



BPNI/IMS Act/2020/021

August 24, 2020

To,  
Shri Ram Mohan Mishra,  
Secretary,  
Ministry of Women and Child Development,  
Shastri Bhawan, New Delhi.

**Subject:** Possible Violations of the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act) by the YouTube channels Mom Com India and VAANI VLOGS; and formula companies Nestle, Abbott, Mead Johnson, Danone Nutricia and Amul.

Dear Sh. Mishra,

Further to the DO No.:Z-28020/47/2017-CH Part(6) letter from Sh. Rajesh Bhushan, Secretary Health, Government of India, BPNI is happy to share several alleged violations that are happening or happened over the past few months. All these instances from A to C (given below) deserve to undergo official investigation and if cognizance is taken and launch of prosecution. The companies referred to above are manufactures of products under the Scope of the IMS Act.

Violation of the IMS Act :-

A. The YouTube channel Mom Com India (Web URL: <https://www.youtube.com/c/MomComIndia/about>), is directly reaching to the lactating mothers and promoting use of infant milk substitutes 'Nan Pro-Nestle, Enfamil-Mead Johnson and Similac- Abbott. The video is available at: <https://www.youtube.com/watch?v=zykiw6DaDa4> (accessed 22/08/2020)

It violates Section 3 (c), Section 4 (b), Section 7 and Section 8 (3) of the IMS Act. Screen Shots of the video are attached as Annexure 1 and 2.

B. The YouTube channel VAANI VLOGS (Web URL: <https://www.youtube.com/channel/UC8JGEhXOHVFeKarl804pWw/about>), promotes promoting use of infant milk substitutes Lactogen and Nan Pro-Nestle and directly reaching to the lactating mothers. Video is at: <https://www.youtube.com/watch?v=LcFYcrTet60> (accessed 22/08/2020)

It violates Section 3 (c), Section 4 (b), Section 7 and Section 8 (3) of the IMS Act. Screen Shot of the video is attached as Annexure 3.

C. Infant milk substitute manufacturers Nestle, Abbott, Danone Nutricia, and Amul have violated various labelling provisions of section 3, section 6 and rule 7 of the IMS Act. Details are attached as Annexure 4. Annexure 5 provides contact details.

The IMS Act under section 21 states that "Save or otherwise provided under section 173 of the Code of Criminal Procedures, 1973 no court shall take the cognizance of any offence under this Act except upon a written complaint in writing made by "b) An officer not below the rank of a Class I officer authorised in this behalf by general or special order, by the Government;"

Please also refer to the DO Letters from Secretary MOH Government of India to Secretary WCD, and State Secretaries DO No. 587/DC-IC(CH&AH)/2019 dated 11 Jan 2019 and DO letter of AS MOH and MD NHM, No. Z-28020/87/2013-CH in this regard. (Annexure -6)

As you may be aware, under section 23 an offence punishable under this Act shall be (a) bailable; (b) cognizable.

BPNI believes that the violations of the IMS Act continue unabated because of inadequate response by the Government of India in launching investigations and prosecutions.

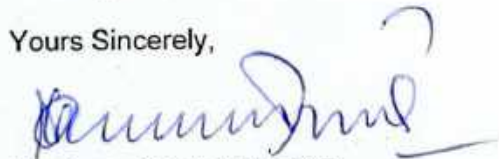
We, therefore, request you to kindly take following actions soonest to

1. Initiate criminal investigation as per law on the reported instances of violations of the IMS Act in this letter and the early one mentioned in the DO letter from Secretary Health Government of India.
2. Establish a mechanism for such complaints to be investigated at central and State level.
3. Appoint "authorised officers" at District level by a 'general order' under section 21, authorising Class I officers from among MWCD /MOH.

We hope to hear a line of response and would be happy to discuss this further,

With regards,

Yours Sincerely,



Dr. Arun Gupta MD FIAP  
Central Coordinator, BPNI

Copy to:

