

THE LAW OF THE REPUBLIC OF UZBEKISTAN “On the Breastfeeding Protection and Advocacy”

The maintenance of superior status of the breastfeeding, facilitation to the safe and adequate infant nutrition via the breastfeeding protection, promotion and support, infant morbidity and mortality reduction– shall be the key goal of the present Law.

It should be emphasized, that the law adoption and compliance is just one of the several important steps required for protection of the healthy traditions in terms of the nutrition of the infants and children of early age.

Content:

Chapter 1. Introduction, General provisions

Article 1. Identification of practice scope of the Code

Article 2. Key terms used in the present Law

Chapter 2. State protection of the children’s breastfeeding and embargo related to the breast milk substitutes

Article 3. Information and education

Article 4. Limitation of the specified products distribution and delivery

Article 5. Limitation of the specified products marketing

Article 6. Healthcare system operation

Article 7. Requirements to labels

Article 8. Sale of the specified product

Article 9. Quality and monitoring

Chapter 3 Management

Article 10 Execution and authorized bodies on ensuring the protection and advocacy of the children’s breastfeeding and the specified products marketing regulation

Article 11. Children’s breastfeeding advocacy

Article 12. Specialists of the healthcare facilities

Article 13. Support to the civic society institutes

Article 14. Responsibility for the present Law violation

Chapter 1

INTRODUCTION

Article 1. Identification of practice scope of the Code

The Code Goal shall be to facilitate the infants' ensuring with the safe and adequate nutrition via protection and encouragement of the breastfeeding practice and guaranteeing the proper use of the breast milk substitutes, when necessary, based upon the relevant information and through the adequate methods of their sale and distribution. In the interests of this goal achievement the Code specifies detailed rules in the following terms:

- the proper distribution of information and education on the infant breastfeeding issues;
- the sale of the breast milk substitutes, feeders and teat rubbers for the feeding;
- actions to be taken in the healthcare system in terms of the healthcare specialists and personnel involved in the operation of the manufacturing organizations and sellers;
- the label design and quality of the breast milk substitutes and associated products;
- accomplishment of the Code of practice and control over its provisions implementation.

The scope of the Code of practice shall include all products represented in the market as the breast milk substitutes: infant formulas, various types of the milk, food-staff for the infants, juices, feeders and teat rubbers.

10 principal provisions of the International Code of Practice of the breast milk substitutes marketing

1. The advertisement of any products included in the scope of the Code of practice is inadmissible.

2. The distribution of the free infant formulas samples among the mothers is inadmissible.
3. The promotion of the products included in the scope of the Code of practice in the healthcare facilities, including free deliveries on reduced prices is inadmissible.
4. The contacts of the companies' representatives with the mothers are inadmissible.
5. The providing of the gifts and samples to the healthcare specialists as well as their transfer to the mothers by the healthcare providers is inadmissible.
6. The labels of the products included in the scope of the Code of practice should not contain the texts and drawings, including the infant images idealizing the infant formulas application.
7. The information for the healthcare provider has to be limited with the scientific and actual data.
8. All information related to the infant artificial feeding has to provide explanation of advantages and benefits of the breastfeeding, as well as financial expenses and risks associated with artificial feeding.
9. Such products as condensed milk cannot be represented in the market as the infant formula, since are unacceptable ones.
10. The manufacturing companies or distributors are to comply with the Code of practice provisions even in case if the countries have not adopted the relevant laws or the other legal acts on the Code of scope accomplishment.

The present Law enters into force in _____ days after its adoption.

The Law covers all territory of Uzbekistan.

