

# **The IMS Act**

## **Countering the Covid-19 exploitation by the baby-food companies**

**Dr JP Dadhich, MD (Paediatrics), FNNF**  
**National Coordinator,**  
**Breastfeeding Promotion Network of**  
**India (BPNI)**

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



# Overview

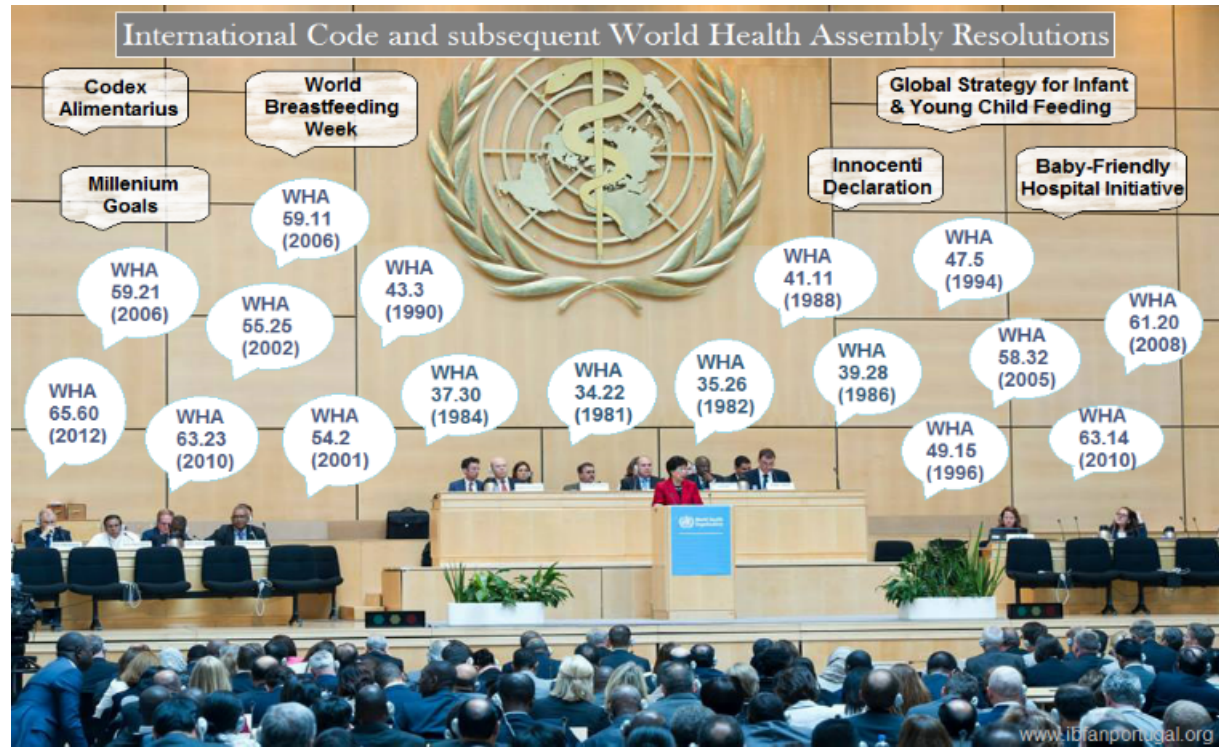
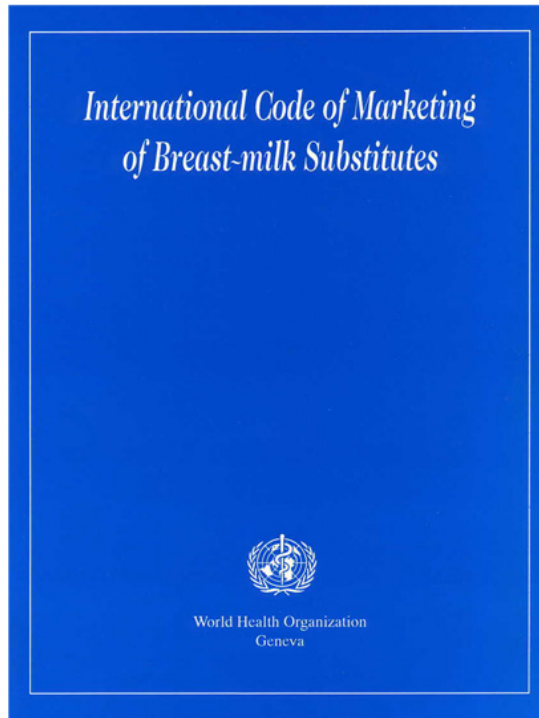
- History
- Why IMS Act\* was enacted
- Key provisions
- How companies violate
- Action taken to implement the IMS Act
- What more can be done to implement IMS Act Effectively?

\*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

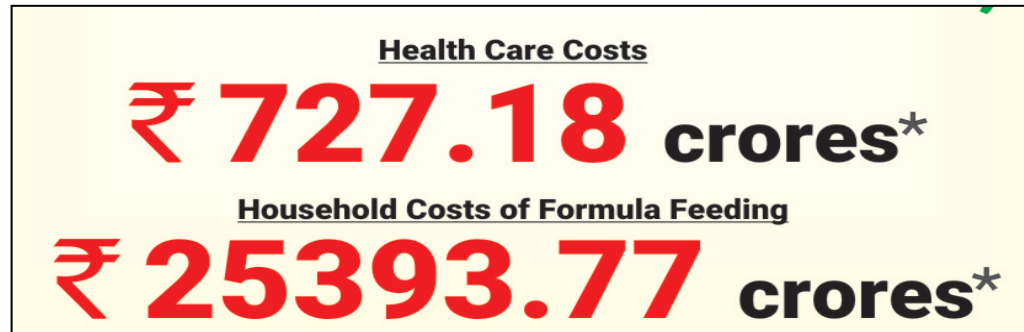


- It came into force on 1-8-1993 as a central government law by notification in the official gazette to protect, promote & support breastfeeding
- It was strengthened by an Amendment in 2003, enhancing the protection level
- Rules prescribed in 1993 and amended in 2003
- Cable Television Networks ( Regulation) 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



