

# INDIAN BABY FOOD LAW OFFENDERS

*A Report of the monitoring the company compliance with  
The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of  
Production, Supply and Distribution) Act, 1992 and the Amendment Act 2003.*

**2022-23**



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**2022-23**

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**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.

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# Introduction

Breastfeeding offers a multitude of benefits for both infants and mothers. It supports the infant's immune system, as breast milk is rich in antibodies, enzymes, and white blood cells that help protect against infections and illnesses. Breastfeeding promotes the healthy development of the baby's digestive system, reducing the risk of gastrointestinal issues and constipation. It's also reduces the risk of diarrhea and pneumonia in infants significantly. Moreover, studies have shown that breastfeeding is associated with improved cognitive development in infants. Breastfeeding has long-term benefits, reducing the risk of chronic diseases like obesity, diabetes, and certain cancers for both the baby and the mother. It is convenient, cost effective and environment friendly. Despite having the health, cognitive, economical and environmental benefits the current rates of initiation of breastfeeding is 41.8%, exclusive breastfeeding for 6 months is 63.7% and complementary feeding is 45.9% (NFHS 5: 2019-21).

Global concerns for baby and child health now exist due to the growing body of research indicating the harmful long-term health impacts of intake of ultra-processed foods and added sugars. Infant Milk Substitutes/ formulas themselves are ultra-processed food by definition, often including vegetable oils, lactose and other added sugars, minerals, and additives as well as powdered milk proteins. The top five formula manufacturers now are Nestlé, Danone, Abbott, RFC, and RBMJ, with four of these five firms operating in more than 100 nations. There is evidence by WHO that clearly demonstrate that these businesses are concentrating on expansion in low- and middle-income nations, particularly through the growing-up formula.

The world's largest manufacturer of infant formula, Nestlé, was subjected to extensive legal proceedings in Switzerland decades ago. The WHO International Code of Marketing of Breast-Milk Substitutes was created as a result of these trials. WHO has now come up evidence that establishes that the infant and toddler food industry has managed to sustain and even increase sales both globally and in low- and middle-income countries, despite this code and the explicit scientific evidence demonstrating the negative effects of increased consumption of ultra-processed foods. Therefore unprecedented growing consumption of infant milk substitutes and infant food is also a matter of concern in current times. <sup>1</sup>

As defending measure to protect mothers and babies from the commercial influence of baby food, feeding bottles and equipment industry 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 targeting mothers and

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<sup>1</sup>Dunford, Elizabeth K & Popkin, Barry M. (2023). Ultra-processed food for infants and toddlers; dynamics of supply and demand. *Bulletin of the World Health Organization*, 101 (5), 358 - 360. World Health Organization. <http://dx.doi.org/10.2471/BLT.22.289448>

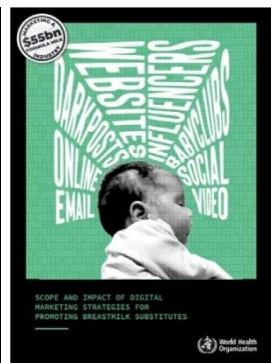
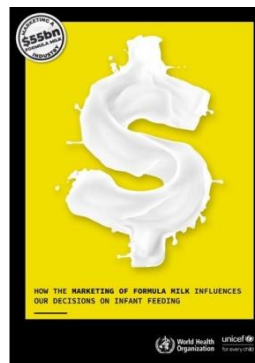
babies that fails breastfeeding and complementary feeding to make profits on the harmful products. Undermining breastfeeding and complementary feeding through commercial influence also violates child's right to life and health and mother's right to breastfeed.

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 here. The Act also prescribes labeling 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.

Concerned over the uninterrupted marketing of such products, the WHO launched 3 global 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.

BPNI has been monitoring and reporting ever since its inception. This report is just a tip of the iceberg. BPNI reports 15 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 mothers and babies, for whom the Parliament of India enacted the IMS Act. Despite having a wonderful law in the country, its violations continue non-stop. This is the result of reporting by few concerned citizens and BPNI members during June 2022 to May 2023 documenting violations of the IMS Act.

BPNI proudly launches this report on 21 May 2023, the World Breastfeeding Protection Day.





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

## Key Definitions

**“Advertisement”** includes any notice, circular, label, wrapper or any other document or visible representation or announcement made by means of any light, sound, smoke or gas or by means of electronic transmission or by audio or visual transmission.

**“Infant milk substitute”** means any food being marketed or otherwise represented as a partial or total replacement for mother’s milk (for infant upto the age of two years)

**“Infant Food”** means any food (by whatever name it is called) being marketed or otherwise represented as a complement to mothers milk to meet the growing nutritional needs of the infant (after the age of six months and upto two years of age)

**“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.)

**“Label”** means a display of written, marked, stamped, printed or matter affixed to, or appearing upon, any container.

## Key Provisions

**Section 3 (a)** No person shall-advertise, 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

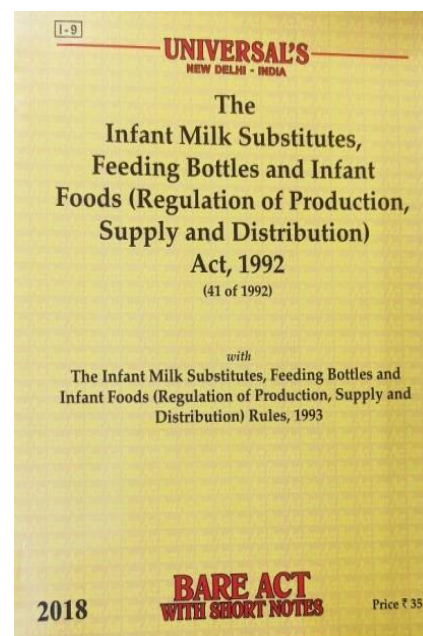
**Section 4 (b)** No person shall- contact any pregnant woman or the mother of an infant; or

**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 sale ability 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 8(3)**No person other than a health worker , shall demonstrate feeding with infant milk substitute or infant foods to the mother of an infant or to any member of her family and such health workers shall also clearly explain to such mother or such other member the hazards of improper use of infant milk substitute or feeding bottles of 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.

