

**Cabinet Decree # 16 for the year 2011 on
The System of Marketing of Breastmilk Substitutes**

Based on the amended Basic Law of 2003, as amended, and in particular Article (70) thereof,
After reviewing the Public Health Law No. (20) for the year 2004, in particular Article (83) thereof,

Based on the recommendation of the Minister of Health,

Based on what was approved by the Cabinet at its weekly meeting held in the city of Ramallah on 06/12/2011 AD,

Based on the powers vested in us,

Based on the requirements of the public interest,

The following order was issued:

Article 1

For the purposes of this System, terms hereunder should have the meaning stated alongside of each, unless context shows otherwise.

Ministry: Ministry of Health

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Infant: the newborn up to the age of 12 months.

Product: any item that is either BMS or complementary food which includes all means used to give or take such items.

Breastmilk substitute: any breastmilk substitute that is manufactured industrially as per *Codex Alimentarius* standards and as per the Palestinian Standard Specification in order to satisfy the normal nutritional requirements of children up to six months of age.

Complementary food: any food suitable or represented as suitable in addition to breastmilk or artificial milk to infants from 6 months up to two years.

Handling: is one process or more that includes for the purpose of implementation this Decree the product manufacturing, storing, promoting, and selling

Marketing: any activity aims at promote, distribute or sell the product including researches related to market and consumer.

Promotion: any activity aims directly or indirectly at encouraging purchasing, selling or using the product.

Advertisement: any activity aims at promoting purchase, sale or use the product without misleading or deceiving the consumer.

Label: any descriptive matter, written, printed, stenciled, marked, embossed or impressed on the product container in the scope of this System.

Container: any form of product packaging for sale as a normal retail unit, including wrappers.

Samples: one container for one time or small quantity of the product provided in free basis.

Manufacturer: any person engaged in the business of manufacturing a product within the scope of this System whether directly, through an agent, or through a person or entity controlled by or under an agreement with it.

Distributor: any person, engaged – directly or indirectly – in the business of wholesale or retail trade of marketing of a product within the scope of this System.

Health care facility: any governmental, private or civil entity that engaged – directly or indirectly – in the provision of health care to mothers and infants, and all nurseries or child care associations except places that are allowed to sell the product.

Health worker: any individual or physician work in health care facility those employees and workers concerned on mother and child feeding including that worker in charitable and civil associations that are practicing the health care

Article 2

This System is aiming at the following:

- 1- Provision of safe and adequate infant feeding through protection and support breastfeeding.
- 2- Assure the proper use of BMS and complementary foods that are marketed or displayed by any form as appropriate for partial or full replacing breastmilk.

Article 3

- 1- Information or education materials, whether written, audio or visual, which refer to child feeding that are issued by Ministry or other concerned entities shall contain clear information on the following:
 - a- the benefits and superiority of breastfeeding than other types of suckling “artificial”
 - b- the importance of mother feeding and preparation them for breastfeeding and to maintain it for longest possible period especially during the first six months and continuation for at least two years.
 - c- The negative effects of partial bottle feeding on breastfeeding.
 - d- the health hazards of improper use of BMS and complementary foods.
- 2- Considering what has been mentioned in the first paragraph, informational materials shall not contain the trade name or the logo of any product, manufacturer or distributor of the product

Article 4

- 1- The product is prohibited from handling unless it is registered and got licensed by the Ministry for handling and advertisement.
- 2- The Minister is issuing the required instruction to implement the previous paragraph.

Article 5

A distributor or manufacturer is prohibited from promotion or advertisement – by any form – of BMS and infant foods. This prohibition includes:

- 1- Use health care facilities for promotion, advertisement , display, or distribution of these products
- 2- Offer to mothers or health care facilities – directly or indirectly – any sample of these products, gift, or any device promote using them.
- 3- Offer any financial or material bonus for health workers to promote these products.

