
DECREE N° 2005 / 5168/ PM of **01 DEC. 2005**
Regulating the marketing of substitutes of breastmilk.-

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of the International Marketing Code of Substitutes of Breastmilk;

Mindful of the law n° 90/031 of 10 August 1990 governing commercial activity to Cameroon;

Mindful of the law n° 96/11 of 05 August 1996 relative to standardization,

Mindful of the decree n° 92/089 of 04 May 1992 specifying attributions of the Prime

Minister, modified and completed by the decree n° 95/145 Bis of 04 August 1995;

Mindful of the decree n° 2004/320 of 08 December 2004 on organization of the Government

Mindful of the decree n° 2004/321 of 08 December 2004 appointing a Prime Minister,

DECREES :

CHAPTER I

GENERAL DISPOSITION

ARTICLE 1. - (1) The present decree defines the regulation on the marketing of substitutes of breast milk, bottles, teats, dummy or pacifier.

(2) It establishes quality control for the said products, at the manufacturing, importing or selling stages.

(3) Complementary foods are excluded within the terms of application of the present decree. Within this context, the dispositions related to publicity and other activities of promotion are not applicable.

ARTICLE 2. - For purposes of application of this decree, the following definitions shall apply:

a) **Breast milk substitute:** is any solid or liquid food sold, used or presented in any other way as partial or total replacement of breast milk, whether suitable or not for such a purpose, notably formulae of 1st and 2nd ages and preparations for infants ;

b) **Complementary food:** is any food industrially manufactured or home made, that can be used as a complement to breast milk or infant formula for infants from six (6) months of age only;

c) **Infant formula:** is any breast milk substitute, industrially manufactured according to applicable international standards, to partially or entirely cover the nutritional needs of the infant up to the age of six (6) months. This product is also called "First age milk".

- d) **Infant:** is any baby aged 0 to 30 months;
- e) **Marketing:** is any form of promotion, distribution, sales or advertisement of a product;
- f) **Health professional:** is a medical doctor, nurse, midwife, dietician, nutritionist, Pharmacist or any health service provider responsible for public health protection.
- g) **Breastfeeding:** is the feeding of an infant at the [mother's] breast.
- h) **Artificial feeding:** is feeding of an infant with any liquid or solid other than breast milk.
- i) **Inspector:** is the title given to an official of the Ministry of Public Health or the Ministry in charge of Industries or the Ministry of Trade, with prescribed competence to monitor and control sales points or warehouses of designated products.
- j) **Designated product:** is a milk for infants (infant formula, First age milk) or any other product sold as food for infants, follow-up or 2nd age milk, feeding bottles, teats, dummies and any other product that the Minister of Health may, by notice in the Official Gazette, declare to be a "designated product" for purposes of this decree.
- k) **Health facility:** is any public or private institution, organization, or any place where a practitioner provides health care services or teaching.
- l) **Welfare institution:** is any recognized establishment for the care of orphans, abandoned children or children of needy parents.
- m) **Gadget:** is a design or a logo used to advertise a product.
- n) **Dumping:** is a marketing technique to sell at a loss part of the production of a good, usually in a foreign country, in order to gain a market or to eliminate competitors.
- o) **Dummy or pacifier:** is an artificial teat given to the baby for sucking.

CHAPTER II

CONDITIONS OF MARKETING

SECTION I

PROMOTION AND ADVERTISEMENT

ARTICLE 3. - Promotional sales or low-price sales of designated products shall be considered anti-competitive marketing practices called "dumping" as defined by existing laws,

ARTICLE 4. - (1) Any form of advertising of teats designated products shall be strictly prohibited within the national territory.

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(2) Any pictures of infants or other illustrations likely to idealize artificial feeding of infants shall be prohibited in health care facilities or other public premises.

ARTICLE 5. (1) Manufacturers and distributors shall not provide directly or indirectly to health professionals, parents or family members samples of designated products,

(2) Nevertheless, at the request of the Ministry of Social Affairs, the Ministry of Public Health may make special agreements with manufacturers or distributors for the provision of free supplies of designated product to recognized welfare institutions.