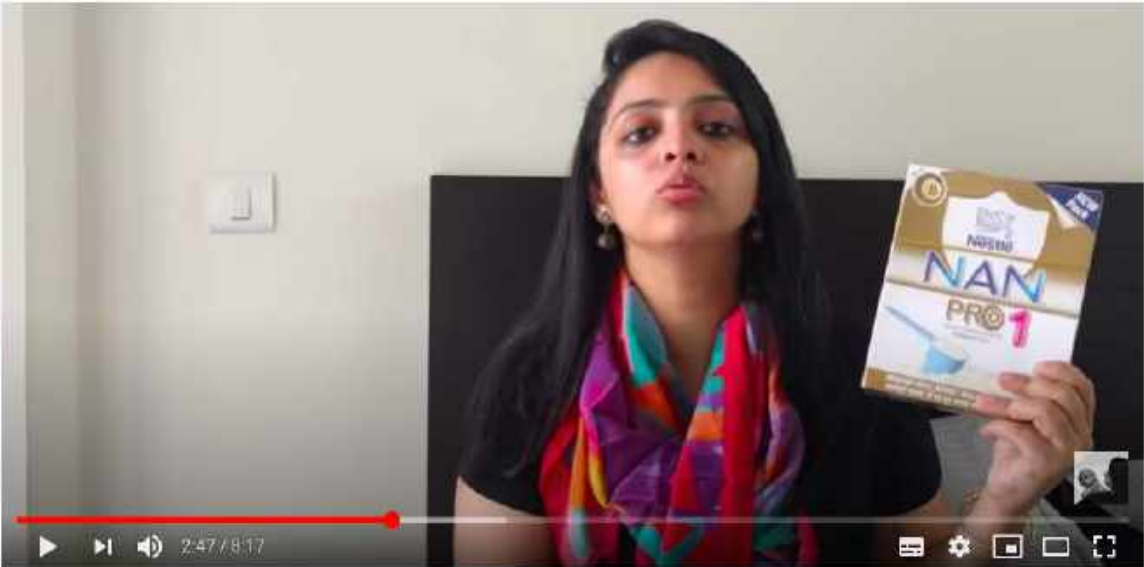
1. Sh. Rajesh Bhushan, Secretary, MOHFW, Government of India, Nirman. Bhawan New Delhi 110001

**Annexure 1 Mom Com India Scrn Shot 2020-08-21 at 3.36.42 pm**

youtube.com/watch?v=zykiw6DaDa4


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YouTube Search



#MomComIndia #IndianVlogger #BabyFormula  
**Formula For Baby || Baby Formula Milk**  
262,725 views • 9 Oct 2017

1.5K 252 SHARE SAVE ...

 **Mom Com India** ✓  
1.5M subscribers

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**Annexure 2 Mom Com India similac Scrn Shot 2020-08-21 at 3.38.28 pm**

youtube.com/watch?v=zykiw6DaDa4

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YouTube™ Search



#MomComIndia #IndianVlogger #BabyFormula  
**Formula For Baby || Baby Formula Milk**  
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**Annexure 3 Vaani Vlogs Screen Shot 2020-08-21 at 1.21.29 pm**



**Annexure 4: Labeling violations by various infant milk substitutes companies (Jan 2020 - Feb 2020)**

S. No	Manufacturer	Product Name and Type	Violation of the IMS Act	Contact details of the company
1	Amul	Amul Spray; Infant Milk Substitute	<ol style="list-style-type: none"> <li>1. Label of the product does not mention storage conditions required as specified in the IMS Act (violates Rule 7 (d) (iv) of the IMS Act).</li> <li>2. Label of the product contains picture of a teddy bear (violates Section 6 (2) (b) of the IMS Act)</li> <li>3. Label of the product does not contain warning that infant milk substitute or infant food is not the sole source of nourishment of an infant (violates Section 6 (1) (c) of the IMS Act)</li> </ol>	<p>Gujarat Cooperative Milk Marketing Federation; P.O. Box 10, Amul Dairy Road; Anand -388001, Gujarat.</p> <p><a href="mailto:gcmmf@amul.coop">gcmmf@amul.coop</a>  <a href="mailto:babycare@amul.coop">babycare@amul.coop</a></p>
2.	Nutricia Danone	Dexolac - 1, Infant Milk Substitute	Label of the product have text which says, "Change to Dexolac 2 after the baby turns 6 months" and therefore promotes and advertises another infant milk substitute Dexolac 2. (Violates the IMS Act Section 3 (a) and 3 (c)).	<p>Danone India; The Centruim, Office Premise No. 1, 3rd Floor, Level 4, Phoenix Market City, LBS Marg, Kurla (West). Mumbai – 400070</p> <p>Email: <a href="mailto:care.india@danone.com">care.india@danone.com</a></p>
3	Nestle India Limited	NAN Excella pro Infant Milk Substitute	<p>Label of the product contains promotional text like to increase the salability of the product "<i>150 years of scientific expertise in infant nutrition. Nestle develops infant nutrition products backed by evolving science and research. Innovation has been at the heart of nestle since its beginning.</i>"</p> <p>(violates Section 6 (2) (b) of the IMS Act)</p>	<p>Nestlé House, Jacaranda Marg, M Block, DLF City Phase II, National Highway 8, Gurgaon 122002 Haryana.</p> <p>Email: <a href="mailto:ambereen.shah@in.nestle.com">ambereen.shah@in.nestle.com</a></p>

