

Press release 3<sup>rd</sup> August 2019

# Health Ministry enforces prohibition against sponsorship of research by baby food company in response to BPNI's complaint.

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*Nestlé sponsors research in five hospitals of India in violation of the law to protect and promote breastfeeding.*

The Breastfeeding Promotion Network of India (BPNI) was recently alerted to the fact that Nestle, a leading manufacturer of infant milk substitutes and infant foods, is brazenly flouting the stringent Indian law that prohibits such manufacturers from sponsoring or funding medical research or otherwise financing any part of the health care system. On examining the ICMR Clinical Trial Registry maintained by the Indian Council of Medical Research (ICMR), BPNI confirmed that Nestle India Limited, a producer of *infant milk substitutes and infant foods*, is sponsoring research titled "Multicentric Observational Study to Observe Growth in Preterm hospitalized infants".

Nestle India Ltd. is listed as the primary sponsor and source of monetary or material support. Five premier hospitals benefiting from this sponsorship include: Cloud nine Hospital, Bangalore, Institute of Child Health, Kolkata, Manipal Hospital, Bangalore, Sir Ganga Ram Hospital New Delhi, and the Calcutta Medical Research Institute Kolkata. According to ICMR documents, the research is approved by the ethical committees, which are clearly NOT independent.

Nestlé is a leading manufacturer of *infant milk substitutes and infant foods* covered under the scope of the *Infant Milk Substitutes, Feeding Bottles, and Infant Foods(Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003, (IMS Act)*. Section 9.2 of the IMS act clearly forbids any benefits for research to health workers who are caring for mothers and babies. <https://wcd.nic.in/sites/default/files/IMSAmendact2003.pdf>

9(1) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall offer or give, directly or indirectly, any financial inducements or gifts to a health worker or to any member of his family for the purpose of promoting the use of such substitutes or bottles or foods.

(2) No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, **research work or sponsorship**.(emphasis added)

[IMS Act](#) also defines "Health worker" as a *person engaged in health care for mothers, infants or pregnant women.*

Dr. Arun Gupta, Central coordinator of the Breastfeeding Promotion Network of India (BPNI) said: "This is a gross and blatant violation of the IMS Act, and attracts the section 9.2, demanding strict action by the authorities. The hospital receiving such monetary or material Support need to be aware that violation of the IMS Act is a criminal offence; cognisable under IPC." BPNI has been monitoring the compliance with the IMS Act since 1995 when Government of India notified BPNI in the official Gazette to perform this function.

This is nothing new for Nestle, their aggressive promotion of breastmilk substitutes is unending in spite of the law, and World Health Assembly having adopted guidance to end [inappropriate promotion](#). It has been going on for years because of weak enforcement mechanisms or structures put up by government of India.

BPNI has confirmed from Chander Uday Singh, senior advocate, that such sponsorship is prohibited under the Act, and also constitutes a criminal offence there under, which ought to be prosecuted by the Ministry of Health or authorized consumer bodies like BPNI. He further said that Ministry of Health may order an investigation and launch prosecution.

[BPNI has written to Dr. Harsh Vardhan](#), Minister of Health and Family Welfare along with the ICMR Clinical registry, seeking immediate action. When the violation was brought to the attention of MOHFW, it promptly responded and [written to DG-ICMR to initiate action](#).

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