The IMS Act
Countering the Covid-19 exploitation by the baby-food companies

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National Coordinator,
Breastfeeding Promotion Network of India (BPNI)

WBW Seminar Series, Nutrition Group, CTARA, IIT Bombay
August 2, 2020
Overview

- History
- Why IMS Act* was enacted
- Key provisions
- How companies violate
- Action taken to implement the IMS Act
- What more can be done to implement IMS Act Effectively?

*Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992" (the IMS Act
History

1981: World Health Assembly adopts the International Code of Marketing for Breastmilk Substitutes
India enacted a Law in 1992

- It came into force on 1-8-1993 as a central government law by notification in the official gazette to protect, promote & support breastfeeding
- It was strengthened by an Amendment in 2003, enhancing the protection level
- Rules prescribed in 1993 and amended in 2003
- Cable Television Networks (Regulation) Amended act in 2000, which banned all advertisement and promotion of IMS, FB or IF on Television

BPNI Gazetted as NGOs to monitor its implementation
Why the IMS Act was enacted?

What is at the stake?

Health Care Costs

₹ 727.18 crores*

Household Costs of Formula Feeding

₹ 25393.77 crores*

Health outcomes attributable to not breastfeeding

Preventable Child Deaths

100,000

Cases of Diarrhoea
34,791,524

Cases of Pneumonia
2,470,429

Cases of Obesity
40,382

Cases of Breast Cancer
7,976

Cases of Ovarian Cancer
1,748

Cases of Type II Diabetes
87,855

*1 USD=INR 68.56

ON 19 July 2019

“...Promotion of infant milk substitutes and related products like feeding bottles and teats do constitute a health hazard. Promotion of infant milk substitute and related products has been more pervasive and extensive than the dissemination of information concerning the advantages of mother’s milk and breastfeeding and contributes to decline in breastfeeding...”
India is a big potential market for baby foods!

IMS Act is the protection!

Source Icons: https://www.flaticon.com/authors/freepik
Restricting Breastmilk Substitutes sales!

Per infant/child consumption (kg) in 2013*
China – 15.2 Kg
India – 0.4 Kg

Increase in consumption over 6 years (2011-16)
China – 38%
India – 14%

Source: Euromonitor International India Passport report of Baby Foods 2016

Key Provisions of the IMS Act

https://www.bpni.org/national-policy-programme-4/
Key Definitions

- **Infant milk substitutes** – “..any food being marketed or otherwise represented as a partial or total replacement for mother's milk, for infant up to the age of two years”

- **Infant foods** – “…any food (by whatever name called) being marketed or otherwise represented as a complement to mother's milk to meet the growing nutritional needs of the infant after the age of six months and up to the age of two years”

- **Feeding bottles** – “…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”

- **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.”
Section 3
Bans Promotion and Advertisements
Section 4 - Prohibits Giving Incentives like rebates and free gifts
Section 5: Restricts Donation of Products, Educational Materials or Equipments
Section 6
Prescribes Guidelines for Labelling

- Mandatory information on labels
- Some restrictions – e.g. prohibits picture of a baby of mother or graphics to increase sales
Section 7
Ensures accurate information through educational materials
Section 8
Bans Promotions and Displays in Hospitals, Clinics, Chemist Shops etc.
Section 9 - Prohibits contribution and pecuniary benefits to healthcare workers and their Associations

- Conference
- Seminar
- Research
- Gifts
Section 10

Bans Commission on Sales to the employees
Section 21 (1) and rule 4 (1)
Authorising personnel/organisations for monitoring violations of IMS

1. Food Safety Officers, authorized Class 1 govt. officers with medical background
2. Voluntary Organisations notified by Government of India
   i. Breastfeeding Promotion Network of India (BPNI)
   ii. Association of Consumer Action on Safety and Health (ACASH)
   iii. Indian Council for Child Welfare (ICCW)
   iv. Central Social Welfare Board (CSWB)
Government of India authorised BPNI to monitor the IMS act (1995)

BPNI assists Government of India
- Ongoing monitoring of the IMS Act
- Capacity building and awareness generation
- Documentation and Reporting
- Technical assistance
- Legal action
How companies violate the IMS act

**Health System**
- Display
- Financial Inducement or Gift
- Conference, Research, Fellowship funding

**Direct to Public**
- Advertisements
- Free Samples
- Inappropriate info on Labels
Clinical Trial Details (PDF Generation Date > Sat, 19 Jan 2018 08:03:47 GMT)

- CTRI Number: CTRI20100914001111 [Registered on: 01/11/2010]
- Type of Trial: Randomized, Parallel Group, Placebo Controlled Trial
- Public Title of Study: A clinical trial to study the safety of probiotics in infant formula
- Scientific Title of Study:
  - Growth of infants who are supplementary fed / mixed fed with probiotics-containing formula in India
- Secondary ID:
  - Identifier: Protocol Number Protocol 09.01

