



Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
N°. 133 A Nor Kra Bor

Sub-Decree
on
Marketing of Products for Infant and Young
Child Feeding
Royal Government,

- Recalling the constitution of the Kingdom of Cambodia;
- Recalling the Royal Decree No. *Nor Sor/Ror Kor Tor/0704/124* dated July 15, 2004 on the Establishment of the Royal Government of Cambodia;
- Recalling the Royal Kram No. *02/Nor Sor/94* dated July 20, 1994 declaring the promulgation of the Law on Establishment and Functioning of the Council of Ministers;
- Recalling the Royal Kram No. *Nor Sor/Ror Kor Mor/0196/06* dated January 24, 1996 declaring the promulgation of the Law on Establishment of the Ministry of Health;
- Recalling the Royal Kram No. *Nor Sor/Ror Kor Mor/0196/14* dated January 24, 1996 declaring the promulgation of the Law on Establishment of the Ministry of Information;

- Recalling the Royal Kram No. *Nor Sor/Ror Kor Mor/0196/16* dated January 24, 1996 declaring the promulgation of the Law on Establishment of the Ministry of Commerce;
- Recalling the Royal Kram No. *Nor Sor/Ror Kor Mor/0600/001* dated June 21, 2000 declaring the promulgation of the Law on Management of Quality and Safety of Products and Services;
- Recalling the Royal Kram No. *Nor Sor/Ror Kor Mor/0895/07* dated September 01, 1995 declaring the promulgation of the Law on Publication of News;
- Recalling Sub-decree No. 54 *Or Nor Kror. Bor Kor* dated September 22, 1997 on Establishment and Functioning of the Ministry of Commerce;
- Recalling Sub-decree No. 70 *Or Nor Kror. Bor Kor* dated August 05, 1999 on Establishment and Functioning of the Ministry of Information;
- Recalling Sub-decree No. 67 *Or Nor Kror. Bor Kor* dated October 22, 1997 on Establishment and Functioning of the Ministry of Health; and
- Considering acceptance by the Council of Ministers at its plenary session on October 28, 2005;

Hereby decides:

Chapter I General Provisions

Article 1

This Sub-decree aims to contribute to providing adequate and safe nutrition for infants and young children by protecting and promoting the breast-feeding and by encouraging appropriate and timely complementary feeding, to ensure breast-milk substitutes are properly used only when they are necessary and based on adequate information.

Article 2

This Sub-decree shall govern marketing of infant and young child feeding products either domestically produced or imported for use for feeding infant up to twelve months old and young child up to twenty four months old.

The Sub-decree shall apply to the quality and availability of information related to the use of the products as prescribed in Article 3 of this Sub-decree.

Article 3

The types of infant and young child feeding products shall include, but not limited, to the following:

- a. Infant formula including specialized formulas;
- b. All products marketed or presented for feeding infant and young children;
- c. Feeding-bottles, rubber and plastic teats, and pacifiers;
- d. Follow on formulas for infant over six months old; and
- e. Other products as stated in the joint *Prakas* by the Ministry of Health with relevant ministries.

Chapter II Definitions

Article 4:

For the purpose of this Sub-decree:

1. **Advertisement** means any representation made by manufacturer, importer, or distributor, by all means, for marketing, distribution, consumption, promotion or exhibition of the designated Products as

stated in this Sub-decree. It may include, but not limited to, the following:

- a. Written publication, promotion through television, radio, video or movie, newspaper, electronic medium, or telephone;
- b. Display or showing of trade name, billboard, poster or notices; and
- c. Exhibition of pictures or models;

2. **Supplies** mean a product in certain quantities provided for use over an extended period, with free of charge or at lower price (80 percent cheaper than retail price) for social purposes, including those provided to families who are in need;

3. **Promotion** means any method employed, in either a direct or indirect way, to encourage individuals to consume the products as stated in this Sub-decree;

4. **Marketing** means offering for sales, distribution, and advertisement of a product, product public relations and information services;

5. **Young Children** means children from twelve to twenty-four months of age;

6. **Samples** mean a product in single or small quantities provided with free of charge;

7. **Pacifiers** mean artificial teats including rubber or plastic ones for infants to suck;

8. **Health Worker** mean a person who provides health care service or a person who is in training on health care in the health care system whether professional or non-professional, including traditional birth attendants, voluntary and unpaid staff;

9. **Marketing personnel** means any person whose roles are involved in marketing of a product or products within the scope of this Sub-decree.

