

# The IMS Act – Covid exploitation by baby food companies

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

Webinar on WBW -2020 Theme  
National Institute of Health and Family Welfare, New Delhi  
8<sup>th</sup> August, 2020

# Overview

- History of the IMS Act\*
- Why a country needs strong law to protect breastfeeding
- Key provisions of the IMS Act
- How companies are exploiting the Covid-19 situation
- 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

# India enacted the IMS Act 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**

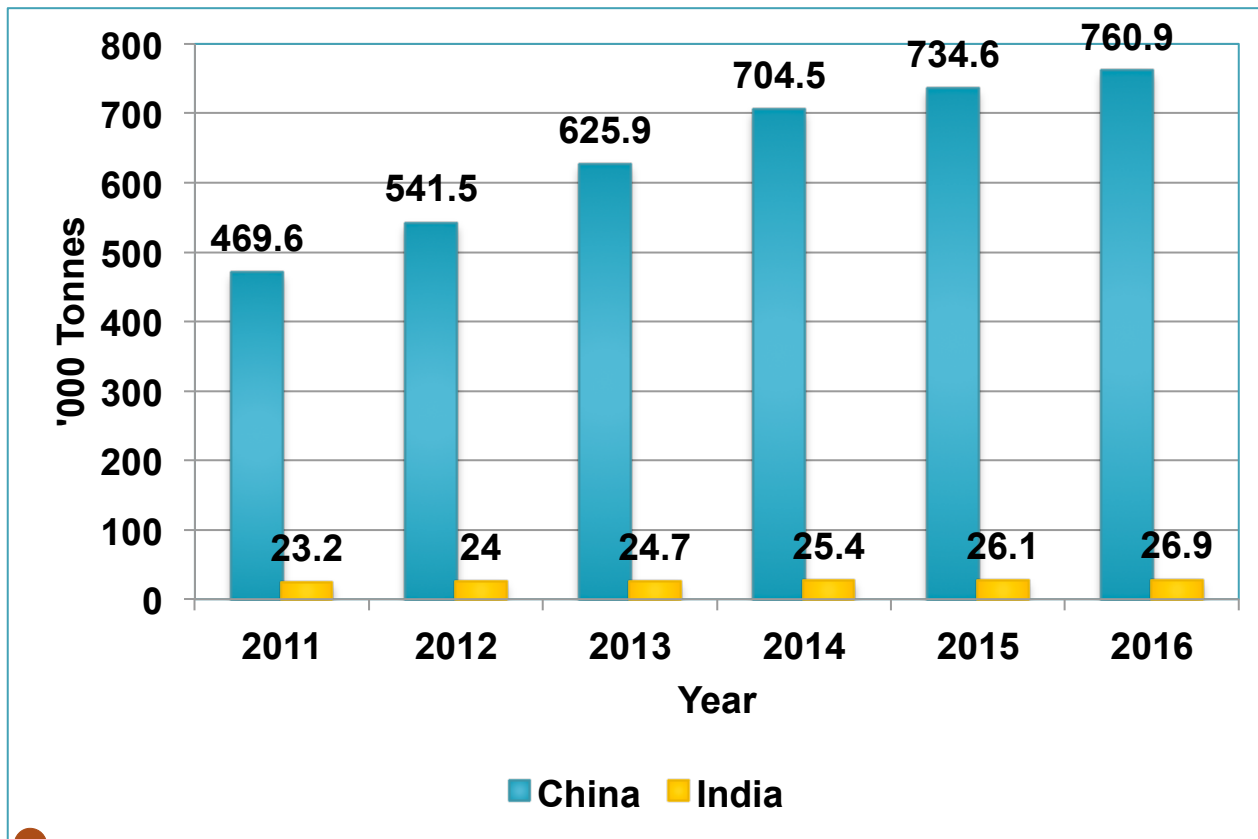
# IMS Act: Statement of Objects and Reasons

- *“...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...”*

(Emphasis added)



