

BPNI/2018/186

December 17, 2018

Ms. Preeti Sudan,  
Secretary  
Ministry of Health and Family Welfare,  
Government of India,  
Room No 156-A, Nirman Bhavan  
Delhi- 110001

Sub: General order to appoint "authorised officers" under section 21 (1)( b) of the IMS Act

Dear Madam,

We would like to make the following submissions to you in strengthening implementation and enforcement of the above mentioned law in the health systems.

1. The *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003* is a central Parliamentary Act '41 of 1992' and '38 of 2003'. Objectives of the IMS Act were to control pervasive marketing practices of baby food companies. According to the SOR "*Promotion of infant milk substitutes and related products like feeding bottles and teats do constitute a health hazard...*".. "*It contributes to decline in breastfeeding*"
2. Violations of IMS Act continue unabated in the health sector and hospitals leading to unprecedented growth in formula consumption in the hospitals. (Annex-1, 2)
3. Majority of the operative sections 3, 6, 7, 8 and 9 of the IMS Act involve health system; therefore we request MOHFW to initiate action in this regard.
4. Section 21 (1)(b) of the IMS Act and the Rules, provide for appointment of "authorised officers" not below the rank of Class 1 officers by a 'General Order' by the Government.
5. We request you for the appointment of "authorised officers" in every district. He/she may be a District civil surgeon or Health officer or a pediatrician I/C of the Distt. Hospital. Such officers may be asked to take Suo motto cognizance of any violations of the IMS Act and file complaints and take steps to provide annual monitoring reports.

We would appreciate your prompt action in this matter in the interest of health and well being of India's women, infants and young children.

With our best regards,

Sincerely,



Dr. Arun Gupta, MD, FIAP  
Central Coordinator, BPNI



SINISTER

# Indian hospitals and corporates are duping new mothers by feeding babies formula, not breastmilk

By [Aarathi Gunnupuri](#) · August 11, 2016



PHOTO: JUAN CARLOS ULATE



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Three months ago, I delivered a healthy baby boy at a private hospital in Bengaluru. However, I didn't get to hold or feed him until several hours later. And much to my disappointment, and without my consent, he was given infant formula for his first meal.

Turns out, I'm not the only new mother to whom this has happened. Two years ago, 31-year-old photographer Sannika Chawla delivered a child in a reputed private hospital in the city. Although she had had a normal delivery, hours after the birth, hospital staff fed formula to Chawla's baby as the exhausted mother rested a few feet away.

"I didn't have the knowledge at the time that I should immediately breastfeed," said Chawla. "But a few days after taking my baby home, I read up a lot and joined a Facebook breastfeeding group, and realised that the more formula I buy and feed my child, the more problems I was going to have breastfeeding."

## **Not nature's design?**

Many new mothers have repeated this story of having unwittingly allowed their infants' first meals to be formula. Hospitals seem to promote the practice despite the fact that medical research has drawn links between early breastfeeding and better infant health. Lactation experts say that colostrum—the thick yellow liquid produced by the breasts during pregnancy and shortly after childbirth—is loaded with antibodies and immunoglobulins that boost infant immunity. So [breastfeeding within one hour](#) of childbirth goes a long way in reducing infant mortality.

A much-cited 2009 study by Alison Steube at the department of obstetrics and gynecology at the University of North Carolina at Chapel Hill found that health outcomes for formula-fed babies were substantially different. The researcher, who reviewed several other studies in her paper, found that risks of formula feeding include a greater incidence of infections of the ear and lower respiratory tract, gastroenteritis, and diarrhoea, besides other long-term consequences such as obesity.

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“Infants’ intestines are designed to digest human breast milk, and not the milk of other animals like cows or buffalos, which is used in formula,” said doctor and lactation consultant Manisha Gogri.

Even the World Health Organisation recommends exclusive breastfeeding for at least six months after childbirth. And yet, the consumption of infant formula is growing across the world with hospitals and nursing homes promoting the practice.