10. **Health care system** means governmental institutions, non-governmental organizations or private institutions involved directly or indirectly in health care or health education for mothers, infants, and pregnant women, including nurseries, infant and child care centers. It also includes health workers in the private sector.

11. **Label** means any tag, brand, mark, picture, or other description whether written, printed, stenciled, or impressed on, or affixed to a container of any products within the content and scope of this Sub-decree.

12. **Labeling** means a representation in writing, print or graphic inscribed on label of a product indicating the nature of the food or exhibited next to a product, including those used for marketing.

13. **Breast-milk substitute** means any food which, is marketed or presented as a replacement in part or total for breast-milk, whether or not it is suitable for this purpose.

14. **Manufacturer** means a corporation, other entity in the public or private sector involved in the business or function of manufacturing a product within the scope of this Sub-decree, whether directly or through any agent or through an entity under its control or contract.

15. **Infant** means a child from birth up to twelve months of age.

16. **Infant formula** means any breast-milk substitute manufactured in accordance with the Codex Alimentarius standard to satisfy the normal nutritional requirement of infants from birth up to six months of age and suitable to their physiology.

17. **Follow on formula** means a milk or milk product of animals or vegetables manufactured in accordance with the Codex

Alimentarius standard as a follow on formula and marketed or presented as suitable for feeding infants and young children older than six months of age;

18. **Specialized formula** means infant formula manufactured for premature or underweight infants or for infants with the extreme sensitivity of milk and carbohydrate and metabolic disorders;

19. **Container** means any form of packaging of a product within the scope of this Sub-decree for such sale as at a normal retail level, including wrappers.

20. **Complementary food** means any food whether manufactured or home prepared, used to complement breast-milk, when the breast-milk becomes insufficient to satisfy the nutritional requirement of the infant at six months of age.

21. **Distributor** means an individual, corporation or other entity in the public or private sector involved in the function of marketing a product at the wholesale or retail level, either directly or indirectly, within the scope of this Sub-decree.

22. **Primary distributor** means a sale-agent of the manufacturer, local representative or distributor, or a commission agent.

23. **Inspection officer** means a person appointed under the regulations of the Department of Drugs, Food, Cosmetics and Medical Instruments and authorized by the Ministry of Health to perform effectively such a function in accordance with the provisions of this Sub-decree.

Chapter III

Restrictions on Promotion, Information and Education

Article 5:

The Ministry of Health shall have duties to issue policies and provide appropriate information on infant and young child feeding, through dissemination of information and education, to families and the officials involved in the area of infant and young child nutrition, so that they could understand how to feed infants and young children. In doing so, the Ministry of Health may collaborate, as necessary, with relevant agencies that provide such service.

Article 6:

Any information, or educational or other materials whether written, audio or visual, dealing with infant feeding, developed and produced in the country by any person, shall:

1. Include clear explanation on:
 - a. Benefits and superiority of breast-feeding;
 - b. How to initiate and sustain breast-feeding including maternal nutrition;
 - c. Recommendations for exclusive breast-feeding for the first six months after birth and sustained breast-feeding until the child is two years of age or above; and
 - d. The way and reasons of introducing bottle-feeding or early introduction of complementary food. Bottle-feeding or early introduction of complementary food do interfere with breast feeding even if bottle-feeding is limited to a few bottles per days;

2. Include accurate and latest information, and shall not use picture or text which idealize bottle-feeding or discourage breast-feeding;
3. Be written in Khmer;
4. Not refer to any products that are stated in the provisions of this Sub-decree or contain the name, brand, logo, trademarks or description of the manufacturer or distributor, except by way of presenting a copyright.

Article 7:

In case where material, document or information includes a topic on infant feeding with breast-milk substitutes through a feeding-bottle, such material, document or information shall present the clear and conspicuous information on:

- Appropriate preparation and use of the products;
- The estimated cost of products for feeding an infant for a period of six months;
- Health hazards of bottle-feeding and inappropriate preparation of products; and
- How to feed infants appropriately using a cup.