Details of Principal Investigator or overall Trial Coordinator (multi-center study)
- Name: Jannadas L, Kushwaha / DRL CarePharm Ltd
- Designation: Ammune
- Address: DIL Premises, 2nd floor Swami Vivekananda Road
- Phone: +91 22 2584 8185
- Fax: +91 22 2584 8275
- Email: jannadas.kushwaha@drilpharm.com

Details Contact Person (Scientific Query)
- Name: Sanjeev Ganguly, MD, Nestle Nutrition
- Affiliation: Nestle India Ltd
- Address: Jacaranda Marg, M Block DLF City, Phase-2

Primary Sponsor Details
- Name: Nestle India Limited
- Address: Nestlé House, Jacaranda Marg M Block DLF City Phase II, National Highway 8, Gurgaon 122 002, India
- Type of Sponsor: Other (FMCG)

Details of Secondary Sponsor
- Name: NIL
- Address: NIL

Countries of Recruitment
- List of Countries: India
sponsoring conferences
Offering sponsorship for conference participation

18th October, 2017

W Pratiksha Hospital
Golf Course Extension Road,
Sushant Lok 2, Sector 56,
Gurgaon - 122002

Kind Attention: Dr Ragini Aggarwal, Medical Director

Dear Dr Ragini Aggarwal,

SPONSORSHIP TO 20TH INTERNATIONAL CONFERENCE ON
NEONATOLOGY AND PERINATOLOGY (NP), MADRID – SPAIN,
4th to 6th December, 2017

On behalf of Mead Johnson Nutrition (India) Private Ltd. (“MJN”), we would like to sponsor a grant to W Pratiksha Hospital for the provision of continuing medical education at the NEONATOLOGY AND PERINATOLOGY (NP), MADRID - SPAIN upon the terms and conditions set out in this letter.

MJN offers grants to allow healthcare institutions, an opportunity to access world class medical conferences to enhance knowledge of medical care and the science of nutrition, in a way that maximizes the application of such knowledge to the provision of Pediatric care to as broad a population as possible. MJN makes every effort to ensure that all such sponsorships are provided in a manner that is compliant with local laws and codes of conduct are of a high ethical standard and are clearly perceived as such.

NEONATOLOGY AND PERINATOLOGY (NP) will allow interaction between local, regional and other international participants, who would travel from all over the globe. The outstanding Scientific Programme will feature wide range of topics covering Neonatology and Perinatology related latest advances. Conference would also cover Pediatric Nutrition related topics. Copy of the program for this conference including the scientific program, dates, venue and all other details is attached for your perusal.

The terms of the grant would be as follows;

1. W Pratiksha Hospital would be responsible for the selection of the Health Care Professional that would attend NEONATOLOGY AND PERINATOLOGY (NP) at its discretion, but to be eligible for MJN’s funding, consistent with above-stated aims and to ensure the benefit of medical education is maximized, the selected attendee must be fully qualified doctor, practicing (or teaching as the case may be) in fields related to the program of NEONATOLOGY AND PERINATOLOGY(NP), who meet one or more of the following criteria;

Mead Johnson Nutrition (India) Pvt. Ltd.
3rd Floor, Premal Tower, Peninsula Corporate Park, O. K. Marg, Lower Parel, Mumbai - 400 013
Tel: +91 22 6895 4100 Fax: +91 22 6895 9066

bpni
putting child nutrition
at the forefront
of social change

IBFAN
defending breastfeeding
Gifting equipment to a Delhi hospital
Baby food companies are exploiting Covid-19 pandemic!

Capitalising on Covid-19 and blatant violations of the IMS Act and “manipulation by association”

1. Free distribution of baby milk powders such as infant formula, foods for young children...
2. Spreading misinformation to public
3. Sponsoring doctors/associations even for adult nutrition
4. Feeding bottle company has also joined the bandwagon.

Credit goes to Vigilant friends all over India.

There are several examples....
Nestle exploits Covid 19.....collaborating with NGOs, Police, Admin.
Reaching to association of doctors through Webinars

**dIAP CONSTIPATION: SPECTRUM OF PRESENTATION & UPDATE ON A NEW FORMULATION**

**JOIN US FOR A TIMELY AND ENRICHING DISCUSSION WITH,**

Is there an emerging role of Prebiotics in constipation?
Hear from an expert.

**Dr. Neelam Mohan**

**Date** | Sat, 23rd May
---|---
**Time** | 2.30pm to 3.30pm

*Go to [diapindia.org/event-calendar](http://diapindia.org/event-calendar) or click here (NOT AVAILABLE ON YOUTUBE)*

This webinar is brought to you under dIAP, an initiative of IAP to facilitate e-learning in all spheres of pediatrics. Live webcast of the webinar discussions, on-line clinics and their subsequent archiving is one of the activities under this banner.

