



# UNDER ATTACK

**A Report of the monitoring the compliance with the Infant milk substitutes, Feeding bottles and Infant foods (Regulation of Production, Supply and Distribution) Act 1992 and the Amendment Act 2003.**

**2021-22**





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**A Report of the monitoring the compliance with the Infant milk substitutes, Feeding bottles and Infant foods (Regulation of Production, Supply and Distribution) Act 1992 and the Amendment Act 2003.**

**2021-22**

**Nupur Bidla  
Veena Rawat  
Yashika**



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This is not a commercial publication.

**Ethical Policy:** BPNI does not accept funds or any support from the companies manufacturing baby foods, feeding bottles or infant feeding related equipment. BPNI does not associate with organizations having conflicts of interest.

# Introduction

The Government of India enacted the *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003* (IMS Act) in order to control marketing of the baby foods as follow up to the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly resolutions. Despite the legal framework to stop promotion of the products under its scope, baby food and feeding bottle companies aggressively promote their products attacking moms and babies to fail breastfeeding to make profits on the harmful products.

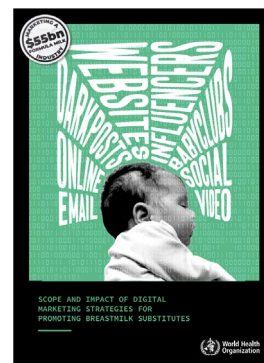
The Statement of Objects and Reasons presented by the then Human Resource Development Minister while introducing the Bill in the Parliament in 1992, included “Promotion of infant milk substitutes and related products like feeding bottles and teats do constitute a health hazard. Promotion of infant milk substitutes and related products has been more extensive and pervasive than the dissemination of information concerning the advantages of mother’s milk and breastfeeding and contributes to decline in breastfeeding. In the absence of strong interventions designed to protect, promote and support breastfeeding this decline can assume dangerous proportions subjecting millions of infants to greater risks of infections, malnutrition and death...”

The scope of the IMS Act extends to the infant milk substitutes, feeding bottles and infant foods. The Act prohibits any kind of promotion by any means; may it be advertising, incentives on sales, sponsoring health workers’ meetings are a few to mention. It also prescribes labelling requirements and standards for these products.

The Government of India has notified the Breastfeeding Promotion Network of India (BPNI) in the Gazette of India (No G.S.R. 540 (E), dated the 27<sup>th</sup>July, 1995) as child welfare NGO to initiate action under section 21(1) of the IMS Act for officially monitoring and implementing the Act.

The WHO’s recently launched 3 reports on this issue, all noting the aggression of companies and weaker action by the governments. The first one in February 2022, [“How the marketing of formula milk influences our decisions on infant feeding”](#) exposes the aggressive marketing practices used by the formula milk industry, valued at more than US\$ 55 billion.

It highlights how marketing impacts on women and families. The second in April, [“Scope and Impact Of Digital Marketing Strategies For Promoting Breastmilk Substitutes \(2022\)”](#) examines in depth the scope, techniques and impact of digital marketing strategies for the



promotion of breast-milk substitutes. The use of digital platforms by breast-milk substitutes manufacturers and distributors to promote their products is rolling. The more recent third report on [“Marketing of breast-milk substitutes: national implementation of the international code, status report \(WHO, 2022\)”](#) further highlights that monitoring system needs to be strengthened at country level.

This report “Under Attack” is the result of reporting by few concerned citizens during June 2021 to May 2022 documenting violations of the IMS Act. It is just a tip of the iceberg. BPNI reports 11 violations of different sections of the Act by major baby food and feeding bottle companies and the platforms used by them. It concludes with key recommendations for the Government of India to enhance protection of moms and babies, who are under attack despite having a wonderful law in the country.

BPNI proudly launches this report on 21 May 2022, the World Breastfeeding Protection Day.



## Relevant provisions of the IMS Act referred to in this report

**Section 3 (a)** No person shall-advrtise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes, feeding bottles or infant foods

**Section 3 (c)** No person shall- take part in the promotion of infant milk substitutes, feeding bottles or infant foods

**Section 4 (b)** No person shall- contact any pregnant woman or the mother of an infant; or

**Section 4 (c)** No person shall offer inducement of any other kind, for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods.

**Section 6 (2)** No container or label referred to sub section (1) relating to infant milk substitute or infant food shall -

(b) have pictures or other graphic material or phrases designed to increase the saleability of infant milk substitutes or infant food; or

(c) use on it the word “humanised” or “maternalised” or any other similar word

**Section 7.** Educational and other materials relating to feeding of infants to contain certain particulars.—(1) Every educational or other material including advertisements or material relating to promotion of infant milk substitutes, feeding bottles and infant foods, whether audio or visual, dealing with pre-natal or post-natal care or with the feeding of an infant and intended to reach pregnant women or mothers of infants shall include clear information relating to—

(a) the benefits and superiority of breast-feeding;

(b) the preparation for, and the continuance of, breast-feeding;

(c) the harmful effects on breast-feeding due to the partial adoption of bottle feeding;

(d) the difficulties in reverting to breast-feeding of infants after a period of feeding by infant milk substitute;

(e) the financial and social implications in making use of infant milk substitutes and feeding bottles;

(f) the health hazards of improper use of infant milk substitutes and feeding bottles;

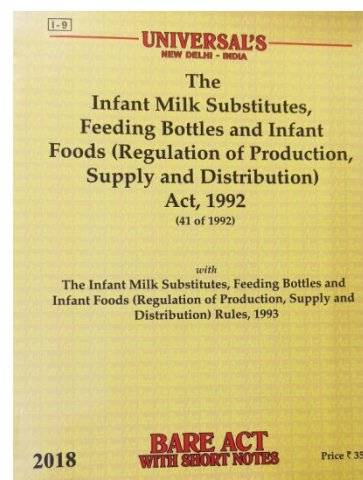
(fa) the date of printing and publication of such material and the name of the printer and publisher;

(g) such other matters as may be prescribed.

(2) No material referred to in sub-section (1) shall be utilised to promote the use or sale of infant milk substitutes or feeding bottles or infant foods.