Article 8:

In case where materials or information include a topic on infant feeding with complementary food, such materials or information shall contain explanation on:

- Health hazards of providing complementary food to infants before they are six months old;

- The complementary food which can easily be prepared at home using local ingredients at the place of living and their availability; and
- Benefits and values of maintaining breast-feeding after a child is six months old until he/she reaches two years of age or above.

Chapter IV Labeling

Article 9:

In addition to the requirements stated in the industrial standard for food in Cambodia, the label of the products for infant and young child shall present the following:

- a. The container or label fixed to the container of the products shall bear message easily readable;
- b. A statement of the superiority of the exclusive breast-feeding for the first six months and sustained breast-feeding until the child reaches two years old or above;
- c. Instructions for the appropriate methods, use and preparation of the designated products;
- d. A warning with the words "Important Notice" of the health hazards of inappropriate use of the designated products;
- e. A warning of health hazards of introducing products before an infant reaches a recommended age, and such a product shall be used only on advice of a health worker;
- f. A statement explaining that cup feeding is more hygienic than bottle-feeding;

- g. No message idealized that the product is used for substituting breast-milk or similar wording;
- h. No photo, picture, or graphic representation other than presenting the method for preparing the designated products; and
- i. A statement indicating the total cost of feeding an infant for the first six months.

Article 10:

For similar products that do not meet all the nutritional requirements, their label shall carry a warning that the products are not suitable for infants and young children.

Article 11:

A label on a feeding bottle or its package or a container of a feeding bottle or rubber teat shall present the following information:

1. A statement of the superiority of breast-feeding for feeding infant and young children;
2. A statement that cup-feeding is safer than bottle-feeding;
3. Instructions for appropriate cleaning and sterilizing feeding-bottles and rubber or plastic teats;
4. A warning of the health hazards of using a feeding-bottle, especially if it is not properly sterilized;
5. A warning of the negative effects of bottle-feeding and a need to follow instructions for careful preparation to ensure an infant does not fall ill;
6. The name and address of a manufacturer, distributor or local agents; and
7. Using bottle-feeding and teat may interfere with breast-feeding.

Article 12:

A container or a label affixed to the container of the sweetened-condensed or skimmed milk or other similar products shall include a clear and conspicuous warning that this type of product shall not be used to feed infants and young children.

Chapter V
Prohibitions

Article 13:

Any manufacturer or distributor shall not, without prior permission from Ministry of Health, promote the infant and young child feeding products as stated in this Sub-decree by him or herself, or by his or her representative, at a point-of-sale, in a hospital, health center or elsewhere. The following is part of marketing practices for promoting consumption, which are prohibited but are not limited to:

- a. Advertisement;
- b. Trick use to offer sales including special display, discount coupons, premiums, rebates, special sale, initial low promotional price(loss-leaders), tie-in sales, prizes or gifts, but this point b; shall not restrict the establishment of pricing policy and practice intended to provide these products at a lower price in the long term;
- c. Providing one or more samples of the infant and young child feeding products to any person; and
- d. Donation or distribution of informational or educational materials regarding infant and young child feeding or performance of educational functions related to infant and young child

feeding provided that the manufacture and distributor may provide information on the designated products to health workers if such information is restricted to the scientific and practical matter related to the technical aspects and methods of the use of designated products and is in accordance with the provisions of Article 6 of this Sub-decree.

Article 14:

Without authorization from the Ministry of Health, a manufacturer or distributor, by him or herself, or by his or her representative, shall not:

- a. Donate or distribute to health workers, a hospital or health center the materials or samples of the designated products;
- b. Donate or distribute to a hospital or health center the equipment, material, document or service, which present or contain the name, logos, trademarks, or description of the manufacturer, distributor or the designated products, which indicate or promote the use of the designated products;
- c. Donate or distribute to a hospital or health center the materials including pens, calendars, posters, note-books, growth charts and toys, which indicate or promote the use of the designated products;
- d. Offer gifts, contribution, or other benefits to health workers or the association of health workers who work in an area of maternal and child health;
- e. Sponsor events, games or contest, counseling telephone lines, or campaigns which focus on targeting pregnant and lactational women, parent of infant and children, or

members of the families, nor sponsor events, games or contests, counseling telephone lines, or campaigns related to reproductive health, pregnancy, childbirth or delivery, infant and young child feeding, or other relevant topics;

- f. Provide either directly or indirectly scholarships or fund support for researches, meetings, workshops, continuing education, or conferences without prior permission from the Ministry of Health;
- g. Provide or offer the salary to service professional representatives, baby sitting nurses or similar staff in a hospital or health center; and
- h. Include the volume of the sales of the designated products when paying employee remuneration, nor set the quota for the sales of designated products.

