

LAW OF MONGOLIA

... day of 2017

Ulaanbaatar City

ON FOOD FOR INFANTS AND YOUNG CHILDREN

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Purpose of the Law

- 1.1. The purpose of this Law is to define the policy of promoting breastfeeding for infants and young children and to regulate issues related to healthy and safe food supply and its monitoring.

Article 2. Law on food for infants and young children

- 2.1. The law on food for infants and young children consists of the Constitution of Mongolia, Law on Health, Law on Food, Law on Ensuring Food Safety, Law on State Supervision and Inspection, Law on Advertisement, this Law and other legislative acts issued in conformity with them.
- 2.2. If an international treaty to which Mongolia is a party provides otherwise, the provisions of the international treaty shall prevail.

Article 3. Terms of the law

- 3.1. The following terms used in this law shall be understood as stated below:

3.1.1. "infant" means a child from birth up to the age of twelve months;

3.1.2. "young child" means a child from the age of twelve months up to the age of three years;

3.1.3. "products designated for feeding infants and young children" /hereinafter referred to as "designated products"/ means food products and feeding utensils except breast milk, according to 3.1.5-3.1.10 of this Law;

3.1.4. "international food Codex Standards" /hereinafter referred to as "Codex Standards"/ means standards on food issued by the Codex Alimentarius Commission of the joint UN FAO/WHO Food Standards Program;

3.1.5. “feeding utensils” means feeding bottles, teats and feeding cups with spouts, straws or teats, and products identical with them;

3.1.6. “infant formula” means milk, milk products and products identical with them of animal or plant origin manufactured in accordance with the standards specified in 3.1.4 of this law for infants up to six months of age;

3.1.7. “follow-up formula” means milk, milk products and products identical with them of animal or plant origin manufactured in accordance with the standards specified in 3.1.4 of this law intended for infants and young children older than six months of age;

3.1.8. “complementary food” means additional food given to children from the age of six months appropriate for the developmental stage of the child;

3.1.9. “formula for special medical purposes intended for infants and young children” means formula for special medical purposes intended for infants and young children who are unable to breastfeed due to illness and manufactured in accordance with the standards specified in 3.1.4 of this law and products identical with them;

3.1.10. “drinks for infants and young children” means tea, juice and products identical with them manufactured specifically for infants and young children older than six months of age;

3.1.11. “exclusive breastfeeding” means feeding the infants up to six months of age only with breast milk;

Article 4. Policy of promoting breastfeeding

4.1. The Policy of promoting breastfeeding is to supporting early initiation of newborn breastfeeding, exclusive breastfeeding for the first 6 months, breastfeeding from 6 months up to 2 years and extended breastfeeding;

4.2. In case a child is unable to breastfeed due to the mother’s death, a medical condition and in the absence of the breastmilk reserves specified in the article 15.2 of this Law, infants and young children can be fed formula by doctor’s instructions.

CHAPTER TWO
**REQUIREMENTS AND PROHIBITIONS ON INGREDIENTS, CONTAINER,
PACKAGING AND LABELLING OF DESIGNATED PRODUCTS**

Article 5. General requirements on ingredients of designated products

- 5.1. The ingredients of designated products shall fulfill the following general requirements besides the standards specified in 3.1.4 of this law:
 - 5.1.1. Ingredient and nutritional information of food for infants and young children shall be placed on the container, package and label in accordance to the Article 12 of the Law on Ensuring Food Safety;
 - 5.1.2. If two or more food additives permitted by the Standards described in 3.1.4 are contained in designated product, they shall be included in the list of ingredients on the label;
 - 5.1.3. Amount of contaminants contained in food for infants and young children shall fulfill the requirement described in 11.1.1 of the Law on Ensuring Food Safety;
 - 5.1.4. Food for infants and young children shall not contain pesticide.
- 5.2. Samples of food for infants and young children shall be tested in accredited laboratories for hormone residue, antibiotics, pathogenic micro-organisms, toxins and other contaminants.
- 5.3. Designated products shall fulfill the Standards specified in 3.1.4 of this Law and requirements specified in 7.1 of the Law on Ensuring Food Safety.
- 5.4. Food for young children from six months of age up to three years of age may contain honey and natural sugar.
- 5.5. It is prohibited to use trans fatty acids and raw materials originated from modified living organisms in the food for infants and young children.
- 5.6. It is prohibited to import and sell food for infants up to six months of age except designated products specified in 3.1.6 and 3.1.9 of this Law.
- 5.7. It is prohibited for state organizations, non government organizations and economic entities to use donation and aid financing to buy any designated products other than those specified in 3.1.9 of this law.