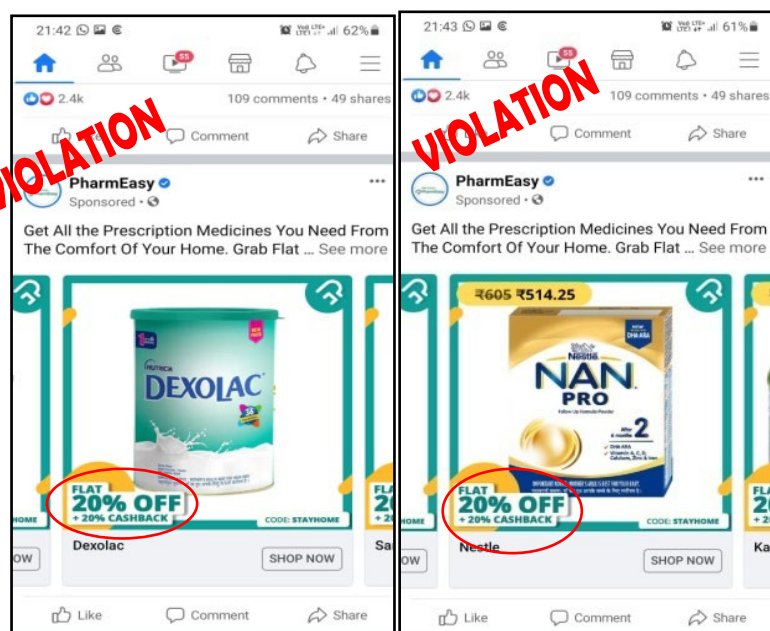
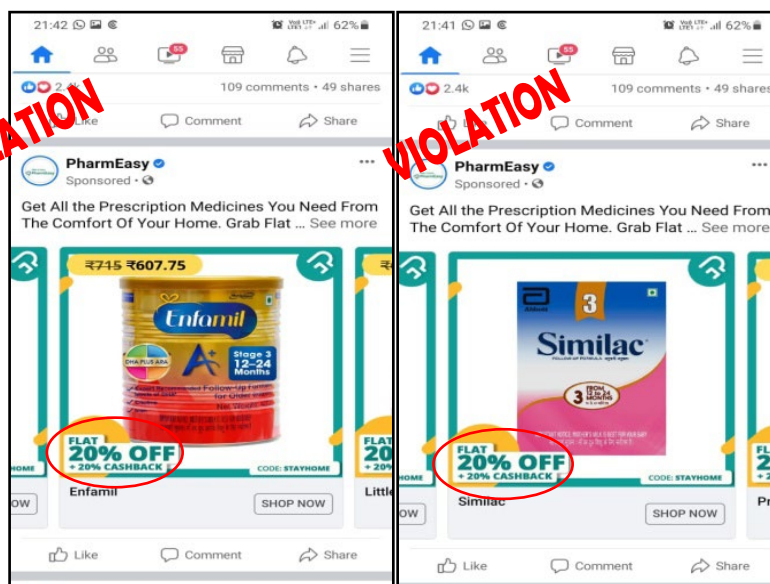
Section 9(2) No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conference, educational course, contest, fellowship, research work or sponsorship.

For interested readers, full text is available [HERE](#).



## Offering discounts on E- marketing websites

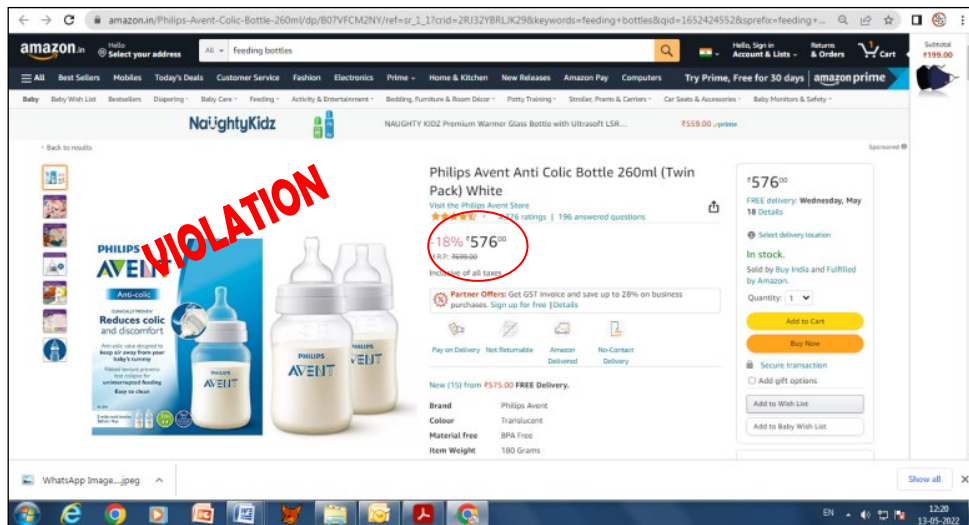
- (1) In October 2021, BPNI detected that “PharmEasy” is promoting the sale of infant milk substitute by **giving discount (on products from the mentioned companies ‘Nan Pro-Nestle, Enfamil-Mead Johnson, Dexolac-Nutricia and Similac-Abbott.)** in the Facebook page which was accessed on Monday 18<sup>th</sup> October 2021. This is violating section 3 (a) and 4 (c) of the IMS Act.



### ➡ Action

BPNI wrote to MoHFW, who asked the Secretary, MoWCD to initiate necessary action. Unfortunately, no action has been taken in this regard.

- (2) The AMAZON India E-shopping offered discounts on the feeding bottle brand 'Philips Avent' (MRP-699 and sold at 576) during the month of May 2022. This is violating section 3 (a) and 4 (c) of the IMS Act.



(Link to the product: [https://www.amazon.in/Philips-Avent-Colic-Bottle-260ml/dp/B07VFCM2NY/ref=sr\\_1\\_1?crd=2RJ32YBRLJK29&keywords=feeding+bottles&qid=1652424552&prefix=feeding+bo%2Caps%2C1329&sr=8-1](https://www.amazon.in/Philips-Avent-Colic-Bottle-260ml/dp/B07VFCM2NY/ref=sr_1_1?crd=2RJ32YBRLJK29&keywords=feeding+bottles&qid=1652424552&prefix=feeding+bo%2Caps%2C1329&sr=8-1))

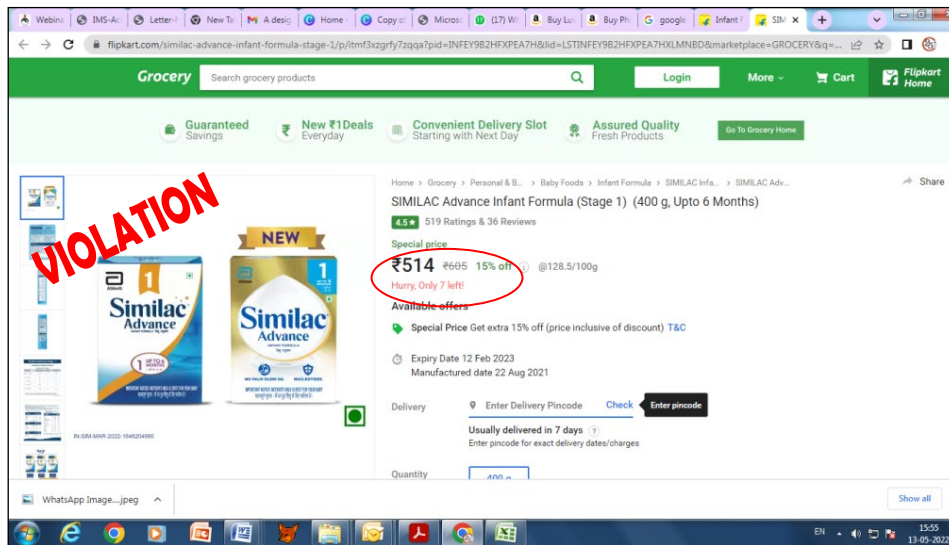
- (3) The AMAZON India E-shopping offered discounts on the Steel feeding bottle brand 'LuvLap' (MRP-599 and sold at 479) during the month of ay 2022. This is violating section 3 (a) and 4 (c) of the IMS Act.