# Why a country needs strong law to protect breastfeeding ?



**Per infant/child consumption (kg) in 2013\***

**China – 15.2 Kg  
India – 0.4 Kg**

**Increase in consumption over 6 years (2011-16)**

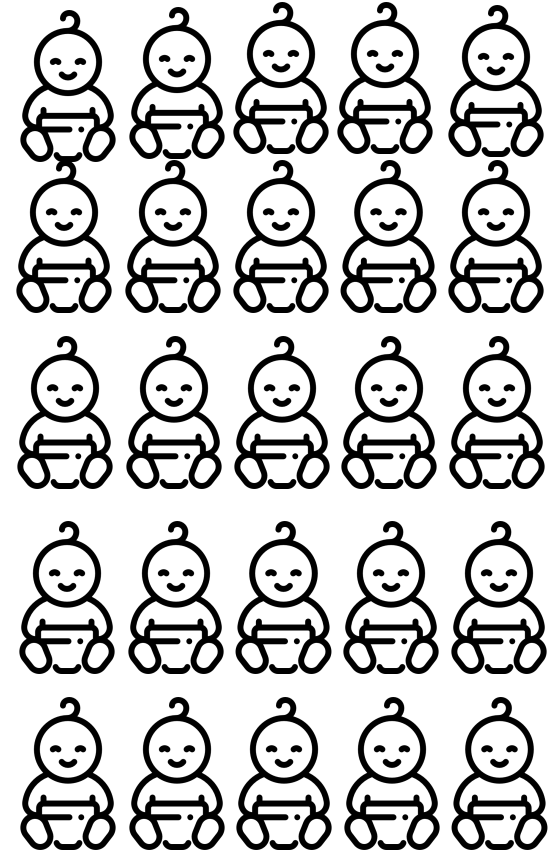
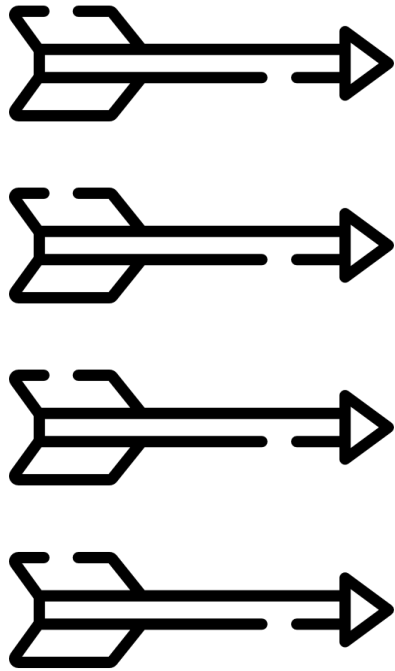
**China – 38%**

**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

# India is a big potential market for baby foods - IMS Act provides protection



**IMS Act is the protection!**

Source Icons: <https://www.flaticon.com/authors/freepik>






# What constitutes violation of the IMS act?



## What Constitutes a Violation of the IMS Act?

Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003. (IMS Act)

### IMS Act is violated

- 1 If any person promotes any food by whatever name it is sold for children up to two years of age. 
- 2 If any person advertises the products under the scope of the IMS Act, i.e. infant milk substitutes, feeding bottles or infant food by any means through television, newspapers, magazines, journals, SMS, emails, radio, pamphlets etc. 
- 3 If the manufacture or its representative distributes the products or samples of infant milk substitutes, feeding bottles and infant foods to any person or contacts pregnant or lactating mothers directly. 
- 4 If the manufacturer/distributor/supplier of the infant milk substitutes, feeding bottles or infant foods of the gives any kind of incentives like discounts or free gifts etc for the use or sales to anyone. 
- 5 If the manufacturer/distributor/supplier distributes information and educational material related to promotion of infant milk substitutes, feeding bottles and infant foods to mothers, families etc. 
- 6 If the labels of tins, cartons, accompanied leaflets of these products carry pictures of mothers or babies, cartoons, or graphics, phrases or any other such images for increasing salability.

