

**HONDURAS LAW AS APPROVED BY CONGRESS**  
on 12 December 2013

**Decree No.231-2013**

**The National Congress,**

WHEREAS inappropriate feeding practices of infants and young children, girls and boys, and their consequences are major obstacles to socio-economic development and poverty reduction;

WHEREAS scientific evidence shows that appropriate feeding practices of infants and young children are essential to achieve and maintain adequate nutrition and health;

WHEREAS the most rational and economical way to provide appropriate feeding practices of infants and young children, in order to achieve the aim and objectives of the Global Strategy for Infant and Young Child Feeding, is breastfeeding;

WHEREAS the State must adopt, implement and promote the most rational and economical method to achieve adequate feeding of infants and young children;

Therefore decrees the following:

**LAW FOR PROMOTION AND PROTECTION OF BREASTFEEDING**

**TITLE I**

**PURPOSE AND DEFINITIONS**

**CHAPTER I**

**PURPOSE AND DEFINITIONS**

**ARTICLE 1. Purpose.** The purpose of this law is to establish the necessary measures to protect and promote breastfeeding and optimal practices of feeding infants and young children.

**ARTICLE 2. Applicability.** This law shall apply in the whole national territory, for the protection, promotion and support of all persons, products and activities related to breastfeeding and optimal practices of feeding infants and young children.

**ARTICLE 3. Competent Authority.** The competent authority for the implementation of this law and its regulations shall be the State Secretariat for Health (henceforth called Ministry of Health – MoH – in this translation), in coordination with other appropriate legal entities.

**ARTICLE 4. DEFINITIONS.** For purposes of implementation the following definitions shall apply:

- 1) **Complementary Food:** Means any prepared, processed or industrialized food marketed to complement the feeding of infants over six months old.
- 2) **Child Care Centre:** Means any public or private institution directly or indirectly providing care to infants.
- 3) **Human Milk Collection Centre:** Means any space designated for the collection and storage of human milk.
- 4) **Marketing:** Means the activities of promotion, distribution, sale, advertising and information services related to a designated product.
- 5) **Donation:** Means the free supply of a designated product given by a person or entity.
- 6) **Container:** Means any form of packaging of products for sale, including the wrapping.

- 7) **Health Care Facility:** Means any public or private institution or individual that, directly or indirectly, provides health care services to the general public.
- 8) **Label of a Designated Product:** Means a tag, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed, attached or otherwise appearing on or in a container of a designated product.
- 9) **Infant Formula:** Means a milk or milk-like product of animal or vegetable origin formulated industrially in accordance with *the Codex Alimentarius Standards* and intended to satisfy the nutritional requirements of infants from birth up to the first six months.
- 10) **Follow-up formula:** Means a milk or milk-like product of animal or vegetable origin formulated industrially in accordance with *the Codex Alimentarius Standards* represented as suitable for feeding infants older than six months of age.
- 11) **Introduction of Complementary Feeding:** Means the addition of other liquid or solid foods, after six months of age, when the nutritional requirements of infants are no longer satisfied with breastmilk only. It should be done in a gradual and hygienic manner, preferably upon medical indication.
- 12) **Infant:** Means a child up to the age of 24 months (2 years).
- 13) **Exclusive Breastfeeding:** Means feeding an infant exclusively with breastmilk during the first six months of age, without the addition of water, juices, teas or other liquids or foods.
- 14) **Logo:** Means the picture, design or characters that identify a product or a manufacturer.
- 15) **Brand:** Means the commercial name of a designated product.
- 16) **Sample:** Means a unit or small quantity of a product supplied free of charge to promote its consumption.
- 17) **Young Child:** Means a child between the ages of 24 months (2 years) and 36 months (3 years).
- [TN: In Spanish a child is *niño*, which also means 'boy'. Therefore, throughout this and other Spanish legal texts, child is translated as *niño y niña* or *niño o niña*, which means 'boy and girl' or 'boy or girl'. This is to make it clear that the text applies to children of both sexes. In English I have always translated this as 'child' or 'young child' or 'children', as appropriate.]
- 18) **Codex Alimentarius Standards:** Means the internationally recognised collection of food standards, codes of practice, guidelines and other recommendations.
- 19) **Sponsorship:** Means any kind of financial, logistical or material support to public or private entities.
- 20) **Health Workers:** Means the persons responsible for providing care, whether remunerated or not, in any public or private health care facility, including those who are in training and independent health workers not attached to any health care facility.
- 21) **Designated Product:** Means any infant formula, follow-up formula, complementary food and any products marketed or otherwise represented as appropriate to feed infants, including bottles, teats, dummies and nipple shields.
- 22) **Manufacturer and/or Distributor:** Means any person or company that, directly or indirectly, manufactures and/or distributes any designated product, and includes their employees as well as individuals or companies that manufacturers or distributors contract or subcontract, when such persons carry out activities covered by the provisions of this law.
- 23) **Promotion:** Means any activity aimed at raising awareness of a product or making [consumers] feel the need for said product, or directly or indirectly encouraging a person to buy or to use said designated product.
- 24) **Advertising:** Means the activity of presenting by any means a designated product with the aim of