(Link to the product: [https://www.amazon.in/LuvLap-Feeding-Stainless-Ergonomic-Venting/dp/B09RWYKKC3/ref=sr\\_1\\_9?crd=2RJ32YBRLJK29&keywords=feeding%2Bbottles&qid=1652435728&prefix=feeding%2Bbo%2Caps%2C1329&sr=8-9&th=1](https://www.amazon.in/LuvLap-Feeding-Stainless-Ergonomic-Venting/dp/B09RWYKKC3/ref=sr_1_9?crd=2RJ32YBRLJK29&keywords=feeding%2Bbottles&qid=1652435728&prefix=feeding%2Bbo%2Caps%2C1329&sr=8-9&th=1))

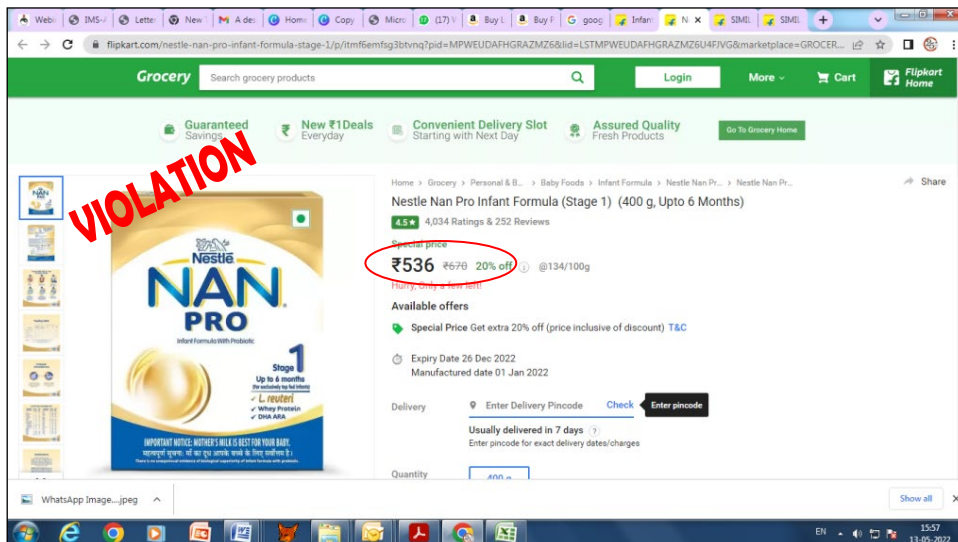


- (4) The Flipkart India E-shopping offered discounts on the **Similac Advance (Stage 1) Infant Formula by Abbott** (MRP- INR 605 and sold at 514) during the month of May 2022. This is violating section 3 (a) and 4 (c) of the IMS Act.



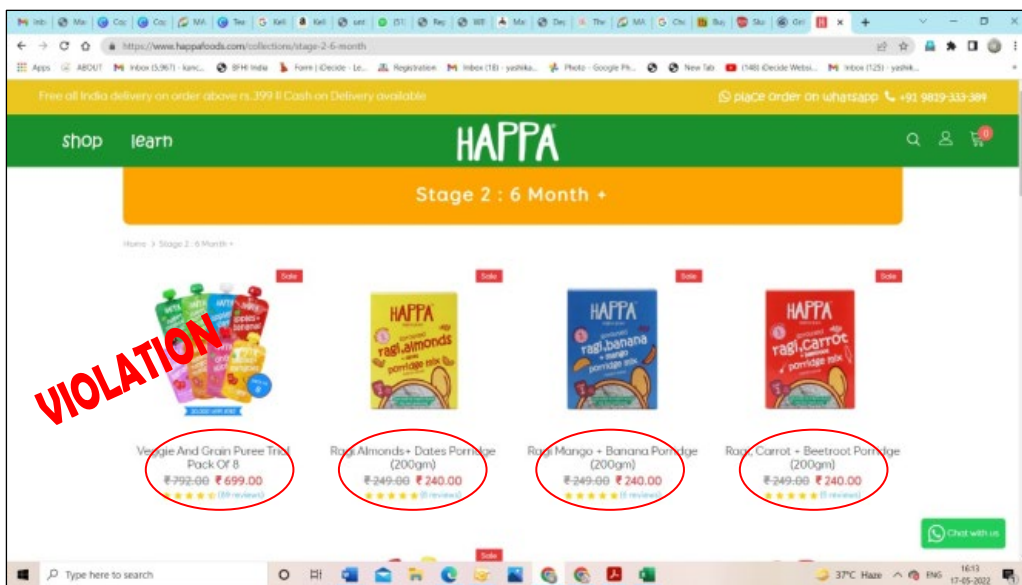
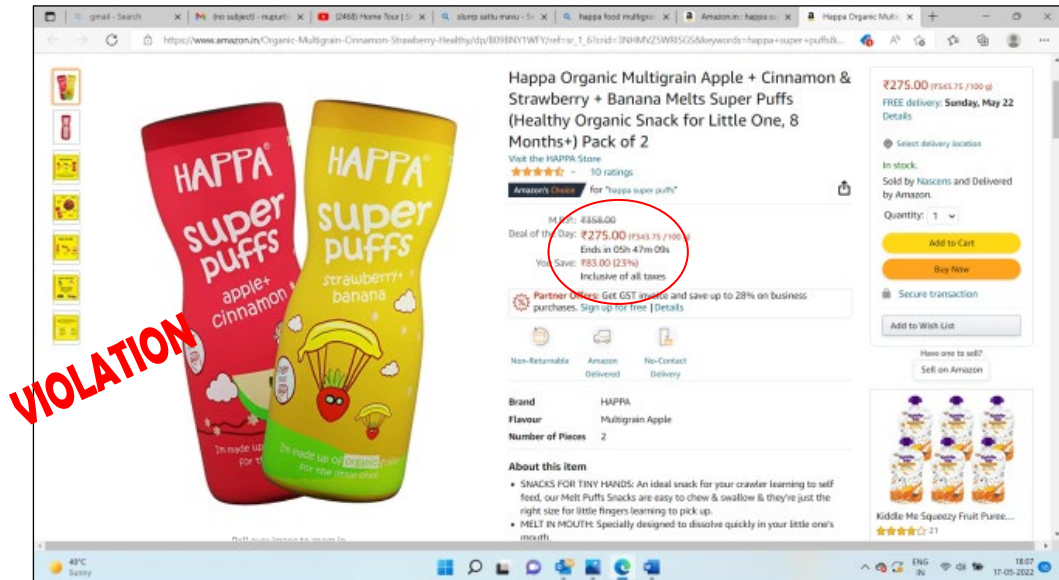
(Link to the product: [https://www.flipkart.com/similac-advance-infant-formula-stage-1/p/itm3xzgrfy7zqqa?pid=INFEY9B2HFXPEA7H&lid=LSTINFEY9B2HFXPEA7HXLMBND&marketplace=GROCERY&q=infant+food&store=kyh%2Farw&srno=s\\_1\\_24&otracker=AS\\_Query\\_HistoryAutoSuggest\\_1\\_6\\_na\\_na\\_na&otracker1=AS\\_Query\\_HistoryAutoSuggest\\_1\\_6\\_na\\_na\\_na&fm=search-autosuggest&iid=a11e6166-20ab-4a42-b414-887dd70293aa.INFEY9B2HFXPEA7H.SEARCH&ppt=sp&ppn=sp&ssid=dvyn0dk8ts000000165243748515&qH=ee9a13f484464e00](https://www.flipkart.com/similac-advance-infant-formula-stage-1/p/itm3xzgrfy7zqqa?pid=INFEY9B2HFXPEA7H&lid=LSTINFEY9B2HFXPEA7HXLMBND&marketplace=GROCERY&q=infant+food&store=kyh%2Farw&srno=s_1_24&otracker=AS_Query_HistoryAutoSuggest_1_6_na_na_na&otracker1=AS_Query_HistoryAutoSuggest_1_6_na_na_na&fm=search-autosuggest&iid=a11e6166-20ab-4a42-b414-887dd70293aa.INFEY9B2HFXPEA7H.SEARCH&ppt=sp&ppn=sp&ssid=dvyn0dk8ts000000165243748515&qH=ee9a13f484464e00))