# Covid-19 and blatant violations of the IMS Act by the Baby food companies

1. Free distribution of baby milk powders such as infant formula, foods for young children...
2. Spreading misinformation to public
3. Sponsoring doctors and their associations
4. Feeding bottle companies have also joined the bandwagon.

There are several examples.... For which


Credit goes to Vigilant friends from all over India

# Nestle exploits Covid 19....collaborating with NGOs, Police, Admin..





# “Lactogen” free distribution in Jalpaiguri (West Bengal) by Prasary Foundation with Nagrakata police station

 **Jalpaiguri Police**  
@JpgPolice

Today Prasary Foundation in association with Nagrakata PS distributed 300 packets Lactogen to the children of needy Families . Some NGOs and Jalpaiguri District Police are trying to stay beside the needy people in this lock-down Period. #HumanityFirst #JalpaiguridistrictPolice



17:09 · 29 Apr 20 · Twitter Web App



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# Distribution of “Amulspray” by AMUL




Delhi April 2020

# ABBOTT's association with doctors



## Lactose Intolerance in Pediatric Practice - Myths and Realities



**Dr. Pankaj Garg**  
Speaker  
MBBS, MD, DNB (PAEDIATRICS)

**EVENT INFO**

**Topic:**  
**Lactose Intolerance in Pediatric Practice - Myths and Realities**

**Date** 30 June, 2020 **Time** 05:30 PM (GMT+5:30) IST

Significant changes in our knowledge and approach toward lactose intolerance have occurred over the past years. Pediatricians and other pediatric care providers should maintain awareness of the benefits and controversies related to the consumption of dietary milk products and milk-based infant formula. The lactose content of milk often influences, correctly or not, the ultimate decision about the use or continuation of milk in the diet. Lactose intolerance can occur among infants and young children with diarrheal disease.

Although rarely life-threatening, the symptoms of lactose intolerance can lead to significant discomfort in babies. Treatment is relatively simple and aimed at reducing or eliminating the inciting substance, lactose, by eliminating it from the diet.

To gain more insights and best practices, please join the expert in the field of Pediatrics, Dr Pankaj Garg who will be

### Already Registered

Email \*

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### New Registration

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**Dr. Neelam Mohan**

DNB(Peda), FPGH(UK), FIMS, FACG(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](http://diapindia.org/event-calendar) or [click here](#)  
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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**


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**Speakers**

**Focus on nutrition in pregnancy and  
lactation what should you know?**




**Dr. T. Ramani Devi**  
MD, DGO, FICS, FICOG  
National Vice President FOGSI 2020

**Micronutrients for immunity  
in COVID times**




**Dr. Reena Wani**  
MD, FRCOG, DNBE, DFP, FCPS, DGO, FICOG  
Professor (Addl) & Head, Dept. of  
Obstetrics and Gynecology  
HBTMC & Dr R N Cooper Municipal  
Hospital, Juhu