**Section 20 Penalty (1)**Any person who contravenes the provisions of section 3, 4, 5, 7, 8, 9, 10 or sub-section (2) of section 11 and the rules made under section 26 of the Act shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

**Section 20 (2)**Any person who contravenes the provisions of section 6 or sub-section (1) of section 11 and the rules made under section 26 of the Act shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than two thousand rupees:

**Section 23**Offences to be cognizable and bailable-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be.-

- (a) bailable
- (b) cognizable.

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





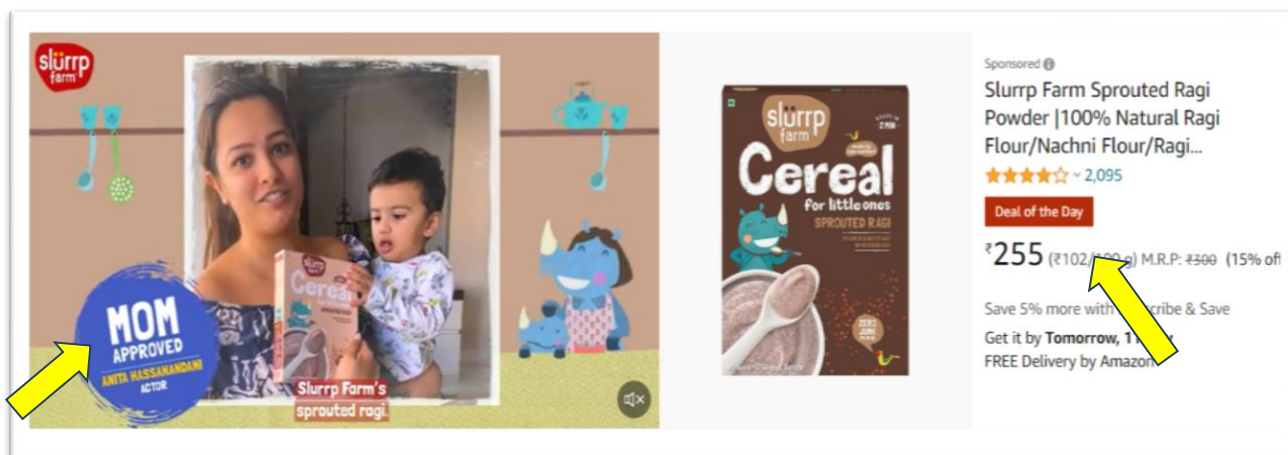
# **VIOLATIONS OF IMS ACT**

(1)

**Brand Name:** Slurrp Farm's Sprouted Ragi Powder infant food

**Platform:** ww.amazon.in

**Violation:** Advertising and offering discount and using "Mom Approved" words violating section 3(a), 4(c) and 6(2) (c) and rule 8 of the IMS Act that prohibits advertisement, featuring infant, any kind of inducement to increase the salability of the product and maternalised terms.



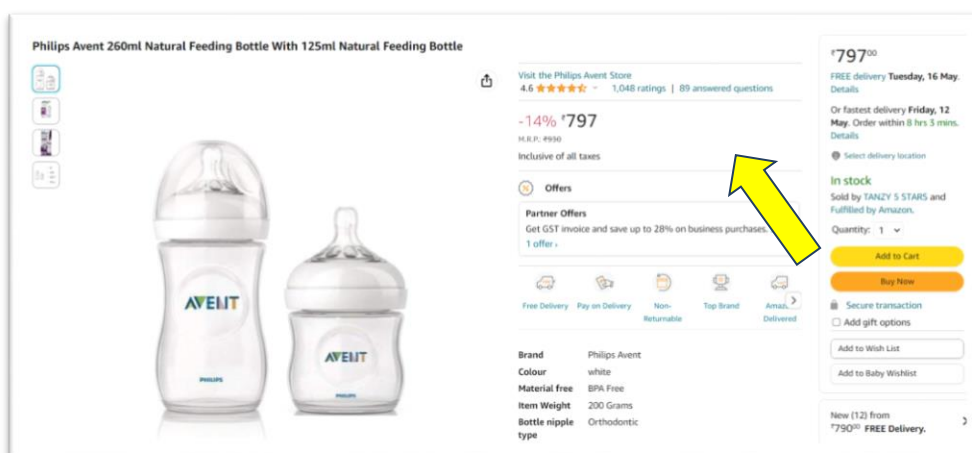
Accessed on 10/05/2023 15.46 pm on www.amazon.in Link: <https://rb.gy/7djd2>

(2)

**Brand Name:** Philips Avent 260ml Natural Feeding Bottle With 125ml Natural Feeding Bottle

**Platform:** www.amazon.in

**Violation:** Offering discount violating section 4(c) of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



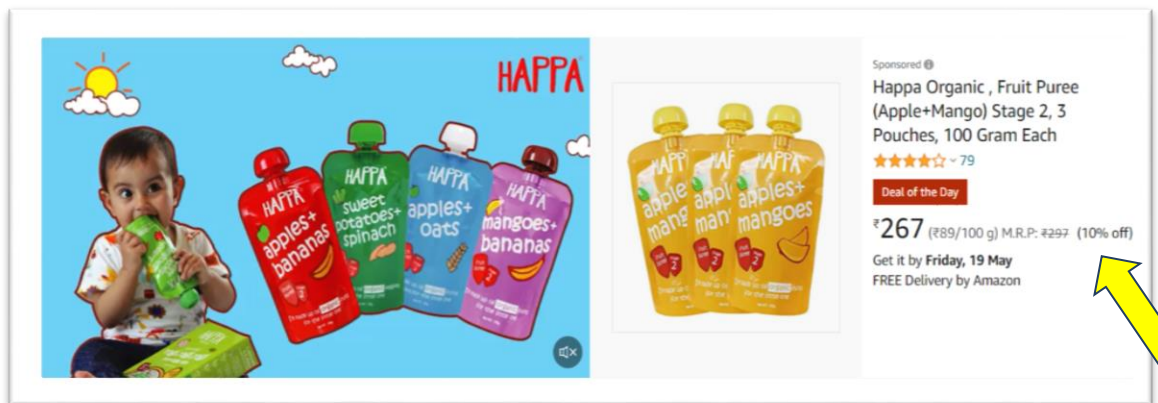
Accessed on 10/05/2023 16.05 pm on www.amazon.in Link: <https://rb.gy/tf64b>