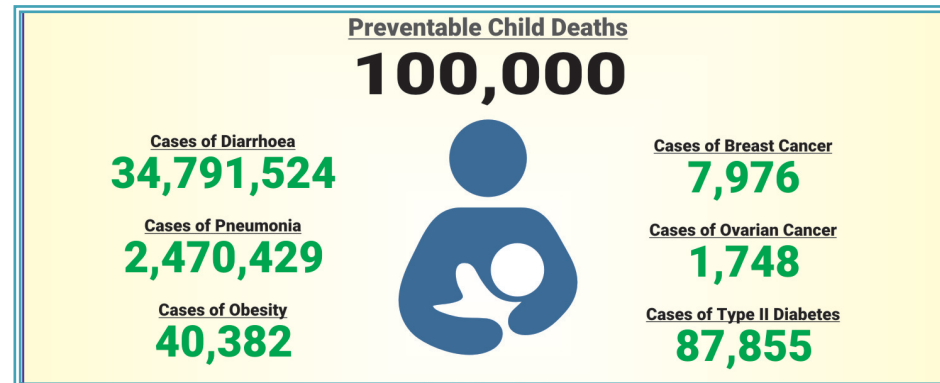
# Why the IMS Act was enacted?

## What is at the stake?



\* 1 USD=INR68.56  
ON 19 July 2019

health outcomes attributable to not breastfeeding



Walters D, Phan L, Mathisen R. The Cost of Not Breastfeeding: Global Results from a New Tool. Health Policy and Planning. 2019 June 24. Available from <https://doi.org/10.1093/heapol/czz050>

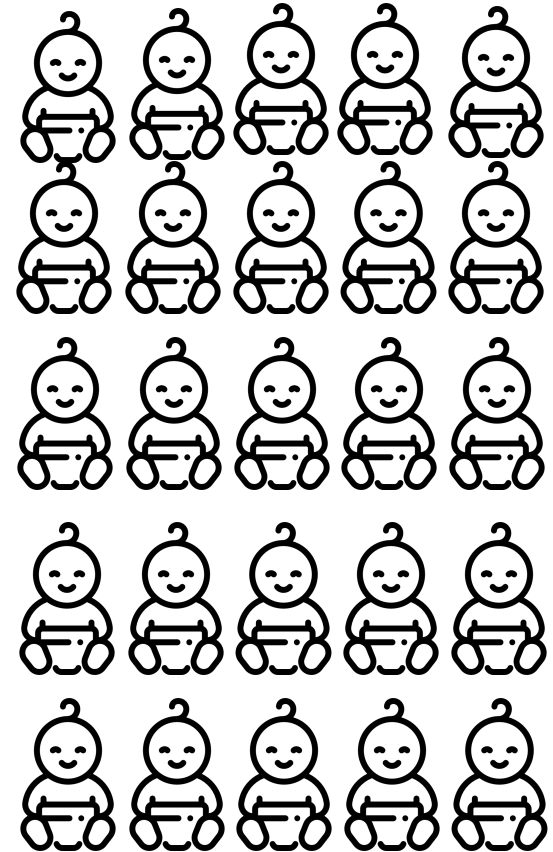
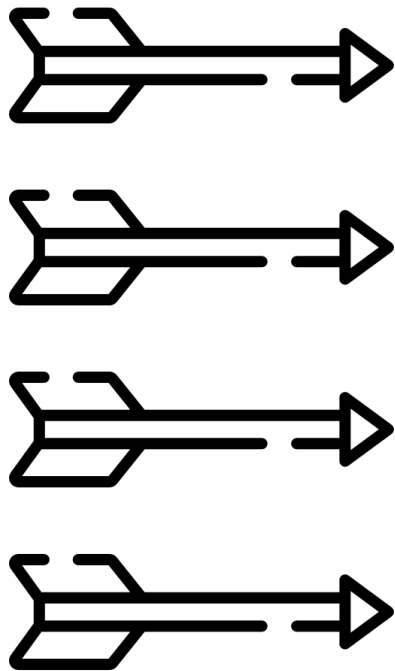


# Statement of Objects and Reasons

- *“...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!