**Macronutrients and importance of  
protein intake in pregnancy**



**Shilpa Joshi**  
RD  
Vice President (2019-2021)- Indian  
Dietetic Association

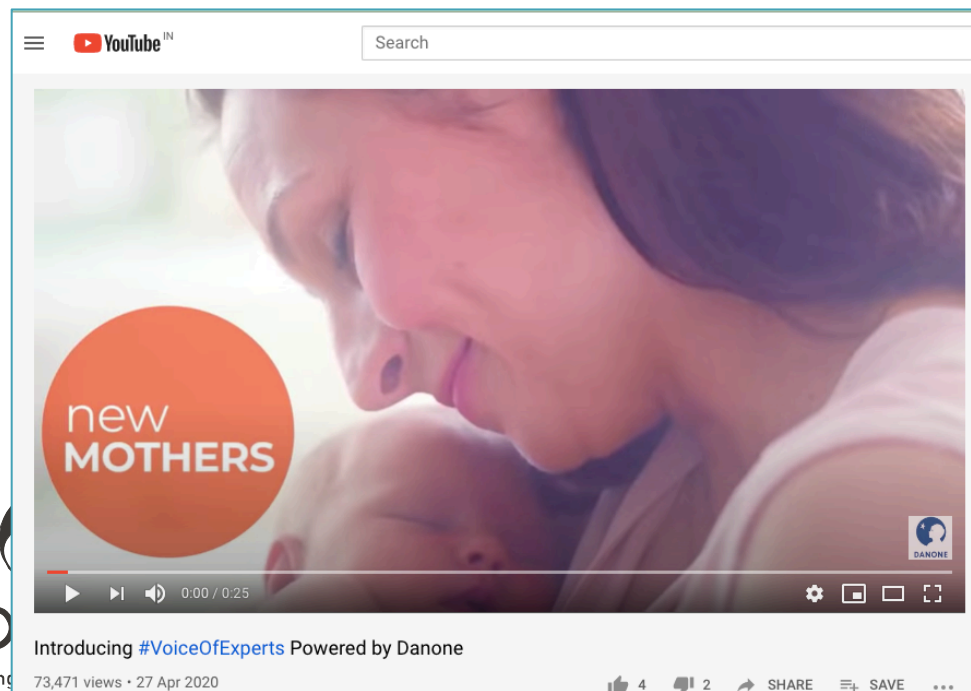
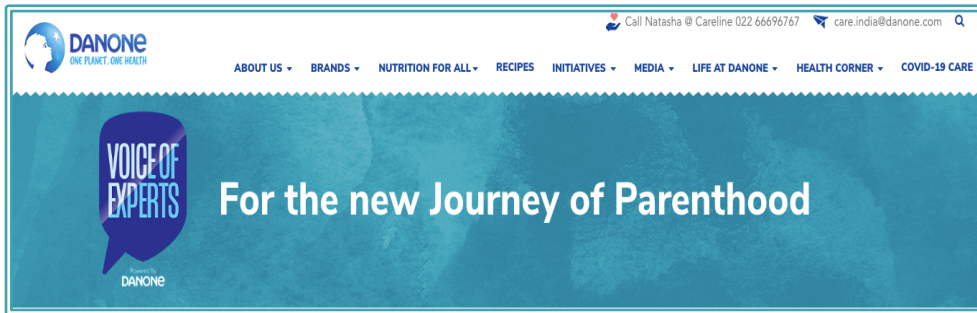


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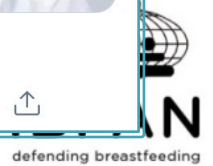


**IBFAN**  
defending breastfeeding

# DANONE directly reaching out to mothers !



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# And...association with influencers

The image shows a Facebook Live event poster. At the top, the user profile 'mahi0806' is visible. The event is sponsored by Madhukar Rainbow Children's Hospital, BirthRight, and medela. The event is scheduled for 8<sup>th</sup> April 2020 @ 4 PM. The topic is 'Q&A on COVID-19, Pregnancy, Childbirth & Breastfeeding'. Two speakers are featured: Dr. Jayasree Sundar, Director - Obs & Gyn, and Dr. Mahima Bakshi, Women & Child Wellness Expert.

mahi0806

Madhukar Rainbow Children's Hospital  
Children First, Always


BirthRight  
Your Right to a Safe Delivery

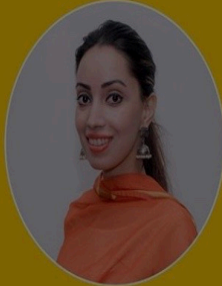
medela  
mother's milk, everyday amazing

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

# Selling bottles on discount !

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Baby

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

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# What action was taken to curb the violations during Covid- 19?