(3)

**Brand Name:** HappaOrganic, Fruit Puree (Apple+Mango) Stage 2, 3 Pouches, 100 Gram Each

**Platform:** [www.amazon.com](http://www.amazon.com)

**Violation:** Advertising an infant food product featuring an infant and offering discount on a combo pack violating section 3(a) and 4 (c) respectively of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



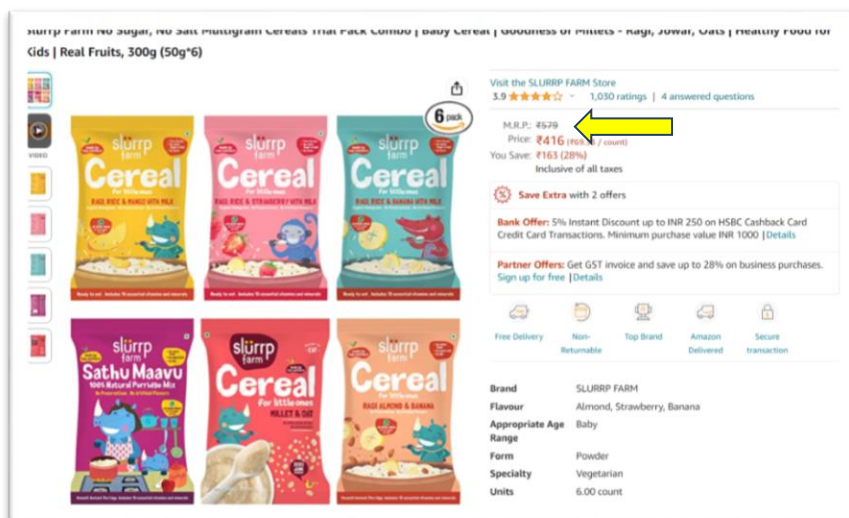
Accessed on 15/05/2023 at 6:40 pm on [www.amazon.in](http://www.amazon.in) Link: <https://rb.gy/dmz06>

(4)

**Brand Name:** Slurpp Farm Multigrain Cereals Trial Pack Combo 300g (50g\*6)

**Platform:** [www.amazon.com](http://www.amazon.com)

**Violation:** Offering discount on combo infant food violating section 4 (c) of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



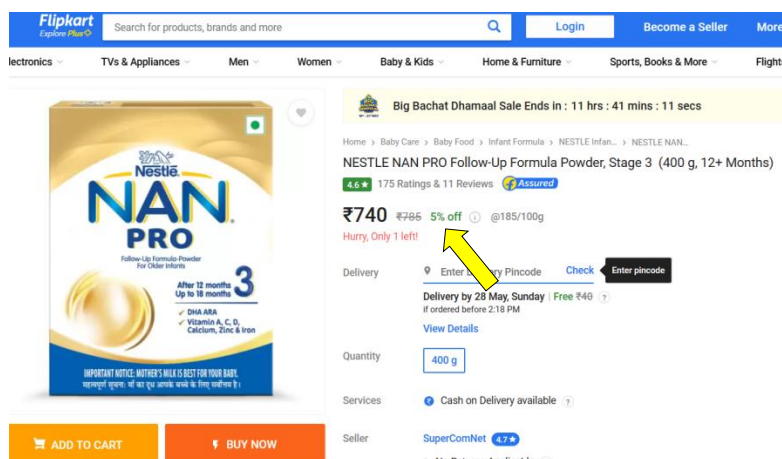
Accessed on 15/05/2023 at 6:53 pm on [www.amazon.in](http://www.amazon.in) Link: <https://rb.gy/8kcqg>

(5)

**Brand Name:** NAN PRO (Stage 3) Infant Milk Substitute by Nestle

**Platform:** [www.flipkart.com](http://www.flipkart.com)

**Violation:** Offering discount on infant milk substitute violating section 4 (c) of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



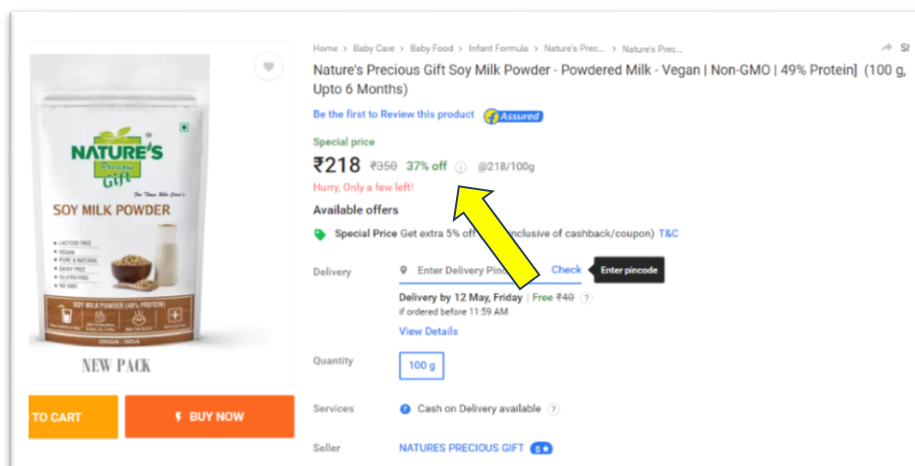
Accessed on 15/05/2023 on [www.flipkart.com](http://www.flipkart.com) Link: <https://www.flipkart.com/nestle-nan-pro-follow-up-formula-powder-stage-3/p/itm64367a930ea92>

(6)

**Brand Name:** Nature's Precious Gift Soy Milk Powder (100 g, Upto 6 Months)

**Platform:** [www.flipkart.com](http://www.flipkart.com)

**Violation:** Offering discount on infant milk substitute violating section 4 (c) of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



Accessed on 5/05/2023 at 11:51 pm on [www.flipkart.com](http://www.flipkart.com) Link: <https://rb.gy/wf5gqg>

(7)

**Brand Name:** Nestle Lactogen 2

**Platform:** www.flipkart.com

**Violation:** Offering discount on infant milk substitute violating section 4 (c) of the IMS Act that prohibits any kind of inducement to increase the salability of the product.