promoting its sales or its use, including but not limited to the following:

- a) Written text, advertising by television, radio, film, electronic transmission, video, telephone, etc;
- b) Display of signs, billboards, posters or notices;
- c) Exhibition of pictures or models that idealise feeding with a designated product;
- d) Door-to-door canvassing;
- e) Samples made available at sales points;
- f) Visits to health care facilities.

## TITLE II

### PROMOTION OF BREASTFEEDING

#### CHAPTER I

##### SUPPORT TO FAMILY DURING PREGNANCY AND BREASTFEEDING

**ARTICLE 5. Information and Advice.** Any person shall have the right to obtain from health personnel information and advice on the advantages and benefits of breastfeeding, so that she/he can make informed and responsible decisions.

**ARTICLE 6. Support.** Mothers shall have the right to be supported by their families, society and the State, during pregnancy and lactation, so as to foster confidence in their ability to procreate and to feed their children. [This shall be achieved] through adequate prenatal checks, safe birth practices and early initiation of breastfeeding. Their right to breastfeed during work outside home shall be guaranteed, as well as the follow-up of their children in infant care centres and other modalities.

In order to make it easy for mothers to extract their milk, a breastmilk collection centre shall be established at their place of work and working hours shall be adjusted for them to fulfil this right.

In special situations, such as climate or catastrophe, breastfeeding shall be given preference, by establishing places that allow for efficient breastfeeding and appropriate advice and support.

**ARTICLE 7. Feeding.** Infants and Young children shall have the right to receive the best method of feeding. During the first years of life, breastfeeding is the basis to achieve healthy growth and development. It is also a crucial element for survival. Breastfeeding shall be exclusive for the first six months and it is recommended to continue breastfeeding for up to two years, accompanied by appropriate introduction of complementary foods.

#### CHAPTER II

##### NATIONAL COMMISSION FOR BREASTFEEDING AND COMPLEMENTARY FEEDING OF HONDURAS (CONALMA)

**ARTICLE 8. National Commission For Breastfeeding And Complementary Feeding Of Honduras.** The National Commission for Breastfeeding and Complementary Feeding of Honduras (CONALMA) shall hereby be established as a permanent body attached to the MoH.

**ARTICLE 9. Powers and Functions of the National Commission for Breastfeeding and Complementary Feeding of Honduras (CONALMA).** CONALMA shall have the following powers and functions:

- 1) To advise the Secretary of State for Health on national policy to promote and protect breastfeeding;
- 2) To establish and promote institutional mechanisms to develop comprehensive programs and educational

and advertising campaigns that encourage mothers to breastfeed, in view of the advantages provided to infants' immune system and other benefits;

3) To establish regional committees to carry out their functions at the regional level, as determined;

4) To examine the educational and informational materials to see if they meet the requirements of this law and, if necessary, make appropriate recommendations to the Secretary of State for Health who must approve or reject the materials, and

5) To exercise such other functions and powers as the Secretary of State for Health may decide.

**ARTICLE 10. Composition of the Board of CONALMA.** The following institutions shall compose CONALMA:

- 1) Secretary of State for Health, who shall preside;
- 2) Secretary of State for Industry and Trade;
- 3) Secretary of State for Labour and Social Security;
- 4) Secretary of State for Indigenous and Afro-Honduran Affairs;
- 5) Secretary of State for Social Development;
- 6) The National Children's Trust (PANI);
- 7) The Public Prosecutor;
- 8) The Association of Municipalities of Honduras (AMHON);
- 9) The Medical College of Honduras;
- 10) The College of Professional Nurses Honduras;
- 11) The Honduran Institute for Children and Families (INHFA);
- 12) The Family Program (PRAF);
- 13) The Honduran Social Security Institute (IHSS);
- 14) The National Institute for Women (INAM).