ARTICLE 6. - (1) Manufacturers and distributors shall not donate equipment referring to designated products to health facilities, health training institutions, organizations working in the field of health promotion and to health professionals.

(2) This ban covers any materials or objects, including material intended for information, education or training,

ARTICLE 7. - Manufacturers and distributors of designated products shall not offer training scholarships to health professional or pay for costs of attendance of health professionals at conferences, without prior approval from the Minister of Public Health. This rule shall apply also to any research on infant feeding sponsored by manufacturers or distributors of designated product.

SECTION II: Product quality

ARTICLE 8. - The importation, local production, distribution and/or sale of any new designated product shall be subject to technical approval by the Ministry of Public Health after presentation of a certificate of conformity issued by the ministry in charge of normalization.

ARTICLE 9. - The Ministry of the public health can undertake at any given time sudden quality controls on designated products, as well as of inspections on production or stocking sites implanted on the national territory.

ARTICLE 10. - Each batch of imported or locally manufactured designated product shall be accompanied by a quality certificate delivered by the competent authorities of the country of origin, certifying that the designated product is safe and has been manufactured according to existing standards.

ARTICLE 11. - The expiry date of breast milk substitutes shall be at least one (1) year from the date of entrance in the national territory.

ARTICLE 12. - Bottles, teats and dummies are not prescribed in Cameroon, except with the safe motivated medical notice.

CHAPTER III

LABELLING -INFORMATION –EDUCATION

SECTION I: LABELLING

ARTICLE 13 – (1) The labeling of designated products by this decree shall conform to the national standard on labeling and shall in addition include the following details in French and for English:

- Precautions to be taken in order to avoid contamination of prepared infant formula;
- The age in months as from which the product can be used. For complementary foods.
- The age shall not be less than six (6) months;
- Storage conditions (maximum temperature);

(2) The labels of designated products shall bear a statement about the superiority of breastfeeding over artificial feeding. .

(3) The use of terms such as «humanized», «materialized» or any other similar qualifier shall not be permitted.

SECTION II

INFORMATION AND EDUCATION

ARTICLE 14. – Health authorities and professionals at all levels shall ensure the promotion, protection and encouragement of breastfeeding and promote the principles of this decree.

ARTICLE 15. - Manufacturers and product distributors targeted by this decree can not participate in information and education campaigns of the public on the promotion, the protection and encouragement of breastfeeding without prior authorization of the Ministry of the public health.

ARTICLE 16. - Information provided by manufacturers or suppliers on designated products shall be restricted to scientific matters and shall not be misleading nor give the impression that artificial feeding or the use of substitutes are better than breastfeeding for the infant.

ARTICLE 17. - (1) Information materials, whether written or audiovisual, on infant feeding, intended for mothers, pregnant women or health professionals shall contain clear information on the advantages and superiority of breastfeeding as compared to artificial feeding.

(2) The distribution of all materials on infant feeding requires the preliminary approval of the Minister of the public health.

CHAPTER IV

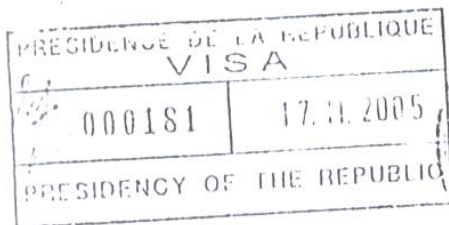
OTHER PROVISIONS

ARTICLE 18. - Manufacturers and suppliers of designated products shall have six (6) months from the date of signature of the present decree to comply with the new regulations.

ARTICLE 19. – Special texts and joint texts shall be signed by the Minister of the public health and Minister of trade fixing the terms of application of the present decree.

ARTICLE 20. - Are abrogated all former dispositions contrary to the present decree.

ARTICLES 21. - The present decree will be registered and published following the urgent procedure, then inserted to the Official Newspaper in French and English./-



Yaoundé, le 01 DEC. 2005

LE PREMIER MINISTRE,

INONI EPHRAÏM