Article 2. Key terms used in the present Law

- 1) **“To advertise”** — means to present the specified product by any means in order to facilitate its sale or transfer, including:
 - a) written publications, television, radio, cinema, electronic messages, Internet;
 - b) presentation of the emblems, publicity boards, promotional announcements; presentation of illustrations or samples, and the other ways.
- 2) **“Marketing”** – promotion, distribution and sale of the specified products and means, including ensuring the public relations and information support.
- 3) **“Healthcare facilities”** – state-owned, municipal or private medical institutions or organizations directly or indirectly involved in the healthcare and sanitary services to the pregnant women, infants’ and early age children’s mothers. In the frame of the present law this term does not include the drugstores or the other pharmaceutical facilities.
- 4) **“Healthcare provider”** – healthcare specialist with professional grade, diploma or license, for instant, practicing physician, nurses or obstetricians.
- 5) **“Specialists of the healthcare facilities”** – physical persons working in the healthcare facilities as well as support staff and the other persons working on a voluntary basis.
- 6) **“Infant formula”** – the product for the artificial feeding of the infants and early age children, of the dairy or similar to the animal milk or the vegetable origin, industrially manufactured in line with the quality requirements specified by the legislation of the Republic of Uzbekistan.
- 7) **“Early age children”** – the children from twelve months to two years old.
- 8) **“Infant”** – the child below twelve months.
- 9) **“Supplemental feeding”** – any product produced both industrially or the other way used as the supplement to the breastfeeding or the infant formulas.
- 10) **“Package”** means any kind of the package of the specified product, including wrapping.
- 11) **“Distributor”** – the person, corporation or the other organization dealing with the marketing of any specified product at the wholesale or retail level.

12) **“Manufacturer of the specified products”** – physical or legal entity involved in manufacturing of the products specified in the present Law, selling these products directly or through the distributors as well as through supervised or cooperating persons.

13) **Label”** – any sticker, brand, trademark, graphic or the other descriptive material, manual or printed, made with the stencil-plate or as the stamping or the marks, or labeled on the specified products package.

14) **“Promotion”** – application of any method directly or indirectly aimed on encouragement of the purchase or utilization of the specified product by any person.

15) **Samples”** – individual examples of the specified product or its small amount provided on the free basis.

Chapter 2

State protection of the children’s breastfeeding and embargo related to the breast milk substitutes

Article 3 Information and education

1. Protection of the children’s breastfeeding shall be ensured by the state bodies and the local self-governance bodies through the limitation of the marketing of the specified products as well as establishment of the quality requirements, and access to the information on their utilization.

2. The Government shall take the actions for accomplishment the principles of the present law and on its goals achievement in line with their social and legislative frameworks. The national policy and measures, containing the laws and rules and adopted for the accomplishment the present law principles and its goals achievement shall get the broad publicity and be applied on equal grounds against all stakeholders of the manufacturing and sale of the product specified in the present Code of practice.

3. The governments shall be implementing control over this Code of practice application, independently or corporate. For this purpose, the manufacturers and the food-staff sale agents of the products specified in the present Code of practice, the

relevant non-governmental organizations, professional teams and customer organizations shall cooperate with the governments.

4. The responsibility shall be borne for providing of the families and all persons dealing with the feeding problems of the infants and early age children with the impartial and consistent information on these problems. The Government shall be responsible for the information planning, providing, development and distribution or the control over such activity.

5. Information or training materials on the infant feeding presented in the written, audio or visual form shall:

- 1) contain only correct and recent information, but not contain illustrations or the texts idealizing the breast milk substitute's application;
- 2) be written on the native language of the population;
- 3) not make impression or persuasion that the specified product is equal, comparable or better than the breastfeeding;
- 5) provide the strict and clear explanation of the following issues:
 - a) breastfeeding advantages and superiority;
 - b) importance of the exclusive breastfeeding during about six months and the further breastfeeding during two and more years;
 - c) how to start and maintain the exclusive breastfeeding;
 - d) why it is difficult to correct the decision on refuse from the breastfeeding;
 - e) the importance of the supplemental feeding introduction starting from the age of approximately six months;
 - f) how and why any introduction of the bottle feeding and early introduction of the supplemental feeding provide the negative effects to the breastfeeding;
 - g) that the supplemental feeding is easy to produce at home with the local food-staff application;
 - h) warn on the harmful health impact provided by the non - balanced nutrition and inadequate feeding methods, in particular, by improper use of formulas and the other breast milk substitutes.

Article 4 Limitation of the specified products distribution and delivery

5.1 The advertising or any other kind of promotion to the customer the products included in the present Code of practice scope shall be inadmissible.

5.2. The specified products promotion, including the wholesale and retail sale points and the healthcare facilities shall be prohibited.

