

# **The Law of Georgia**

## **On Protection and Promotion of Breastfeeding And Regulated Use of Artificial Food**

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The Law was drafted by the working group, which was composed by:

- **Professor Ketis Nemsadze** - M.D., Doctor of Medical Sciences, Chief Pediatrician of the Ministry of Health of Georgia;
- **Professor Guram Kiknadze**- M.D., Doctor of Medical Sciences. Head of the group, Chairman-Health Legislation Department/National Health Management Centre, Professor of Clinical Medicine-Tbilisi State Medical University;
- **Medea Beleshadze** - M. D., Candidate of Medical Sciences, Chief of IBFAN Georgian Group – “CLARITAS” (NGO);
- **Nino Kiladze** - M. D., Candidate of Medical Sciences, Doцент of Tbilisi State Medical University
- **Tamar Manjavidze** - M. D., Candidate of Medical Sciences, Member of IBFAN Georgian Group – “CLARITAS” (NGO);
- **Dr. Givi Javashvili**- M.D., Ph.D., Consultant- Health Legislation Department/National Health Management Centre, Deputy Director-Curatio Medical Group;

## **Chapter I**

# General Part

## Article 1.

The aim of this Law is to protect the health of children by ensuring safe and adequate food, by promoting, protecting and propagandising of infants natural feeding and regulating the marketing of children feeding children artificial feeding products.

## Article 2.

This Law regulates the relationship among the state agencies, natural persons and legal entities in the scope of control of advertising, promotion, distribution, composition, quality, as well as information on children feeding children artificial feeding products.

## Article 3.

Definitions stated hereinafter have the following meaning:

1. Adequate food – food, corresponding to child’s age, physiological needs and health state
2. Young child – a child aged from 12 months to 3 years.
3. Infant – a child up to the age of 12 months.
4. Children artificial feeding products:
  - a) Infant formula #1
  - b) Any other product being marketed or otherwise represented as suitable for infant feeding
  - c) Children feeding formula #2
  - d) Feeding bottles and teats;
  - e) Complementary food;
  - f) Any other product entitled to the children feeding children artificial feeding products by the Ministry of Health
5. Natural feeding – breastfeeding of infants and young children.
6. Distributor – natural person and/or legal entity (in spite of property and organisational-juridical form), who is engaged in the marketing of the wholesale or retail level of children feeding children artificial feeding products.
7. Complementary food – any food product, suitable or represented as suitable as a complement to breast-milk or infant formula, when each one from the above-named is not sufficient to satisfy the nutritional requirements of the child. It may be manufactured industrially or locally prepared.
8. Label – any tag, stamp, brand, pictorial or other expression, made by hand, stencilled, printed or embossed which is printed or attached to the packaging material or container.
9. Exclusive breastfeeding – infants feeding only with breast-milk.

10. Children feeding formula #1 - milk or milk-like product of animal or vegetable origin formulated industrially in accordance with state standards for children feeding formula #1 and intended to satisfy the nutritional requirements of infant from birth during the first six month.
11. Children feeding formula #2 - milk or milk-like product of animal or vegetable origin formulated industrially in accordance with Codex Alimentarius and state standards for children feeding formula #2 and intended to satisfy the nutritional requirements of infants and young children older than 6 month.
12. Sample –single or small quantities of children feeding children artificial feeding product without cost.
13. Codex Alimentarius – International standard of feeding products, approved by international commission of food standards.
14. Pacifier – teat used for soothing the child.

#### **Article 4.**

1. The State shall, in accordance with the rule established, lead and control the production, storage, distribution, export and import of children feeding children artificial feeding products and distribution of information in any form and by any mean.
2. The state ensures:  
Supervision over nursing mothers and creation of favourable conditions for exclusive breastfeeding and for prolonging breastfeeding up to two years.

