Press release 29 August 2019


The Breastfeeding Promotion Network of India (BPNI) found this act of infringement in its routine vigilance to monitor the compliance with the Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003.

Avent Phillips, a leading manufacturer of feeding bottles and Amazon a leading web-seller is brazenly flouting the stringent Indian law that prohibits such manufacturers or distributors from giving any inducements or use promotional tactics to promote the use of feeding bottles. The shopping portal is offering discounts on stated price on purchase of infant feeding bottles, which is a violation of IMS Act (Section 3 and 4 of the IMS Act). BPNI also found that Amazon also provided discounts on other brands ‘MeeMee’ and ‘Pigeon’ feeding bottles.

India enacted the “Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003” (IMS Act). An offence committed is cognizable. The IMS Act came into force on August 1993. ‘Feeding bottles’ and all these companies fall under the scope of IMS Act. The IMS Act provides for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breastfeeding.

Section 3 and 4 of the IMS Act clearly forbids any such promotion of feeding bottles by any person.

Section 3: No person shall

(a) advertise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes feeding bottles or infant foods; or (c) take part in the promotion of infant milk substitutes, feeding bottles or infant foods;

Section 4: No person shall (c) offer inducement of any other kind, for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods.

IMS Act also defines ‘feeding bottle’ and ‘promotion’ in Section 2.
(c) “feeding bottle” means ant bottle or receptacle used for the purpose of feeding infant milk substitutes, and includes a teat and a valve attached or capable of being attached to such bottle or receptacle;

(j) “promotion” means to employ directly or indirectly any method of encouraging any person to purchase or use infant milk substitute, feeding bottle or infant food.

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 3 and 4 demanding strict action by the authorities to launch an investigation and prosecution. 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.”

In 1981 the World Health Assembly adopted the International Code of Marketing for Breastmilk Substitutes, which aimed to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding, and by ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution. In the Article 2, Scope of the Code, it applies “…to the marketing, and practices related thereto, of the following products: breast-milk substitutes, …feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

BPNI has confirmed from its legal advisers that such promotion is prohibited under the Act, and also constitutes a criminal offence there under, which ought to be prosecuted by the Ministry of Women and Child Development. BPNI has written to about this violation to the Ministry of Women and Child Development, along with the evidence, who may order an investigation and launch prosecution.

For more information contact:
Dr. Arun Gupta, Central Coordinator, BPNI, 9899676306: arun.ibfan@gmail.com

Dr. J P Dadhich, Director Technical, BPNI, 9873926751: jpdadhich@bpni.org

Ms. Nupur Bidla, Manager Communications. 9958163610: nupurbidla@gmail.com
Screen Shots of the evidence taken on 28 August 2019:
Pigeon Glass Feeding 240ml Bottle with Add Nipple, Large, Pink

by Pigeon

276 customer reviews
118 answered questions

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