

## **Decree of the Cabinet No. (21), 2018**

### **On regulating the marketing of infants and young children feeding products**

The Cabinet,

- After reviewing the Constitution;
- Federal Law No. (1) of 1972, on the competencies of ministries and the powers of ministers, and its amendments;
- Federal Law No. (7) of 1975, on practicing medicine, and its amendments;
- Federal Law No. (4) of 1983, on practicing the profession of pharmacy and pharmaceutical institutions;
- Federal Law No. (5) of 1984, on practicing some medical professions by non-doctors and pharmacists;
- Federal Law No. (37) of 1992, on trademarks, and its amendments;
- Federal Law No. (28) of 2001, on establishing the Emirates Authority for Standardization and Metrology, and its amendments;
- Federal Law No. (24) of 2006, on Consumer Protection, and its amendments;
- Federal Law No. (4) of 2015, on the private health facilities;
- Federal Law No. (10) of 2015, on Food Safety;
- Decree of Federal Law No. (4) of 2016, on medical liability;
- Federal Law No. (14) of 2016, on irregularities and administrative penalties in the federal government;
- Federal Law No. (19) of 2016, on combating commercial fraud,
- And based on the submissions of the Minister of Health and Prevention and the approval of the Cabinet,

**It is decided that:**

#### **Article (1)**

#### **Definitions**

In the implementation and application of the provisions of this decree, the following words and expressions shall have the meanings assigned thereto, unless the text provides otherwise:

<b>Country</b>	:	United Arab Emirates.
<b>Ministry</b>	:	Ministry of Health and Prevention (MOHAP)
<b>Minister</b>	:	Minister of Health and Prevention
<b>Competent Health Authority</b>	:	MOHAP or any federal or local governmental authority concerned with health affairs in the Country.
<b>Health Care Organization</b>	:	Governmental or private authorities or organizations working directly or indirectly in health care and awareness, including kindergartens and child care institutions.
<b>Concerned Authority</b>	:	Any federal or local government body concerned with the implementation and application of the provisions of this decree.
<b>Health Facility</b>	:	A facility licensed to carry out medical examination, provide counseling or medical assistance in disease diagnosis, treatment, nursing, or residence for the purpose of treatment or any work related to treatment or rehabilitation, whether the facility is owned or managed by a natural or legal person, including health facilities affiliated to faculties of medicine in the Country if they provide any of the services referred to in this definition.
<b>Breastfeeding</b>	:	The process of feeding the infant on breast milk, either directly from the breast to the newborn baby's mouth, or indirectly by expressing the breast milk from the breast and giving it to the infant.
<b>Infant</b>	:	Child under 12 months old.
<b>Young Children</b>	:	Child more than (12) months and under (24) months
<b>Artificial feeding</b>	:	Feeding the infant and young children with any food which replaces breast milk either partially or totally.
<b>Infant Formula</b>	:	Milk or milk like product of animal or plant origin formulated industrially in accordance with the specifications and standards applicable in the Country and is marketed or promoted as a suitable food that meets the nutritional requirements as a full or partial substitute for feeding an infant.
<b>Follow-up Formula</b>	:	Milk or milk like product of animal or plant origin formulated industrially in accordance with the specifications and standards applicable in the Country to meet the nutritional requirements of infants of not less than 6 months old and for young children.

<b>Complementary food</b>	:	Any food that is marketed or introduced as additional to breast milk, infant formula or follow-up formula.
<b>Feeding Methods</b>	:	Bottles, nipples and pacifiers
<b>The product</b>	:	Infant formula, follow-up formula, <b>Complementary food</b> and feeding methods
<b>Health personnel</b>	:	The personnel working in the health care system, whether paid or unpaid
<b>Package</b>	:	Any means of processing, packing or packaging the product in whole or in part for marketing it as an independent unit.
<b>Label</b>	:	Any graphic, photo, paint data or any other mark written, printed, drawn, labeled, decorated, embossed, fixed or otherwise affixed to the package to indicate the product, including any document or information attached to the product.
<b>Promotion</b>	:	The use of any direct or indirect method to urge and attract people to purchase or use the Product, including the use of any form of publication or advertising, whether audio, visual, and electronic type, etc., in order to encourage selling or sell the product directly or indirectly.
<b>Marketing</b>	:	To promote, distribute, sell and advertise the product by any means.
<b>Provider</b>	:	Supplier, distributor, producer or any natural or legal person licensed to practice any activity related to the marketing of the product.
<b>Production Batch</b>	:	A specific amount of the product produced by the same way and under the same conditions.
<b>Feeding Schedule</b>	:	Information should be placed on the product package, including the data for the age during or after which the product is used, the quantities suitable for preparation and the number of meals and other conditions determined by this decree.
<b>Samples</b>	:	A single or small amount of the product to be offered for free.
<b>Logo</b>	:	Image, symbol or any other form indicating the supplier or product.

