



putting child nutrition
at the forefront
of social change

**Breastfeeding
Promotion Network of India**

(Registered Under Societies Registration
Act XXI of 1860, Delhi R.No. S-23144)

BP-33, Pitampura, Delhi-110 034

Tel: (91) 011-27343608, 42683059

Tel/Fax: (91) 011-27343606

Email: bpni@bpni.org

Website: www.bpni.org

BPNI/2016/082

March 22, 2016

Shri V. Somasundaran,
Secretary,
Ministry of Women and Child Development,
Government of India,
Shastri Bhavan, A- Wing (6th Floor),
Delhi- 110001.

Subject: - Implementation of the IMS Act – activities undertaken by Breastfeeding Promotion Network of India (BPNI)

Dear Sir,

Breastfeeding Promotion Network of India (BPNI) is notified in the Gazette of India as a child welfare voluntary organisation under the section 21(1) of the Infant Milk Substitutes Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, Amended in 2003 (IMS Act) to monitor the Act and initiate legal action if the Act is violated. BPNI is compiling and submitting activities undertaken to monitor and implement the IMS Act to the Ministry of Women and Child Development on regular basis every year. Herewith, we are submitting the annual report for the period of **April 2015 to March 2016**.

BPNI is committed for the effective implementation of the IMS Act. We seek your kind cooperation and guidance for the same.

I hope, you will find this information useful.

With kind regards,

Dr. J. P. Dadhich MD, FNNF, PGD-DN
National Coordinator, BPNI

Enclosed: Report of activities along with annexure 1-16

As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and organization/industry having conflict of interest.



Annual Report of activities by the Breastfeeding Promotion network of India (BPNI) for implementation of the Infant Milk Substitutes Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, Amended in 2003 (IMS Act)

1. Monitoring the violation of the IMS Act and taking appropriate action:

A team of fulltime, trained experts in BPNI office monitor the implementation of the IMS Act on a continuous basis. The team monitors violation of the IMS Act by baby food companies through analysing labels of baby food products, analysing E-marketing websites for promotional activities to increase sales of baby foods, reviewing magazines and scientific journals to keep track of advertisements by baby food companies and keeping a watch on the violations happening through health systems. The team also undertakes action on information received from its' members and others on possible violations of the IMS Act. After the analysis of a perceived violation of the IMS Act, appropriate action, including legal action is taken. Following is the information about the monitoring activities undertaken during last one year.

- a. A Review of the E-marketing websites led to detection of several violations of the IMS Act, which were analysed and compiled in the form of an information sheet, published and disseminated. Please see: <http://www.bpni.org/IMS-ACT/BTL-7-24022016-low-res.pdf> (**Annex -1**)
- b. BPNI published another information sheet highlighting various examples of violations of the IMS Act which included organising a quiz for nurses by Nestle in JLN Medical College, AMU, Aligarh; displaying promotional material in the GB Pant Hospital, Port Blair, Andaman and Nicobar by Nestle; providing free samples of infant milk substitute NUSOBEE by Nutricia in GB Pant hospital, Port Blaire, Andaman & Nicobar Island and promotional activities on the E-marketing websites. Please see: <http://bpni.org/IMS-ACT/BTL-6.pdf> (**Annex -2**)
- c. Violation detected on an E-marketing site was analysed by the legal advisor of BPNI and a complaint was filed in the court of law in Delhi. The case is being pursued by BPNI for which several hearings have already happened.
- d. BPNI detected promotion of feeding bottles through advertisements and financial incentives on several E-marketing websites. BPNI sent a letter on 12th May, 2015 to Shri Vinay Sheel Oberoi, Secretary, Ministry of Women and Child Development, Government of India to take necessary against these e-marketing companies. BPNI also sent a letter on 12th May, 2015 to CEO of these companies including Snapdeal, Flipkart, Junglee, Amazon etc. asking them to withdraw advertisements of all kind of feeding bottle & stop providing rebate on the same. (**Annex -3**)
- e. BPNI detected a violation of the IMS Act in the February 2016 issue of the Indian Journal of Pediatrics (IJP) in which advertisement of an infant food appeared. While working on legal options, letters informing about the violations were written to the Secretary, Ministry of Women and Child Development (**Annex -4**) and the Secretary, Ministry of Health and Family Welfare, Government of India (**Annex -5**) requesting for initiating appropriate action against the infant formula manufacture British Life Sciences and Indian Journal of Pediatrics.
- f. BPNI received information about the violation of the IMS Act in the Indira Gandhi Medical College, Shimla, where advertisement by Nestle was displayed in the library of the college. A letter was sent to the Principal of the college and the Ministry of Health, Government of Himachal Pradesh to take necessary action. (**Annex -6**)
- g. BPNI received information about the violation of the IMS Act in Guru Gobind Singh Hospital, Government of Delhi where published advertising material on infant foods was distributed by Nestle. A letter was sent to the Minister of Health, Government of Delhi to take appropriate legal action and pursued it with the officials of the ministry who are investigating it. (**Annex -7**)