Child Health Section MoHFW <chmohfw@gmail.com>

## Action to Stop Exploitation of Covid-19 by the Baby food and Feeding bottle companies

2 messages

Arun Gupta <arun.ibfan@gmail.com> Fri, Jun 19, 2020 at 3:41 PM

To: Dr Harshvardhan <drhshvardhan@gmail.com>, Dr Harshvardhan <dr.harshvardhan@gov.in>  
 Cc: Preeti Sudan Secretary HFW GOI <secyhfw@nic.in>, Chattisgarh Dr.Subhash Pandey DD(CH) <immunizationcg@gmail.com>, Manisha Parwar <manisha.panwar@nic.in>, Shipra Roy <shipra.roy60@nic.in>, Dr JH Panwal <panwaljai@yahoo.com>, "DR. PV Ramesh" <pvrameshun@gmail.com>, Amit Mohan Prasad <am.prasad@nic.in>, Deepika Shrivastava <deepikashrivastava21@gmail.com>, Kumkum Marwaha <zen8@rediffmail.com>, Dr Amarjit Singh <amarjit57@hotmail.com>, Secretary WCD <secywcd@nic.in>, Archana Srivastava <adrhmuk@gmail.com>, "Shri Gazzanfer Hussain, Secretary (Health & Medical Education)" <gazzanfer.h@gmail.com>, "Shri Sanjeeva Kumar, Principal Secretary (Health & FW)" <sanjeeva.k@nic.in>, "Shri Anil Mukim, Principal Secretary (Health & Family Welfare)" <sechfwd@gujarat.gov.in>, "Smt. Indra Mallo, Secretary Health & Family Welfare" <secy-hfw-am@nic.in>, "Shri Praveer Krishan, Principal Secretary (Health & FW)" <pshealth@mp.gov.in>, "Shri Deepak Upreti, Principal Secretary (Health & FW)" <phsrajasthan@gmail.com>, "Shri Suresh Chanda, Principal Secretary" <tshealthpeshi@gmail.com>, "Shri Vinay Kumar, Joint Secretary (E&SA), MHA" <jsafr@mea.gov.in>, "Shri N. Sivasailam, Principal Secretary (H&FW)" <prs-hfw@karnataka.gov.in>, "Shri Arvind Kumar, Principal Secretary (Health & FW)" <pscup.health@gmail.com>, "Shri Y. Tsering, Principal Secretary (Health & Family Welfare)" <ytsering@yahoo.com>, "Shri Deepak Kumar, Principal Secretary (Health & FW), Department of Health" <health-bih@nic.in>, "Shri. Minhaj Alam, Mission Director (NHM), Kerala" <arogyakeralam@gmail.com>, "Shri Atul Kumar Tiwari, Mission Director (NHM), Karnataka" <mdnrhmkar@gmail.com>, "Shri Hussan Lal, MD (NHM) Punjab" <mdnrhmpunjab@gmail.com>, MD NHM Haryana <md-hr-nrhm@nic.in>, "Shri Sandeep Kumar, Development Commissioner, Secretary Health & Family Welfare" <devcom-dd@nic.in>, "Shri Amit Kumar Ghosh, MD (NHM), Uttar Pradesh" <mdupnrhm@gmail.com>, "Smt. Rupa Mishra, MD (NHM), Odisha" <missiondirector@nic.in>, "Shri Praveen Kishore, Director (ICDS) Department of Social Welfare, Government of Bihar" <dirsw-bih@nic.in>, "Shri Anand Kishor, Mission Director (NHM), State Health Society, Bihar" <ed\_shsb@yahoo.co.in>, "Shri Faiz Ahmed Kidwai, Mission Director (NHM), Madhya