History and Provisions of the IMS Act

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Webinar on “Effective implementation of the IMS Act”

30th September, 2020
Outline

- History of breastfeeding protection globally
  - Why IMS Act* was enacted
  - Key provisions

*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 Code
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
“...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...”
Inadequate Breastfeeding Leads to ...

<table>
<thead>
<tr>
<th>Preventable Child Deaths</th>
<th>100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases of Diarrhoea</td>
<td>34,791,524</td>
</tr>
<tr>
<td>Cases of Pneumonia</td>
<td>2,470,429</td>
</tr>
<tr>
<td>Cases of Obesity</td>
<td>40,382</td>
</tr>
<tr>
<td>Cases of Breast Cancer</td>
<td>7,976</td>
</tr>
<tr>
<td>Cases of Ovarian Cancer</td>
<td>1,748</td>
</tr>
<tr>
<td>Cases of Type II Diabetes</td>
<td>87,855</td>
</tr>
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Effectiveness of the IMS Act
Restricting baby milk sales

Source: Euromonitor International India Passport report of Baby Foods 2016
Key Provisions of the IMS Act
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.”
Key Definitions

- **Health worker** – “…..means a person engaged in health care for mothers, infants or pregnant women.”

- **Health care system** -- “….means an institution or organisation engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health workers in private practice, a pharmacy, drug store and any association of health workers.”
Section 3
Bans Promotion and Advertisements to the Public
Section 4
Prohibits Giving Incentives
Section 5: Restricts Donation of Products, Educational Materials or Equipments
Section 6
Prescribes Guidelines for Labelling

- Mandatory information on labels
- 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
Section 10
Bans Commission on Sales
1. Food Safety Officers, authorized Class 1 govt. officers

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)
BPNI is authorised by Government of India to monitor the IMS act.
FSSAI advisory for compliance with IMS Act

F. No. 7 (2)/2016/Ministry/Enf./RCD/FSSAI (PF)Food Safety and Standards Authority of India
(A Statutory body under Ministry of Health and Family Welfare)
(Regulatory Compliance Division)

FDA Bhavan, Kotla Road,
New Delhi-110 002
Dated, the 08th September, 2020

To

1. All Central Licensing Authorities (CLAs)/Designated Officers, FSSAI
2. The Commissioner of Food Safety of All States/UTs


Criminal procedures apply in the IMS Act

- Section 23 - An offence punishable under the IMS Act is
  - Bailable
  - Cognizable

- Section 12 – Provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures apply to every search or seizure made under the IMS Act
Key Points

- The IMS Act is a strong tool to protect breastfeeding from aggressive promotional activities of baby food and feeding bottles industry.
- So, far the Act has helped the country in restricting the sales of the baby foods.
Thanks!

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