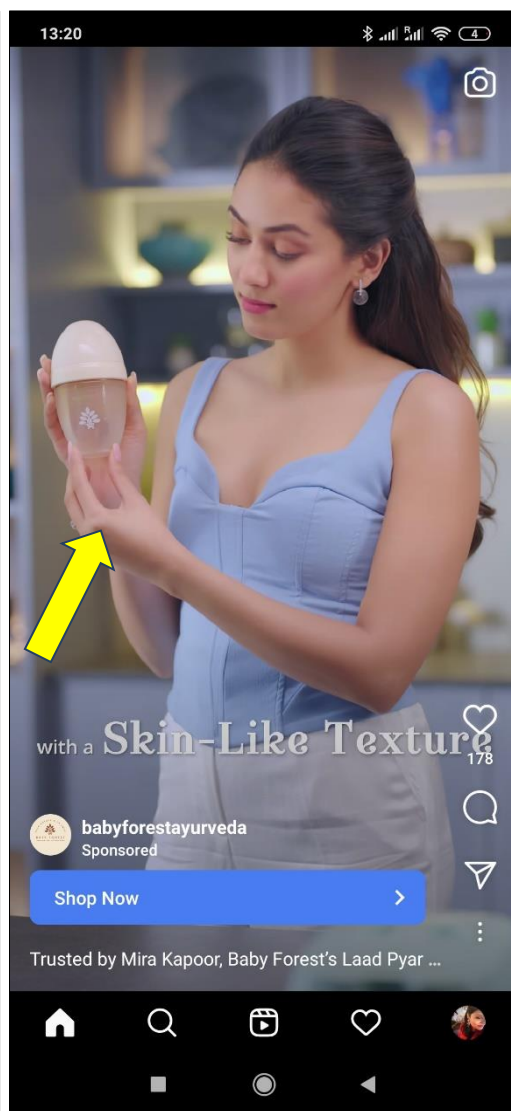
Accesses on 20 May 2023 <https://bit.ly/3q0J2XQ>

(8)

**Brand Name:** Baby Forest Ayurveda

**Platform:** Instagram

**Violation:** Advertisement featuring celebrity Meera Kapoor violating section 3 (a),( c) of the IMS Act that prohibits advertisement of infant feeding bottle and taking part in its promotion respectively.



Accessed on (R) 10/02/2023 at 5:46 pm and (L) 26/01/2023 at 1:20 pm

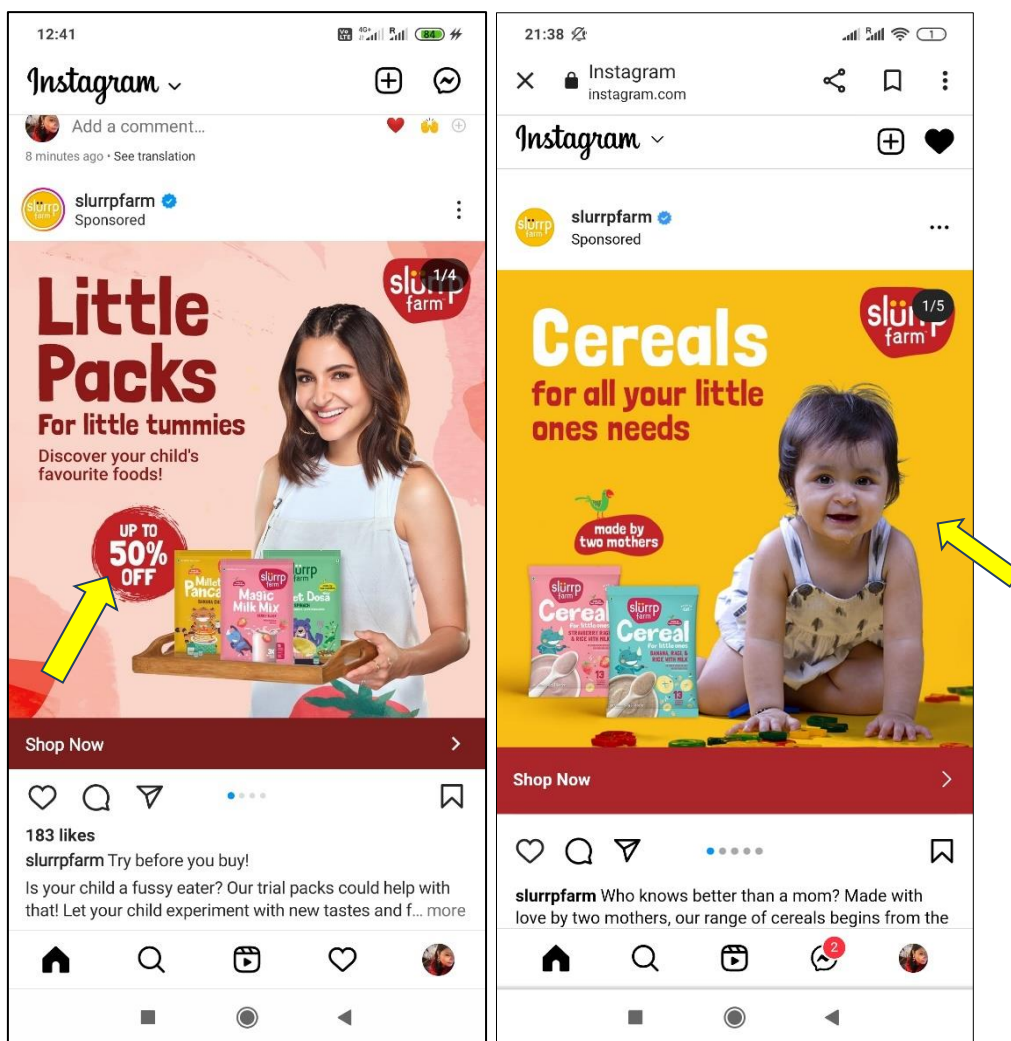


(9)

**Brand Name:** Slurpfarm

**Platform:** Instagram

**Violation:** Advertising and offering discount on various infant food products for little ones featuring celebrity Anushka Sharma and an infant violating section 3 (a),( c) and 4(c) of the IMS Act that prohibits advertisement of infant foods, taking part in its promotion, featuring an infant and any kind of inducement to increase the salability of the product.



