

LAW OF THE REPUBLIC OF TAJIKISTAN

On the Protection of Natural (Breast) Feeding of Children

CHAPTER I. GENERAL PROVISIONS

Article 1. Goal and Objectives of the Present Law

The goal of the present Law is to create adequate conditions for the protection of mother and child health as well as adequate nutrition for infants and young children.

Objectives of the present Law are as follows:

- Advocacy, encouragement and state support of breast feeding;
- Population's increased awareness;
- Improved health and social situation of women aimed at the protection of infant and young children's health;
- Legal regulation of infant food circulation;
- Acknowledgement of breast feeding as an aspect of primary health care.

Article 2. Definitions

Definitions applied by the present Law have the following meaning:

- "**Breastmilk substitute**" - Any food being marketed or otherwise represented as a partial or total replacement for breast milk;
- "**Baby/infant food**" - Infant formula, any other product presented as suitable for feeding of infant; baby's formula for young children;
- "**Complementary food**" - Any food, suitable for or presented as a complement to breast milk or to infant formula;
- "**Specified product**" – Baby food and feeding bottles, teats and dummies;
- "**Infant formula**" - Dairy or similar product of animal or plant origin formulated industrially in accordance with state standards or applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants from birth to six months of age;
- "**Baby food for young children**" - Dairy or similar product of animal or plant origin formulated industrially in accordance with state standards or applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants from six months on and young children;
- "**Distributor**" - A person, corporation or any other entity in the public or private sector engaged in the business of marketing a product at the wholesale or retail level;
- "**Infants (babies)**" - Children up to 12 months of age;
- "**Young children**" - Children aged from one to three years;
- "**Natural feeding (Breast feeding)**" - Breast feeding of infants and young children;
- "**Health care facility**" – Governmental or nongovernmental institutions or organisations engaged, directly or indirectly in health care and health education;
- "**Health worker**" - Physicians, medical nurses or obstetricians providing health care or engaged in health education;
- "**Label**" - Any tag, brand, mark, pictorial or other descriptive matter that is written, printed, stencilled, marked, embossed or impressed on, or attached to a container of any specified products;
- "**Samples**" - Single or small quantities of a product provided without cost;

- **“Child food circulation (marketing)”** - Activities of state bodies, as well of enterprises, agencies and organizations, irregardless of their forms of property, engaged in the production, processing, storage, transportation, carriage, sale, distribution, elimination, entry and exit of the specified product;
- **“Production”** - A technological process aimed at the serial manufacturing of the specified product;
- **“Transportation”** - Transfer of the specified product from one location to another within the territory of the Republic of Tajikistan irregardless of the transportation means.

Article 3. Scope of the Present Law

The scope of the present Law covers the following relations:

- Between the state bodies, legal and physical persons in the creation of favorable conditions for breast feeding;
- Associated with the marketing and advertising of baby’s formula, breast milk substitutes, including complementary food, as well as feeding bottles, teats and baby’s dummies.

Article 4. Legislation of the Republic of Tajikistan on the Protection of Natural Feeding and the State Control over the Marketing of Breast Milk Substitutes

The legislation of the Republic of Tajikistan on the protection of Natural Feeding and the State Control over the Marketing of Breast Milk Substitutes is based on the Constitution of the Republic of Tajikistan and includes the present Law, regulatory acts of the Republic of Tajikistan and international legal acts recognized by the Republic of Tajikistan.

Article 5. Guarantees of Social and Legal Protection of Nursing Mothers and Their Children

The state guarantees the protection of rights, freedoms, and interests of nursing mothers and their children enforced through the governmental agencies structure.

Besides measures aimed at the protection of labour, family, social, and other rights of nursing mothers established by the legislation of the Republic of Tajikistan, this category of individuals has the right to:

- Privileged service in medical facilities, trade and public catering enterprises, irregardless of their forms of property and institutional subordination;
- Privileged purchase of tickets to all modes of transport;
- Free use of mother and child premises at railway stations, airports, and bus-stations;
- Free transportation of their babies and young children by air, water, railway and public transports.

In order to create favorable conditions for nursing mothers, all bus-stations, airports and railway stations, big industrial, trade or other enterprises provide special mother and child premises.

Nursing mothers also have privileged seats on public transportation and aircrafts.

CHAPTER 2: ORGANIZATION AND IMPLEMENTATION OF THE STATE CONTROL OVER MARKETING OF BREAST MILK SUBSTITUTES

Article 6. Authorities of the Government of the Republic of Tajikistan

The Government of the Republic of Tajikistan:

- Organizes and coordinates the activity of local executive agencies on the implementation of the state policy in the sphere of the protection of breastfeeding and infant/young child health care;
- Develops and implements measures aimed at the implementation of the legislation on the protection of breastfeeding;
- Ensures the commitment of the Republic of Tajikistan to comply with the relevant international obligations in this sphere;
- Realizes other empowerments, established by the legislation of the Republic of Tajikistan.