## **Article (2)**

### **The Decree Objectives**

This Decree aims to achieve effective contribution to the protection, promotion and support of breastfeeding through the regulation of marketing and promotion activities for food and products of feeding infants and young children and to provide appropriate information in this field to keep them healthy.

## **Article (3)**

### **Scope of Application**

1. The provisions of this Decree shall apply to all promotions and marketing of the product in the Country for infants and young children.
2. The Minister may, after coordination with other competent health authorities, add any other product to the products referred to in the definition of the product contained in Article (1) herein.

### **Information and Educating Materials in Infant and Young Child Nutrition**

## **Article (4)**

- 1- The competent health authorities or concerned authorities shall ensure that information and educational materials of all forms are suitable for the conditions and controls of the product and shall supervise compliance with them.
- 2- It is prohibited to publish any information or educational materials related to the product or the field of feeding infants and young children without obtaining prior approval of the competent health authority.

## **Article (5)**

Information and educational materials of all forms relating to the product shall fulfill the following conditions:

1. All information shall be correct, up-to-date or scientifically proven
2. It shall not include any image, phrase, code or any indication or means that encourage artificial feeding or the use of the feeding bottles, or reduce the importance of breastfeeding, while any action contrary to this Clause is prohibited.
3. It shall be in Arabic. Another language may be added provided that the content of the text is identical to the text in Arabic.
4. It shall not indicate, directly or indirectly, or lead to believe that the product is similar to or better than breast milk or breastfeeding.
5. It shall not contain the provider's trademark, trade name, or logo.
6. It shall indicate that breastfeeding is the optimal and best source of nutrition for infants and young children.
7. It shall include a detailed explanation of the following:
  - a. Benefits and the superiority of breastfeeding.

- b. Benefit of breastfeeding exclusively during the first six months of the baby's life with the importance of continuing for two years
- c. The importance of introducing **Complementary food** to infants starting from the age of six months.
- d. The difficulty of reversing the decision to stop breastfeeding.
- e. The adverse effects on breastfeeding due to partial introduction of artificial formula, if any product is used incorrectly.
- f. Any other conditions provided by the Minister.

### **Article (6)**

#### **Information and Educational Materials for Health Personnel**

The provider may inform the health personnel of any information and educational materials related to the product, provided that the following matters shall be complied with:

- a. The content thereof shall be consistent with the provisions of Articles (4) and (5) of this decree.
- b. Information shall be limited to scientific and factual information related to the technical aspects and methods of using the product.
- c. Not to indicate, directly or indirectly, that artificial feeding is equal or better than breastfeeding.
- d. Health personnel may be provided with the approved study sources that support the relationship between the product covered by this Decree or its components and the health, growth and development of infants and young children, provided that the sources are based on reliable and approved researches in accordance with a decree issued by the Minister.

### **Conditions of Label**

#### **Article (7)**

Without prejudice to the content of the legislations and the mandatory standard specifications approved in the Country, the **Label** shall fulfill the following:

- 1. It shall contain clear and easy-to-read information that does not lead to deception or misleading in any way, and shall not be removable from the Label
- 2. It shall be placed on the package of products in a manner that does not allow separation or removal.
- 3. All the information contained therein shall be in Arabic. Another language may be added provided that the content of the text is identical to the text in Arabic.
- 4. It shall include detailed information about the following:
  - a. Instructions for how to prepare and use the product properly.
  - b. The age during or after which the product is recommended to be used, the age shall be written in figures.
  - c. Health risks resulting from inappropriate preparation and early use of the product before the recommended age.

