

CABO VERDE

[English version of Decreto-Lei nº 7/2007 and Decreto-Regulamentar nº 6/2007]

Law nº 7/2007 of 26 February 2007

Law Nº 54/2004 of 27 December 2004 sets the standards for marketing, information and quality control of products for feeding infants and young children. The law was regulated by Decree No 1/2005 of 17 January 2005.

The fact that our country is not a producer of above-mentioned products and, thus, is dependent on imports, as well as the small size of our market, create some difficulties in implementing the rules contained in said documents (law and decree). As a result, our operators are not able to ensure the full implementation of the law, since they are subject to the contingencies of foreign producers and these are not always willing to comply with the provisions our national law. This may upset supplies in the national market and, eventually, lead to stock interruptions for said products. Therefore, transitional solutions need to be found to overcome those obstacles and to create the necessary conditions for ensuring, in future, the effective implementation of the law.

Therefore:

By virtue of the powers conferred onto it by paragraph a) number 2 of Article 203 of the Constitution, the Government hereby decrees:

Article 1 **Suspension**

The implementation of No 1 of Article 7 of Law 54/2004 of 27 December 2004 shall be suspended for a period of one year from the entry into force of this present law, namely the part which states "... and shall not contain pictures of infants or young children, nor any other graphic representation that may idealize bottle feeding", for the following product: «Cerelac Simples».

Article 2 **Amendment**

No 3 of Article 8 of Law 54/2004 of 27 December 2004 shall be amended to read as follows:

" Article 8

[...]

1. (...)

2. (...)

3. The request for authorization for first-time imports of products listed under numbers 1 and 2 above shall be accompanied by its respective technical sheet."

Article 3 **Addition**

A fourth paragraph shall be added to Article 8 of Law 54/2004 of 27 December 2004 with the following wording:

"Article 8

[...]

4. When the characteristics, composition or labelling of an infant feeding product [T.N. whose importation was previously authorized] have been altered, the importer shall present a new technical sheet with the request for authorization of importation.”

Article 4 Entry into force

This law shall come into force on the day following its publication.

Seen and approved by the Council of Ministers

José Maria Pereira Neves
Basílio Mosso Ramos
Maria Madalena Brito Neves
José Brito

Promulgated on 20 February 2007

Let it be published.

The President of the Republic, PEDRO VERONA RODRIGUES PIRES

Endorsed on 23 February 2007

The Prime Minister, José Maria Pereira Neves

Regulation nº 6/2007 26 February 2007

Decree N.º 1/2005 of 17 January 2005 regulates Law 54/2004 of 27 December 2004 sets the standards for marketing, information and quality control of products for feeding infants and young children.

The fact that our country is not a producer of said products and is dependent on imports from third countries hampers the implementation of some of the provisions contained in the law and in Decree No. 1/2005 of 17 January 2007.

It is necessary, therefore, to adapt some rules to the reality of our country, without undermining the underlying philosophy of the law and regulation.

Therefore,

In accordance with Article 20 of Decree No 54/2004 of 27 December 2004, and

by virtue of the powers conferred upon it by paragraph b) of Article 204 of the Constitution, the Government hereby decrees:

Article 1 Amendments

Paragraph e) Article 3 and paragraphs a) and b) N° 2 of Article 6 and Article 7 of Decree N° 1/2005 of 17 January 2005 shall henceforth be worded as follows:

“Article 3

[...]

a) (...)

- b) (...)
- I. (...)
- II. (...)
- a) (...)
- b) (...)
- c) (...)
- d) (...)

e) Offering or granting to health workers or their respective associations or representative bodies gifts, subsidies, financial or material benefits, nor financing, partially or totally, meetings, conferences, competitions or other events. This provision shall not prevent contributions into an autonomous fund that may be established for this purpose and intended to finance scholarships, research fellowships, ongoing training and updating of health workers and their participation in conferences or courses;

[T.N. There seems to be an error in this amendment. It simply reproduces paragraph e) of the existing Regulation without change. Apparently the change should appear in paragraph c), but the text I received did not contain it. I will check back with Cape Verde. JP]

Article 6

[...]

1.(...)

2. In addition to the information described in the preceding paragraph, labels shall contain the following texts or a text of similar content:

- a) **"IMPORTANT NOTICE: Breastmilk is the ideal food for babies."**
- b) **"WARNING: Inappropriate use of this product may be dangerous for your baby. Consult a health professional before use".**

- c) (...)
- 3. (...)
- 4. (...)
- 5. (...)

Article 7

[...]

1. Labels of sweetened condensed milks shall bear the following inscription or a text of similar content: **"IMPORTANT NOTICE: This product must never be given to infants and young children".**

2. Labels of liquid or powdered whole, skimmed, semi-skimmed or low-fat milks shall bear the following inscription: **"IMPORTANT NOTICE: This product must never be given to babies less than six months old. For older babies it is advisable to consult a health professional before using this product".**

Article 2 Suspension

The implementation of Article 7 of Decree N° 1/2005 of 17 January 2005 in its new drafting shall be suspended for a period of one year from the entry into force of this present regulation, for the following product:

A milk called "Lait entier en poudre spray fabricado na República Federal da Alemanha». [Spray-powdered full milk, manufactured in the Federal Republic of Germany]

[T.N. This means that the following provision does NOT apply to this spray-powdered milk: "Labels of liquid or powdered whole, skimmed, semi-skimmed or low-fat milks shall bear the following inscription: ***"IMPORTANT NOTICE: This product must never be given to babies less than six months old. For older babies it is advisable to consult a health professional before using this product"***"]

Article 3 Entry into force

This regulation shall come into force on the day after its publication.

Seen and approved by the Council of Ministers

José Maria Pereira Neves
Basílio Mosso Ramos
Maria Madalena Brito Neves
José Brito

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