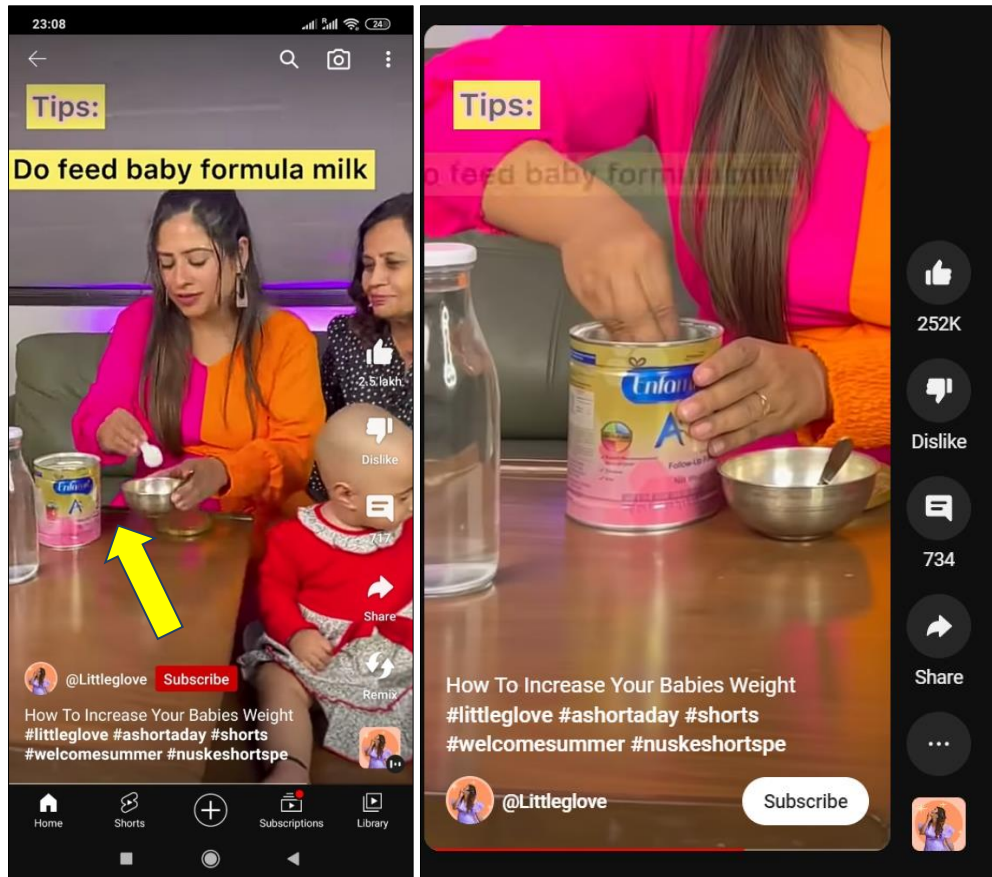
Accessed on (R) 10/02/2023 at 12:41 pm and (L) 16/05/2023 at 21:38 pm

(10)

**Brand Name:** Enfamil A for 8+ months

**Platform:** YouTube channel @Littleglove

**Violation:** A You Tube mother Influencer promoting infant milk substitute on her channel with 11.2 Million followers violating section 3(c) and 8(3) that prohibits taking part in infant milk substitute promotion and demonstrating feeding of infant milk promotion other than a health worker.



Accessed on 10/04/2023 at 8:43 am and 18/05/2023 at 3:12 pm

Link: <https://www.youtube.com/shorts/TnMfJSZrxdM> and

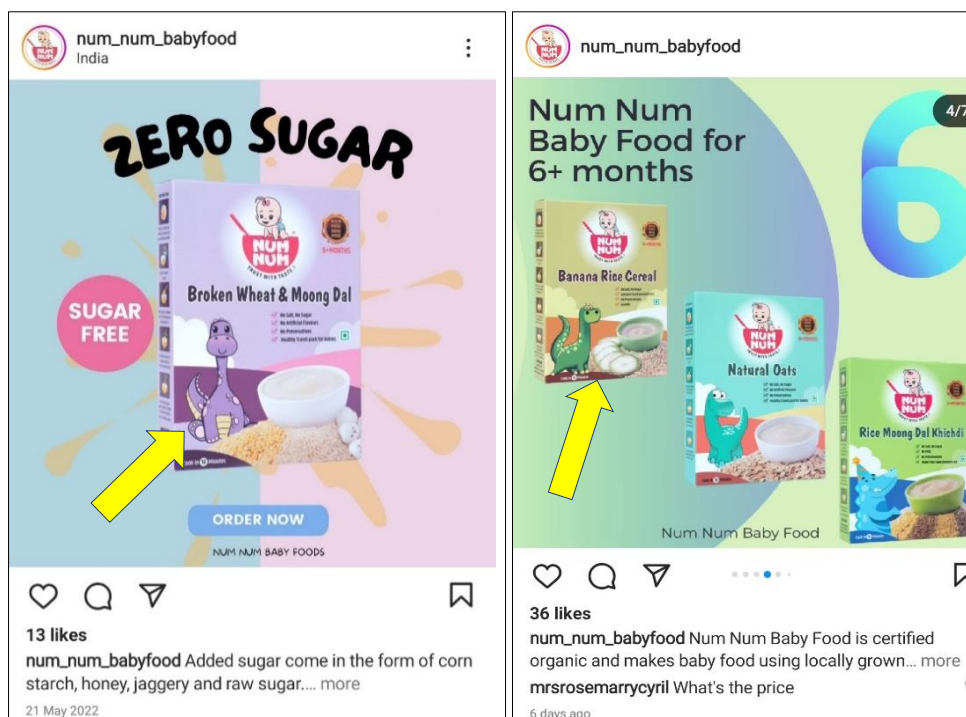
<https://www.youtube.com/@Littleglove>

(11)

**Brand Name:** Num NumBaby Foods

**Platform:** Instagram

**Violation:** The product features a baby dinosaur and alligator cartoon violating the Section 6 (2) (b) of the labelling provision that prohibits use of pictures or other graphic material or phrases designed to increase the salability of the product.