According to a 2015 [Nielsen report](#) (pdf) on baby food, the global infant formula market is worth about \$35 billion. The report also reveals that declining birth rates in the West, where formula has been used for generations now, have made consumers in countries like India key targets for large corporations. Further, the rise of a “convenience-oriented” lifestyle and the pressure on women to return to work make exclusive breastfeeding for six months difficult for many mothers, and this includes the urban poor.

In the slums of Delhi, women return to work within a few days of delivering a baby, observed Ram Kumar, project manager of Ehsaas, an organisation that counsels pregnant women and new mothers in nutrition. “In the communities where we work, awareness of infant formula is very high,” said Kumar. “While there is no active marketing of formula to slum dwellers, representatives of infant formula companies frequent both government and private hospitals, and local chemists in the area. I even have copies of prescriptions where the doctor has recommended infant formula.”

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“I used to think the culture of formula-feeding was restricted to middle and upper-classes, and I assumed breastfeeding would be the default for poorer women but I was so mistaken,” said Gogri, leader of the Mumbai chapter of La Leche League, a global breastfeeding support group.

## India’s challenges

The risks of formula-feeding are exacerbated in the Indian context. Child Rights & You general manager Jaya Singh, who has commissioned several reports on malnutrition among children, said, “Infant formula is really expensive. A poor household is easily tempted to stretch a box for longer than advisable. And when instructions on the box say 30 ml per scoop, it’s practically unaffordable. Besides, many women are not even able to read these instructions.”

“In a city like Delhi where there is such a severe water shortage, and particularly a shortage of clean drinking water, infant formula really shouldn’t be advocated,” said Kumar. Since babies’ immune systems are still developing, infant formula needs to be mixed with clean water in sterilised containers.