#### **Article 5.**

1. Children artificial feeding products, whether imported or produced in Georgia, according to their quality, composition, container and design must meet the standards defined on the ground of Codex Alumentarius;
2. These products must be enclosed by the clear and convincing information on the advantages of breastfeeding;

## **Chapter II**

### **Promotion and Propaganda of Children Artificial Feeding Products**

#### **Article 6.**

Manufacturers and distributors of children artificial feeding products, as well as natural persons and legal juridicals, commercially interested in the matters of children's feeding shall be prohibited:

1. to donate samples and free or low price supplies of children artificial feeding products to legal subjects of medical activity (except the situations referred it in article 16); pregnant women; mothers of infants and young children, members of their families; citizens

within public places, while large-scale public measures or in any other cultural or public-service institutions, in the streets, transport;

2. To contact pregnant women, mothers of infants and young children or the members of their families with the aim to fulfil their official duties
  1. directly;
  2. through the third person;
  3. in written form, by post, through the use of technical means (phone, electronic and etc.);
2. by introducing and popularising free telephone “help lines”.

#### **Article 7.**

It is prohibited to advertise and propagandise in any form of children artificial feeding products, except complementary food.

#### **Article 8.**

It is prohibited to arrange the special displays, display-sales, public sales (both the retail and wholesale) also, short-term discount sales for children artificial feeding products.

#### **Article 9.**

Information published in medical journals and books regarding children feeding children artificial feeding products should be restricted to scientific and factual matters, and such information should not imply or create a belief that artificial feeding is equivalent or superior to breast-feeding. It should emphasise the priority of breastfeeding.

### **Chapter III**

## **National Supervising Council**

## **For Protection and Promotion of Infants Natural Feeding**

## **And Artificial Food Controlled Use**

#### **Article 10.**

1. The National Supervising Council (herein after “Council) is being formed at the MoH for protection and promotion of infants natural feeding and artificial feeding products controlled use. It represents the counselling body of the MoH;
2. The Minister of Health approves the composition and regulations of the Council.

#### **Article 11.**

1. The Council elaborates the recommendations for implementation of the state policy on protection and promotion of infants natural feeding and artificial feeding products controlled use;

2. The Council participates in elaboration of the state program on protection and promotion of infants natural feeding and artificial feeding products controlled use, that is to be ratified by decree of the president of Georgia;
3. The Council shall ensure the population with full, objective and up-to-date information on:
  - a) Health, feeding, social and medical parameters of infants and young children;
  - b) Breastfeeding as the essential condition and perfect way for the harmonious physical and psycho-social development of an infant;
  - c) negative consequences of artificial feeding, as well as on other problems related to it;
4. The Council has the right to acquire the information on:
  - a) forms and ways of dissemination of informational, educational materials on infant and young children feeding;
  - b) dissemination of guidelines dealing with children feeding, methodical materials, information, relating the above mentioned chapters among teaching institutions;
5. The Council determines the list of medical indications, causing the necessity of artificial feeding.

## **Chapter IV**

### **Informational, Educational and Teaching Materials, Related to the Feeding of Infants**

#### **Article 12.**

1. Planning, elaboration, form of representing, dissemination and control of informative, educational or teaching materials on the feeding of children, intended for the population, is the prerogative of health care institutions and MoH according to their regulations;
2. Manufacturers and distributors of children feeding children artificial feeding products or any person on his/her behalf shall be prohibited to disseminate, in any form or way, informational, educational or teaching materials on artificial feeding products;

#### **Article 13.**

Any informative, educational or teaching audio, visual or written material related to the children feeding artificial products and to the use of artificial food, when this material is disseminated in the population or in the medical and other institutions, must contain clear and convincing information on:

1. Usefulness of breastfeeding and its advantages over the artificial feeding. Details of these advantages must be listed and determined by the Council;
2. The importance of exclusive breastfeeding for infants, as well as of prolonged breastfeeding on demand for the young children to 2 years or more;
3. The conditions and favourable factors essential for the beginning and maintenance of exclusive breastfeeding and for the continuation of prolonged breastfeeding later on;

4. Negative effects of the early introduction of complementary food while the breastfeeding on possibilities of the prolongation of breastfeeding;
5. Difficulties of the beginning or renewal of breastfeeding, if it has been refused;
6. The importance of the use of complementary food for the children aged 6 months or more (adult infants or young children);
7. Possibilities of the preparation of complimentary food by the local products at home;
8. Financial and social consequences of the use of children feeding children artificial feeding products;
9. Negative effects of irrational, incorrect usage of children artificial feeding products on the health of children;
10. Negative impact of giving infants children feeding children artificial feeding products on their health;
11. the significance of mothers' feeding for breastfeeding.