Article 6

As exemption of Article 5 of this System, manufacturer and distributor can offer promotional brochures of infant complementary foods – after they are approved by the Ministry – but with the availability of following conditions:

- 1- They shall mention to the superiority of breastfeeding.
- 2- Shall not promoted in health care facilities

Article 7

Health care facilities are prohibited from using employees of manufacturers and distributors of BMS or using their workers in the motherhood and childhood care, and it is prohibited that employees of these facilities work for those manufacturers and distributors.

Article 8

1. Without prejudice to the Palestinian standard specifications a permanent or adhesive card must be placed on all Package , in a clear easy to read and understandable and difficult to remove , include the following data written in Arabic :

A . Phrase stating preference of breastfeeding in a clear handwriting , preceded by the word " Important Note " , The statement should be specified by the particular authority in the ministry.

B . Specific data about the right way to prepare, and a warning about the health risks that result from

Improper preparation .

C . Statement illustrates the use of the product only when urgently needed and with the advice of a doctor or specialist in the field of infant nutrition , to include the correct way to use .

D . A statement of medical procedures to be followed if taking the product caused the occurrence of complications or any abnormal health symptoms..

E . A statement mentioning the following:

1 (the list of ingredients .

2 (nutritional composition .

3 (storage conditions required , either before or after opening the package .

4 (batch number , date of production and expiry date by day , month and year , and in a direct and clear non symbolic way .

5 (the name of the manufacturer or distributor, and the local address .

6 (the right age for use .

7 (any other information as determined by the particular department in the ministry or any of the relevant authorities.

2.The card or packaging must not carry any image of children, or any other image or text that suggests its superiority on Breastfeeding .

Article 9

Health care facilities shall take appropriate measures to promote and protect breastfeeding through:

1. Offer counseling, information and training for health workers in this regard.
2. Non acceptance of any free or low cost sample of BMS and their complementary foods to reduce the spread of breast milk substitutes
3. Educate periodically pregnant women and lactating mothers and other community members using various visual media and audio-visual about benefits of breastfeeding and the risk of breast-milk substitutes.
4. counseling , newsletters and other means that will help mothers to regain breastfeeding .
5. Cooperation with relevant international organizations to protect and promote breastfeeding .

Article 10

Healthcare workers involved in maternal and child nutrition should promote breastfeeding, and should be familiar enough with their work, and be qualified to provide information, advice and training to those in need.

Article 11

It is Prohibited for health workers, and members of their families to accept any financial reward or in-kind that may be offered to them from the manufacturers and distributors of breast-milk substitutes, and complementary foods.

Article 12

It is forbidden for any health care worker to take advantage of the deals offered to him by manufacturers of products covered by this order, or its distributors, such as: attending courses or seminars, or scholarships, except after the approval of the ministry, or the body to which he belongs.

Article 13

It is only allowed for health workers , pharmacists , to explain how to give prepared or homemade breast milk substitutes ,only to mothers and family members in need , including clear Information and explanation of the dangers of improper use of these products .

Article 14

The ministry gives the inspectors appointed by the Minister , recipe judicial police officers while they are doing their work , and they have set the actions that are violations to the provisions of this order and put it in their records and sign it

Article 15

To ensure the application of the provisions of this order the ministry inspectors shall be entitled to enter the any health institution or any place likely to have the products , to conduct inspections and collect necessary samples , after registering the sample in their minutes .

Article 16

Officials of health institutions or places where there are products covered by the provisions of this System , should provide all the necessary assistance to inspectors and inform them of the books and records and not prevent them from doing their job.

Article 17

The Minister shall issue the necessary instructions to implement the provisions of this Regulation.

Article 18

Cancels all that contradicts with the provisions of this Regulation.

Article 19

All responsible authorities, each within its own jurisdiction have to implement the provisions of this order, and shall be effective from the date of publication in the Official Gazette.

Issued in the city of Ramallah on: 06/12/2011 AD

Corresponding to 11 / Muharram / 1433 AH

Salam Fayad
Prime Minister

Translated by Ghada Sayed and sent via email dated 10 March 2014