5.3. The manufacturers and distributors of the specified products shall not be allowed to fund the activities, competitions and counseling with any means of the activities intended for the pregnant and nursing women, as well as to provide the free services to the healthcare facilities associated with the specified product utilization:

e) to sponsor activities, competitions, phone counseling, campaigns intended for the pregnant and nursing women, the parents of the infants and early age children, their family members on the issues associated with fertility, pregnancy, child birth, feeding of the infants and early age children and the other issues related to this field;

f) to consider the sales volume of the specified product when calculating the rewards or bonuses for the employees, or to set-up the quotas on the specified product sale.

5.4 The specified products shall be delivered and used in the healthcare facilities or the social security organizations only for the children who have to receive artificial feeding. The purchase of the specified products by these organizations shall be done in line with the present Law requirements.

1) To present and distribute in the healthcare facilities the following materials:: cards, calendars, posters, notepads, height meters, toys, and the other items related to the specified product utilization and may promote it.

2) To offer or give any gifts, donations or remuneration to the healthcare specialist or the associations of the healthcare specialists dealing with the health of the mother and the child.

Article 5. Limitation of the specified products marketing

1. The manufacturers and distributors of the specified products shall be marketing the food-staff and means for the children's artificial feeding with the limits anticipated by the present Law and the other regulations and legal acts.

2. The promotion of the specified products, including the wholesale and retail sale points and the healthcare facilities shall be prohibited.

3. If the specified products are recommended to the children based upon the medical and social indicators, only the health providers or the social workers shall have the right to demonstrate these products utilization to the parents or the other family members, or the other persons.

4. The manufacturers and distributors of the specified products shall be not allowed to fund the activities, competitions and counseling with any means of the activities intended for the pregnant and nursing women, as well as to provide the free services to the healthcare facilities associated with the specified product utilization.

5. The manufacturers and sales agents shall not hand over as a gift any products or the items promoting application of the breast milk substitutes or feeders utilization for the feeding to the pregnant women and the mothers of the infants and early age children.

6. It shall be prohibited to advertise the products in retail sale, hand over the samples or any way to facilitate the sale influencing the buyer in the retail sale field through arrangement of the specialized exhibitions, providing the discount cards, bonuses, task-oriented sales, goods sold at the low price, specified sales of the products anticipated in the present Code of practice. This provision shall not limit the making of the pricing policy and practice for the long-term sale of the products on the lower prices.

Article 6. Health care system operation

- 1 The public health care bodies shall take proper measures for protection and stimulation of breastfeeding to implement the present Law, and shall explain health care workers their duties and provide adequate information.
2. The health care provider working in the sphere of mother and child health protection shall not:
 - a) accept any gifts, donations or remuneration from the manufacturer or the distributor or any other person there from, in financial or other form, irrespectively of their cost;
 - b) disseminate information on the products, which are within the scope of the present Law, nor the information on the infant formula to be of equal worth to breastfeeding.
3. Manufacturers shall transfer as a gift the information, educational equipment or materials only at the request of and by approbation of the relevant governmental body, received in writing or as directed by the government to this effect;
4. The name of the manufacturer or identification code shall be indicated on the materials and equipment, transferred as a gift to the health care facilities, but it shall be prohibited to specify the trade mark of the specified products;
5. Health care system shall not be used for advertising baby's formula or other products shown in the present Code of practice. However, the Code shall not exclude dissemination of the information among health care providers as it is stipulated by clause 7.2.;
6. If necessary the health care providers or the representatives of other municipal services shall demonstrate baby's formula of home or industrial manufacture. They shall be shown only to the mothers or the members of their families who shall use them, and given information shall contain exact data on future consequences at their misuse.
7. Specified products shall not be sold in the drugstores at the health care facilities.
8. Baby's formula or other products specified in the present Code of practice shall be allowed for transfer as a gift or sale at a cut price to the facilities or organizations. Such deliveries shall be used only for those children who should have breast milk

substitute and only relevant facilities or the organizations shall arrange these deliveries.