#### **Article 14.**

Any informative, educational or teaching audio, visual and written material related to the use of feeding bottle, while feeding of infants, must contain the clear and convincing information on:

1. The reasons for impediments in natural feeding after the feeding bottle have been used even for a short period and in some cases for the impossibility of the prolongation of natural feeding.
2. Proper preparation and use of the product;
3. Negative effects of the use of feeding bottle on the health of a child, including the results caused by the preparation of the food through the wrong way;
4. Possibilities and methods of the feeding of a child through the cup.

#### **Article 15.**

It is prohibited to include in any informational, educational or teaching material related to the feeding of children less than 2 years:

- 1 Health worker statement or any other statement or picture of such kind, which will make impression (confirm) that the food has been approved by the health workers;
2. Affirmation in any form, that the breast- milk may be insufficient for an infant or for a young child or it may be in lack of some ingredient necessary for a child.

## **Chapter V**

### **Legal Subjects of Medical Activity**

#### **Article 16.**

1. Medical institutions for orphan and institutional children has the right to accept donation of free or low-cost children feeding children artificial feeding products;
2. The families of children who need children artificial feeding products according to children's medical condition may be donated free or low-cost children artificial feeding products strictly according to the certain medical and social indications.

#### **Article 17.**

A legal subject of medical activity must protect and foster natural feeding of infants and young children.

#### **Article 18**

1. A legal subject of medical activity shall be prohibited:
  - a. To be donated a sample or supplies of children artificial feeding products, any other thing or contribution by the manufacturer or distributor of children artificial feeding products.
  - b. To give the name and address of pregnant woman, as well as of mothers of infants and young children to the manufacturer or distributor of children feeding children artificial feeding products.
  - c. It is prohibited to receive the donation from natural persons and legal entities having commercial interests in the issues of children artificial feeding.
3. Manufacturers and distributors of children artificial feeding products shall be prohibited to finance the scientific research concerning the feeding of infants and young children, as well as to stand sponsor for health workers in scientific and practical (congress, conference, session and etc.) or in any other meetings, study tours, probation, fellowships, continuing medical education programs and the activities of the medical associations as well.

#### **Article 19.**

It is inadmissible to display in the health care facilities the advertising, informative or teaching materials related to children artificial feeding products. It is also inadmissible to use the things bearing any mark or logo of a manufacturer and distributor, as well as to include their names and pictorials on them.

## **Chapter VI**

### **Label**

### **Article 20.**

Information represented on the label of children artificial feeding products must not tend to discourage breastfeeding.

### **Article 21.**

On the label affixed to children artificial feeding products:

1. The following information must be represented in a clear, conspicuous and easily readable manner:

- a) Instructions for appropriate preparation and graphics for feeding;
- b) Inadmissibility of the reuse of the already prepared food;
- c) The age after which the product is recommended in numeric figures, not in words;
- d) The composition and nutritional analyses;
- e) the ingredients used while producing;
- f) The required storage conditions;
- g) Date before the product is to be consumed, taking into account different climatic and storage conditions;
- h) The batch number and date of manufacture.

2. The following words must be represented in capital letters:

- a) “Important notice” and indicated thereunder the statement “Breastmilk is the best food for your child”
- b) “Warning” and indicated thereunder the statement “Before deciding to give the child artificial food seek the advice of a health professional, follow all preparation instructions carefully”.