Article 6. General requirements on container, packaging and labelling of designated products

- 6.1. Container, package and label of designated products shall contain the following information besides as described in 12.4 and 12.5 of the Law on Ensuring Food Safety:
 - 6.1.1. instructions on the correct method of preparing the product;
 - 6.1.2. methods to clean and sterilize feeding utensils;
 - 6.1.3. text and notice explaining ingredients, composition and nutritional value;

- 6.1.4. required information of manufacturer and distributor of the designated products /hereinafter referred to as legal entity;
 - 6.1.5. instructions on safe storage of the designated product before and after opening.
- 6.2. Information placed on the container, package and label of the designated products shall be in Mongolian language.
- 6.3. The following information shall be prohibited to be placed on the package and label of the designated products:
- 6.3.1. Information representing the composition of the product as identical to the nutritional value of the breastmilk;
 - 6.3.2. Information claiming that the product suits every child;
 - 6.3.3. graphic representation other than instructions represented by manufacturer logo and symbol.
 - 6.3.4. Contain any health or nutritional claim

Article 7. Specific requirements and prohibitions for formula container, packaging and labelling

- 7.1. The following information shall be placed on the front panel of the container, package and label of formula intended for infants and young children:
- 7.1.1 the age range of the infants or young children to use the product;
 - 7.1.2 message “Breast milk is the best food for babies”;
 - 7.1.3 warning “This product shall only be used on the advice of a health professional”.
- 7.2 It is prohibited to use words and terms in the brand name and other texts placed on the container, package and label of the formula that imply or represent the product to be identical to breastmilk.

Article 8. Specific labelling and packaging requirements and prohibitions for complementary food and drink

- 8.1. The following information shall be placed on the container, package and label of the complementary food and drink besides the general requirements specified in this law:
- 8.1.1. the age range of the child for which the product is suitable for on the front main panel of the label;
 - 8.1.2. warning preceded by the expression “IMPORTANT NOTICE” against health risks of improper use, preparation and storage;
 - 8.1.3. warning that this product is not intended for infants under 6 months of age;
 - 8.1.4. the expression “DO NOT ADD SALT OR SUGAR” in capital letters in the instruction.

8.2. It is prohibited to place information that idealises the product or is likely to undermine or discourage breastfeeding or create a belief that the product is equivalent or superior to breast milk on the container, packaging and label of complementary food and drink.

8.3. A warning “This product should not be used as an infant’s sole source of nourishment” shall be placed on the container, packaging and label of milk and milk products.

Article 9. Specific requirements and prohibitions for container, packaging and labelling of feeding utensils

9.1. The following information shall be placed on the container, package or label of the feeding utensils for infants and young children:

9.1.1. statement specified in 7.1.2 of this Law;

9.1.2. warning “If you are breastfeeding your baby, using a feeding bottle and teat may interfere with the baby’s natural way of sucking your breast”.

9.2. It is prohibited to place any graphic representation on a container, package or label of a feeding bottle, teat or feeding cup other than the illustration for cleaning and sterilization and the logo of the legal entity.

9.3. It is prohibited to place any words or images on the container, package or label of a feeding utensil implying the product as “manufactured in accordance with the recommendation of a health professional”.

9.4. It is prohibited for a legal entity to import or sell a feeding utensil manufactured from plastic not for food usage.

9.5. The information on the container, package and label specified in sub-articles 7.1, 7.2, 8.1, 8.3 and 9.1 of this law shall be written in Mongolian in clear, conspicuous and easily readable manner.