Article 7 Requirement to labels

1. Labels shall contain the required information on correct use of the product and shall not belittle the role of breastfeeding.
2. Manufacturers and sales agents of infant formula shall take measures for each packing to have precise, bright and convenient reference data printed on the label for reading and understanding which shall not be separated easily from the product, in the respective language and shall contain the information as follows: a) the “application note” or the equivalent; b) the instruction on advantages of breastfeeding; c) the instruction, that the product can be prescribed only by the healthcare provider; d) cooking instruction and indication on harmful health impact by wrong cooking. The text on packing or label shall not contain pictures having the infant images or other pictures which may idealize the infant formulae application, but may have graphic designations for easier identification of the product applied as breast milk substitute and demonstrating the mode of preparation. The terms “humanized milk” and “similar to breast milk” or such like terms shall not be used. Insert cards, giving additional data on the product, on its correct use, and which comply with the above-stated conditions, can be in large or customer size packing. When labels contain the instructions on processing the product into nutrient mixture, it is necessary to be guided by that stated above.
3. Food products specified in the present Code and marketed as infant formula, not meeting all requirements, but which can be processed shall be labeled with the instruction on danger of use of the product as the only source for infant feeding.
4. The label on the food products specified in the present Code shall also contain the information on: a) the ingredients used; b) the product composition/analysis; c) the required holding conditions and d) the batch number, date of manufacture and shelf-life in view of climatic conditions and conditions of storage for some countries.

5. It shall be prohibited to import or distribute the specified products if their label does not meet the requirements stipulated by the present clause and other normative legal acts of the Republic of Uzbekistan.

Article 8. Sale of the specified product

1) Persons shall be forbidden to distribute for sale, sell, store or expose for sale any specified product which a) shall not be registered in compliance with the present Law or shall not conform to conditions of its registration; or b) has reached the expiry date.

Article 9. Quality and monitoring

1. Quality of food products shall be an essential factor for infant health protection and consequently shall meet high accepted standards.

2. The food products specified in the present Code, at sale or any other form of distribution shall meet the standards recommended by the Commission on *Codex Alimentarius*, and also the Code on hygiene of food products for infants and children.

3. The nongovernmental organizations, professional groups, facilities and persons shall draw attention of the manufacturers or sales agents to violation of the Code to take appropriate measures for their elimination. The relevant governmental bodies shall also be informed.

4. The manufacturers and the major agents on sale of the products specified in the present Law shall introduce information to each trading worker on the present rules and on the duties assigned to them.

CHAPTER 3

MANAGEMENT

Article 10 Execution and authorized bodies on ensuring the protection and advocacy of the children's breastfeeding and the specified products marketing regulation

The Government of the Republic of Uzbekistan shall authorize the relevant state bodies which guarantee the execution of the present Law, to protect and advocate breast feeding and regulate the marketing of the specified products. The state bodies shall also be authorized to monitor observance and explanation of the normative legal acts regulating protection, advocacy of breast feeding and marketing of the specified products, and also to supervise the activity of the manufacturers and distributors of the specified products.

- 1) The Minister of Health care if necessary shall address to other ministries to guarantee the execution of the present Law.
- 2) For the purpose hereof the Minister of Health care shall be authorized to carry out the functions as follows:
- 3) to issue the rules required for execution of the present Law or implement its goals and objectives;
- 4) to have consultations with the government agencies or other parties concerned for strict observation of the present Law and rules mentioned above;
- 5) to make efforts for execution of the present Law; and
- 6) to take up and carry out other powers and functions which may have paramount or indirect importance for implementation of the goals and objectives of the present Law.

Article 11. Children's breastfeeding advocacy

1. Advocacy for breastfeeding shall be carried out by the state bodies and local authorities by raising awareness on advantages of breastfeeding for the health of children, women and family. The state shall provide enabling environment for

exclusive breastfeeding of the infants under the age of six months and for the subsequent continuation of breastfeeding of children within two and more years.

2. Health care facilities shall take part in the development and implementation of the state policy on protection and advocacy of exclusive breastfeeding, especially of the infants under the age of six months, in a manner prescribed by the laws of the Republic.

3. The state bodies and local authorities through mass media and other ways shall inform the citizens on the present Law.

The order of informing the citizens on the advantages of breastfeeding shall be specified by the Government of the Republic.