- (5) The Flipkart India E-shopping offered discounts on the **NAN PRO (Stage 1) Infant Formula by Nestle** (MRP- INR 670 and sold at 536) during the month of May 2022. This is violating section 3 (a) and 4 (c) of the IMS Act.



(Link to the product: [https://www.flipkart.com/nestle-nan-pro-infant-formula-stage-1/p/itm6emfsg3btvng?pid=MPWEUDAFHGRAZM26&lid=LSTMPWEUDAFHGRAZM26U4FJV6&marketplace=GROCERY&q=infant+foood&store=kyh%2Farw&srno=s\\_1\\_31&otracker=AS\\_Query\\_HistoryAutoSuggest\\_1\\_6\\_na\\_na\\_na&otracker1=AS\\_Query\\_HistoryAutoSuggest\\_1\\_6\\_na\\_na\\_na&fm=search-autosuggest&iid=a11e6166-20ab-4a42-b414-887dd70293aa.MPWEUDAFHGRAZM26.SEARCH&ppt=sp&ppn=sp&ssid=dvyn0dk8ts000000165243748515&qH=ee9a13f484464e00](https://www.flipkart.com/nestle-nan-pro-infant-formula-stage-1/p/itm6emfsg3btvng?pid=MPWEUDAFHGRAZM26&lid=LSTMPWEUDAFHGRAZM26U4FJV6&marketplace=GROCERY&q=infant+foood&store=kyh%2Farw&srno=s_1_31&otracker=AS_Query_HistoryAutoSuggest_1_6_na_na_na&otracker1=AS_Query_HistoryAutoSuggest_1_6_na_na_na&fm=search-autosuggest&iid=a11e6166-20ab-4a42-b414-887dd70293aa.MPWEUDAFHGRAZM26.SEARCH&ppt=sp&ppn=sp&ssid=dvyn0dk8ts000000165243748515&qH=ee9a13f484464e00))

(6) Happa Organic Multigrain Apple + Cinnamon & Strawberry + Banana Melts Super Puffs (Healthy Organic Snack for Little One, 8 Months+) Pack of 2: Amazon.in: Grocery & Gourmet Foods (MRP INR 368 and sold at INR 275) during the month of May 2022. This is violating section 3 (a) and 4 (c) of the IMS Act.

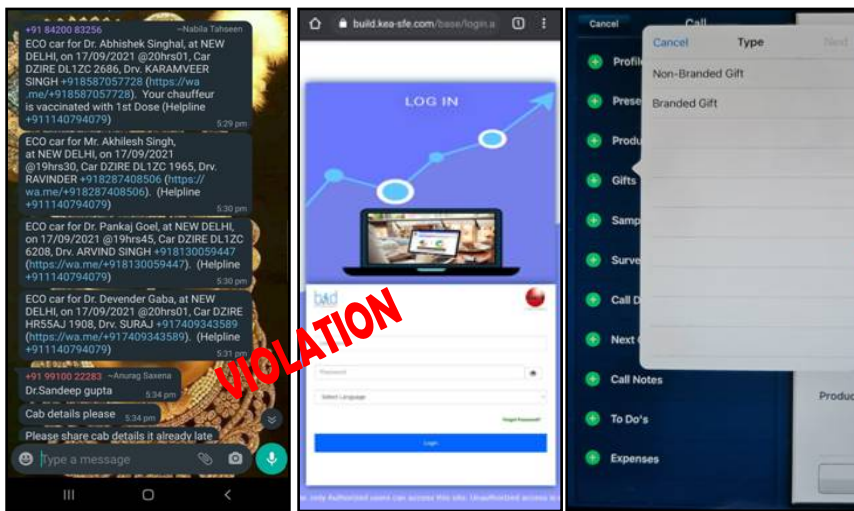


(Link to the product: [https://www.amazon.in/Organic-Multigrain-Cinnamon-Strawberry-Healthy/dp/B09BNY1WFY/ref=sr\\_1\\_6?crd=3NHMVZ5WRISGS&keywords=happa+super+puffs&qid=1652791027&srefix=happa+super+puffs%2Caps%2C246&sr=8-6](https://www.amazon.in/Organic-Multigrain-Cinnamon-Strawberry-Healthy/dp/B09BNY1WFY/ref=sr_1_6?crd=3NHMVZ5WRISGS&keywords=happa+super+puffs&qid=1652791027&srefix=happa+super+puffs%2Caps%2C246&sr=8-6))

# Nutricia International Bribes the Doctors

## (7) Violation of IMS Act-2003 by Nutricia International Pvt. Ltd. (Danone)

BPNI received the attached complaint from a reported employee of Danone exposing blatant violations of the IMS Act including cash payments, sponsoring and offering dinners and alcohol at meetings, sponsored foreign travel, gifts, local travel assistance etc. All these reported activities are prohibited under section 3 (c), 4 (c) and 9(2) of the IMS Act.



Similar violation was [reported in 2014](#) as well but no action was taken by the government inspite of repeated reminders. The reports make serious allegations, on the formula manufacture Nutricia International PVT. LTD. (Danone).



### ➔ Action

BPNI wrote a letter about the matter to Secretary Health on 18<sup>th</sup> October 2021 and received MoHFW's response where they referred the matter to MoWCD. No further information is available in this regard.

**(8) 'Neolacta Lifesciences' Sponsoring a Webinar of doctors**

A Webinar is being organized by Delhi Gynaecologist Forum (DGF) and sponsored by Neolacta Lifesciences Pvt Ltd on 25<sup>th</sup> January 2022 at 3.00 PM to 4.00 PM. The topic is "Optimal Human Milk-Based Newborn Care & Management \* New Movement in Indian ". Dr. Vikram Reddy and Dr. Pratima Mittal are the speakers on this programme.

This webinar violates section 9(2) of the IMS Act.

**VIOLATION**

**DGF WEBINAR ON**

**Neolacta**  
Nurturing Life

**OPTIMAL HUMAN MILK-BASED  
NEWBORN CARE & MANAGEMENT\*  
NEW MOVEMENT IN INDIAN**

**DATE : 25-01-22 AT 3:00-4:00 PM**

**DR VIKRAM REDDY**  
\*RECENT ADVANCES IN  
GOLDEN HOUR NUTRITIONAL  
MANAGEMENT\*

**DR PRATIMA MITTAL**  
KANGAROO  
MOTHER CARE

**➔ Action**

BPNI has reported about this to Ministry of health since past 2 years, without a meaningful response.