Article 7. Organization And Implementation of the State Control Over Marketing of Breast Milk Substitudes

The state control over marketing of breast milk substitudes is organized and implemented by the authorized body in the field of health care, other state bodies within their authorities determined by the legislative acts of the Republic of Tajikistan.

Article 8. Authorities of the Ministry of Health of the Republic of Tajikistan

Ministry of Health of the Republic of Tajikistan:

- Requests from relevant ministries and institutions of the Republic of Tajikistan, enterprises, organizations, and agencies, irregardless of their forms of property and institutional subordination, information required for the recording and control of their activity in the sphere of the marketing of the specified products;
- Along with representatives of relevant ministries, institutions, and law enforcement agencies, carries out the inspection of expiry dates and storage procedures of the specified product;
- Controls the activity of enterprises, organizations and institutions in the sphere of the marketing of a specified product;
- Consolidates data on the needs of the Republic of Tajikistan for a specified product and presents it to the Government of the Republic of Tajikistan in an established order;
- Ensures, in accordance with the legislation of the Republic of Tajikistan, implementation of international commitments of the Republic of Tajikistan in the sphere of the marketing of a specified product;
- Organizes and controls timely medical examinations of nursing mothers, infants and young children;
- Organizes and controls regular home visits by health personnel to infants and young children, including relevant vaccination;
- Organizes and controls creation of adequate conditions for nursing mothers with infants in hospitals, unless this presents a threat to their life and health;
- Ensures registration of all specified products in an order established by the state legislation and issues registration certificates for the provided product in compliance with the relevant standards;
- Provides monitoring of implementation of the government policy in the sphere of the protection of breastfeeding, infants and young child health care; collaborates with the relevant institutions and agencies, local authorities and public associations.

Article 9. Authorities of Local Executive Bodies

Local executive bodies follow the state policy in the sphere of the protection of breast feeding and infants and young children health care, through the development and implementation of the relevant programs:

- Regulate the network of specialized units and sections engaged in the marketing of the specified product and in compliance with the legislation of the Republic of Tajikistan coordinates the working regime with their owners and control over its implementation;
- Determine, in agreement with the environment protection agency and other state bodies, locations for the annihilation of specified products, that do not meet the set requirements as well as products with the expired date of storage;
- Realizes other empowerments, established by the legislation of the Republic of Tajikistan in the sphere of the protection of breast feeding and the state control over marketing of breast milk substitutes.

CHAPTER 3 MARKETING OF SPECIFIED PRODUCTS

Article 10. Advertising Specified Products

Advertising of specified products is performed in an order stipulated by the law of the Republic of Tajikistan on “Advertising”.

Article 11. Realization of Specified Products

Realization of specified products by wholesale or by retail is performed in compliance with the current trade, sanitary, and other norms and regulations.

Article 12. Restrictions of Activities of Specified Product Manufacturers and Distributors

A manufacturer or distributor must not personally or through other persons:

- Use such marketing procedures as the organization of special expositions and sales, bonus payments, lotteries and different types of competitions, and reduced prices unless the integration of pricing policies and practices is aimed at the provision of specified products at lower prices and on a long-term basis;
- Give any person one or more samples of the specified product;
- Present or sell at a price lower than the advertised wholesale price or lower than 80% of the retail price any amount of the specified product to health care workers or health facility;
- Present or distribute in health facilities equipment or services relating to the use of the specified product or promote such an action;
- Present or distribute in health facilities materials, including pens, calendars, posters, notebooks, growth charts, toys or other items associated with the use of the specified product or promote such use;
- Encourage in any way, health workers or health organizations (unions, associations, etc.) engaged in mother and child health care, including grant allocation, scholarships, or research subsidies, funding of meetings, workshops, advanced training courses or conferences;
- Sponsor any events, competitions or campaigns associated with pregnant or nursing women, parents with infants or young children or their family members, as well as competitions and campaigns associated with pregnancy, birth, breast feeding of infants and young children, or other similar events;
- Include the volume of sales of specified products by way of premiums or extra pay to the personnel or set minimal tasks for the sale of specified products;
- Present or disseminate any information or educational materials associated with breast feeding of infants and young children or the performance of functions associated with breast feeding of infants or young children, except cases when they present information on specified products to medical personnel, which is limited with scientific and actual

materials relating to technical aspects and application methods of specified products and only, if they are in compliance with the requirements of Chapter 4 of the present Law.