9.6. It is prohibited to manufacture, import or sell designated product which fail to meet the food standards, general and specific requirements specified in this law.

CHAPTER THREE ADVERTISEMENT AND INFORMATION

Article 10. Advertisement of food and feeding utensils for infants and young children

10.1. It is prohibited to advertise and promote the following products:

10.1.1. products specified in 3.1.5-3.1.7, 3.1.9, 3.1.10 of this Law;

10.1.2. products warned through media by the Health and Monitoring State Organisation ;

10.2. It is prohibited for a legal entity to do the following to increase the sales of designated products:

10.2.1 offer price discount, price reduction and special promotion and use display;

10.2.2 develop, publish or distribute material related to infant and young child nutrition;

10.2.3 sponsor colleges, universities and research institutes providing health education;

10.2.4 place leaflets and posters related to designated products in health establishment;

10.2.5 provide financial contributions or sponsorship to health worker, professional or researcher engaged in infant and young child nutrition;

10.2.6 organize meetings on infant and young child health and nutrition, select delegates and provide financial assistance or sponsorship to them;

10.2.7 distribute free or sell at low cost designated products to pediatric hospitals, sanatoria or orphanages;

10.3 It is prohibited for legal entity to distribute free or sell at low cost the product and its sample on its own or as set combined with other products to health establishment, health workers and consumers with the aim of selling designated product;

10.4 It is prohibited to sell designated products specified in 3.1.5-3.1.7 of this Law within maternity and child health emergency clinic;

10.5 It is prohibited to use brand name or logo of any designated product on products and service not applicable to this Law;

Article 11. Information and education on nutrition of infants and young children

11.1. Non government organizations licensed by health and authorized organizations shall provide information and organize training activities on food and nutrition for infants and young children based on the following framework apart from conflict of interest;

11.1.1. benefits of exclusive breastfeeding of infants for the first six months followed by sustained breastfeeding;

11.1.2. advantages and benefits of breastfeeding;

11.1.3. negative effects of early weaning; reasons why it is wrong to forcedly wean the child;

11.1.4. importance of introducing complementary foods from the age of six months;

11.1.5. the negative effects of the use of a feeding bottle or the early introduction of complementary foods;

11.1.6. appropriate nutrition of lactating mothers;

11.1.7. home prepared complementary food

11.2. Information and education materials on nutrition of infants and young children must contain scientifically accurate information and should not contain manufacturer's or distributor's logo or brand name of the designated product.

Article 12. Information on feeding infant formula

12.1. The following information shall be provided to the mother feeding an infant and child as specified in 4.2 of this Law:

12.1.1. how to use the product, clean and sterilize the feeding utensils;

12.1.2. how to feed an infant using a cup;

12.1.3. health risk associated with inappropriate preparation of the product;

Article 13. Information about designated product for health workers

13.1. Health workers shall be provided with the following information on designated products:

13.1.1. technical specifications of the product, scientific and factual information on the method of use;

13.1.2. source of research proving correlation between the product, its composition and child health, growth and development.

CHAPTER FOUR ROLE AND RESPONSIBILITIES OF THE STATE ADMINISTRATIVE CENTRAL ORGANISATION, HEALTH ESTABLISHMENT, ECONOMIC ENTITIES

AND CITIZENS

Article 14. Obligations of State Administrative Central organization and Professional Sub-council

14.1. State Administrative Central Organisation of Healthcare, Food Issues and Social Protection shall collaborate on the implementation of Food Law for Infants and Young Children within the framework of their power.

