

Media Brief:

MNC Food Giant Nestle Charged for Violating of an Indian Law

New Delhi. 17 March, 2012.

A Court in New Delhi today charged Nestle India Ltd. for violating the Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992. (the Act).

This was an order on a complaint filed 17 years ago, on 19th October 1994, against Nestle India Ltd. by Dr. Arun Gupta, representing Association for Consumers Action on Safety and Health (ACASH).

According to the Court order pronounced in the open Court today the Nestle India Ltd. was charged with violating several sections of the Act pertaining to labelling on their products, and their advertisements published in 5 magazines i.e. 'Sarita', 'Women's Era', 'Parenting', 'Greh Shobha' and 'Meri Saheli'. Nestle India Ltd. the manufacturer and marketing company of 'Cerelac', 'Lactogen violated the provisions of Sec 3, 6(1)(a), 6(1)(c), and 7(1) of the Act. <http://wcd.nic.in/infantmilkpact1.pdf>

In February, 1995, the Hon'ble Court had taken Cognizance of this case. But due to various reasons framing of charge was delayed as Nestle used delaying tactics.

According to Dr. Arun Gupta, "It is very important to enforce this law effectively to protect mothers and children from the commercial influence". The Parliament of India enacted this Act to provide for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with the view to protection and promotion of breastfeeding and ensuring the proper use of infant foods. According to Dr JP Dadhich, a senior pediatrician of Delhi, "If you give misinformation about the use of infants foods earlier than required, it can lead to their inappropriate use which is actually harmful to infant health"

Contact for more information: Dr JP Dadhich 9873926751, Dr Arun Gupta 9899676306

IN THE COURT OF SH BHUPINDER SINGH: MM: ROHINI:ND

CC No.82/01

Police Station: Saraswati Vihar

U/s: 20 IMS Act 1992

CHARGE

I, Bhupinder Singh, Metropolitan Magistrate, Rohini Courts, Delhi do hereby charge you Nestle India Ltd. Through AR Sh. D.H. Kotak, Sales Manager, Nestle India Ltd as under:-

That on dated 19/10/94 or before you being manufacturer and marketing company of Cerelac, Lactogen violated the provisions of Sec. 3,6 (1)(a), 6(1)(c), of The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of production supply and Distribution) Act 1992 by printing the notice "BREAST MILK IS BEST FOR YOUR BABY" instead of "MOTHERS MILK IS BEST FOR YOUR BABY" and by not printing the important notice in Hindi Devnagari Script and also by not printing the information/ warning that 'Infant Milk Substitute or Infant food is not the sole source of nourishment of an infant on the containers of Lactogen and also printed "BREAST MILK" instead of "MOTHERS MILK" and important notice in Hindi Version was smaller in size as prescribed size of 5mm on the container of Cerelac and also all the mandatory information of Sec.7 (1) of IMS Act was not incorporated in the advertisement of magazines like Greh Shobha, Sarita, Womens Era, Parenting and Meri Saheli and thereby you have committed an offence punishable U/s 20 (1) & 20 (2) of The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of production supply and Distribution) Act 1992 and within my cognizance.

And I hereby direct you to be tried by this court for the aforesaid offence.

(Bhupinder Singh)

MM/ Rohini/ Delhi

17/03/2012