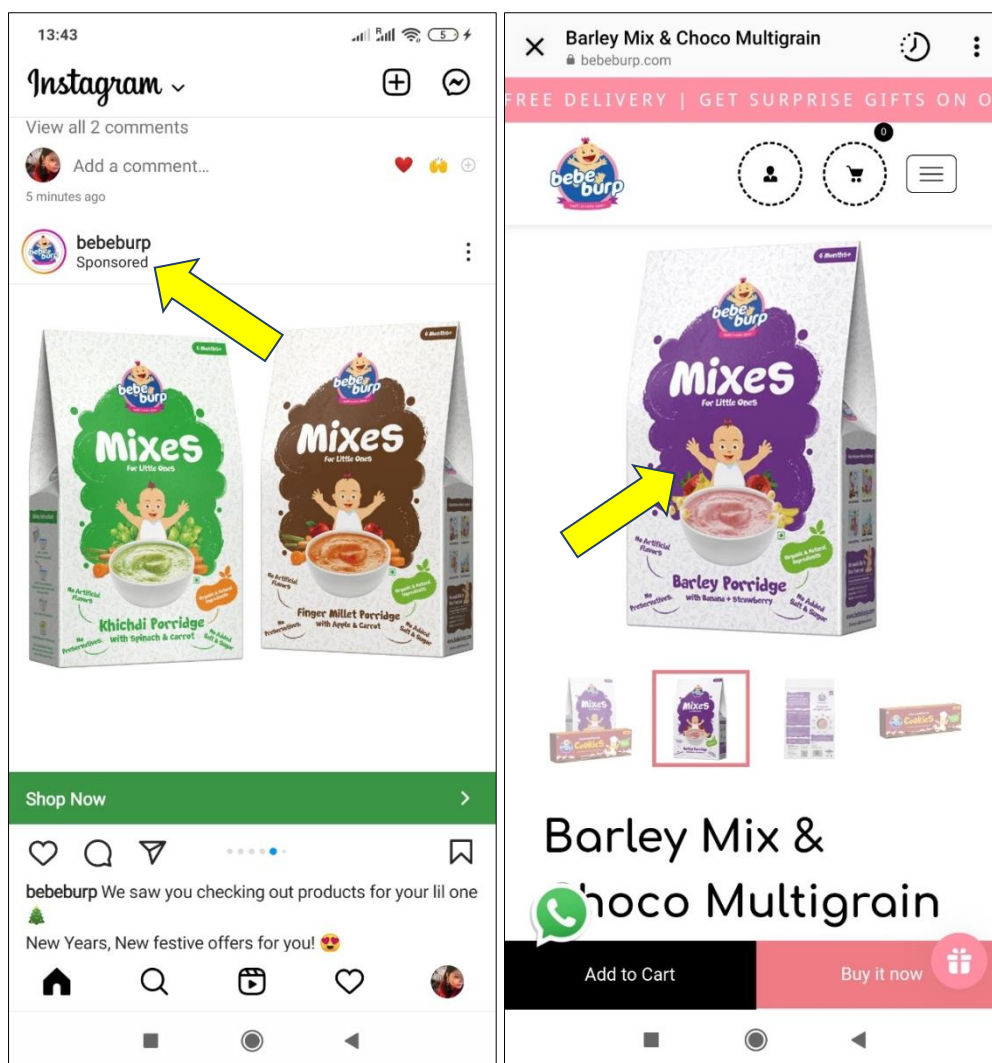
Accessed on (R) 02/02/2023 at 12:55 pm and (L) 02/02/2023 at 16:14 pm

(12)

**Brand Name:** Bebe Burp

**Platform:** Instagram

**Violation:** The infant food Mixes for Little Ones for 6+ months feature an infant on the front of pack of the label violating Section 6 (2) (b) that prohibits having pictures or other graphic material or phrases designed to increase the salability of the product. It also violates section 3(a) that prohibits advertisement of any infant food.