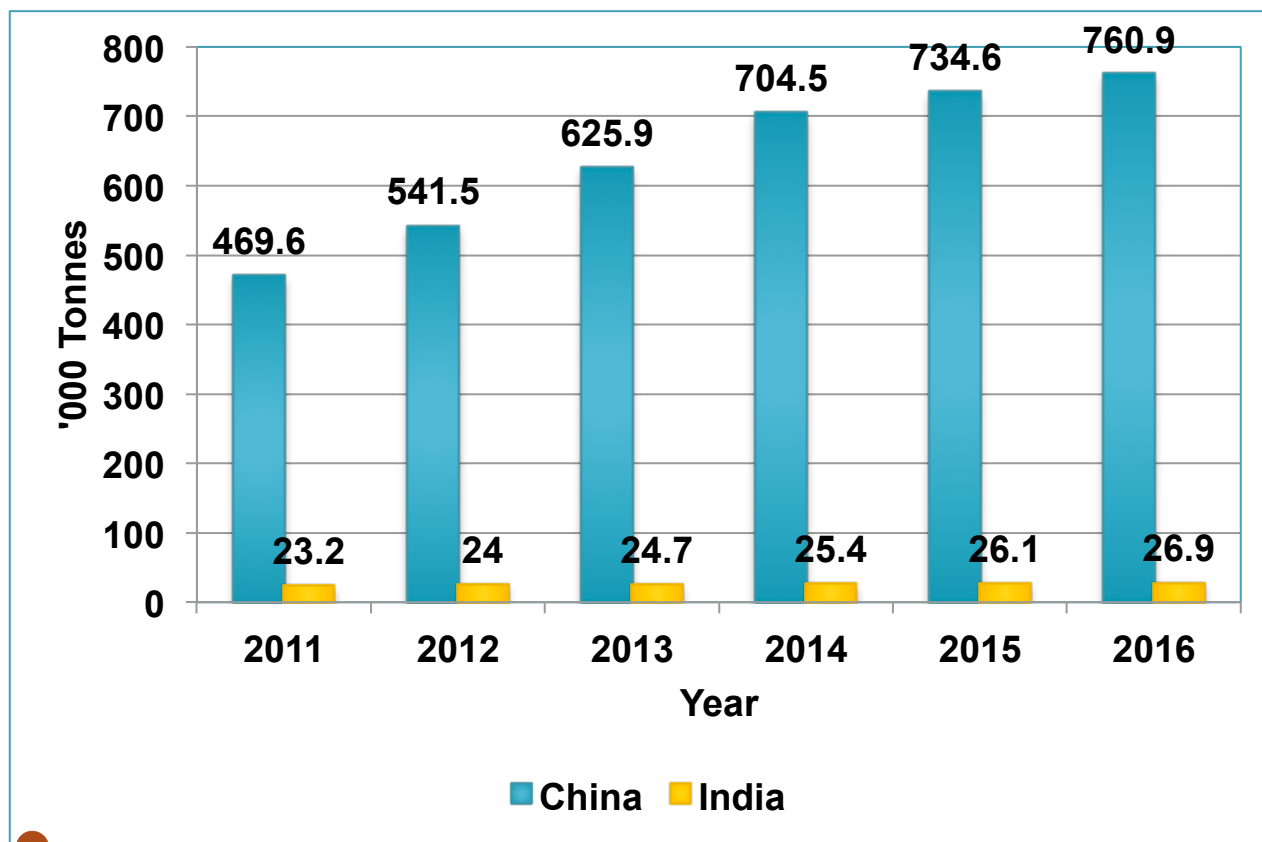


**IMS Act is the protection!**

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%**

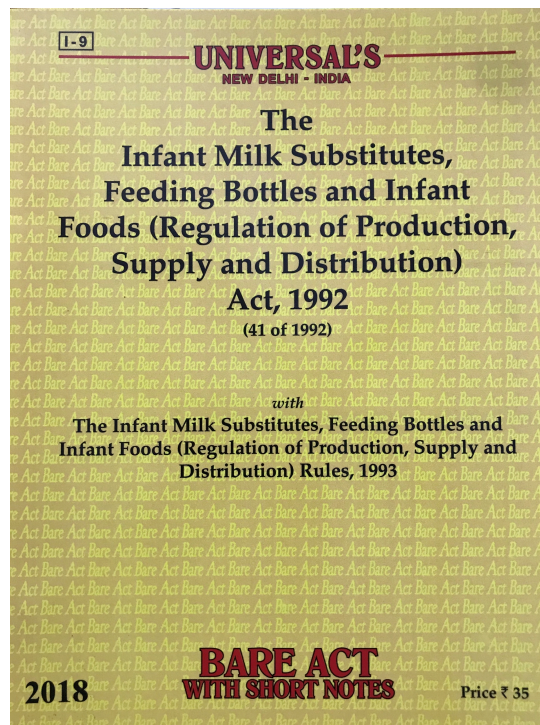
**India – 14%**

**Source: Euromonitor International India Passport report of Baby Foods 2016**

\*Baker P, Smith J, Salmon L, et al. Global trends and patterns of commercial milk-based formula sales: is an unprecedented infant and young child feeding transition underway?. Public Health Nutr. 2016;19(14): 2540-2550. doi:10.1017/S1368980016001117



# Key Provisions of the IMS Act



putting child nutrition  
at the forefront  
of social change


<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”

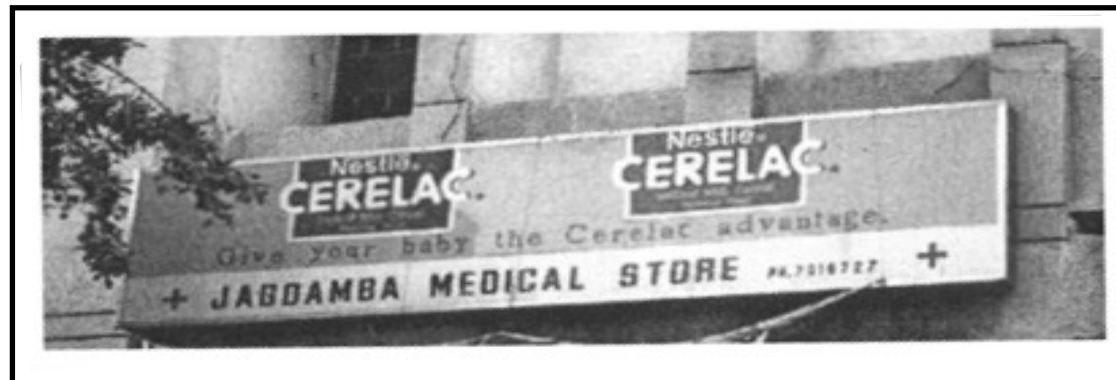
 **Promotion** – “.....means to employ directly or indirectly any method of encouraging any person to purchase or use infant milk substitute, feeding bottle or infant food.”