### **Article 22.**

It shall be prohibited to put on the label of children artificial feeding product and wrapping materials for bottles, teats and pacifiers;

1. Any wording which approves the identity or similarity of artificial food product with the breastmilk, such as “Breastmilk substitute” or Breastmilk-like product” etc.
2. Any graphic representation of an infant or other indicating the usefulness of artificial feeding.

### **Article 23.**

On the label of feeding bottles intended for artificial feeding:

1. The information necessary for their use in the right way must be represented in a clear, conspicuous and easily readable manner.
2. The following items must be represented:
  - a) Information given in subparagraphs “a” and “b” of paragraph 2 Article 21;



- b) Instruction for washing and sterilisation in words or in graphic representation;
- c) Name and address of manufacturer or distributor;
- d) A warning that children should not be left to self-feed for long periods of time since extended contact with sweetened liquids, including infant formula, may cause severe tooth decay.

**Article 24.**

On the label of the wrapping materials of pacifier, the following must be represented:

1. Information provided by Article 23;
2. Words “Warning” and then “Use of a pacifier can interfere with breastfeeding” in a capital letters;

**Article 25.**

1. The colour of the statement provided by the subparagraph “a” of paragraph 2 Article 21 must be clearly different from the background and the size of this statement must not be less than one -third size of the product name no less than 5 mm as well.
2. The size of the statement provided in Articles 23, paragr.2, subp. b must be no less than one-third of the product name and no case less than 2 mm in height.

**Article 26.**

It shall be prohibited to import or distribute children feeding children artificial feeding products if their label is not commiserating with the requirements provided by this law.

**Article 27.**

The information provided on the label should be in the national language of Georgia.

## **Chapter VI**

### **Transmission Provisions**

**Article 28.**

The National Supervising Council should be established and go into effect in 3 month after the Law is accepted;

**Article 29.**

The Ministry of Health should elaborate the form of dissemination of informational, teaching materials on infant artificial feeding and artificial food on the basis of the Council recommendations;

**Article 30.**

The provisions in the chapter VI – “Label” are to be put on practice 10 month after the ratification of the Law;

**Chapter VII**  
**Final Provisions**

**Article 31.**

This Law will go into force from the moment of publication.

**President of Georgia**

**Eduard Shevardnadze**

**The Decree #1**  
**On Creation of Infants Feeding Governed System**  
**By the President of Georgia**

2 January 1997

For the purpose to create the governed system of Infants feeding and to give the superiority to infants natural feeding (breastfeeding) in Georgia, on the ground of the recommendations provided by the International Code of Marketing of Breast-milk Substitutes, which was adopted by the WHA (World Health Assembly) in 1981:

1. Be approved the global State Program on Infants Natural Feeding, Nursing Mothers Protection and Artificial Food Controlled Use.
2. Be charged the workers of health care services and education to promote infant's natural feeding practice, to ensure population with full information on negative consequences of artificial feeding, as well as on other problems related to these consequences.
3. Be included a special course of lectures and practical teachings dealing with infants natural feeding, in the compulsory curricula of high and secondary medical schools, as well as of training institutions for teachers from 1997, in Georgia.
4. Be imported infants artificial food in accordance with the International Standards. The Ministry of Health (A. Jorbenadze) is charged to supervise over the distribution and quality of imported artificial food, as well as to control the terms of their use.
5. In accordance with the decision of the WHA, the first week in October is declared as "World Breastfeeding Week".
6. Be asked the TV and Broadcasting State Corporation for regular programs highlighting the problems on infants natural and artificial feeding. The I Channel of State TV air these programs.
7. This Decree be published in press and be aired by State TV.

E. Shevardnadze

The President of Georgia

## **Legislation Foundations of Health Care**

### **in Georgia**

(Draft)

Tbilisi 1997

### **Chapter XX**

## **Mothers' and Children's Health Care**

### **Article 113.**

Decrease of mortality and morbidity level among children, medical aid of high quality, practicable for children, as well as provision with primary medical service, are the high priority measures for institutions of private and public sector.

The State promotes to ensure infants with safe and adequate food, to support natural feeding through the protection of "International Code of Marketing of Breast- milk Substitutes".