- h. BPNI came across an information about baby food manufacturer Nestle organizing a symposium titled "emerging trends in infant nutrition: expert input meet for sharing best practices at institutional level" on 17th May 2015 at Pune for medical and health professionals. BPNI wrote to the ethics committee of the Medical Council of India to take appropriate action against the medical practitioners participating in the symposium in violation of the IMS Act. BPNI also wrote to Shri Bhanu Pratap Sharma Secretary, Ministry of Health & Family Welfare, (**Annex -8**) and Shri Vinay Sheel Oberoi, Secretary, Ministry of Women and Child Development, (**Annex -9**) Government of India to initiate action against Nestle for violating the Act.
- i. In April 2015, BPNI received information about a proposed quiz for nurses being organized by Nestle in the JLN Medical College, AMU, Aligarh. BPNI wrote to Shri Bhanu Pratap Sharma, Secretary, Ministry of Health and Family Welfare, Government of India; (**Annex -10**) Shri Vinay Sheel Oberoi , Secretary, Ministry of Women and Child Development, Government of India (**Annex -11**) to initiate action against Nestle; and the Secretary General, Trained Nurses Association of India (TNAI) wrote letter to Principal and Chief Medical Superintendent , JLN Medical College, Aligarh, AMU requesting to withdraw participation in the programme. (**Annex-12**) Another letter was written to Shri T.Dileep Kumar, President, Indian Nursing Council requesting him to issue instruction to the nursing personnel not to violate IMS Act by attending quiz programme being organized by Nestle Nutrition Institute, a front organization of Nestle. (**Annex -13**) BPNI released a press note (See: http://bpni.org/Press_Releases/Press-Brief-NNI-Nurses-11april2015.pdf) in collaboration with TNAI based on which many media reports appeared (See: <http://timesofindia.indiatimes.com/india/Nestle-sponsors-quiz-for-medical-staff-violates-law/articleshow/46952493.cms>; <http://southasia.oneworld.net/news/nestle-trying-to-influence-nurses-in-india-bpni#.Vu5q5sefTos> ; <http://www.kerala.com/news/show-71310-nestle-sponsors-quiz-for-medical-staff.-violates-law>). The quiz programme was finally withdrawn.

2. **Advocacy with the authorities in the Government of India and state governments:**

BPNI regularly advocates with the authorities for effective implementation of the IMS Act. In this regard, following communications were sent by BPNI.

- a. BPNI sent a letter on 23rd July, 2015 to Shri Satyender Jain, Health Minister, Government of NCT of Delhi for effective implementation of the IMS Act in Delhi. (**Annex -14**)
- b. BPNI wrote to the Mission Director, National Health Mission, Government of Jharkhand and the Mission Director, National Health Mission, Government of Assam to establish mechanisms to effectively implement the IMS Act. (**Annex -15**)

3. **Other activities:**

- a. BPNI developed a book on provisions of the IMS Act in Hindi language.
- b. BPNI disseminated online monitoring system developed by International Centre for Code Monitoring (IBFAN-ICDC) to its contacts. The same was also shared with the ministry of Health and Family Welfare, Government of India.
- c. BPNI shared violations of the IMS Act with the participants of the One Asia Breastfeeding Partners' Forum in Putrajaya, Malaysia.
- d. BPNI organised sensitization workshops:
 - I. For health professionals to enhance awareness on provision of the IMS Act in collaboration with Civil Surgeon's office, Palwal, Haryana on 28th May'2015
 - II. For health professionals to enhance awareness on provision of the IMS Act at Bengaluru, Karnataka on 20th March, 2015 in collaboration with the Departments of Health and Family Welfare and Department of Women and Child Development, Government of Karnataka; Karnataka Legal Cell Authority; Indian Academy of Pediatrics; National Neonatology Forum;

Indian Medical Association and Federation of Gynecological Society of India.

- e. BPNI acts as a resource centre on IMS Act and assists various agencies/individuals in providing information on the subject.
- f. BPNI assisted the Ministry of Health and Family Welfare, Government of India in developing a note on the suitability for use as well as marketing regulations of the hypoallergenic infant formula.
- g. BPNI provided information on specific queries to senior journalist Mr. Dinesh Sharma and Ms. Sneha Mordani on violations of the IMS Act committed by Nestle and to researcher Ms. Ananya Tewari, research associate working with the "food safety and toxins team" at "Centre for Science and environment" (CSE), New Delhi, India regarding food safety standards for the infant formula.
- h. BPNI wrote a letter to Dr. K. K Aggarwal, Honorary Secretary General, Indian Medical Association, New Delhi on March 30th, 2015 regarding the violation of the IMS Act due to sponsorship of IMA CME for GPs by Abbott, a formula manufacturer. **(Annex -16)**