# Violations on Social Media

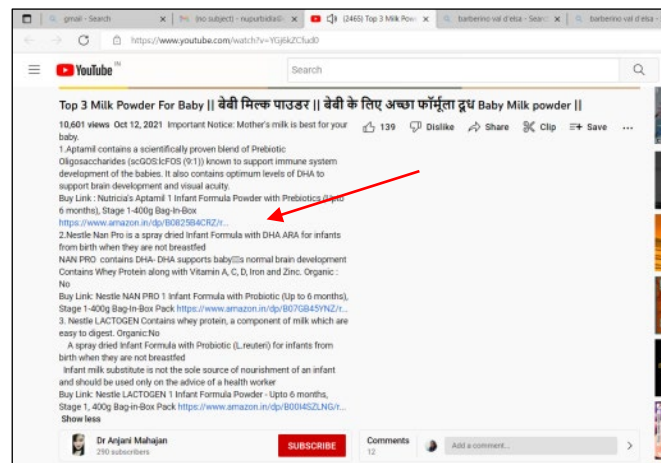
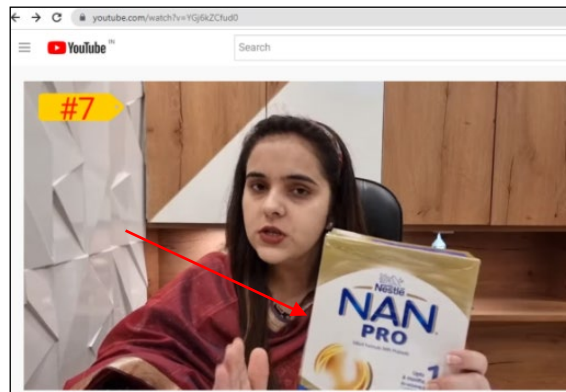
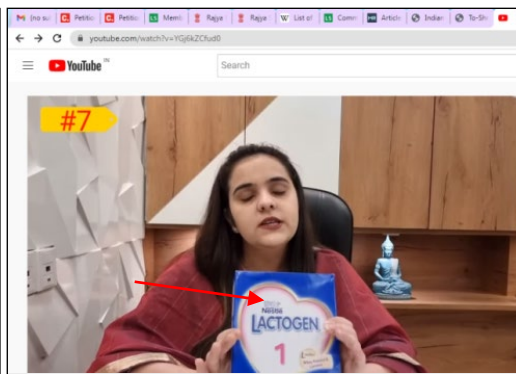
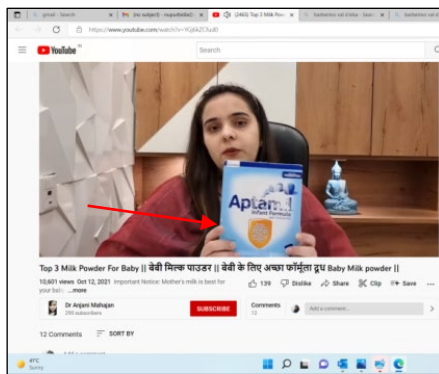
Directly reaching to the lactating mothers and promoting use of infant milk substitutes

(9) Top 3 Milk Powder For Baby || बेबी मिल्क पाउडर || बेबी के लिए अच्छा फॉर्मूला दूध Baby Milk powder || - YouTube

(Channel Link: <https://www.youtube.com/channel/UCoNbhWo3XriaVJvisPJB34Q>)

The video is available at: (<https://youtu.be/YGj6kZCfud0>)

Dr Anjani Mahajan's through her YouTube channel, is directly reaching to the lactating mothers and promoting use of infant milk substitutes Lactogen-Nestle, Nan Pro-Nestle and Aptamil-Nutricia. She has also provided links of Amazon website where these products can be purchased. This video content violates Section 3 (a), Section 4 (b), Section 7 of the IMS Act.

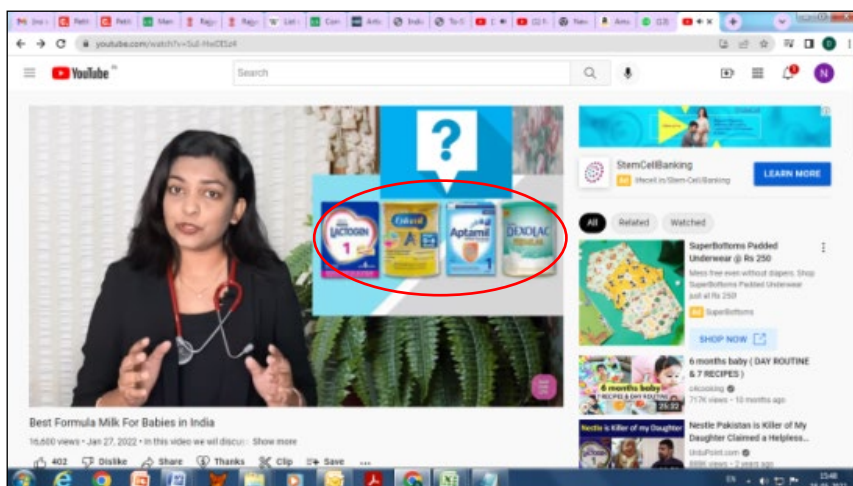
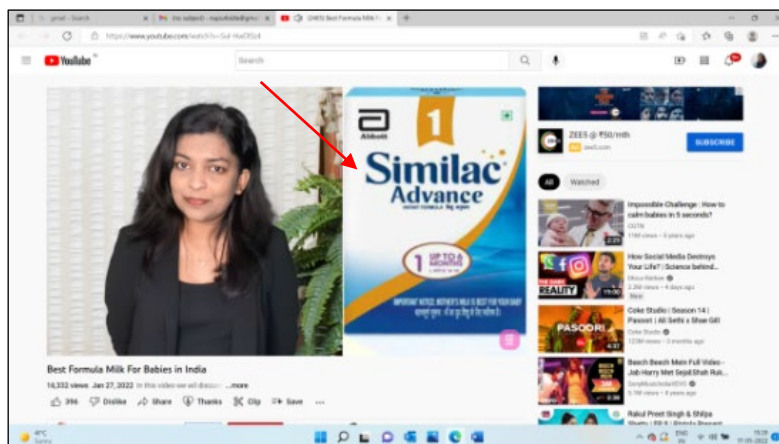
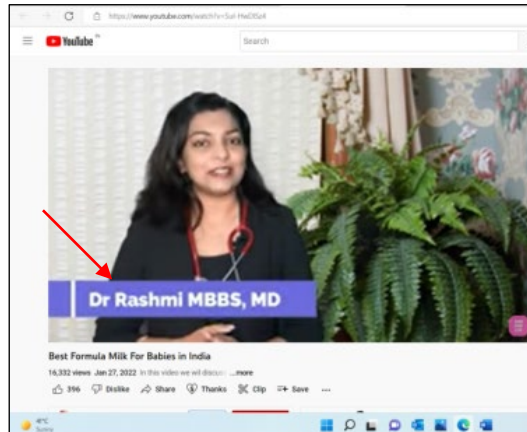


(10) Best Formula Milk for Babies in India – YouTube

(Channel: <https://www.youtube.com/c/BabyCareLive12>)

(The video is available at: <https://youtu.be/Sul-HwDISz4>)

Dr. Rashmi, MBBS, MD through her YouTube channel “Baby Care live” is directly reaching to the lactating mothers and promoting use of infant milk substitutes ‘Nan Pro-Nestle, Enfamil-Mead Johnson and Similac Isomil – Abbott, Similac Total Comfort-Abbott. This video content violates Section 3 (a) (c), Section 4 (b), Section 7 of the IMS Act.