Article 13. Restrictions Relating to Labelling of Specified Products

The manufacturer or distributor shall not realize the food products, marketed for infant feeding by wholesale or by retail, except the conditions stated in the Part 1 of the present Article, unless the packaging or labeling contains a clear, accurate and conspicuous and easy-to-read information in the state language about:

- Nutrient components and compositions;
- Age (in figures) when this product is recommended for use;
- Health hazard if incorrectly prepared or used before the recommended age;
- Ingredients with the identification of origin of the milk or milk-like product;
- Required storage conditions before and after the package opening with due regard of climatic conditions;
- Serial number, manufacturing date and expiry date, taking into account the climatic conditions and storage;
- Name and address of the manufacturer or distributor;
- Other requirements recommended by the Ministry of Health of the Republic of Tajikistan.

The manufacturer or distributor shall not realize by wholesale or by retail infant formula if, apart from conditions stipulated by Part 1 of the present Article, the packaging or the label do not have easy-to-read information in the state language about:

- The priority and usefulness of breast milk for infant health;
- The need to consult a doctor before taking a decision on supplementary feeding;
- The method of preparation, feeding schedule, hygiene and utilization of the remnants of the ready mix.

It is prohibited to label the product with such terms as “like mother’s milk”, “better than breast milk” or similar terms, as well as any comparisons with breast milk or to use texts that one way or another may prevent from breast feeding or disparage the significance of breast feeding.

Packaging or labels of baby food for young children, besides conditions stipulated by Parts 2 and 3 of the present Article, should contain a warning that this product cannot be used for children below six months of age.

If specified products covered by the present Article are imported in the Republic of Tajikistan, their packaging or labels should contain information in the state language of the Republic of Tajikistan.

Article 14. Restrictions Relating to Labeling of Bottles, Comforters and Dummies

The manufacturer or distributor shall not realize by wholesale or by retail bottles, comforters or dummies unless the packaging contains a clear, accurate and conspicuous and easy-to-read information in the state language about:

- The priority and usefulness of breast milk for infant health;
- The need to strictly follow the instruction on washing and sterilization of product supported by words and pictures;
- The fact that a durable use of comforters and dummies by children and a long contact with sweetened liquids, including baby food may lead to dental caries;

- The manufacturer's or distributor's country address.

CHAPTER 4 INFORMATION AND PUBLIC EDUCATION

Article 15. Informational and educational materials on Breast Feeding

Informational and educational materials, whether written, audio, or visual, dealing with the breast feeding must:

- Advocate breast feeding, its benefits and the potential health hazards of its substitutes;
- Contain only accurate information and avoid using any pictures or texts encouraging feeding from a bottle and preventing breast feeding;
- Be printed in the state language;
- By no means create an impression that the specified product is equivalent to breast milk, can be compared to it or better than it or should be preferred to breast feeding;
- Not contain a name or an emblem of any specified product or any manufacturer or distributor of the specified product unless these are related to the information on the specified product presented to the attention of health personnel in accordance with the requirements of the present Law;
- Clearly and accurately explain the benefits, value and superiority of breastfeeding, especially during the first six months with the following breast feeding during the next two years or longer.

Article 16. Informational and Educational Materials on Infant formula, Child Food and Bottles

Informational and educational materials on infant formula, child food and any other products or liquids for feeding with the application of a bottle must be in the state language, including the information on:

- Proper preparation and use of the product, including washing and sterilization of bottles and dummies and feeding children from cups;
- The significance of complementary feeding from the age of approximately six months; why and how an early introduction of complementary feeding from a bottle or any complementary food negatively effects on breast feeding; health hazard caused by bottle feeding and incorrect preparation of a product.

CHAPTER 5 FINAL PROVISIONS

Article 17. Restriction of Activities of Health Workers Engaged in Mother and Child health Care

Medical personnel working in the sphere of mother and child health care must not:

- Receive presents, other gifts and awards in any form from the manufacturer or distributor or any other person acting on their behalf;
- Accept samples of specified products or distribute them among other persons or demonstrate the use of infant formula to anyone (except individual mothers or family members in exceptional cases upon necessity. In these cases, they will provide a clear explanation of the danger caused by the use of baby food).

Article 18. Responsibility for the Violation of the Present Law

Legal and physical persons are guilty in the violation of the present law bear responsibility in an order established by the legislation of the Republic of Tajikistan.

Article 19. Implementation Regulations of the Present Law

The present Law is effective after its official publication.

E. Rakhmonov
President
Republic of Tajikistan

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Dushanbe