 **IBFAN**  
defending breastfeeding



# 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

**INSTRUCTIONS FOR USE**

**FEEDING TABLE**

**NAN 1**

**UP TO 6 MONTHS OF AGE**

**PREPARATION OF FEEDS**

**IMPORTANT NOTICE: MOTHER'S MILK IS BEST FOR YOUR BABY.**

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**Baby Health Card**

**NUTRICIA InPacare**

**Important Advice for Mothers**

**Preparation of Feeds**

**Important Notice: Mother's Milk is Best for Your Baby**

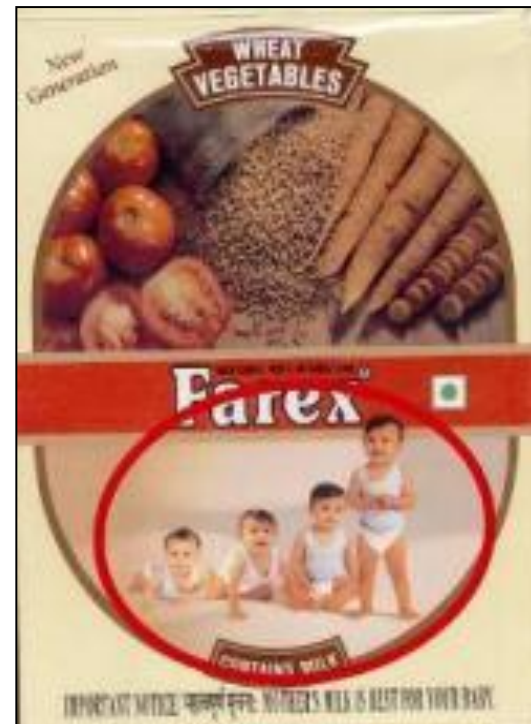
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# Section 6

## Prescribes Guidelines for Labelling

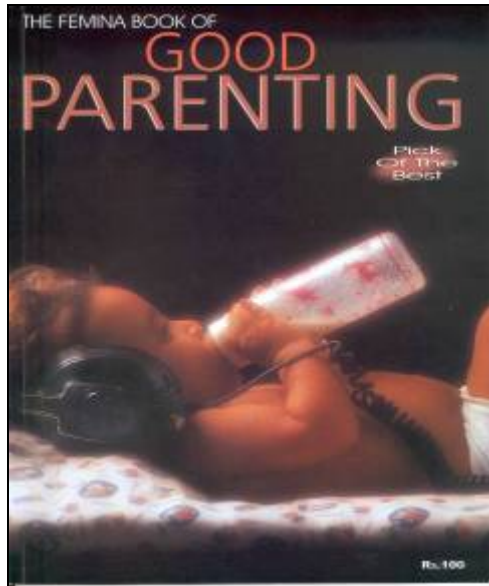
- Mandatory information on labels
- Some restrictions – e.g. prohibits picture of a baby of mother or graphics to increase sales





