry of Trade and Commerce as well as other relevant Ministries on the marketing, importation and distribution of designated products in Afghanistan
3. To create **provincial** committees to carry out the functions of the Committee at the regional level, as may be prescribed;
4. To advise the Minister of Public Health on designing a national strategy for developing communication and public education programmes for the promotion of breastfeeding; informational and educational materials on the topics of infant and young child feeding; continuing education for health workers on lactation management and the requirements of this Law; curricula for students in the health professions that include lactation management and to ensure widespread distribution of and publicity concerning this Law;
5. to review reports by any persons of violations or other matters concerning this Law;
6. to issue instructions to inspectors as to actions to be taken, or take such other actions as the case may be, against any person found to be violating the provisions of this Law or the Rules promulgated pursuant thereto;
7. to scrutinize materials submitted in accordance with Article 14 and recommend appropriate actions to be taken in the case of a violation of Chapter 3 and
8. to promote compliance of this Law by organizations implementing the Basic Package of Health Services through Performance Based Partnership Agreements or the Essential Package of Services for Hospitals.
9. to liaise with the Attorney-General regarding prosecution and other matters concerning this Law.
10. such other powers and functions, including the powers of an Inspector, as are conferred on him or her by the provisions of this Law and as may be prescribed.

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### **Legal Perusal:**

Article 22: need exact words translations

**Public enforcement**

1. Any person has the right introduce the violator of the regulation if someone is violating the contents of this regulation.
2. The committee is responsible to introduce the violator to relevant institution after assessing the compliant.

**Inspector and his power (Term of Reference)**

**Article 23;**

1. The Committee shall appoint Professionals as monitors to monitor better implementation of the regulation. It is subjected to that they don't have any direct or indirect interest in production and distribution of designated products
2. **The inspectors may have the following duties:**
  - Inspect any document and premises where any designated product is imported, manufactured, sold, stocked, exhibited for sale, advertised or otherwise promoted
  - Inspect the record and registration of manufactured and imported designated product
  - Provide written presentation to the complaints and reports of violations to the Committee in
  - Miscellaneous duties and authority relevant to the contents of the regulation assigned by the committee,

**CHAPTER 5  
Miscellaneous orders**

**Record and Registration of designated products**

**Article 24:**

(1) A manufacturer or distributor is responsible to record and register the designated product according to standards of Codex and its predicted conditions,

- (2) A manufacturer or distributor has to provide information and sample of the designated product to Ministry of Public health, when record and register the designated products.
- (3) The Certificate of Registration fro producer and distributor shall be issued by ministry of public health.

### **Public Awareness**

#### **Article 25:**

1. Ministry of Public Health has the responsibility for increasing public awareness by publishing small booklets, posters with out photos of designated products and broadcasting the TV and Radio programs and other audiovisual programs on benefit of breastfeeding, nutrition of pregnant and lactating women, and hazards of use of unsafe Breast milk substitutes on regular bases
2. The issues of infant feeding with Breast milk and hazards of using Breast milk substitutes shall be included in the schools, Madrasa, and teachers' training institutes curricula.
3. For better introduction of local available complementary foods, improving quality and safe storage, introductory programs for how to prepare foods and mother and child health clinics, comprehensive health centers and Basics health centers, provincial health directorate and kindergardtent should introduced and implemented.

### **Penalties:**

Article 26;

Penalties of the person according to that regulation are accordingly:

1. First, Advice
2. Then, warning and
3. Finally cancellation of the registration and record.

### **Rules and regulations development:**

Article 27;

Ministry of Public Health shall develop any rules and regulations deemed necessary for better implementation of this regulation.

### **Enforcement**

This regulation shall come into effect after endorsement by the President of Afghanistan and publishing in the official Gazette. By enforcement of

this regulation the previous regulation of infant feeding instead of breastfeeding is cancelled which was endorsed under decree number (582) date 14/6/1422