Pradesh" <missiondirectormp@gmail.com>, "Smt. I. A. Kundan, Commissioner (Family Welfare) & Mission Director (NHM) Maharashtra" <mdnrhm.mumbai@gmail.com>, "Shri M. R. Synrem, Mission Director (NHM) & Commissioner (Health), Meghalaya" <mebans@yahoo.com>, "Shri P.M. Basheer Ahmed, Principal Secretary Dept. of Social Welfare & Nutrition Meal Prog., Government of Tamil Nadu" <swsec@tn.gov.in>, "Shri Jai Prakash Gupta, Commissioner & Secretary Mission Director (NHM), Gujarat" <md-nrhm@gujarat.gov.in>, "Shri Naveen Jain, Mission Director (NHM) Directorate of Medical and Health Services, Rajasthan" <md-nrhm-rj@nic.in>, Ravish Sharma <ravish.mohfw@gmail.com>, "Dr. Shrikar Pardeshi" <shrikar.p@gov.in>, Debashree Mukherjee <dmukher@gov.in>, ICMR Director General <dg@icmr.org.in>, Anuradha Thakur <anuradha.thakur@nic.in>, Dr Mangla Sood <osdrchhp@gmail.com>, JN Kansotiya <kansotiya\_jai@yahoo.co.in>, Dr Rajiv Kumar <vch-niti@gov.in>, Alok Kumar <alokkumar.up@nic.in>, Ratan Watal <ratap.watal@gov.in>, "secyhlt.pon@nic.in" <secyhlt.pon@nic.in>, "acspublichealth@gmail.com" <acspublichealth@gmail.com>, "lk-coll@nic.in" <lk-coll@nic.in>, "cohealth@gujarat.gov.in" <cohealth@gujarat.gov.in>, "cs@maharashtra.gov.in" <cs@maharashtra.gov.in>, "cs-maharashtra@nic.in" <cs-maharashtra@nic.in>, "cs-bihar@nic.in" <cs-bihar@nic.in>, "cs-assam@nic.in" <cs-assam@nic.in>, "cs-arunachal@nic.in" <cs-arunachal@nic.in>, "cs@ap.gov.in" <cs@ap.gov.in>, "cs-westbengal@nic.in" <cs-westbengal@nic.in>, "cs-go@nic.in" <cs-go@nic.in>, "cs-hp@nic.in" <cs-hp@nic.in>, "cs-jandk@nic.in" <cs-jandk@nic.in>, "cs-jharkhand@nic.in" <cs-jharkhand@nic.in>, "cs-manipur@nic.in" <cs-manipur@nic.in>, "cs-mizoram@nic.in" <cs-mizoram@nic.in>, "cs-tripura@nic.in" <cs-tripura@nic.in>, "cs-skm@hub.nic.in" <cs-skm@hub.nic.in>, "cs@hry.nic.in" <cs@hry.nic.in>, "cs-uttaranchal@nic.in" <cs-uttaranchal@nic.in>, "cs@karnataka.gov.in" <cs@karnataka.gov.in>, "cs-andaman@nic.in" <cs-andaman@nic.in>, "cs.pon@nic.in" <cs.pon@nic.in>, Vinod Paul <vinodkpa@gmail.com>, "D. Bairagi" <jsrsh2010@yahoo.com>, Pawan Aggarwal <ceo@fssai.gov.in>, dineshbaswal2020 <dineshbaswal2020@gmail.com>, Anuj Tiwari <anujtiwari.ndma@gmail.com>, Milind Torawane <comm-wcd@gujarat.gov.in>, Policy Plan Div NDMA <policyplan@ndma.gov.in>, "Dr. Ved Prakash" <gmchildhealthnrhm@gov.in>, CHILD HEALTH MOH <chmohfw@gmail.com>, PK Sinha <pksinha.pmo@gov.in>, "Dr. Hemalatha R" <dimin\_hyd@yahoo.co.in>, Dr Sajjan S Yadav <yadavss@ias.nic.in>, Sh Sanjeeva Kumar <ash-mohfw@nic.in>, Teja Ram <teja.ram@nic.in>, Manohar Agnani <jsrsh-mohfw@gov.in>