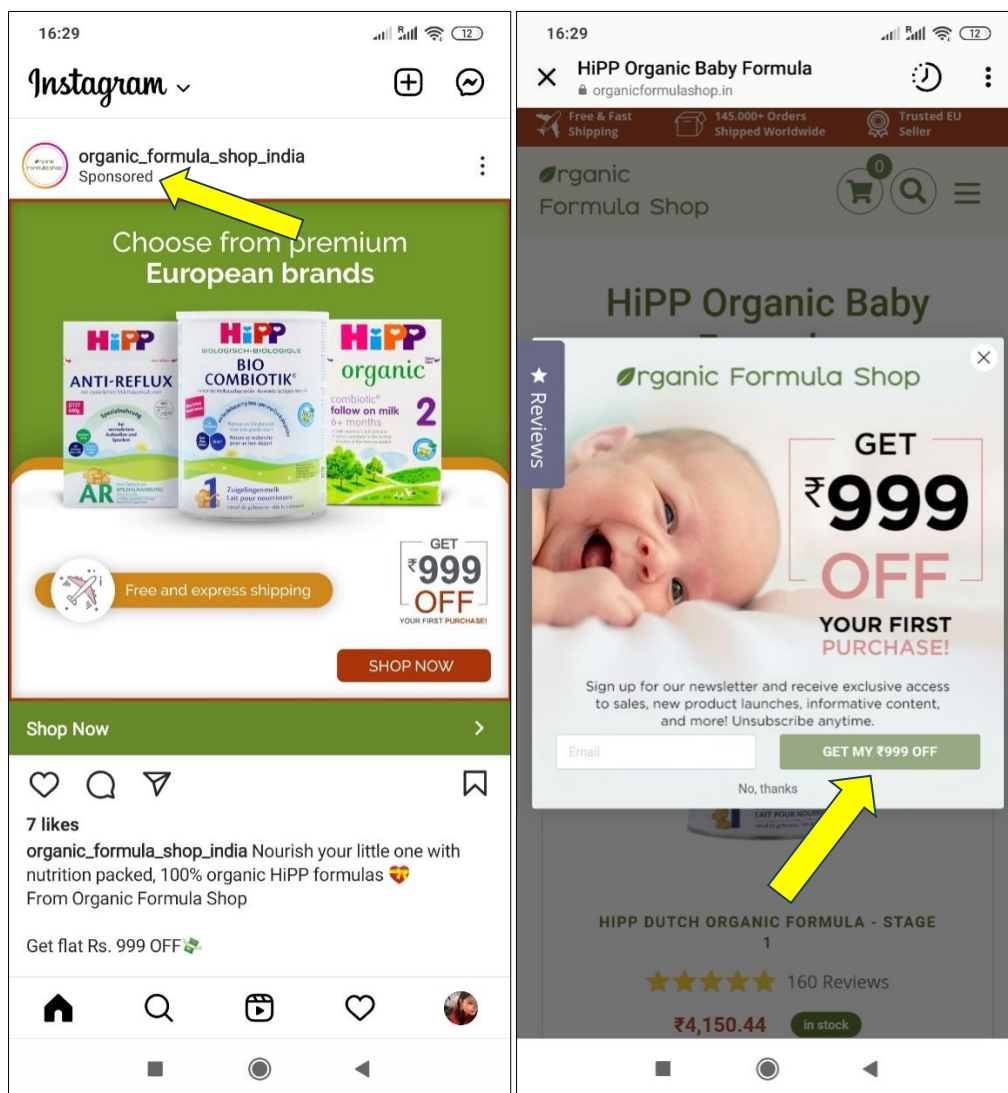
Accessed on (R) 02/02/2023 at 13:42 pm and (L ) 02/02/2023 at 13:43 pm

(13)

**Brand Name:** Organic Formula Shop India 's HiPP infant milk substitute

**Platform:** Instagram

**Violation:** Advertisement and discount offered on the products violating section 3 (a) and 4 (c) of the IMS Act that prohibits advertisement of infant milk substitutes and infant food and any kind of inducement to increase the salability of the product.



Accessed on (R) and (L) 02/02/2023 at 16:29 pm



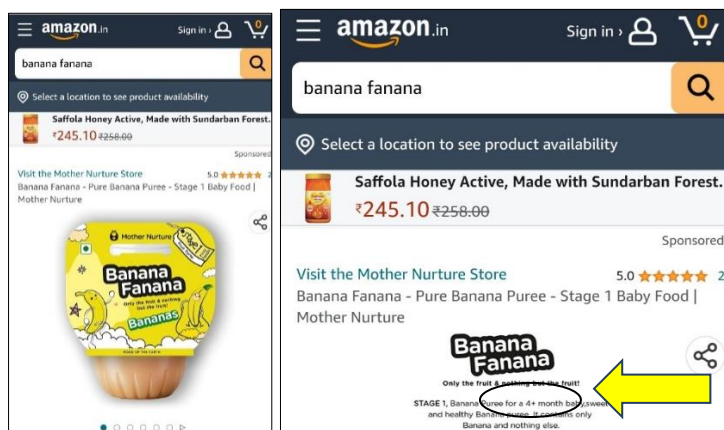
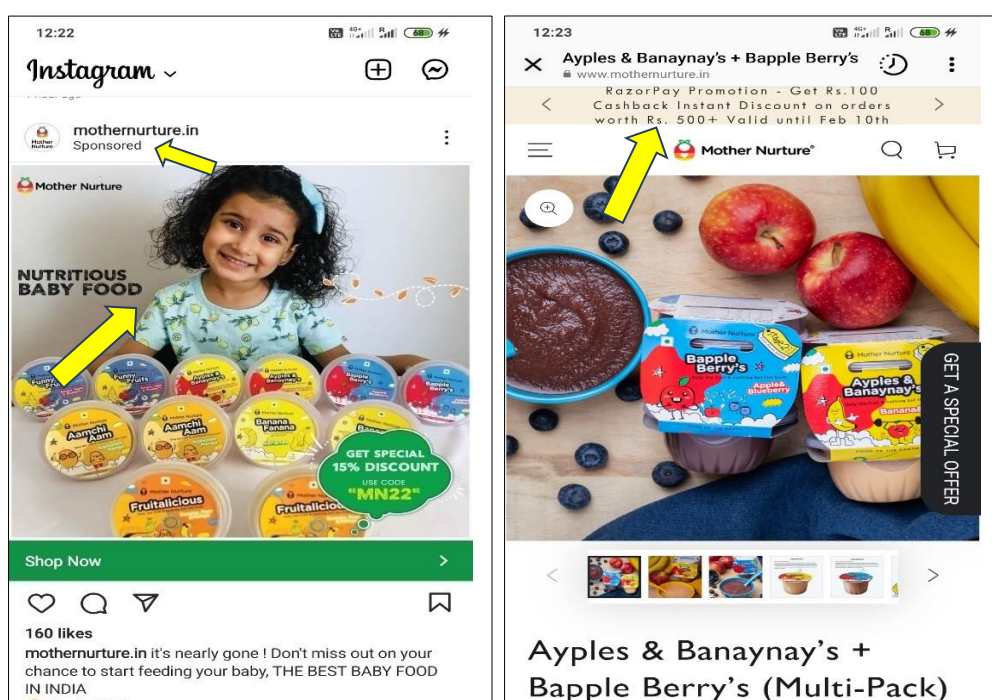
(14)

**Brand Name:** Mother Nurture

**Platform:** Instagram, [www.mothernurture.in](http://www.mothernurture.in) and [www.amazon.in](http://www.amazon.in)

**Violation:** Advertisement featuring a child of the fruit puree infant food products for 4+ and 6 months, offering discount violating section 3 (c) and 4 (c) of the IMS Act that prohibits advertisement of infant food and any kind of inducement to increase the salability of the product.

This product label also undermines the definition of exclusive breastfeeding for 6 months by recommending starting the “Banana Fanana” product at 4+ months.