- d. Ingredients used in manufacturing the product and the identification of the source and type of milk or similar products.
- e. Data and information of the product and its ingredients, which must comply with the mandatory specifications approved in the Country.
- f. Name and address of the provider.
- g. Number of the product operational batch, dates of production and expiration.
- h. To clarify weather and storage conditions appropriate for preserving the product.
- i. To define the period during which the product should be used after opening its package.
- j. Any other conditions or controls specified by a Decree issued by the Minister.

### **Article (8)**

In addition to data referred to in Article (7) of this Decree, Label of infant formula and follow-up formula shall include the following:

1. A statement emphasizing that breastfeeding is the best and that breast milk is the optimal food for the growth and development of health of infants and young children and protects them from diarrhea and other diseases. That statement must be written clearly and prominent.
2. A cautionary statement emphasizing the importance of seeking medical advice before deciding to use infant formula or follow-up formula as a partial or total substitute for breastfeeding, in addition to emphasizing on the importance of following the instructions for preparing and using a cup instead of a bottle.
3. A cautionary statement on health risks of improper preparation, storage and use of the product, as well as the early use of the product before the recommended age.
4. A statement emphasizing the importance of not using follow-up formula for infants under the age of six months.
5. Inclusion of preparation instructions in the feeding schedule.
6. Information on the source of protein.

### **Article 9**

The information of the label referred to in Articles (7) and (8) of this Decree shall not include any of the following:

1. Names, symbols, signs or images contrary to the Law and public morals of the Country.
2. Images, drawings or shapes of infants or mothers or any other images or texts beyond the limits of clarifying the method of preparation, or indicate directly or indirectly that the product is optimal or encourages its use for infants and young children
3. Health or food allegations indicate a relationship between the product or its ingredients and health maintenance or indicate any physiological role of the ingredients of the product in the growth and development of natural functions of the body, unless it is a requirement for a specific product in accordance with the legislations in force in the Country.

4. Expressions that compare the product to breast milk or lead to discouraging breastfeeding.

### **Article (10)**

#### **Conditions of Feeding Methods**

##### **Feeding Methods must fulfill the following conditions:**

1. They should be consistent with the mandatory legislation and standard specifications adopted in the Country
2. Their label shall include the following terms and conditions stipulated in this Decree, especially the following:
  - a. The statements stipulated by a decree issued by the Minister shall be written on them and on the package in capital letters.
  - b. They shall include methods of preparation and use and the instructions for cleaning and disinfection.
  - c. They should explain how to feed the infant and young children using regular utensils such as cups.
  - d. To mention health risks of feeding with bottles and its improper preparation.

### **Article (11)**

#### **Product Registration**

1. The provider shall register the product in MOHAP prior to marketing it in the Country.
2. The provider, who has the product to be marketed in the Country, shall initiate the registration of the available batches thereof immediately after the issuance of this decree, and to bring its status in line with its rules in accordance with the procedures and within the time limit determined by the Minister under decrees issued for this purpose.
3. The product certificate of registration shall be granted after ascertaining that the product fulfills the conditions stipulated in this decree and meets the standard specifications in force in the Country.
4. Without prejudice to the time limit set under a decree issued by the Minister and referred thereto in Clause (2) of this Article, marketing of any product in the Country shall be prohibited unless it is registered in MOHAP.

### **Article (12)**

#### **Duties of the Competent Health Authorities and the Health Care Organization**

The competent health authorities and health care **Organization** shall take the necessary measures to implement the provisions of this decree, each as per its powers, including the following:

1. To promote and protect breastfeeding, provide health personnel with information and guidelines that increase their efficiency and contributes to better performance of their responsibilities, and ensure that the

health personnel are well-informed and aware about the necessary information, especially those contained in Articles 4, 5 and 6 of this Decree.

2. To train health personnel to help mothers start and continue breastfeeding and eliminate direct and indirect practices that impede or delay thereof.
3. To encourage mothers to breastfeed their infants until the age of two years.
4. To disallow the display of products covered by the provisions of this decree and not to display the products' posters and signs in health facilities.
5. To provide required advice and guidance on the importance of breastfeeding and its effective role for maternal health and child health.