# 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



xConference  
xSeminar  
xResearch  
xGifts



## Section 10

# Bans Commission on Sales to the employees





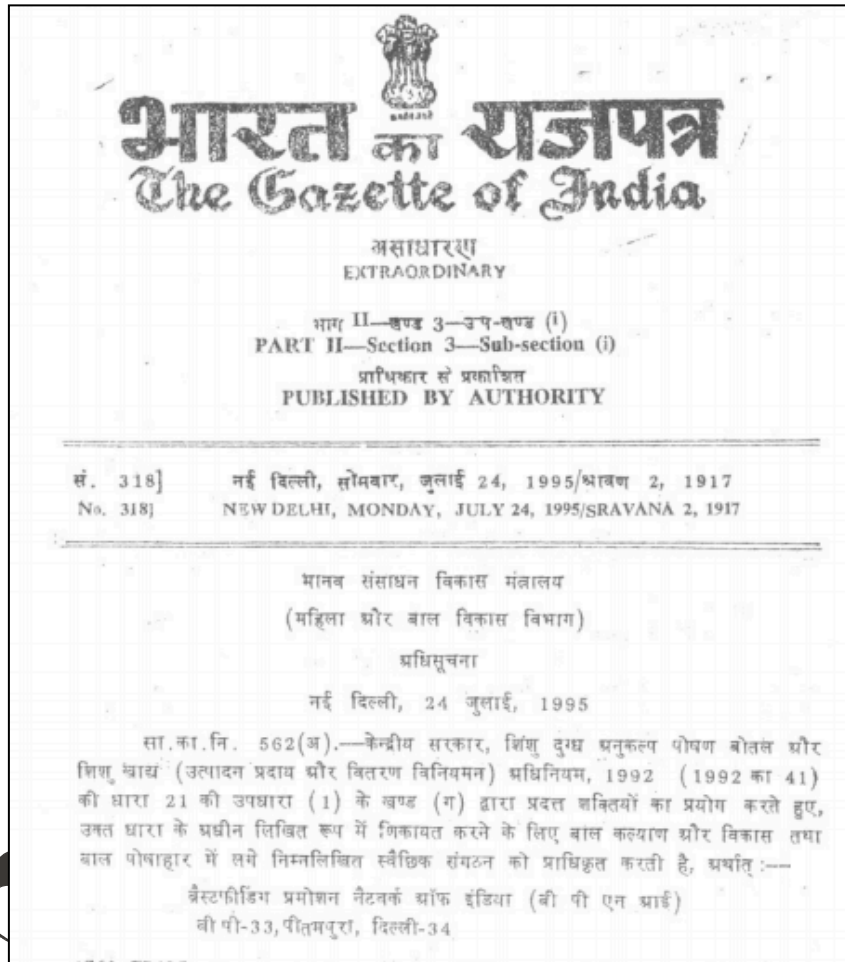
# **Section 21 (1) and rule 4 (1)**

## **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

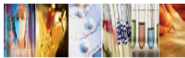
Advertisements

Free Samples

Inappropriate info on Labels



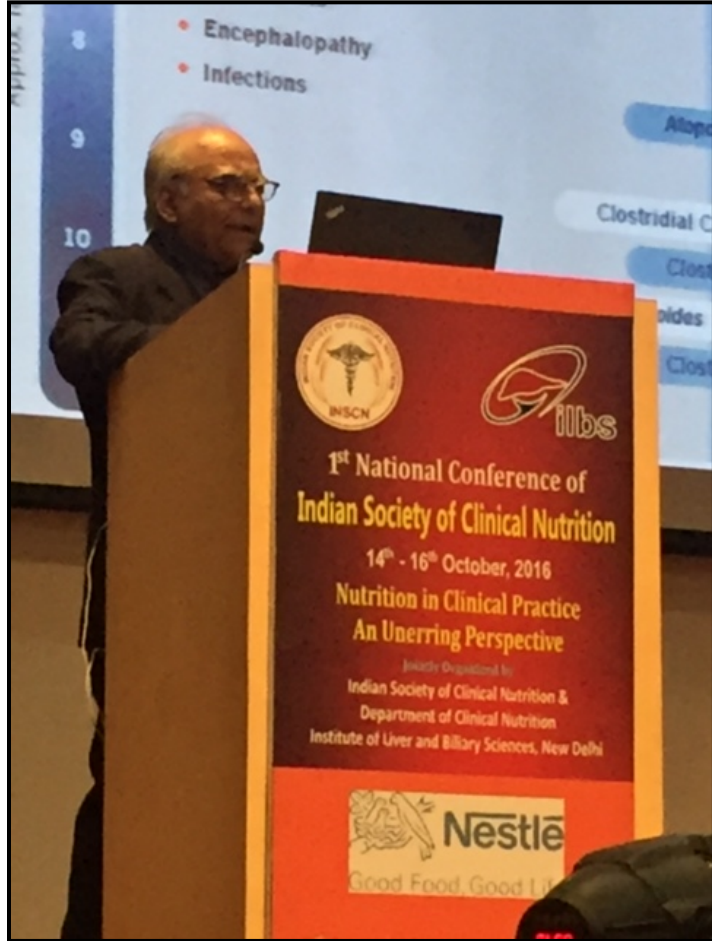
# Research sponsored by Nestle

CLINICAL TRIALS REGISTRY - INDIA					
ICMR - National Institute of Medical Statistics					
					
<b>PDF of Trial</b> CTRI Website URL - <a href="http://ctri.nic.in">http://ctri.nic.in</a>					
<b>Clinical Trial Details (PDF Generation Date :- Sat, 19 Jan 2019 08:03:47 GMT)</b>					
CTRI Number	CTRI/2010/091/001111 [Registered on: 01/11/2010] -				
Last Modified On					
Post Graduate Thesis					
Type of Trial					
Type of Study					
Study Design	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 IDs if Any	<table border="1"> <thead> <tr> <th>Secondary ID</th> <th>Identifier</th> </tr> </thead> <tbody> <tr> <td>Protocol 09.01.INF</td> <td>Protocol Number</td> </tr> </tbody> </table>	Secondary ID	Identifier	Protocol 09.01.INF	Protocol Number
Secondary ID	Identifier				
Protocol 09.01.INF	Protocol Number				
Details of Principal Investigator or overall Trial Coordinator (multi-center study)	<b>Details of Principal Investigator</b>				
	Name	Jamnadas L. Kushwaha / SIRO ClinPharm Ltd			
	Designation				
	Affiliation				
	Address	DIL Premises, 2nd floor Swami Vivekananda Road Not Applicable N/A 400610 India			
	Phone	+91 22 2584 8185			
	Fax	+91 22 2584 8275/76			
	Email	jamnadas.kushwaha@siroclinpharm.com			
Details Contact Person (Scientific Query)	<b>Details Contact Person (Scientific Query)</b>				
	Name	Sanjeev Ganguly, MD, Nestle Nutrition			
	Designation				
	Affiliation	Nestle India Ltd			
	Address	Jacaranda Marg, M Block DLF City, Phase-2			

Primary Sponsor					
<b>Primary Sponsor Details</b>					
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	<table border="1"> <thead> <tr> <th>Name</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>NIL</td> <td>NIL</td> </tr> </tbody> </table>	Name	Address	NIL	NIL
	Name	Address			
NIL	NIL				
Countries of Recruitment	<table border="1"> <thead> <tr> <th>List of Countries</th> </tr> </thead> <tbody> <tr> <td>India</td> </tr> </tbody> </table>	List of Countries	India		
List of Countries					
India					