4	Nestle India Limited	Nan Pro – 1 Infant Milk Substitute	The label of the does not include prescribed text for warning against health hazards of inappropriate preparation of the product. (violates the Rule 7 (d) (ii) of the IMS Act)	Same as above
5	Abbott	Similac Advance 1 Infant Milk Substitute	On the top of the container label of the product Similac Advance -1, Similac Advance -2, and Similac Advance -3 are promoted and advertised. (violates the IMS Act Section 3 (a) and 3 (c)).	Abbott India Limited, 3, Corporate Park, Sion Trombay Road, Mumbai 400071 Email: <a href="mailto:Nandini.goswami@abbott.com">Nandini.goswami@abbott.com</a>

## **Annexure 5 –Contact details of the Companies**

1. **YouTube Channel - Mom Com India**(Email id, as provided on the channel - [momcomindia@gmail.com](mailto:momcomindia@gmail.com))
2. **YouTube Channel - VAANI VLOGS**(Email id, as provided on the channel - [vaani.maddy@gmail.com](mailto:vaani.maddy@gmail.com))
3. **Nestlé India Ltd.**, Nestlé House, Jacaranda Marg M Block DLF City Phase II, National Highway 8, Gurgaon 122 002 Haryana. Email:[ambereen.shah@in.nestle.com](mailto:ambereen.shah@in.nestle.com)
4. **Abbott India Limited**, 3, Corporate Park, Sion Trombay Road, Mumbai - 400 071 Email: [Nandini.goswami@abbott.com](mailto:Nandini.goswami@abbott.com)
5. **Mead Johnson Nutrition India Pvt. Ltd.**; 3rd Floor, Piramal Towers, Peninsula Corporate Park, G.K. Marg, Lower Parel, Mumbai - 400 013 E mail:[enfaindia@adglobal360.com](mailto:enfaindia@adglobal360.com)
6. **Danone Nutricia**, The Centruim, Office Premise No. 1, 3rd Floor, Level 4, Phoenix Market City, LBS Marg, Kurla (West). Mumbai – 400070 Email: [care.india@danone.com](mailto:care.india@danone.com)
7. Gujarat Cooperative Milk Marketing Federation; P.O. Box 10, Amul Dairy Road; Anand -388001, Gujarat. [gcmmf@amul.coop](mailto:gcmmf@amul.coop); [babycare@amul.coop](mailto:babycare@amul.coop)
8. **TheYouTube** (Address: Google India Head Office Address: Google India Pvt. Ltd, Block 1, DivyaSree Omega, Survey No. 13, Kondapur Village, Hyderabad, Andhra Pradesh, India Tel: +91-40-66193000)





प्रीति सूदन

सचिव

PREETI SUDAN

Secretary



भारत सरकार  
स्वास्थ्य एवं परिवार कल्याण विभाग  
स्वास्थ्य एवं परिवार कल्याण मंत्रालय  
Government of India  
Department of Health and Family Welfare  
Ministry of Health & Family Welfare

D.O.No. 587/DC-IC(CH&AH)/2019

Dated : 11<sup>th</sup> January, 2019

Dear Secretary,

As you are aware that, promotion of breastfeeding is an important and cost effective intervention for overall survival, physical and cognitive development of children. Breastfeeding within an hour of birth could prevent 20% of the newborn deaths and infants who are not breastfed are 15 times more likely to die from pneumonia and 11 times more likely to die from diarrhoea than children who are exclusively breastfed. Bottle feeding practices and feeding children with infant milk substitutes act as a deterrent to breastfeeding practices besides increasing the risk of various infections among infants and young children. This also has a long term consequence in terms of increasing adult non-communicable disease prevalence.

Keeping this in view, The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 as Amended in 2003 (IMS Act, 2003) has been notified in the country to prevent use of Infant Milk Substitutes. The various points related to health system are reiterated as follows:

- The IMS Act bans advertisement anywhere of infant milk substitutes, feeding bottles and infant foods, bans the use of health systems for promotion of these products like display of posters
- Bans sponsorship of health workers or their associations by companies manufacturing infant milk substitutes, bans commission on sales, bans direct contact of company staff with mothers etc
- Provides direction on appropriate labelling, quality control of infant milk substitutes
- Bans supply or distribution of samples of infant milk substitutes or feeding bottles or infant foods, or gifts of utensils or other articles by companies manufacturing these products.
- Directs that accurate information regarding breastfeeding be reached to women/mothers

The above information may be conveyed to all health institutions in your State for immediate compliance. It is also suggested that one-day sensitization workshops covering the framework of the IMS Act applicable to the health sector should also be carried out under Mothers' Absolute Affection (MAA) programme to sensitize all healthcare providers including private providers in your State. I am also attaching a copy of the IMS Act for your reference.