### **Promotion**

#### **Article (13)**

The provider or its representative and any person whose activities have an impact on the marketing procedures of the product are prohibited from doing any of the following:

1. To use discounts such as special offers, discount vouchers, premiums, prizes, gifts or any other promotional means, including linking the sale of the product to any other commodity to benefit from the price discount.
2. To provide a free sample or more of the product.
3. To make donation or distribute information or educational materials or conduct educational activities concerning the product, unless they meet the requirements of the provisions of this Decree.
4. To conduct any educational programs, action programs or activities that promote the product or the provider.
5. To provide or supply health personnel or any authority affiliated to the health care organization with any quantity of the product at a price lower than the advertised wholesale price, if any, or at a price that is less than (80%) of the retail price in case there is no advertised wholesales price.
6. To provide or supply health care organization facilities with equipment, services or any other office or advertising materials bearing a name, logo, drawing, trademark or other description of the provider.
7. To provide or grant any gifts, donations or financial support to the health personnel or health personnel associations in the field of maternal and child health, including scholarships, research grants or funding for holding or attending meetings, symposia, continuing education courses or conferences.
8. To sponsor activities, contests, telephone counseling or campaigns of reproductive health, pregnancy and childbirth, infant and young child feeding or any other relevant subject matters.

#### **Article (14)**

### **Obligations of Health Personnel**

It is prohibited for health personnel doing any of the following:



1. To describe any product unless necessary, provided that the way of usage should be explained individually for the mother, family members or for the child caretaker. In this case, the health risks of use and unnecessary or inappropriate use should be clarified.
2. To accept any gifts or material or immaterial rewards directly or indirectly from the provider or its representative.
3. To accept any samples of the product, equipment or tools intended for its preparation or use.
4. To give any sample of the product to pregnant women, mothers and family members of infants and young children.
5. To accept assistance to prepare for or attend conferences, seminars or workshops.
6. To conduct any activity that conflicts with the objectives and content of this Decree.

### **Article (15)**

#### **Administrative Penalties**

1. Without prejudice to any penalties or measures taken by the entity that has detected the violation in accordance with the relevant legislations, the administrative penalties set forth below shall be imposed if the product is not registered, or in case of breaching the conditions of the label, educational information or feeding methods stated herein or Articles (13) and (14) of this Decree:
  - a. Warning.
  - b. Prohibiting the violator from marketing the product for a period not exceeding one year. The product may be withdrawn from markets at the expense of the violator, if necessary.
  - c. Cancellation of the product registration certificate.
  - d. The violator shall incur the expenses and costs of removing and remedying the damages resulting from the violation that has been committed if the violator does not remove or remedy thereof.
2. The competent health authority shall sign the penalties referred thereto in Clause (1) of this Article in respect of the violating facilities within the scope of its powers, except for the penalty of cancelling the product registration certificate, which shall be signed by MOHAP.
3. The concerned authorities and competent health authorities must notify MOHAP of the detected violations that have been committed and the procedures taken in connection therewith, in addition to attaching the supporting documents thereof and clarifying the penalty imposed thereon.
4. MOHAP shall, after being notified of the violations in accordance with the provision of Clause (3) of this Article, ensure that no other offenses are committed by the same violator in other emirates of the Country. In case it is proved that the violation is committed, MOHAP shall take the necessary measures thereof and sign the penalties referred thereto in this Article.

## **Article (16)**

### **Complaint**

1. Any concerned party may lodge a complaint to the Minister or the head of the competent health authority, as the case may require, against the decision imposing any administrative penalties stated in Article (15) of this Decree within fifteen days from the date of notifying the violators thereof.
2. A final decision shall be taken on this complaint within fifteen days as of the date of its submission, while the complaint shall be deemed dismissed in case no decision is taken within this period.

### **Final Provisions**

## **Article (17)**

The Minister shall issue the necessary decisions to implement the provisions of this Decree.

## **Article (18)**

Any provision contrary to or contradicts the provisions of this Decree shall be repealed.

## **Article 19**

This Decree shall be published in the Official Gazette and shall come into force from the next day following its publication. The competent health authority and the concerned bodies shall implement the contents herein, each as per its competencies.

<b>Sheikh Mohammed bin Rashid Al Maktoum Prime Minister</b>	
	<b>We issued it on: Sha'ban 6<sup>th</sup>, 1439 A.H. Corresponding to: April 22<sup>nd</sup>, 2018 AD</b>