# sponsoring conferences

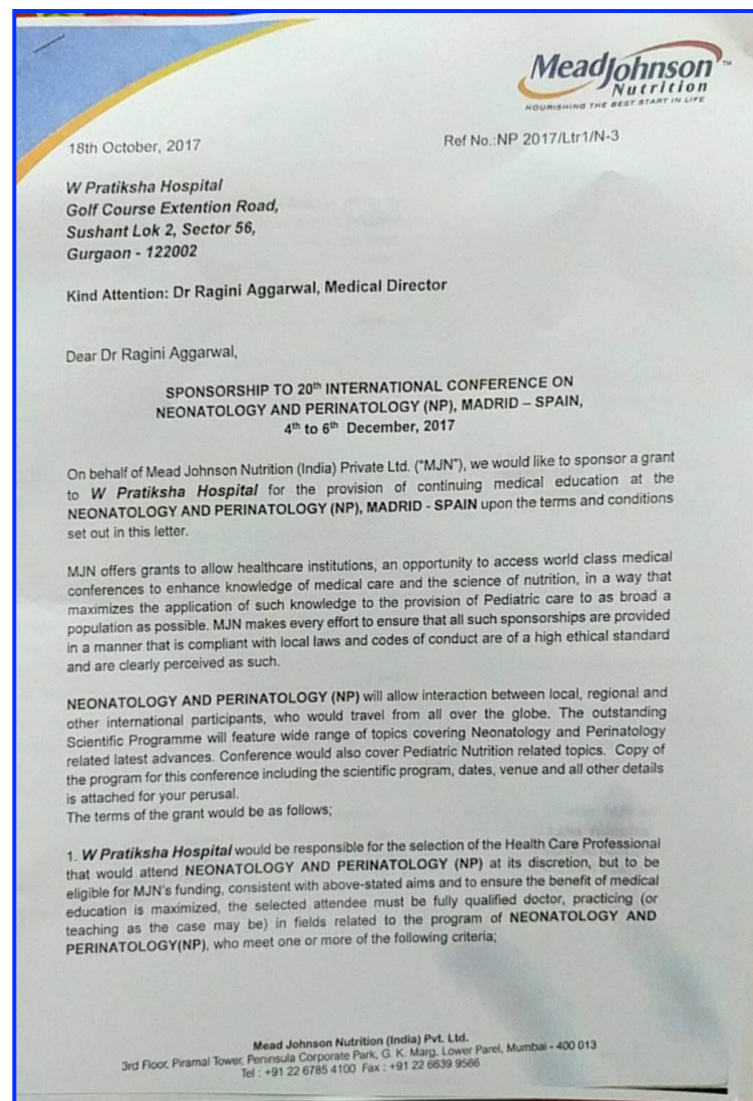


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# Offering sponsorship for conference participation



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of social change



**IBFAN**  
defending breastfeeding



# Gifting equipment to a Delhi hospital



25



# 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**

DNB(Peds), FPGH(UK), FIMSA, FACP(USA), FRCPCH, FIAP  
Director - Department of Pediatric Gastroenterology,  
Hepatology and Liver Transplantation Medanta  
Medicity - Gurgaon ( Delhi NCR)


<b>Date</b>	<b>Sat, 23rd May</b>
<b>Time</b>	<b>2.30pm to 3.30pm</b>

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



This webcast 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 

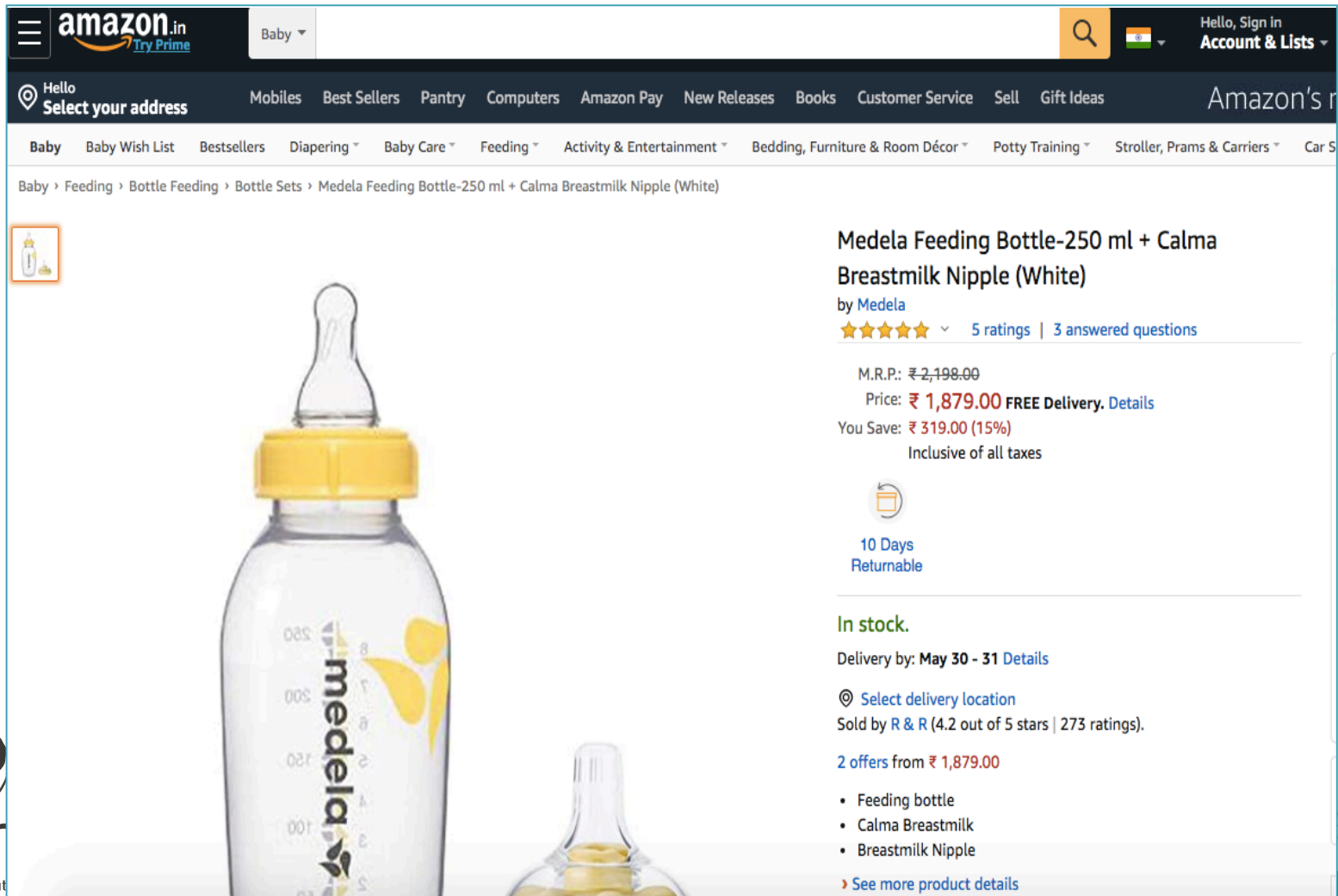


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# Selling bottles on discount !