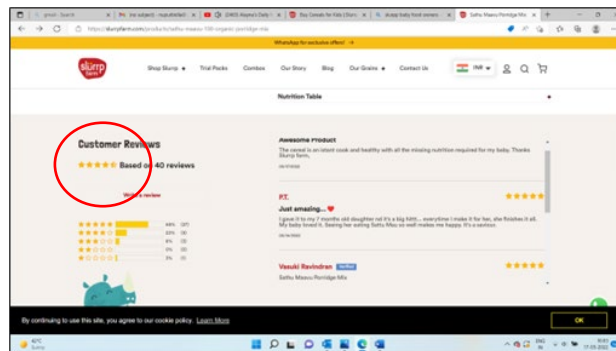
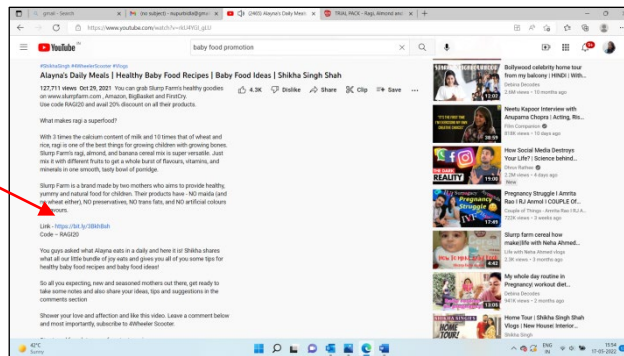
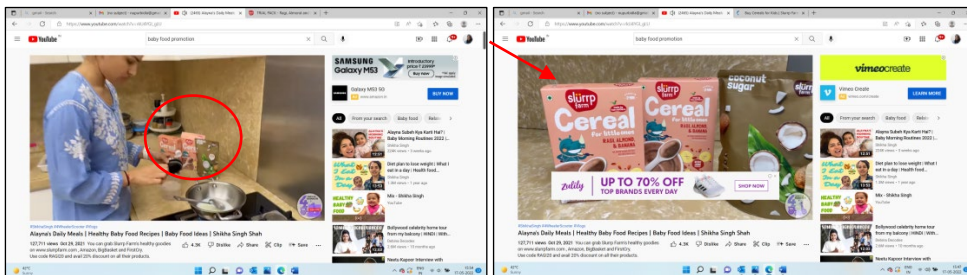
# Misleading Label and Promotion

## (11) Alayna's Daily Meals | Healthy Baby Food Recipes | Baby Food Ideas | Shikha Singh Shah

Label of the product does mention the age group for which is should be used instead it mentions “for the little ones” which is confusing. And in case its for children under 2 years the label must have the statement “Breastmilk is Best for your baby”. On the website of this product in the customer review section a mother mentioned that she has given the product to her 7 months old baby.

The label contains graphics of Rhinoceros eating the product with a spoon and graphics almonds, ragi and banana. It also has a graphic of a parrot which is accompanied by a tag line “made by two mothers” that’s give the humanising affect. This violates the section 6 (2) (b) (c) of the IMS Act.


This YouTube blogger is a celebrity mother and is promoting this product through her channel by showing how to prepare it and providing a discount code. This is a violation of section 3 (a)(c) of the IMS Act.



# Advocacy with the Government

BPNI has been reporting on a regular basis and shares some letters written and few responses that Ministry of Health and Family Welfare (MOHFW) referred them to Ministry of Women and Child Development (MWCD) with a pretext that it is their business. However, action remains to be taken.

Noting this, and the fact that most of the violations occur in health sector, and the IMS Act is about protecting the health of babies, BPNI wrote a letter to the Prime Minister's office in January 2019 to change the rules of business from MWCD to MOHFW. The Statement of Objects and Reasons of the Act also notes that provisions regarding labelling and quality control will be implemented under the overall control of the Ministry of Health and Family Welfare. BPNI also wrote to the Cabinet Secretary of Government of India in December 2021 with a similar request to change the rules of business to effectively implement the law in question.



**bpni**  
putting child nutrition  
at the forefront  
of social change

**Breastfeeding  
Promotion Network of India**  
(Registered Under Societies Registration Act  
XXI of 1860, Delhi R-No S-23144)  
BP-33, Pitampura, Delhi-110034  
Tel: +91-11-42683059  
Email: [bpni@bpni.org](mailto:bpni@bpni.org)  
Website: [www.bpni.org](http://www.bpni.org)

**BPNI/IMS Act/2021/024** **October 18, 2021**

**Shri. Rajesh Bhushan**  
Secretary  
Ministry of Health and Family Welfare, GOI

**Sub: Request to launch a criminal investigation by MOHFW on reports of Danone violations of the IMS Act.**

Respected Sir,

India enacted the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act) which came into force on August 1993. An offence committed under the law is cognizable.

The Government of India notified "Breastfeeding Promotion Network of India (BPNI)"wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the above Act.

You had written letters to implement it effectively (Letter No. 2-28020/47 /2017 -CH Part (6) dated 18<sup>th</sup> August 2020) in the past.

BPNI has received the attached complaint from a reported employee of Danone exposing blatant violations of the IMS Act including cash payments, sponsoring and offering dinners and alcohol at meetings, sponsored foreign travel, gifts, local travel assistance etc.

All these reported activities are prohibited under section 3 (c), 4 (c) and 9(2) of the IMS Act

As per the Section 3 (c) of the IMS Act prohibits any promotion - "No person shall- "take part in the promotion of infant milk substitutes, feeding bottles or infant foods".

As per the Section 4 (c) of the IMS Act, "No person shall- "Offer inducement of any other kind, for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles of infant foods".

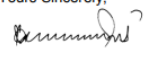
As per the section 9(2) of the IMS Act, "No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conference, educational course, contest, fellowship, research work or sponsorship".

Since the reports make serious allegations, on the formula manufacture Nutricia International PVT. LTD. (Danone) The Government of India must launch a criminal investigation in this matter.

BPNI hopes that Government of India takes up this matter seriously to save the lives of young infants.

With regards,

Yours Sincerely,



**Dr. Arun Gupta**  
Central Coordinator, BPNI

**Cc: - Shri Indevar Pandey, Secretary, MOWCD, GOI**

**Encl: a/a.**

**As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and from organization/industry having conflict of interest.**





**Breastfeeding  
Promotion Network of India**  
(Registered Under Societies Registration Act  
XXI of 1860, Delhi R-No S-23144)  
BP-33, Pitampura, Delhi-110034  
Tel: +91-11-42683059  
Email: [bpni@bpni.org](mailto:bpni@bpni.org)  
Website: [www.bpni.org](http://www.bpni.org)

**BPNI/IMS Act/2021/025**

**October 28, 2021**

**Shri. Rajesh Bhushan  
Secretary  
Ministry of Health and Family Welfare,  
Government of India**

**Subject:** PharmEasy is promoting the sale of infant milk substitute by giving discount

Respected Sir,

India enacted the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act), which came into force on August 1993. An offence committed under the law is cognizable.