**With warm regards,**

DR BAKUL JAYANT PAREKH
DR GV BASAVARAJ

This IAP Webinar is supported by **Abbott**
Section 4 of the IMS Act prohibits such contact to any pregnant woman or the mother of an infant.
Selling bottles on discount!
And...association with influencers

8th April 2020 @ 4 PM

Q&A on COVID-19, Pregnancy, Childbirth & Breastfeeding

Dr. Jayasree Sundar
Director - Obs & Gyn

Dr. Mahima Bakshi
Women & Child Wellness Expert
Governments Actions
Aug-2019: Government of India letter to ICMR

Dear [Name],

This is in reference to the letter received from Breastfeeding Promotion Network of India (BPNI) regarding the trial No - CTRI/2018/12/036715 registered under the Clinical Trial Registry (CTR), of Indian Council of Medical Research (ICMR). As per this letter (copy enclosed) the Principal Investigator of this trial is Dr. Monjori Mitra, Trial Coordinator of Medclin Research Pvt. Ltd and five hospitals mentioned in the letter are participating in the trial. The primary sponsor of the trial is Nestle India Limited.

Breastfeeding Promotion Network of India (BPNI) has been notified by the Government of India to monitor compliance of the IMS Act. BPNI has informed MoHFW regarding the violation of IMS Act by Nestle India Limited and the five participating hospitals as per the provision of Section 9(2) of IMS Act, which states that no producer, supplier or distributor referred to in subsection (1), shall offer or give any contribution or pecuniary benefits to a health worker or association of health workers, including funding of research work, sponsorship etc.

In this regard, you are requested to please get this examined and take necessary action at your end to comply with the provisions of the IMS Act and also ensure that all the trails in future are screened for any infringement of the IMS Act. You are also requested to share a report with the Department of Health and Family Welfare regarding this.

Yours Sincerely,

(Preeti Sudan)

Prof. Balram Bhargava,
Director General,
Indian Council of Medical Research (ICMR),
Ansari Nagar, New Delhi – 110029

Copy to:
1. Shri Ajay Tirkey, Additional Secretary, Ministry of Women and Child Development, Shastri Bhawan, New Delhi – 110 001.
2. Dr. Arun Gupta, Country Coordinator, BPNI
ICMR took action: September 2019
Secreatry Health Writes to State Govts. in September 2019

Dear Chief Secretary,


2. Strict implementation of IMSS Act is the most effective strategy to protect, promote and support breastfeeding and enhance optimal infant and young child feeding practices in the country. The IMSS Act, 1992/ IMSS Rules, 1993 provides for appointment of ‘Authorised officers’ for close monitoring and supervision of IMSS Act implementation in the districts.

3. Section 21 (1)(b) of the IMSS Act and the IMSS Rules, 1993 provide for appointment of “authorized officer” not below the rank of Class I (Group A) officer duly authorized by the State Government under Section 12 of the IMSS Act. Rules further provides that “No Officer of the Government shall be authorized by the State Government unless he is

(a) a medical officer in charge of health administration of a local area; or

(b), a graduate in medicine and has received at least one month’s training in food inspection and sampling work approved for the purpose of food inspection under the Prevention of Food Adulteration Act, 1954 by the Central Government or a State Government. (The PFA Act has now been substituted by the Food Safety and Standards Act, 2006).

4. I shall be grateful if you could consider appointing the Chief Medical Officer/District Civil Surgeon/Pediatrician In-charge of the District Hospitals, as the ‘Authorised Officer’ in each of the districts and where necessary by giving them the prescribed training as per the IMSS Act/Rules. Such ‘Authorised Officers’ may be asked to take suo moto cognizance of any violations of the IMSS Act, take action as per the provisions contained in the IMSS Act and also provide annual monitoring reports. A copy of such reports may also be provided to this Ministry along with the Ministry for Women and Child Development.

Yours sincerely,

Preeti Sudan
Secretary

Chief Secretaries of All States/UTs.
State Governments have taken action!
Effective implementation of the IMS Act
Actions by the Health Professional organisations

- Refuse to accept any kind of direct or indirect sponsorship from baby food or feeding bottle companies
- Plan and conduct awareness of members
- Take disciplinary action against the members if they flout the provisions of the IMS Act.
Effective implementation of the IMS Act
Actions by Civil Society organisations

- Act as a watchdog to keep a close watch on the promotional activities of the baby food and feeding bottle companies
- Report any perceived violation of the Act to Government of India/ State governments/ BPNI
For breastfeeding mothers: Stanpan Suraksha APP

Stanpan Suraksha

putting child nutrition at the forefront of social change

supported by

HCL FOUNDATION

Report Promotion of baby Foods/Feeding Bottles
- Find a Counselor
- Engage
- Success Stories
- Donate
- Profile
- What's New
- Volunteer
- Campaign
- Settings

https://www.bpni.org/webinar-on-launch-of-stanpan-surakhsha-mobile-app/
Dear Health Authority Officials,
Health Professionals,
Academics & Scientists,

Know this:

All your legitimacy, credibility, and your professional reputation is gone, as soon as you take money from bottle/formula industry.

It's that simple.
There is no debate.

Yours truly,

Dr. Magdalena Whoolery
Thank You!

https://www.bpni.org/national-policy-programme-4/

jpdadhich@bpni.org