**amazon.in** Try Prime Baby

Hello, Sign in Account & Lists

Select your address

Baby Feeding › Bottle Feeding › Bottle Sets › Medela Feeding Bottle-250 ml + Calma Breastmilk Nipple (White)

**Medela Feeding Bottle-250 ml + Calma Breastmilk Nipple (White)**  
by Medela  
★★★★★ 5 ratings | 3 answered questions

M.R.P.: ₹2,198.00  
Price: **₹1,879.00** FREE Delivery. Details  
You Save: ₹319.00 (15%)  
Inclusive of all taxes

10 Days Returnable

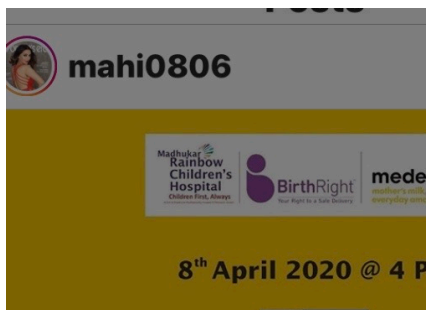
**In stock.**  
Delivery by: **May 30 - 31** Details  
Select delivery location  
Sold by R & R (4.2 out of 5 stars | 273 ratings).  
2 offers from ₹1,879.00

- Feeding bottle
- Calma Breastmilk
- Breastmilk Nipple

See more product details



# And....association with influencers



**mahi0806**

Madhukar Rainbow Children's Hospital  
Children First, Always.