Dear Dr Harshvardhan,



File No.Z-28020/96/2020-CH

No.Z-28020/96/2020-CH  
Government of India  
Ministry of Health & Family Welfare  
(Child Health Division)  
\*\*\*

Nirman Bhawan, New Delhi,  
Dated 27th July, 2020.

To,  
The Principal Secretaries (Health & FW),  
(Chandigarh, West Bengal & Jharkhand).

Subject:Representation from BPNI requesting for action to stop exploitation of COVID-19 by the Baby Food and Feeding Bottle companies-reg.

Sir,

Please find enclosed a copy of e-mail dated 19-06-2020 along with enclosure addressed to Hon'ble HFM received from Dr. Arun Gupta, Central Coordinator, BPNI on the above subject. In this regard, it is requested to take necessary action in the matter with reference to IMS Act, 2003 notified by M/o Women and Child Development and this Ministry's D.O. Letter No. 587/DC-IC(CH&AH)/2019 dated 11-01-2019 regarding sensitization of health system on implementation of IMS Act, 2003. (copy enclosed)

2. This issues with the approval of competent authority.

Encl. as above

Yours sincerely,  
Digitally signed by Dilip  
KUMAR SAHU  
Date: Mon Jul 27 11:54:58 IST  
2020 (Dilip Kr. Sahu)  
Reason: Approved  
Under Secretary to the Govt. of India  
Tel: 011-23062666.

Copy for necessary action to: Secretary, M/o Women and Child Development, Shastri Bhawan, New Delhi-110001

Copy for information to:  
Dr. Arun Gupta, Central Coordinator, BPNI. Email-id arun.ibfan@gmail.com



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# What more can be done?

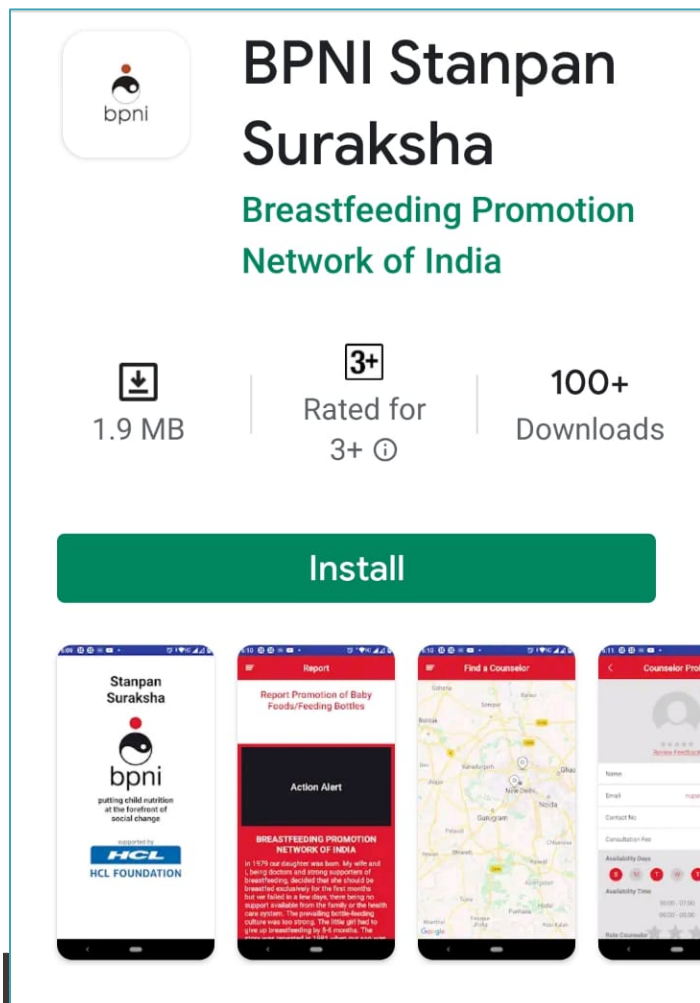
# Actions by the Health Professional organisations

- Refusing to accept any kind of direct or indirect sponsorship from baby food or feeding bottle companies
- Planning and conducting awareness of members on IMS Act
- Taking disciplinary action against the members if they flout the provisions 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