The Government of India notified "Breastfeeding Promotion Network of India (BPNI)"wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the above Act.

One of the concerned BPNI members from Maharashtra has shared this information with us that an online website called "PharmEasy" is promoting the sale of infant milk substitute by giving discount (on products from the mentioned companies 'Nan Pro-Nestle, Enfamil-Mead Johnson, Dexolac- Danone Nutricia, and Similac- Abbott.)

The Facebook page was accessed on Monday 18<sup>th</sup> October 2021, Time 17:36 through this link PharmEasy (Web URL: <https://www.facebook.com/pharmeasy>), Address provided on the website: 3WH5+ J62, Ghatkopar, Sindhu Wadi, Bhatkopar East, Mumbai, Maharashtra-400077 (evidence attached screen shot).

This is a clear violation of the Section 3 (c) and 4 (c) IMS Act:

As per the Section 3 (c) of the IMS Act prohibits any promotion - "No person shall- "take part in the promotion of infant milk substitutes, feeding bottles or infant foods".

As per the Section 4 (c) of the IMS Act, "No person shall- "Offer inducement of any other kind, for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles of infant foods".

We request your office to kindly launch an investigation in this matter of violation of the IMS Act.

With regards,

Yours Sincerely,

**Dr. Arun Gupta  
Central Coordinator, BPNI**

Encl: a/a.

**As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and from organization/industry having conflict of interest.**



**Breastfeeding  
Promotion Network of India**  
(Registered Under Societies Registration Act  
XXI of 1860, Delhi R-No S-23144)  
BP-33, Pitampura, Delhi-110034  
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Website: [www.bpni.org](http://www.bpni.org)

**BPNI/IMS Act/2021/026**

**October 28, 2021**

**Shri. Rajesh Bhushan  
Secretary  
Ministry of Health and Family Welfare,  
Government of India**

Respected Sir,

India enacted the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act), which came into force on August 1993. An offence committed under the law is cognizable.

The Government of India notified "Breastfeeding Promotion Network of India (BPNI)"wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the above Act.

Please find attached an anonymous letter, BPNI has received, which points to violation of the IMS Act and names certain doctors involved in this.

The letter is copied to the presidents of Indian Academy of Paediatrics (IAP) and National Neonatology Forum (NNF), as well as Karnataka Medical Council.

Since the actions reported in it appear to be in violation of the IMS Act, this matter calls for investigation.

We request your office to kindly launch an investigation in this matter of violation of the IMS Act.

With regards,

Yours Sincerely,

**Dr. Arun Gupta  
Central Coordinator, BPNI**

**Cc: President, Indian Academy of Paediatrics (IAP)  
President, National Neonatology Forum (NNF)  
President, Karnataka Medical Council**

Encl: a/a.

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File No.Z-28020/47/2017-CHPart(6)

By Speed Post

No.Z-28020/47/2017-CH(Pt.6)  
Government of India  
Ministry of Health and Family Welfare  
(Child Health Division)

\*\*\*

Nirman Bhawan, New Delhi  
Dated the 8th November, 2021.

Office Memorandum

Subject: Violation of IMS Act, 2003 by online website "Pharm Easy" – reg.

\*\*\*\*\*

The undersigned is directed to enclose a copy of the email received from Dr. Arun Gupta, Central Coordinator, Breastfeeding Promotion Network of India (BPNI) on the above subject for examination and necessary action at your end, as the implementation of IMS Act come under the domain of MWCD.

2. This issues with the approval of competent authority

Digitally Signed by Amit  
Sahai  
Date: 08-11-2021 18:12:14  
Reason: Approved  
(Amit Sahai)

Under Secretary to Govt. of India  
Tele. No. 23062550

The Secretary,  
Ministry of Women & Child Development,  
Shastri Bhawan,  
New Delhi.

Copy to:- Dr. Arun Gupta, Central Coordinator, Breastfeeding Promotion  
Network of India, BP-33, Pitam Pura, Delhi-110034.

File No.Z-28020/47/2017-CHPart(6)

No. Z-28020/47/2017-CH (Pt.6)  
Government of India  
Ministry of Health & Family Welfare  
(Child Health Division)  
\*\*\*\*\*

Nirman Bhawan, New Delhi,  
Dated the 29<sup>th</sup> October, 2021.

**OFFICE MEMORANDUM**

Subject: - Violation of IMS Act-2003 by NUTRICIA INTERNATIONAL PVT LTD  
(DANONE)

The undersigned is directed to enclose a copy of letter received from Dr. Arun Gupta, Central Coordinator, Breastfeeding Promotion Network of India (BPNI) on the above subject for examination and necessary action at your end, as implementation of IMS Act comes under the domain of MWCD.

2. This issues with the approval of competent authority.

**Encl: As above**

Digitally Signed by Amit  
Sahai  
Date: 29-10-2021 11:47:41  
Reason: Approved  
(Amit Sahai)

Under Secretary to the Government of India.  
Tele.No. 23062550.

The Secretary,  
Ministry of Women and Child Development,  
Shastri Bhawan, New Delhi-110001.

Copy for information to: Dr. Arun Gupta MD FIAP, Central Coordinator, BPNI,  
Breastfeeding Promotion Network of India, BP-33, Pitampura, Delhi- 110034.



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**BPNI/IMS Act/2021/029**

**December 20, 2021**

**Shri Rajiv Gauba,  
Cabinet Secretary of India,  
Cabinet Secretariat,  
Rashtrapati Bhawan,  
New Delhi - 110 004.**

**Email- [cabinetsy@nic.in](mailto:cabinetsy@nic.in)**

**Sub: Request to change the Rules of Business** to effectively implement Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003(IMS Act)

Hon'ble Cabinet Secretary Shri Gauba Ji.

Greetings from Breastfeeding Promotion Network of India (BPNI)!

Breastfeeding Promotion Network of India (BPNI) is a 30 years old independent, nonprofit, national organization; working towards protecting, promoting and supporting breastfeeding and appropriate complementary feeding of infants & young children. In 1995, GOI notified BPNI in the Gazette of India to monitor the compliance of *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003* (IMS Act) in the country to monitor the compliance with the IMS Act. BPNI keeps a check on the baby food industry's manipulative promotional tactics to undermine breastfeeding in the hospitals in particular through sponsorships etc. BPNI reports to MOHFW and MOWCD on a regular basis.

According to the Rules of Business, the responsibility to implement the IMS Act, is assigned to MOWCD as per the letter from the Ministry of Health and Family Welfare to the Ministry of Women and Child Development ([No-Z.28020/87/2013-CH dated 15<sup>th</sup> January 2019](#)).

The IMS Act is a central Parliamentary Act '41 of 1992' and '38 of 2003' and was enacted as a follow up to the 'International Code of Marketing for Breastmilk Substitutes' adopted by the World Health Assembly in 1981. The IMS Act was enacted to control marketing of baby foods. According to the Statement of the Objectives and Reasons of the IMS Act.. "*Promotion of infant milk substitutes and related products like feeding bottles and teats do constitute health hazard deaths*".