BirthRight  
Your Right to a Safe Delivery

medela  
mother's milk, everyday amazing


**8<sup>th</sup> April 2020 @ 4 PM**

**f LIVE**

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



**Dr. Jayasree Sundar**  
Director - Obs & Gyn

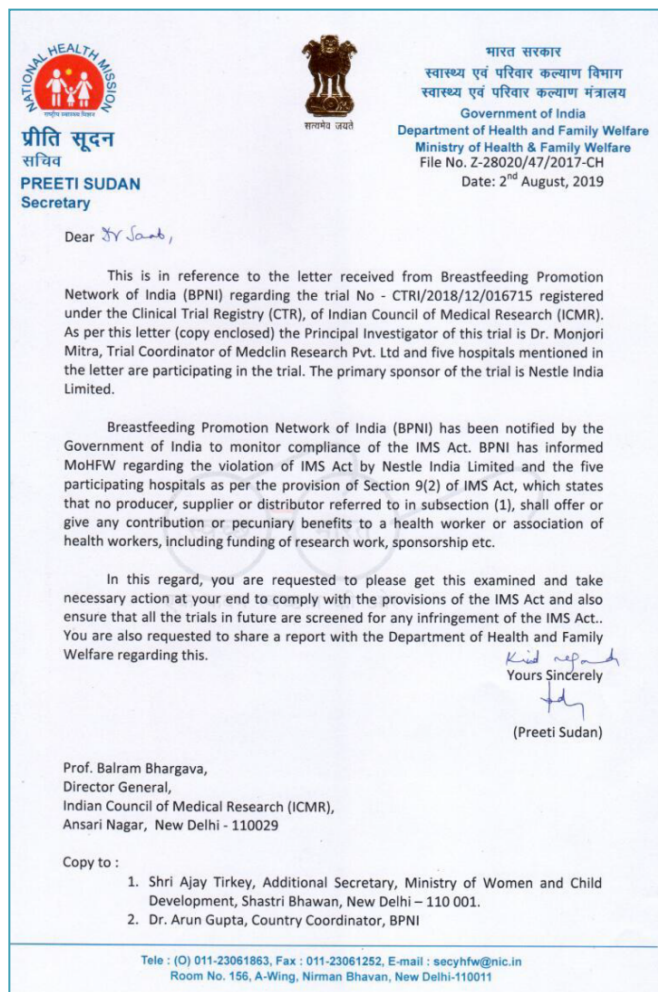


**Dr. Mahima Bakshi**  
Women & Child Wellness Expert



# Governments Actions

## Aug-2019: Government of India letter to ICMR

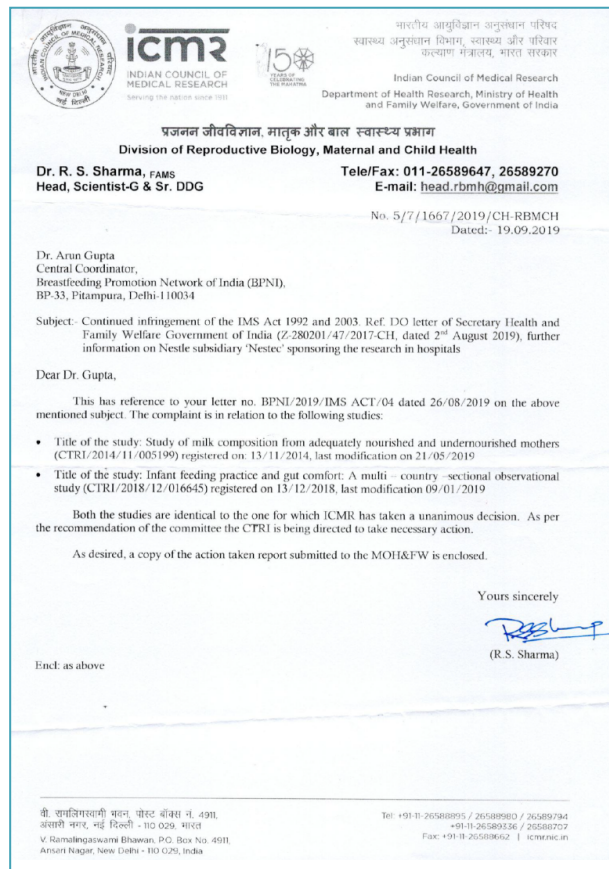


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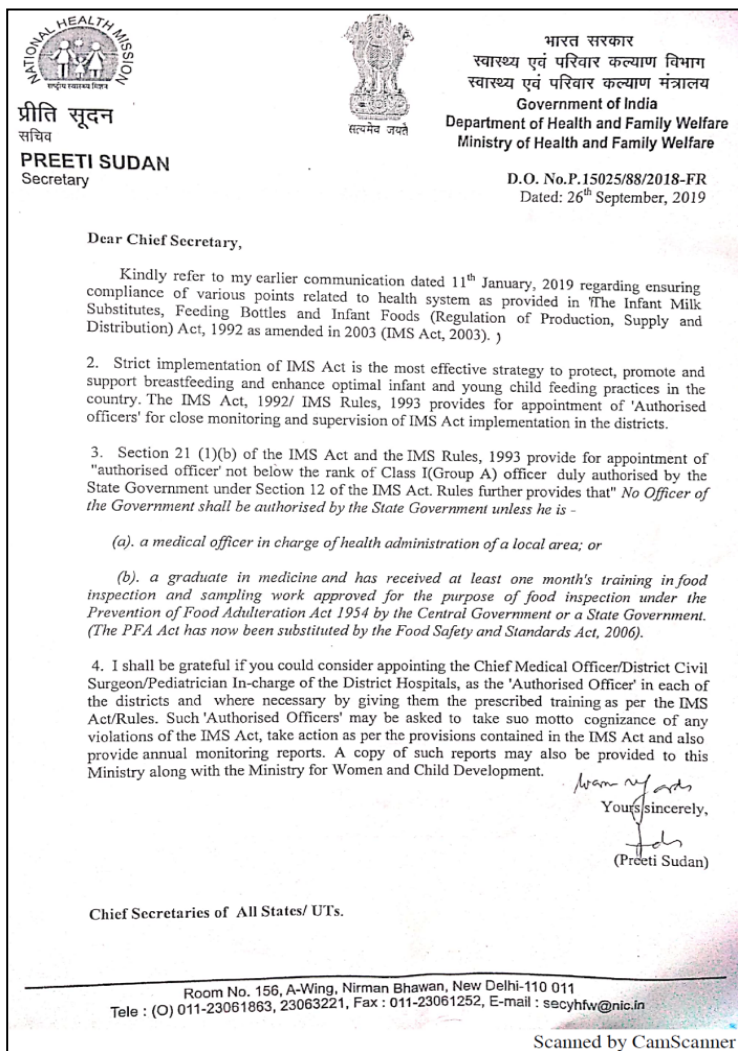


# ICMR took action: September 2019





# Secretary Health Writes to State Govts. in September 2019





# State Governments have taken action!



## DIRECTORATE OF FAMILY WELFARE

Heads of the Department Building,  
Department of Health & Family Welfare,  
Government of Odisha.

Tel/Fax-0674-2391625/2391112

E-mail-[dfwodisha@gmail.com](mailto:dfwodisha@gmail.com)

E-mail-[statenutritiondivisiondfw@gmail.com](mailto:statenutritiondivisiondfw@gmail.com)

Letter No: ND-944

Date: 03-12-2019

**From**

**Dr. Samir Kumar Das**  
**Director of Family Welfare, Odisha.**

**To**

**All CDM & PHOs-cum-District Mission Directors, Odisha**  
**Director, Capital Hospital, Bhubaneswar**  
**Director, RGH, Rourkela.**

Sub: Protect and promote breast feeding and ensuring implementation IMS Act (regulation of production, supply and distribution Act, 1992 as amended in 2003)

Ref. File no: HFW-FW-FWMISC-0042-2019-29894 / H., Dated: 20/11/2019, Department of Health and Family Welfare, Govt. of Odisha.

Madam / Sir,



झारखण्ड यात्रीय स्वास्थ्य मिशन समिति  
स्वास्थ्य चिकित्सा शिक्षा एवं परिवार कल्याण विभाग, झारखण्ड

फोन नं०- 0651-2261000,2261856-2261002 मेल आईडी-[nrhmi@harkhand3@gmail.com](mailto:nrhmi@harkhand3@gmail.com)

पत्रांक :- 9/RCH-41/2019- 68 (H.S.N)

दिनांक :- 13.03.19

प्रेषक,  
सचिव,  
स्वास्थ्य चिकित्सा शिक्षा एवं  
परिवार कल्याण विभाग,  
झारखण्ड।

सेवा में,  
समी सिविल सर्जन  
झारखण्ड।

विषय :- संस्थागत प्रसव के साथ जन्म के 1 घन्टे के अन्दर स्तनपान को बढ़ावा दिये जाने एवं IMS Act के प्रभावी अनुपालन के संबंध में।

Phone: 0194-2473663 (Sgr)  
Phone: 0191-2479030 (Jmu)  
Website:[www.jkicds.com](http://www.jkicds.com)



Fax: 0194-2473763 (Sgr)  
Fax: 0191-2479029 (Jmu)  
E-mail: [jksmdicds@gmail.com](mailto:jksmdicds@gmail.com)

## GOVERNMENT OF JAMMU AND KASHMIR STATE MISSION DIRECTORATE, ICDS, J&K

Sheikh Humza Complex, Waqaf Building, Shaheed Gunj Srinagar/ Haj House 3<sup>rd</sup> Floor Rail Head, Jammu.

**Subject: - Role and Responsibilities of Health and Nutrition Mobilizer.**

### Circular

Where as this office engaged H&N Mobilizers under centrally sponsored scheme ICDS at various ICDS Projects from time to time and placed them at the disposal of Child Development Project Officers (CDPO's). Consequently, the H&N Mobilizers joined at their designated place of posting after orientation/ induction programme in Deputy Directorate of ICDS, Jammu/ Kashmir.

Where as it has been brought to the notice of the undersigned that the job

defending breastfeeding



# 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



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at the forefront  
of social change

**Report Promotion of baby Foods/  
Feeding Bottles**

**Find a Counselor**

**Engage**

**Success Stories**

**Donate**

**Profile**

**What's New**

**3**

**Volunteer**

**Campaign**

**Settings**

**Baby  
iles**

**otions**

protecting  
ence as well  
providing  
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es.

nutrition of  
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ough  
capacity building  
advocacy for  
onal policies.



**IBFAN**  
defending breastfeeding

<https://www.bpni.org/webinar-on-launch-of-stanpan-surakhsha-mobile-app/>



# Conclusions

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](mailto:jpdadhich@bpni.org)