## WHY INDIA SHOULD UNIVERSALISE BREASTFEEDING



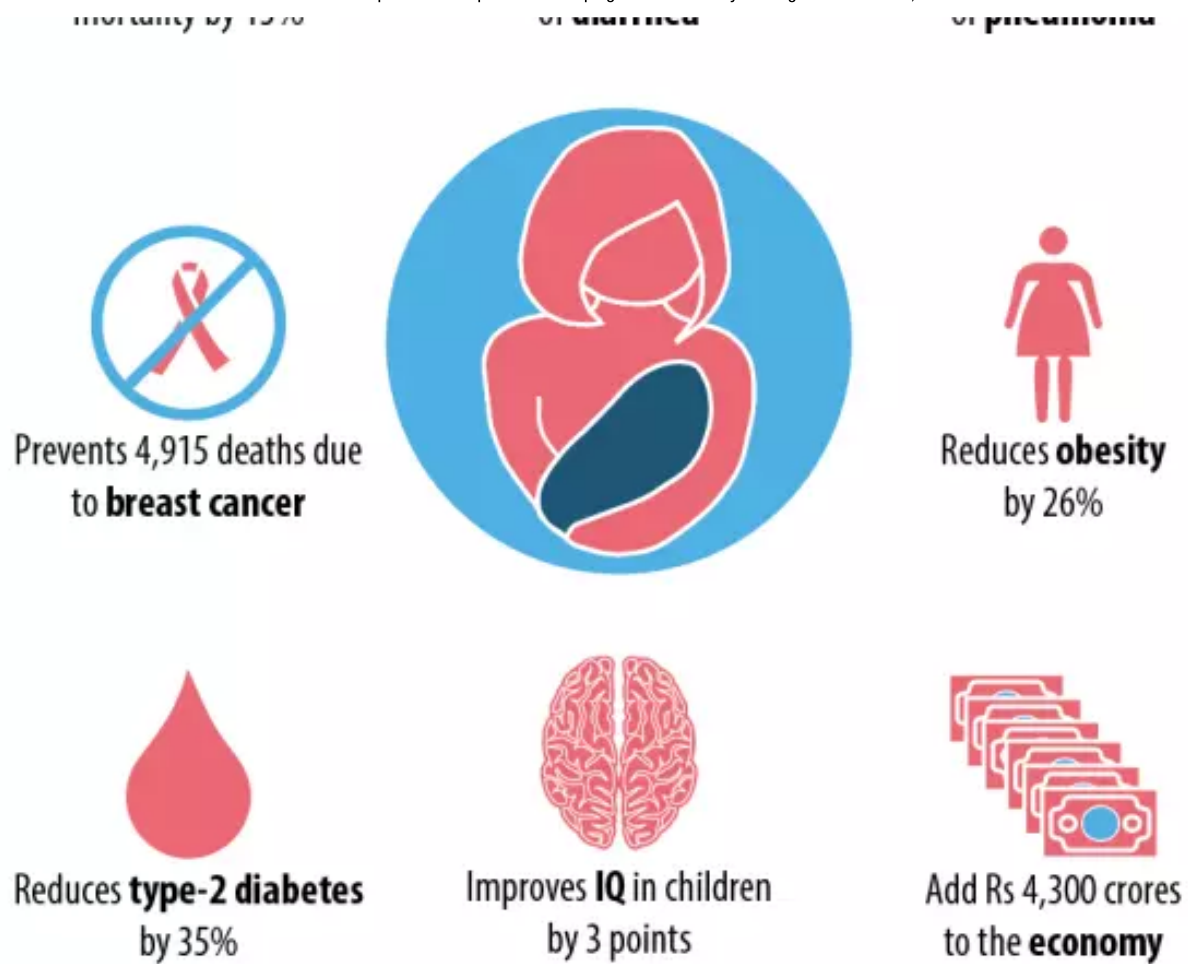
Reduces **under-5** mortality by 120%



Prevents 39,00,000 episodes of **diarrhea**



Prevents 34,36,560 episodes of **pneumonia**



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Source: Lancet/BPNI

The Infant Milk Substitutes (IMS) Act prohibits the marketing of infant formula, but companies constantly find ways to subvert the restrictions, and [often break the law](#). “While advertising in television and print media is not allowed, we often come across posters in clinics, sponsored by infant food companies, depicting chubby, healthy babies,” says Gupta. Many infant food formula companies tout health benefits such as enhanced brain development and stronger immune systems.

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“Despite the IMS Act, we still get reports of field trips being organised for doctors and companies using alternative ways to promote their products...” said Gupta.

Yet, the IMS Act may have had a tremendous impact on public health by slowing down the growth of the baby formula industry in the country. In China, where there are far fewer restrictions, formula is viewed as “white gold” by foreign multinationals. According to Gupta, while India’s formula consumption grew from 24,480 tonnes to 27,783 tonnes in the last four years, China’s grew from 2,94,800 tonnes to 5,60,000 tonnes.

As India will remain an attractive market for big infant formula manufacturers like Nestle, Heinz, and Abbot, there is a greater need for effectively implementing the IMS Act.

## Greater good

“Corporates are very efficient in spreading awareness about their products,” said CRY’s Singh. “The government could learn from them. At present, neither private nor government hospitals condemn formula feeding.”

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In fact, many hospitals encourage it. “Lactation failure is very rare. When a mother complains of it, formula should only be prescribed after a thorough investigation,” said Gogri. “Another problem is that breastfeeding is a grey area that no single department in the hospital feels responsible for. The gynaecologist thinks the paediatrician is responsible and vice versa. Overall, the medical staff in hospitals, including nurses, are not adequately trained in understanding and promoting breastfeeding.”

In 1991, UNICEF launched the baby-friendly hospital initiative, where hospitals are declared “baby friendly” on meeting a set of criteria that exclusively encourages breastfeeding. However, 25 years later, only 15,000 facilities in 134 countries have been awarded the baby-friendly status.

“From allergies to obesity to asthma, there are great long-term consequences of formula-feeding on public health,” said Gogri. “Many of the lifestyle diseases that we are looking at today have their roots in infancy. We need to give babies the food meant for them, which is breast milk.”