# Use BPNI Stanpan Suraksha Mobile Application to report violations



**BPNI Stanpan Suraksha**  
Breastfeeding Promotion Network of India

1.9 MB | Rated for 3+ | 100+ Downloads

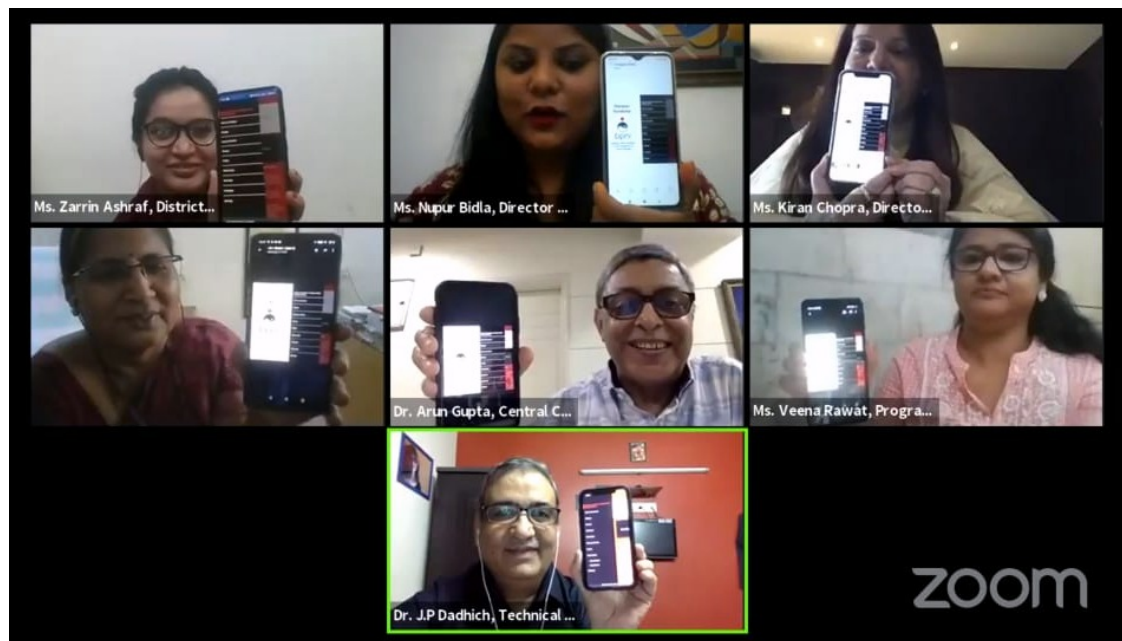
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HCL FOUNDATION

**Report**  
Report Promotion of Baby Foods/Feeding bottles  
Action Alert  
BREASTFEEDING PROMOTION NETWORK OF INDIA  
In 1979 our daughter was born. My wife and I, being doctors and strong proponents of breastfeeding, decided that she should be breastfed exclusively for the first months but we faced a few challenges, there being no support available from the family or the health care system. The prevailing breastfeeding culture was too strong. The little girl had to live on complementary by 6 months. The little girl was breastfed by 18 months.

**Find a Counselor**

**Counselor Profile**  
Name: [redacted]  
Email: [redacted]  
Contact No: [redacted]  
Consultation Fee: [redacted]  
Availability Days: [redacted]  
Availability Time: 08:00 - 12:00, 02:00 - 05:00  
More Profiles



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# Available on Android and IOS for download

- Android App Play Store:  
<https://play.google.com/store/apps/details?id=org.bpni.app>
- iOS App Apple store:  
<https://apps.apple.com/us/app/id1499323662>

# An Appeal !

Watch the film 'Tigers' on the Zee5 web portal to know predatory promotional behaviour of the baby food companies

<https://www.youtube.com/watch?v=dJxsiUvccuM>

# Key Lessons !

- There is widespread exploitation of COVID-19 situation and violations of the IMS Act by the baby food and feeding bottle manufacturers
- Particularly, promotion of BMS through health care system and influencers is aggressive by sponsoring Webinars, social media events
- Such marketing tactics increase sales of BMS and thus their consumption
- We have a potent tool in IMS Act to protect breastfeeding from aggressive promotional activities of Baby food and feeding bottles industry
- Civil Society and citizen's vigilance helps to check it



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

**Thank You!**

[jpdadhich@bpni.org](mailto:jpdadhich@bpni.org)