4. The state bodies and local authorities shall provide the objective information on the benefits of breastfeeding to the persons concerned. The Ministry of Health care of the Republic of Uzbekistan shall be responsible for providing the information and educational training courses for the pregnant women and breastfeeding mothers.

5. The information and educational materials on feeding of babies and children of the younger age presented in written, audio- or visual form and intended for distribution among pregnant women, mothers of babies and children of younger age, shall be written in the state and official languages and shall contain the precise information on the issues as follows:

- a) nutrition of pregnant women, of breastfeeding mothers, their readiness for children's feeding and for the support measures;
- b) importance and usefulness of exclusive breastfeeding within six months and the subsequent continuation of breastfeeding within two and more years;
- c) importance of introduction of supplemental feeding at the age of six months;
- d) opportunity of supplemental feeding preparation domiciliary with the use of local products;
- e) negative influence of introduction of early bottle feeding on breastfeeding;
- f) the difficulties arising at return to breastfeeding;
- g) if necessary correct use of the specified products.

Information materials on the specified products shall contain data on social and financial conditions of their use. They shall warn about the possibility of baby's formula getting infected with wrong cooking technology, on the consequences of malnutrition. Introduction of baby's formula before the recommended age or infringement of storage conditions shall increase the risk of diseases among children..

6. Information materials on the specified products shall not contain images or the texts idealizing the use of the specified products.

7. The manufacturers of the specified products and their representatives shall inform the workers of the trading organizations on the present Law and on the duties assigned to them in compliance with its requirements.

Article 12. Specialists of the healthcare facilities

1. The health care providers shall advocate and protect exclusive breastfeeding to the age of six months, and also inform the pregnant women, breastfeeding women, other members of their families and other persons on the benefits of continuation of breastfeeding within two and more years.

2. The manufacturers and distributors of the specified products shall have no right to give samples of the specified products to the health care providers, except for the cases, when necessary for a professional assessment of product quality or scientific research.

3. Health care workers and the members of their families shall not have the right to distribute the specified products, and to receive compensation in monetary or in any other form, including, in particular, study grants, grants for scientific research, financing of the sessions, seminars, retraining courses or conferences.

Article 13. Support to the civic society institutes

1. Citizens and noncommercial organizations shall have the right to take part in development and decision-making concerning protection and advocacy for breastfeeding.

2. Citizens and noncommercial organizations shall have the right to participate in monitoring of execution of the legislation of the Republic of Uzbekistan adjusting protection and advocacy for breastfeeding and shall draw attention of the manufacturers and distributors of the specified products to the activity not compatible with the requirements of the present Law. The national policy and the measures including the laws and rules, adopted for implementation of the principles of the present Law and on achieving its objectives, shall become widely popular and be applied on equal basis to all the parties of the product manufacturing and sale.
3. Control over application of this Law shall be carried out by the government. With this purpose the manufacturers and sales agents of the food products specified in the present Law, the relevant nongovernmental organizations, professional groups and the consumer organizations shall cooperate with the government.
4. Irrespective of any other measures on execution of the present Law the manufacturers and sales agents indicated in the present Code, shall monitor sales practice and its activity at all levels in compliance with the purposes of the Law.
5. The nongovernmental organizations, professional groups, facilities and persons shall draw attention of the manufacturers or sale agents to the facts of violation of the present Law so that required measures are undertaken. The relevant governmental bodies shall be informed as well.
6. The manufacturers and the basic sales agents shall introduce each commercial employee with the present Code and with the duties assigned to them.

Article 14. Responsibility for the present Law violation

The National advisory council on advocacy and protection of breastfeeding shall be set up with the representatives of the bodies as follows: MOH, MOE, Social Protection and Labor, and also the representatives of health care facilities, consumers' organizations, support groups of breastfeeding and experts in the

appropriate areas. The persons breaking the present Law or interfering with its execution shall bear the responsibility stipulated by the legislation of the Republic of Uzbekistan.

The law on advertising dated December 25, 1998, # 723/1

Amendments were introduced on August, 30, year 2002

Article 22 says that advertising of the medical preparations, dietary supplement shall be prohibited without the permission of the specialized establishments, MOH, in particular. I may request to introduce breast milk substitute into this article.