*This post first appeared on [Scroll.in](https://scroll.in). We welcome your comments at [ideas.india@qz.com](mailto:ideas.india@qz.com).*



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# Despite ban, marketing of breast-milk substitutes continues

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MUMBAI: Your infant may have unknowingly been exposed to potential health risks due to commercial compulsions. Almost three decades after strict laws were instituted to control the marketing and promotion of baby foods in India, aggressive promotions to doctors by companies, including Nestle, Abbott and Danone, through conferences, conventions, digital platforms and freebies, continue unabated, thereby creating a health problem for millions of babies.

Though several regulations and an International Code to curb “unscrupulous” promotions and marketing of infant food exists in India, ironically nearly half the infants under six months are not exclusively breastfed.

This indicates that aggressive marketing of breast-milk substitutes continues to undermine efforts to improve breastfeeding rates, and to an unhealthy nexus that exists between companies and healthcare professionals.

The International Code adopted by World Health Assembly in May 1981, followed by Indian laws — Infant Milk Substitutes (IMS) Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992 — ban any kind of promotion and sponsorship by health workers of baby food, infant milk substitutes and feeding bottles.

However, data shared with TOI shows that over the years companies have been aggressively promoting and marketing baby food through conferences and conventions, exotic trips and even offering discounts on e-commerce sites like Amazon, discountkart and infibeam.

RTI details show that Nestle, Danone, Abbott among others, sponsored the National Conference of Indian Society of Clinical Nutrition held in Delhi-based Institute of Liver and Biliary Sciences in October 2016.

Other examples of fraudulent practices include neonatal workshop in 2016 at Cloudnine Hospital being sponsored by Nestle, Abbott and Mead Johnson Nutrition, while Mead Johnson offered to sponsor an International Neonatology Conference in Madrid in December 2017. In fact, there are several examples of nutritional conferences being sponsored by food companies, including Nestle, health activists say.

Concerns are being raised by activists on Danone using Docplexus, a digital platform of doctors, to promote its brand and advertise products, which is also banned under the IMS Act. Popular baby food brands sold here include Lactogen, Cerelac, Nestum (Nestle), Farex and Dexolac (Danone), and Similac (Abbott Nutrition).

Promotion of any kind to 0-2 years of children of baby foods and feeding bottles, including advertisements, inducements on sales, pecuniary benefits to doctors, including sponsorship, is banned under the IMS Act. The Act was enacted by the Parliament in 1992 to control marketing of baby foods that was recognised to be a health risk causing high morbidity and mortality among infants and young children, and later strengthened in 2003 to cover babies up to 2 years of age.

The Act says “no person shall advertise for the distribution, sale or supply of infant milk substitutes, feeding bottles or infant foods; or give an impression that feeding of infant milk substitutes and infant foods are equivalent to, or better than, mother's milk; or take part in the promotion of infant milk substitutes, feeding bottles or infant foods”.

“There is strong evidence that baby food companies aggressively promote the use of their products directly or indirectly disregarding the International Code or national legislations. Governments need to act decisively to enforce regulations to put an end to all kinds of promotions,” said Dr Arun Gupta, Regional Coordinator of International Baby Food Action Network (IBFAN), Asia.

Medical research from Nepal, Ghana, and India suggest that early initiation of breastfeeding reduces neonatal mortality by 44% among infants surviving at least 48 hours, and is especially beneficial for preventing sepsis-related deaths.

Baby food companies including Danone and Abbott say they strictly adhere to Indian regulations, and are committed to ethical marketing. In response to specific “charges”, a Danone spokesperson said Docplexus is an online platform for doctors only, no consumer has access to this information and hence there is no violation of the IMS Act.

Queries mailed to Nestle remained unanswered.

Dr RK Anand, pediatrician and founder, Consumers’ Action on Safety and Health (ACASH), said, “Companies have been flouting rules for decades by unethically marketing infant food. Mothers are not being guided properly and, in fact, could be misled regarding breastfeeding. Hence companies need to be monitored. Counselling and support by doctors is required to help new mothers so that they adopt good breastfeeding practices.”

Over 27 million containers of infant formula of 400 gm each are sold every year in India meant for babies between zero to six months, the number is staggering— almost equal to the number of babies born, and plays a disrupting role in breastfeeding practices, experts added, saying cases filed by IBFAN, are languishing in courts.