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**Breastfeeding  
Promotion Network of India**  
(Registered Under Societies Registration  
Act XXI of 1860, Delhi R.No. S-23144)  
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BPNI/IMS Act/2020/015

February 28, 2020

To,  
Ms. Preeti Sudan,  
Secretary,  
Ministry of Health and Family Welfare,  
Government of India  
Delhi -110011

**Sub:** Violation of Section 3 (a) and 9(2) of "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act) by "Neolacta Lifesciences Pvt Ltd".

Dear Ms. Sudan,

India enacted the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act), which came into force on August 1993. An offence committed under the law is cognizable.

The Government of India notified "Breastfeeding Promotion Network of India (BPNI)"wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the above Act.

We want to bring to your kind attention about the company "Neolacta Lifesciences Pvt Ltd" that has three products i) Neolact MMF (sachets), ii) Neolact MMF (liquid), Neolact (Pasteurized human breastmilk)PHBM 70 cal. **These three products are under the purview of the IMS Act, as these are "infant milk substitutes" (as per the legal opinion obtained by BPNI).**

Neolacta is aggressively marketing these products through the following strategies.

- a. Advertisement of the products in the Journal of Neonatology (Vol. 33 No.3 September 2019) (Annex-1): **Infringes section 3 (a) of the IMS Act.**
- b. Sponsorship of the conferences of National Neonatology Forum (NNF). (Annex-2) we also have information about sponsorship of other conferences by this company. **Infringes Section 9(2) of the IMS Act.**
- c. Giving away scholarships to doctors for participation in international and national conferences (Annex-3): **Infringes Section 9(2) of the IMS Act.**

*As per the section 3 (a) of the IMS Act, "No person shall- "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".*

*As per the section 9(2) of the IMS Act, "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, conference, educational course, contest, fellowship, research work or sponsorship".*

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

Activities of Neolacta mentioned in a, b and c above infringe Sections 3(a) and 9(2) of the IMS Act as per the legal opinion obtained by BPNI.

Please find attached the evidence to the three alleged violations of the section 3 (a) and section 9 (2) of the IMS Act. (Annex-1,2,3)

Therefore, we would like request you to

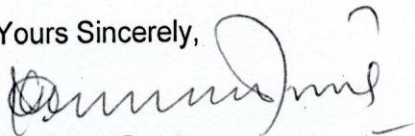
1. Initiate enquiry and legal action in this matter.
2. MOHFW may direct the company Neolacta to stop any advertisements, sponsorship, or any scholarships, even stop any kind of promotion of its products (infant milk substitutes).
3. Direct the NNF, IAP and other professional organizations and their members to not to accept advertisements, sponsorship or any other support from this company, manufacturing and marketing infant milk substitutes

It is important to note that Neolacta has been involved in commercializing human milk even as the guiding principles for using donor human milk in India in the MOHFW's 'National Guidelines on Lactation Management Centers in Public Health Facilities' clearly states, "DHM cannot be used for any commercial purpose".

We look forward to an urgent action and hearing from you. We would be happy to clarify if there are any questions.

With regards,

Yours Sincerely,



**Dr. Arun Gupta**  
**Central Coordinator BPNI**

Cc:

1. Shri Rabindra Panwar, Secretary, MoWCD, GOI
2. Shri Sanjeeva Kumar, Special Secretary, MoHFW, GOI
3. Dr Sushma Nangia, Vice President, National Neonatology Forum (NNF)
4. Dr. A.K. Deorari, President, National Neonatology Forum (NNF)