Article 15:

Without permission from the Ministry of Health, all health institutions in both public and private sector, including health workers in an area of maternal and child health shall not:

- a. Accept gifts, contribution or other benefits, funds or valuable items from manufacturers, distributors or their representatives;
- b. Demonstrate how to use infant formula, except to mothers or members of the families in a special case, and in such a case, shall clearly explain about the hazards of using infant formula including other information as stated in Article 6 of this Sub-decree;
- c. Accept or offer samples or supplies of the designated products to any person; and

- d. Conduct professional evaluation, research or other activities related to the designated products in a hospital or health center.

Article 16:

The manufacturer or distributor of infant and young child feeding products may donate equipment and materials to health institutions in both public and private sectors at the written request of the institutions with prior approval from the Minister of Health.

Chapter VI Management and Monitoring Authority

Article 17:

Ministry of Health shall have responsibility to facilitate for effective collaboration by relevant ministries in accordance with their respective mandates for infant and young child feeding by:

- a. Providing advice to the National Council for Nutrition on the national policy and strategy to promote breast-feeding;
- b. Providing advice on nutrition on:
 - Formulating the national strategy for development of public educational programs and materials;
 - Promotion of breast-feeding;
 - Educational and informational materials related to the topics of infant and young child feeding;
 - Providing further education to health workers on lactation management; and

- Educational program on lactation management for health professional students
- c. Conducting consultations with Non-governmental Organizations that are involved in the areas of child well-being and nutritional development or the protection of infants and young children;
- d. Ensuring the nation-wide dissemination of relevant laws and regulations and publicity;
- e. Conducting overview of reports on violations and other issues concerning implementation of the provisions of this Sub-decree and other relevant laws in force;
- f. Issuing directives to inspection officers to take actions against offenses under this Sub-decree or against relevant Laws in force;
- g. Taking into account any necessary measure for the Ministry of Health and Ministry of Commerce to effectively enforce the provisions of the Sub-decree;
- h. Requesting and sending nutritional specimen to the laboratory or for a test as required;
- i. Mobilizing funds and assistance from Non-governmental Organizations and donor community;
- j. Carrying out the roles and necessary authority as stated in the Law on Management of Quality and Safety of the Products, Goods and Services;
- k. Issuing necessary decisions related to the implementation of this Sub-decree and other relevant laws in a more effective way;
- l. Determining national measures to fulfill roles and obligations as stated in this Sub-decree; and
- m. Fulfilling other relevant duties as authorized by the Royal Government.

Chapter VII Penalties

Article 18:

Defining penalties for violation to provisions related to Marketing of Products for Infant and Young Child Feeding as stated in this Sub-decree shall be subject to the provisions of the Law on Management of Quality and Safety of the Products, Goods and Services or other relevant laws in force.

Article 19:

Competent authority, when carrying out their respective roles shall follow the procedure as stated in the Law on Management of Quality and Safety of Products, Goods and Services and the existing penal procedure code.

Chapter VIII Transitional Provision

Article 20:

Within six months from the time this Sub-decree has taken effect, the manufacturer or distributor of products for infant and young child feeding shall go through all the formalities issued by the Ministry of Health in accordance with the existing provisions.

Chapter IX Final Provisions

Article 21:

Any provisions that contradict to this Sub-decree shall be considered null and void.

Article 22:

Minister responsible for the office of the Council of Ministers, Minister of Health, Minister of Information, Minister of Commerce, and Ministers and Secretaries of State of all relevant ministries and governors of all provinces and municipalities shall ensure effective enforcement of this Sub-decree from the date it is duly signed.

Issued at Phnom Penh on 18 November, 2005

Prime Minister

Copied to:

- Ministry of the Royal Palace;
- Secretariat General of the Constitutional Council;
Hun Sen
- Secretariat General of the Senate;
- Secretariat General of the National Assembly;
- Cabinet of the Prime Minister;
- Secretariat General of the Royal Government of Cambodia;
- As stipulated in Article 22;
- Files and archive.