BPNI notes with grave concern, the blatant violations by the baby food companies due to lack of effective implementation, mostly in the health sector. BPNI likes to draw your attention to the recent report "Under Attack" <https://www.bpni.org/wp-content/uploads/2021/05/Under-Attack-Report-May-2021.pdf> that provides such evidence.

MOHFW has recently written to MOWCD to initiate action but nothing has been done so far as per our understanding.(Letter No-28020/47/2017-CH(Pt.6) Letter issued from MOHFW (Child Health Division) to, Secretary Women and Child Development dated 29<sup>th</sup> October 2021-Sub:-Violation of IMS Act-2003 by Nutricia International Pvt Ltd (DANONE)

**As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and from organization/industry having conflict of interest.**



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BPNI request you to take an appropriate action to change the rules of business so that MOHFW could deal with the IMS Act and create a section with legal staff and mechanisms in the ministry and appoint authorised officers in the States of India as decided in the meeting of the National Steering Committee on Infant and Young Child Feeding of 2015 and reinforced in 2017. (Attached minutes)

In this regard, BPNI submits as under why this change is justified:

1. Most of the provisions of the IMS Act pertain to the health care system. The SOR of the Act also makes clear reference that majorly it is the responsibility of the MOHFW. "The provisions relating to labelling and quality control of infant milk substitute, feeding bottles and infant foods are proposed to be implemented through the concerned Department in the State Government and Union territory administration under the overall control of the Ministry of Health and Family Welfare" (Annexure attached ;Bare Act-2016,Page No-2)
2. Operative Section 3 of the IMS Act is about prohibiting promotion and advertisements of baby foods for children under 2 years of age and feeding bottles; Section 4 is about incentives; Section 5 is about donations (linked to health sector). Section 6 is about labeling on baby foods (linked to health sector); Section 7 is about information to pregnant and lactating women ( linked to health sector); Section 8-9 are specific about use of health care systems ( linked to health sector); Section 10 is about commissions; Section 11 is about Food Standards ( linked to health sector).
3. As per BPNI's experience of more than 30 years, the scope of comprehensive implementation and enforcement of IMS Act is limited within MoWCD.

Therefore, we request you to change the Rules of Business to direct MOHFW to effectively implement this law.

We would be happy to present our arguments in person in case you so desire.

We hope to hear a positive response from you, as this is in the interest of the health and well being of India's women, infants and young children.

With our kindest regards,

Yours sincerely,

**Dr. Arun Gupta**  
Central Coordinator, BPNI

**Cc: - Shri Amitabh Kant, CEO, NITI Aayog**  
**Dr. Rajiv Kumar, Vice Chairman, NITI Aayog**  
**Shri Rajesh Bhushan, Secretary, MOHFW, GOI**  
**Shri Indevan Pandey, Secretary, MOWCD, GOI**

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**BPNI/2022/030**

**January 24, 2022**

**Shri. Rajesh Bhushan  
Secretary  
Ministry of Health and Family Welfare  
Government of India**

**Sub: Continued Violation of the IMS Act**

Respected Sir,

India enacted the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003" (IMS Act) which came into force in August 1993. An offence committed under the law is cognizable.

The Government of India notified "Breastfeeding Promotion Network of India (BPNI)"wide No G.S.R. 540 (E), dated the 27<sup>th</sup> June 1994, to monitor the compliance with the above Act.

As per the section 9(2) of the IMS Act, "No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conference, educational course, contest, fellowship, research work or sponsorship".

May I bring into your notice a blatant attempt to violate the IMS Act. A Webinar is being organized by **Delhi Gynaecologist Forum (DGF) and sponsored by Neolacta Lifesciences Pvt Ltd** on 25. 01.2022 at 3.00 PM to 4.00 PM, The topic is "Optimal Human Milk-Based Newborn Care & Management \* New Movement in Indian ". Dr. Vikram Reddy and Dr. Pratima Mital are the speakers on this programme. (Programme Attached)

BPNI has received this information through its Stanpan Suraksha App.

We request you to initiate immediate action against the offending company and put a stop to this Webinar and future similar work.

We would appreciate a line of response

With regards,

Yours Sincerely,

**Dr. Arun Gupta  
Central Coordinator, BPNI**

**As a policy, BPNI does not accept funds of any kind from the companies manufacturing baby foods, feeding bottles etc. and from organization/industry having conflict of interest.**

## Conclusion & Recommendations

Despite 30 years of the IMS Act in existence and efforts of multiple individuals and organisations, baby food and feeding bottle companies are still promoting their products aggressively in India. BPNI has been monitoring the IMS Act ever since its inception and has not seen much improvement in its implementation status. Companies like Amazon, PharmEasy, Abbott, Nutricia, Nestle, Mead Johnson, Philips –Avent, LuvLap, Happa Foods are found to be blatantly violating the IMS Act. The budding celebrities, doctors and mommy bloggers on YouTube are knowingly or unknowingly also infringing the law.

Hospitals are the crucial facilities where the baby food industry attacks the new-borns, their families and health professionals. If formula promotion and sponsorships stops in hospitals it will be a big public health gain for India. Unfortunately, the Ministry of Health and Family Welfare keep passing their responsibility to the Ministry of Women Child Development for the enforcement of the IMS Act. No concrete measures are put in place for monitoring and no investigation has been launched on to reported violations. Some recently emerging local brands in the Indian market are also cleverly trying to manipulate the labelling rules of the IMS Act and need to be monitored and educated so that mothers and babies do not fall prey to their misinformation and profit driven tactics.

Social Media is the new generation promotion playground of the baby food, bottle and equipment industry therefore it needs to be monitored and notified diligently. Digital technologies used for marketing breastmilk substitutes are proven to be contributing to increasing sales and consumption of baby formula across the world. Our findings confirm WHO's observations in their reports.

These companies keep violating blatantly because of inaction by the government or lack of accountability of the various departments. BPNI decided to write to the Cabinet Secretary to draw his attention to the current status of IMS Act implementation in the country; and his response is still awaited.

Violations recorded in this report are just tip of the iceberg and therefore India requires diving deep down in the sea of unprecedented promotions by these companies to bust and stop their marketing campaigns. The IMS Act is a legal tool that protects women and children from aggressive promotion of baby food companies. Consumption of commercial baby food products has been shown to be harmful to babies' health and well being. Therefore, it becomes imperative to enforce the IMS Act in the public health interest of the mothers and babies.

BPNI urges that effective enforcement and action be initiated by the Government to prevent such violations in future, and recommends the following as a beginning.

- Launch a criminal investigation into alleged violations through appropriate mechanisms and prosecution if required.
- MoHFW must be given the responsibility for implementation of the IMS Act under government business Rules.
- Launch an education and awareness campaign for the community on provisions of IMS Act and encourage citizen reporting of violations to BPNI/Civil Surgeon/MoHFW through BPNI's "Stanpan Surakhsha" mobile app.
- Organise IMS Act workshops for health professionals and make it mandatory for them to report violations occurring in the health facilities to BPNI/Civil Surgeon/MoHFW.
- Professional health organisations and associations must stop taking any kind of sponsorship or any other benefits from the baby food, bottles and equipment companies.



**Breastfeeding Promotion Network of India (BPNI)**

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