

RULES GOVERNING THE ADMINISTRATION OF
MARKETING OF BREASTMILK SUBSTITUTES

Article 1 In pursuit of the International Code of Marketing of Breastmilk Substitutes and taking into account of the actual conditions of this country, this Rules governing the Administration of Marketing of Breastmilk Substitutes is hereby formulated for the protection of physical and mental health of mothers and infants, and for the promotion of breastfeeding practice.

Article 2 All personnel involved in the manufacturing and management of breastmilk substitutes in the territory of the People's Republic of China (hereinafter referred to as the "manufacturers" and "distributors") shall abide by this Rules.

Article 3 The breastmilk substitutes as mentioned in this Rules refer to the infant-targeted formulas and other milk and milk products, either processed or non-processed, other food stuff and beverage, including bottle-feed food, nursing bottle and teat, supplied through market or through other means appropriate to substitute breastmilk wholly or partly.

Article 4 Health administration departments of local people's governments above county level are the supervisory and management organs for the

marketing and import of breastmilk substitutes; departments in charge of industry and commerce administration; radio, film and television; journals and publications; domestic trade and light industry shall each carry out its managerial role, within its terms of reference and in accordance with this Rules, respectively on the manufacturing, marketing, advertisement and promotion of breastmilk substitutes.

Article 5 The manufacturing and marketing of breastmilk substitutes shall conform with relevant provisions stipulated in the "Provisional Legislations governing Food Hygiene of the People's Republic of China", the "State Criteria of Infant Food", and the "General Criteria for Food Labels", and relevant laws, legislations and regulations of the State.

Article 6 The breastmilk substitutes package label shall be distinctly worded indicating the superiority of breastfeeding; and no infant's photos and expressions such as "breastmilk equivalents", and "mother's milk equivalents" and the like shall be appeared on the label.

Article 7 No any of the following activities shall be performed by the manufacturers of distributors to medical/health institutions, pregnant women and the infants' families: -

- 1, of presenting its products of samples as gifts;
- 2, of selling of its products at a reduced price; and
- 3, of providing conditionally of equipment, funding capital and document to medical/health institutions with the purpose of promoting sales.

Article 8 Health administration departments of local people's governments above county level and its designated MCH institutions are responsible for

the provision of documents and health education material on subjects relating to the feeding of infants and young children. The documents and health education material shall cover the following contents: -

- 1, the superiority of breastfeeding;
- 2, nutrition of mother, and the way to prepare for and persist in breastfeeding;
- 3, the appropriate time and measures to supplement with auxilliary food; and
- 4, an account, in case of necessary, of proper way of using breastmilk substitutes.

The manufacturers and distributors shall not provide at will any propaganda material and documents without the permission of health administration departments at all levels.

Article 9 Advertisement of breastmilk substitutes is forbidden.

Article 10 It is forbidden to make propaganda, including the transmission and publication of any reportage, articles and pictures relating to breastmilk substitutes, through mass media including radio, movie, TV, newspaper, journals, books, audiovisual products and publications, etc.

Article 11 Medical/health institutions and its employees shall actively publicize the superiority of breastfeeding, and shall provide necessary aid and advice on breastfeeding to pregnant women, young mother, and infants' families.

Article 12 Medical/health institutions and academic bodies shall not accept any gift or donation from the manufacturers and distributors for their promotion of products.

Article 13 Medical/health institutions shall boycott all forms of propaganda of the manufacturers and distributors conducted in the former's departments and units for breastmilk substitutes. No posters on breastmilk substitutes shall be put up and no information material distributed inside the institutions; and no displaying, promotion and sale on a commission basis of products shall be performed.

Article 14 Medical/health institutions and its employees shall not propagate breastmilk substitutes among pregnant women and infants' families, shall not provide the products to pregnant women and infants' mothers. Advices on the proper way of feeding shall be given by physicians to those unable to practice breastfeeding.

Article 15 Depending on the seriousness of the case, the health administration department shall impose administrative sanction upon the manufacturers and distributors, in case of their violence of stipulations of Article 6, 7 and/or 8, with an order to stop the marketing of its products and to recover that having been sold out, to order for an improvement within a fixed time limit, or, to impose with a fine no higher than RMB 30,000.00 yuan.

Article 16 Those carrying out advertisement and propaganda activities in violence of stipulations in Article 9 and/or 10 shall be imposed upon with a penalization by the department in charge of industry and commerce administration according to relevant laws, legislations and regulations.

Article 17 Health administrative department shall impose upon any medical/health institute and its employee, in case of their violence of stipulations in Article 12, 13 and/or 14, with a warning, confiscation of their illicit income, and impose a fine.

Article 18 The definitions of certain terms used in this Rules are as

follows:

auxiliary food: It refers to any food, including that manufactured by factory or prepared at home, appropriate to supplement both the breastmilk and infant formulae failing to meet nutrition needs.

infant formulae: It refers to any breastmilk substitute prepared industrially following the standards specified in the applicable code for food standards, adequate to meet the normal nutrition needs and appropriate to the physiological features of infant at the age of 4 - 6 months. Infant formulae can be prepared at home and named as "domestic" infant formulae.

marketing : It refers to the promotion, distribution, sale, advertisement and propaganda of the products, and its social linkage and information services.

Article 19 The Ministry of Public Health is responsible for the interpretation of this Rules.

Article 20 This Rules shall come into force as of October 1, 1995.