Accessed on above two images on 10/02/2023 at 12:22-12:23 pm and below two images on 18/05/2023 at 6:40 pm

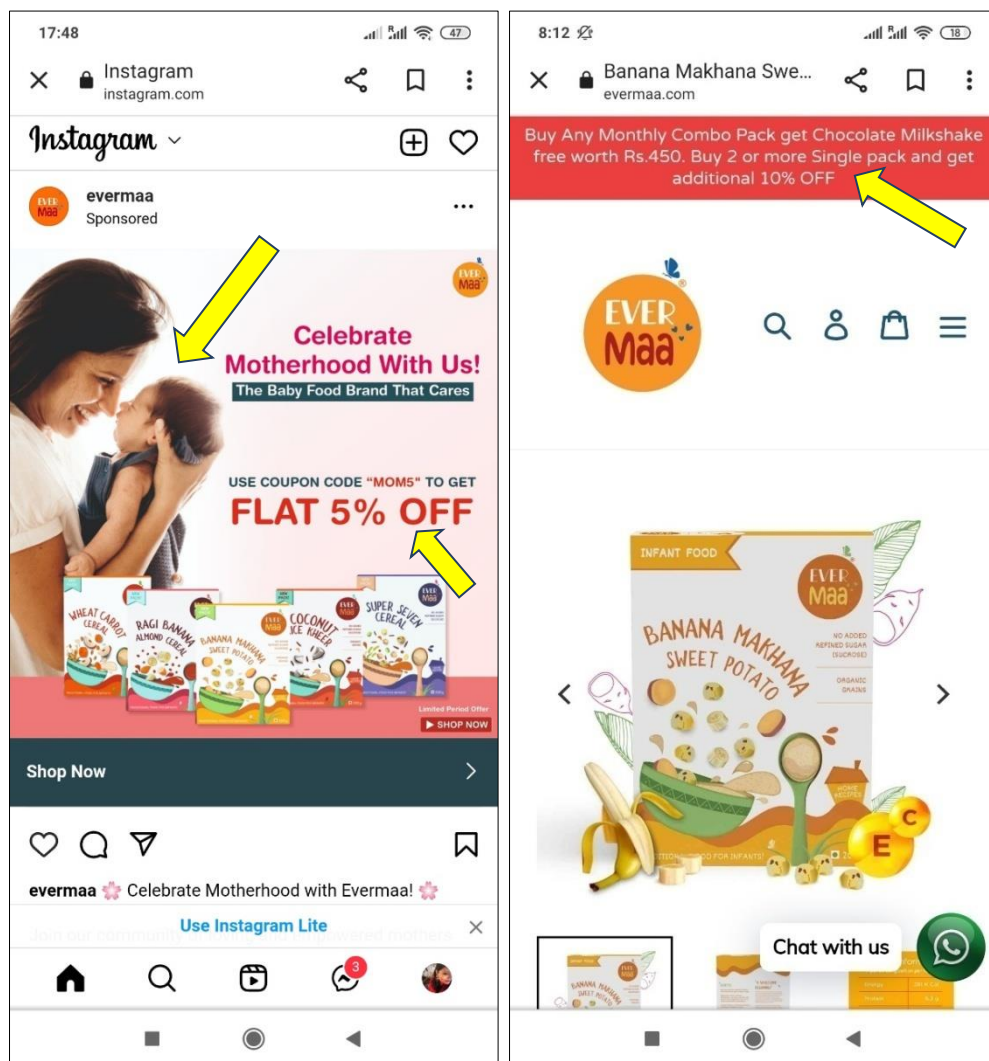


(15)

**Brand Name:** Ever maa

**Platform:** Instagram and [www.evermaa.com](http://www.evermaa.com)

**Violation:** Advertising various infant foods featuring a mother and infant with offering discount on both Instagram and their website. Also offering free chocolate milkshake worth Rs.450 on buying a combo pack violating section 3 (a) (c) and 4 (c) of the IMS Act that prohibits advertisement of infant foods and any kind of inducement to increase the salability of the product.



Accessed on (R) 18/05/2023 at 5:48 pm and (L) 16/05/2023 at 08:12 pm

## Conclusion & Recommendations

Despite 30 years of the IMS Act in existence and efforts of multiple individuals and organisations, baby food and feeding- bottle companies continue non-stop with emergence of new players promoting their products aggressively in India in violation of the law. New tactics of involving celebrities, influencers mothers, mother bloggers on Instagram and YouTube is certainly catching on.

Knowingly or unknowingly, they are also infringing the law and liable to be penalized.

Unfortunately, for the IMS Act no measures are put in place for monitoring, and investigation. None other than BPNI, which is a non-profit, and has been reporting violations of the IMS Act. 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 lack of investigation and prosecution by the government.

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 promoting baby foods and feeding- bottles. The IMS Act is a legal tool that protects women and children from aggressive promotion by such 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 effectively and fully in the public health interest of the mothers and babies.

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

1. Government may launch an investigation as per law into alleged violations through appropriate mechanisms and prosecution if required.
2. Government may consider allocation of funds for the following activities.
  - Government may consider commissioning an annual monitoring report on the compliance with the IMS Act, which can be regionally done in phases.
  - Launch an education and awareness campaign for the community on provisions of IMS Act.
  - Government through its communication could encourage citizen reporting of violations to BPNI/Civil Surgeon BPNI offers its MobileApp "Stanpan Surakhsha" for this purpose.
  - State governments may organise IMS Act workshops for health professionals.



putting child nutrition  
at the forefront  
of social change

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The Breastfeeding Promotion Network of India (BPNI) is a 31 years old registered, independent, non-profit, national organisation that works towards protecting, promoting and supporting breastfeeding and appropriate complementary feeding of infants and young children. BPNI works through policy analysis, advocacy, social mobilization, information sharing, education, research, training and monitoring the company compliance with the IMS Act. BPNI serves as the global secretariat for World Breastfeeding Trends Initiative (WBTi) programme, that analyses policy & programmes and galvanises action at country level in different regions of the world. BPNI is part of the International Baby Food Action Network (IBFAN)

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