The members CONALMA shall develop a plan of action of this Commission and ensure its implementation, facilitating its adoption at the highest political level. The Commission shall submit an annual report of its activities to the President of the Republic.

Their senior executives or whomever they delegate shall represent the member institutions.

### CHAPTER III

#### DUTIES OF HEALTH CARE FACILITIES AND HEALTH WORKERS

**ARTICLE 11. Breastfeeding Policy.** All public and private health care facilities that provide prenatal services, deliveries and infant care shall abide by the official policy and standards of breastfeeding established by the MoH.

**ARTICLE 12. Training of Health Workers.** Any health worker who works in a health care facility that provides prenatal services, deliveries and infant care shall be trained in breastfeeding management and be acquainted with the standards and policies applicable to it, so as to be able to support mothers and their families during the process. Training shall be on-going and shall be provided by training units certified by the MoH.

**ARTICLE 13. Community Support Groups.** The health regions and community organizations shall promote the establishment of community support groups, with participation of the training units, non-governmental

organisations and other civil society groups.

**ARTICLE 14. Competence to demonstrate the use of Designated Products.** Demonstrations of how to prepare and use infant formula and follow-up formula shall be done only by health workers and exclusively for the benefit of mothers who need it, or of members of their families. The information provided shall include a clear explanation of the risks of incorrect preparation and use of said products.

#### **CHAPTER IV**

##### **TRAINING INSTITUTIONS**

**ARTICLE 15. Inclusion of Breastfeeding in Formal Education.** The Secretary of State for Education and the Council for Higher Education shall incorporate the subject of breastfeeding into the curricula. Such curricula shall explain in a clear and easy manner the advantages and superiority of breastfeeding, by resorting to the methodological and scientific advances proposed by the World Health Organisation and the strategic plans of the MoH.

#### **CHAPTER V**

##### **INFORMATION AND EDUCATION MATERIALS**

**ARTICLE 16. Information and Education Materials on Feeding.** Information and education materials, whether printed, audio or visual, dealing with feeding and aimed at pregnant women, breastfeeding mothers, their children and families, shall comply with the appropriate standards set by this law and its regulations.

**ARTICLE 17. Information and Education Materials on Infant Formula, Follow-up Formula and Utensils for their Administration.** Such materials shall, in all cases, clearly explain that the use of formula shall be exceptional and subject to medical prescription. They shall contain information on the approximate monthly cost of feeding an infant with the product in the recommended quantities.

**ARTICLE 18. Information for Health Workers.** Information provided by manufacturers and/or distributors to health workers for the launch of new products or reformulation of products and any information about existing products shall be restricted to technical and objective details about the designated product.

#### **TITLE III**

##### **REGULATION OF DESIGNATED PRODUCTS**

#### **CHAPTER I**

##### **OBLIGATIONS AND PROHIBITIONS OF MANUFACTURERS AND DISTRIBUTORS OF DESIGNATED PRODUCTS AND OF HEALTH CARE FACILITIES AND HEALTH WORKERS**

**ARTICLE 19. Marketing of Products that have not been registered.** The marketing of designated products that have not been registered in the Health Registry shall be prohibited, as shall the sale of designated products that are not in their original container.

**ARTICLE 20. Competence of the MoH.** The MoH shall have the competence, in addition to those set by law, to regulate marketing practices pre-existing before the entry into force of this law that relate to the marketing of designated products, including the power to declare a new product as designated product, for purposes of this law.

**ARTICLE 21. Advertising and Promotion.** Regulation of advertising of designated products shall be subject

to Articles 15 and 17 of this law. Any advertisement shall prominently display the text contained in Article 27 in its entirety, covering not less than 10% of the total area or the total time of the advertisement.

**ARTICLE 22. Regulation of Promotion and Donations to Health Care Facilities.** The promotion and donation of designated products to health care facilities, including the exhibition of posters, banners, calendars, booklets, labels, samples, articles or utensils that discourage the practice of breastfeeding and encourage the use of objects bearing the name and logo of manufacturers and/or distributors shall be regulated in the Regulations of this present law.

**ARTICLE 23. Responsibilities of manufacturers and/or distributors.** Manufacturers and/or distributors of designated products shall be responsible for the dissemination of the contents of this law and its regulation and for ensuring compliance therewith.