I would appreciate receiving an update from you regarding the action for sensitization of the health system on the provisions of the IMS Act.

Yours sincerely,

(Preeti Sudan)

Health Secretaries (All States/ UTs)

Tele : (O) 011-23061863, Fax : 011-23061252, E-mail : secyhfw@nic.in  
Room No. 156, A-Wing, Nirman Bhavan, New Delhi-110011





**Manoj Jhalani**

Additional Secretary & Mission Director, NHM

Telefax : 23063687, 23063693

E-mail : manoj.jhalani@nic.in



भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA

MINISTRY OF HEALTH & FAMILY WELFARE

NIRMAN BHAVAN, NEW DELHI - 110011

Z.28020/87/2013-CH

Date: 15<sup>th</sup> January 2019

*Dear Dr Arun Gupta,*

Thank you for bringing up the very important issue of implementation of the IMS Act, which has close bearing on breastfeeding practices. We in the Ministry are committed to taking all steps for improving breastfeeding especially in the Public Health Institutions where the deliveries are taking place. The Mothers Absolute Affection (MAA) programme is being implemented by MoHFW with special focus on improving early breastfeeding practices in the health facilities considering that 80% deliveries in India are taking place in the institutions.

Regarding the issue raised in your letter pertaining to "General order to appoint authorized officers under section 21 (1) (b) of the IMS Act" this is to inform you that as per allocation of business rules, implementation of IMS Act 1992 (amended 2003) comes under the purview of Ministry of Women and Child Development (MWCD) (copy enclosed). Hence, you are advised to take up the matter with MWCD for writing to the state governments for appointing authorized officers with reference to IMS Act implementation. I am also copying this letter to the Secretary, MoWCD and the CEO, FSSAI for taking further necessary action. I assure you that the MoHFW will provide all support for the implementation of the Act

*With regards,*

Yours sincerely

*MJ*

(Manoj Jhalani)

**Dr Arun Gupta, MD, FIAP**

Central Coordinator, BPNI

Breastfeeding Promotion Network of India (BPNI)

9P-33, Pitampura, Delhi-110 034

Copy to:

1. Secretary, MWCD
2. CEO, FSSAI



**Government of India (Allocation of Business) Rules, 1961**

**भारत सरकार (कार्य आबंटन) नियम, 1961**

**(As amended upto Amendment Series no. 346, dated 2<sup>nd</sup> Nov., 2018)  
(संशोधन अवली सं 346, दिनांक 2 नवम्बर, 2018 तक यथा संशोधित)**



**CABINET SECRETARIAT**

**मंत्रिमंडल सचिवालय**



**MINISTRY OF WOMEN AND CHILD DEVELOPMENT <sup>1</sup>**  
**(MAHILA AUR BAL VIKAS MANTRALAYA)**

1. Welfare of the family.
2. Women and Child welfare and co-ordination of activities of other Ministries and Organisations in connection with this subject.
3. References from the United Nations Organisations relating to traffic in women and children.
4. Care of pre-school children including pre-primary education.<sup>2</sup>
5. National Nutrition Policy, National Plan of Action for Nutrition and National Nutrition Mission.
6. Charitable and religious endowments pertaining to subjects allocated to this Department.
7. Promotion and development of voluntary effort on subjects allocated to this Department.
8. Implementation of-
  - (a) The Immoral Traffic (Prevention) Act, 1956 (104 of 1956) (as amended upto 1986);
  - (b) The Indecent Representation of Women (Prevention) Act, 1986 (60 of 1986);
  - (c) The Dowry Prohibition Act, 1961 (28 of 1961) (as amended upto 1986);
  - (d) The Commission of Sati (Prevention) Act, 1987 (3 of 1988), excluding the administration of criminal justice in regard to offences under these Acts.
9. Implementation of the Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992).
10. Coordination of activities and programmes of Cooperative for Assistance and Relief Everywhere (CARE).
11. Planning, Research, Evaluation, Monitoring, Project Formulations, Statistics and Training relating to the welfare and development of women and children, including development of gender sensitive data base.
12. United Nations Children's Fund (UNICEF).
13. Central Social Welfare Board (CSWB).
14. National Institute of Public Cooperation and Child Development (NIPCCD).
15. Food and Nutrition Board.
16. (i) Development and popularisation of subsidiary and protective foods.  
(ii) Nutrition extension.
17. Women's Empowerment and Gender Equity.
18. National Commission for Women.
19. Rashtriya Mahila Kosh.

<sup>1</sup> Inserted as Ministry vide Amendment series no.283 dated 16.02.2006 (earlier was Department under Ministry of HRD)

<sup>2</sup> Inserted vide Amendment series no.281 dated 01.09.2005