

Decree No. 4, 1995
Concerning the control on the use,
Marketing and Promotion of Breast Milk Substitutes.

We, Issa Bin Salman Al Khalifa- Amir of Bahrain after looking into the law, and into the Amiri decree no. 4 of 1975, and decree no 3 of 1985 concerning the control on imported food products, and according to the proposal of the Minister of Health, and after taking the opinion of the consultative committee, and the approval of the council of Ministers, we draw the following decree:

Article No.1

In implementing the section of this decree, the following definitions apply:

1. "Breast-milk substitute"	any food being marketed or otherwise represented as a partial or total replacement for breast-milk.
a) "Artificial Infant food"	a breast-milk substitute formulated industrially in accordance with applicable Codex Alimentarius Commission and local standards, to satisfy the normal nutritional requirements of infants up to 1 year of age and adapted to their physiological characteristics.
b) "Complementary Food"	any food whether manufactured or locally prepared suitable as a complement to breast-milk or to artificial infant food, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called "weaning food" or "breast-milk supplement".
2. "Marketing"	product promotion, distribution, selling, advertising, and all product public relations, and information activities.
3. "Marketing Personnel"	any person whose functions involve the marketing of a product or products coming within the scope of this decree.
4. "Manufacturer"	Any person, corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or through an entity controlled by or under contract with it) of manufacturing a product within the scope of this decree.
5. "Distributor"	a person, corporation or any other entity in the public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level a product within the scope of this decree.
6. "Label"	any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached

	to, a container of any products within the scope of this decree.
7. "Container"	any form of packaging of products for sale as a normal retail unit, including wrappers.
8. " Samples"	single or small quantities of a product provided without cost.
9. "Health Care institutions"	governmental, non-governmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child-care institutions.
10. "Health worker"	a person working in a component of such a health care institution, whether professional or non-professional, including voluntary, unpaid workers.

Article No.2

The decree applies to the use, marketing, and promotion related to the following products: breast-milk substitutes, including infant formula; other milk products, foods and beverages used as breast-milk substitutes or as complements, including feeding utensils such as bottles and teats.

Article No.3

Infant formula, complementary foods, and breast-milk substitutes should meet applicable standards recommended by Codex Alimentarius Commission and local standards as well.

These food products should also comply with standards and conditions set by the Minister of Health in agreement with the Minister of Agriculture and Commerce. Any food product not complying with these standards will not be allowed to be imported to Bahrain.

Article No. 4

Without violating decree no. 3 of 1985 on control of imported food products, each container should have a clear, conspicuous, and easily readable and understandable message in Arabic, and includes information on the safe use of the product .

In particular, labels should include the following information:-

1. Name and address of manufacturer.
2. A statement of the superiority of breast-feeding.
3. A statement that the product should be used only on the advice of a physician as to the need for its use and the proper method of use.
4. The ingredients used and the composition/analysis of the product.
5. The storage conditions required.
6. The batch number and the date before which the product is to be consumed.

Neither the container nor the label should have pictures of infants or mothers, nor should they have other pictures or text which may idealize the use of infant formula.

Article No. 5

Informational and educational materials on breast-milk substitutes should include the necessary information as per instructions from the Minister of Health especially on:-

1. The benefits and superiority of breast-feeding;
2. Maternal nutrition, and the preparation for and maintenance of breast-feeding;
3. The negative effect on breast-feeding of introducing partial bottle-feeding;
4. The health hazards of unnecessary or improper use of infant formula and other breast-milk substitutes.

Such materials should not use any pictures or text which may idealize the use of breast-milk substitutes.

Article No.6

There should be no advertising or other form of promotion for infant formula or any breast-milk substitutes. .

The following promotional activities are banned:

1. Manufacturers and distributors should not provide, directly or indirectly, to pregnant women, mothers, young children or members of their families, samples of products within the scope of this decree.
2. Manufacturers and distributors should not distribute any gifts of articles or utensils which may promote the use of breast-milk substitutes or bottle-feeding.
3. Marketing personnel, in their business capacity, should not seek direct or indirect contact of any kind with pregnant women or with mothers of infants and young children or members of their families.

Article No.7

Facilities of health care systems should not be used for the promotion, display, or distribution of infant formula or gifts, or printed materials (posters, stickers, leaflets).

Article No.8

Information provided by manufacturers and distributors to health professionals regarding products within the scope of this decree should be restricted to scientific and factual matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breast-feeding.

Only health professional are allowed to explain the use of artificial infant foods to mothers and family members in the cases advised by physicians.

Article No.9

The use by the health care system of "professional service representatives" provided or paid for by manufacturers or distributors is not permitted.

Article No. 10

Donations or low price sales to health institutions or organizations of supplies of infant formula for social needs (use by needy families) may not be made.

Article No. 11

No financial or material inducements to promote products within the scope of this decree should be offered by manufacturers or distributors to health workers or members of their families.

Also, samples of infant formula or other products within the scope of this decree, or of equipment or utensils for their preparation or use, should not be provided to health workers except when necessary for the purpose of professional evaluation or research at the institutional level.

Health workers should not give any of these samples to pregnant women, mothers of infants and young children or members of their families.

Article No. 12

Ministry of Health staff assigned by the Minister of health have the authority to pinpoint violations to the articles of this decree.

Article No. 13

Anyone violating the articles of this decree or subsequent decision will be penalized by imprisonment for a period not exceeding one month and a fine up to two hundred Dinars or either one of these penalties.

Article No. 14

The Minister of Health will nominate a special committee for investigating violations to Articles 9 and 11 of this decree committed by health workers.

This committee has the authority of applying the following disciplinary actions:

1. Notice
2. Warning
3. Suspension from work for a period not exceeding one year.

The committee issues its disciplinary actions with the majority of its members. Its decision must be justified and should not be final until adopted by the Minister of Health or after a lapse of 30 days from the date of informing the Minister and without him filing any objections to the said decisions.

If the decision being taken is suspension from work, the violator may appeal to the final decision in front of the high civil court during 60 days from the date of announcing the decision if the violator is present or 60 days from the date of his notification by means of a registered letter with a notice of receipt if he is absent during the decision announcement, or after the end of the period as mentioned in the second paragraph of this article.

Article No. 15

The Minister of Health issues after consulting with the concerned parties, the lists and decisions necessary to implement this decree.

Article No. 16

All Ministers concerned must implement this decree from the date it is issued in the official Gazette.

Amir of Bahrain
Sheik Isa Bin Salman Ai Khalifa

Issued at Al-Riffa Palace February 7, 1995