**ARTICLE 24. Prohibitions for health workers and health care facilities.** MoH staff and establishments shall not accept any gifts, contributions or benefits from manufacturers or distributors or representatives of designated products. The display of advertisements for such products shall be banned in all public and private health care facilities. The presence of sales representatives of designated products shall not be permitted in maternal and infant health care or consultation services.

**ARTICLE 25. Donation of equipment, materials or benefits by manufacturers and/or distributors.** Any donation of equipment, material or granting of financial support, or any other type of benefit, by manufacturers and/or distributors, shall be regulated in the Regulations of this law.

## **CHAPTER II**

### **LABELLING**

**ARTICLE 26. Labelling of designated products.** Before being marketed anywhere within the national territory, any designated product shall bear on its container a label with precise instructions for the preparation and proper use of the product, according to the age of the infant, as well as a warning of the possible risks in its preparation, and a list of ingredients, nutritional composition and analysis, storage conditions, date of manufacture and date of expiry, batch number, name and address of the manufacturer and/or distributor of the product. It shall not contain any graphic representations, nor words such as “humanised milk”, “maternalised milk”, “equivalent to breast milk”, or any similar wording.

**ARTICLE 27. Text on designated products.** Any designated product shall bear on its container or on a label affixed to, in characters not less than two millimetres high and in capital letters the words “IMPORTANT NOTICE” followed by the statement “Breastfeeding is best option for your infant. Breastmilk is the ideal food for the healthy growth and development of infants and young children. It strengthens human defenses and protects against diarrhea and other illnesses”. No designated product shall be sold or offered without this labeling.

**ARTICLE 28. Labelling of not designated products.** Labels of skimmed milk, condensed milk and whole milk, in powder or liquid, shall bear the following text: “This product must not be used to feed infants less than six months old.”

## **TITLE IV**

### **SANCTIONS AND FINAL PROVISIONS**

#### **CHAPTER I**

**ARTICLE 29. Sanctions.** The MoH, through the Health Regulation Department, shall sanction violations of this law, without prejudice to any civil or penal liability the violator may have incurred.

Sanctions shall be progressive, considering their frequency and gravity, as established in the Regulations of this law, as follows:

- 1) Light penalty: Written warning for a first violation.
- 2) Serious penalty: When a violation has been repeated once it shall be punished by a fine of one minimum salary.
- 3) Very serious penalty: When a violation has been repeated more than once it shall lead to the cancellation of the health registration of the product.

**ARTICLE 30. Seizure of a designated product.** When the penalty is very severe, the MoH shall request the competent authority to seize the respective product.

**ARTICLE 31. Penalties for health workers.** Failure to comply with the provisions of this law by health personnel who work in public institutions shall lead to the penalties provided in the Civil Service Act or the Labour Code, as applicable.

## CHAPTER II

### FINAL PROVISIONS

**ARTICLE 32. Administrative procedures.** Anything that has not been expressly provided in this law shall be guided by the corresponding national legislation.

**ARTICLE 33. Adapting to this law.** Manufacturers and/or distributors of designated products shall have a period of ninety days from the date of entry into force of this law to adjust their labels, informational and educational materials and marketing practices to the provisions of this law.

**ARTICLE 34. Regulations.** The MoH shall issue Regulations for the implementation of this law within ninety days of its entry into force.

**ARTICLE 35. Entry into force.** The present law shall enter into force from the date of its publication in “La Gaceta”, the Official Journal of the Republic.

### DECREE No.157-2013

Adopted in the City of Tegucigalpa, Central District Municipality, in the Plenary Hall of the National Congress, on eighteenth of September two thousand and thirteen.

**ALBA NORA GÚNERA OSORIO**

**PRESIDENT FOR THE LAW**

**RIGOBERTO CHANG CASTILLO, SECRETARY**

**JARIET WALDINA PAZ, SECRETARY**

To the Executive Power

Therefore: To be executed

Tegucigalpa, M.D.C., ... of ... of 2013.

**PORFIRIO LOBO SOSA**

**PRESIDENT OF THE REPUBLIC**

**SECRETARY OF STATE IN THE DEPARTMENT OF HEALTH**

**JOSÉ SALVADOR PINEDA PINEDA**

*Honduras Decree 231-2013 signed on 12 December 2013  
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