14.2. State Administrative Central Organisation of Healthcare has the following obligations:

14.2.1. approve and implement instruction for feeding infants and young children based on the recommended amount of food, nutrient, mineral and vitamin specified in 5.1 of Food Law;

14.2.2. produce the National Program of promoting healthy food and healthy eating for mothers, infants and young children, have it approved by the Government and conduct control over the implementation;

14.2.3. to produce, approve and implement rules and instructions regarding the implementation of this Law;

14.3 State Administrative Central Organisation of Food Issues shall promote the production of food made from local commonly used sources for infant and young children;

14.4 State Administrative Central Organisation of Social Protection shall implement food and nutrition assistance for mothers and children from families for whom social welfare assistance is necessary as specified in Article 22 of the Law of Social Welfare;

14.5 Non executive professional sub-council in charge of coordinating food safety for infants and young children /hereinafter referred to as "sub-council"/ shall operate under the National Council for Food Safety, and, the Head of sub-council shall be a Member of Parliament in charge of health issues;

14.6 The sub council has the following obligations:

14.6.1 make decision on promoting breastfeeding and monitor the implementation;

14.6.2 identify breaches of this Law and other related decisions, inform them to the public and present them to relevant authority for resolution;

14.6.3 Conduct evaluation annually on the implementation of policy and legislation for promoting breastfeeding and present the future possible activities to the National Council of Food Safety;

Article 15. Role and responsibilities of a health establishment

15.1. The obligations of the management of all levels of public and private health establishments in regard to protection and promotion of breastfeeding:

15.1.1. advertise this law and relevant legislations to the public;

15.1.2. provide information, methodology and technical guidance to health workers regarding the benefits of breastfeeding;

15.1.3. organize training of information specified in Articles 11, 12 and 13 of this Law to health workers and citizens;

15.2 Maternity houses and units shall establish and operate breastmilk reserve bank to provide nutritional needs of infants.

15.3 Guidelines and instructions for establishing and managing breastmilk reserve bank shall be approved by the Cabinet member in charge of health issues.

Article 16. Role and responsibilities of health workers

16.1. Health workers of public and private health establishments shall have the responsibilities of restricting illegal actions which violate the implementation of the policy for promoting breastfeeding;

16.2. The action of employee of health organization, health education organization or research institution violating this Law and being affected by conflict of interest shall be reported by legal entity and citizen in writing to the Member of Parliament in charge of health;

16.2.1. the action of medical professional or health worker violating the law shall be discussed by Medical Professional Ethical Review Committee of the state administrative central organization in charge of health;

16.2.2. the action of an employee of a health education organization or research institution violating the law shall be discussed by the Medical Ethics Review Committee of the state administrative central organisation in charge of health.

16.3. Results of investigations carried out by the ethical committees, specified in 16.2.1 and 16.2.2 of this Law, shall be delivered to the Member of Parliament in charge of health.

Article 17. Responsibilities of state organizations, economic entities and citizens

17.1. State organizations and economic entities shall designate environment for breastfeeding and feeding children.

17.2.2. Citizen shall notify the relevant authority the inappropriate advertisement of food for infants and young children and breaches of this Law.

CHAPTER FIVE MISCELLANEOUS

Article 18. Control over implementation of legislation

18.1. The following entity shall monitor implementation of the law on food for infants and young children:

18.1.1. the state control shall be carried out by Governors of all levels, authorized monitoring organisations, other organizations and officials authorized by law and regulation pursuant to their respective powers;

18.1.2. consumer protection body and other non-governmental organizations working to protect citizens' legitimate rights shall carry out public monitoring;

18.2. State Administrative Central organization in charge of health and Monitoring Body shall jointly approve the instructions and guidelines for conducting assessment specified in 14.6.3 of this Law.

18.3. Authorized monitoring institution shall carry out inspection and take measures to resolving a breach of law in response to information, request or complaint regarding the breach of the law presented or submitted by citizens, public and organizations in the following way:

18.3.1. helpline operated by the authorized monitoring institution to receive applications and complaints;

18.3.2. website of the authorized monitoring organisation;

18.3.3. information of evidence posted on e-commerce website and social media;

18.3.4. center operated by the Government to communicate with citizens and the public;

18.3.5. application, complaint or official letter.

Article 19. Liabilities for violation of the law

19.1 Where violation of this legislation by an official does not constitute a criminal offence, the penalties described in the legislation of Government Agency shall be imposed;

19.2 Where citizen or legal body violate this legislation, the penalties described in the Criminal Law and Offence Law shall be imposed;

Article 20. Effective Date of this Law

20.1. This Law shall take effect on July 1, 2017.