



Press Release

Non-stop violation of the Indian Baby Food Law

A report on the company compliance with the Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003 (IMS Act)

New Delhi 21 May, 2023: On the occasion of the World Breastfeeding Protection Day, 21st May, the Breastfeeding Promotion Network of India (BPNI) is proud to launch this report of 15 offenders violating the Indian Baby Food Law.

Despite the value the judiciary has given to breastfeeding, in a recent judgement to give the custody of her baby to the mother to ensure breastfeeding, the amount of protection of breastfeeding granted by the Indian law, the *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003 (IMS Act)* seems to be dwindling by the day.

As media especially social media gains its strength over the years, there is unrelenting promotion of the products under the scope of this law. Celebrities have joined the businesses to promote baby foods, which are not only ultra -processed food products and mostly high in sugar which makes it inherently harmful and they end up displacing precious protector the mother's milk. Undermining breastfeeding and complementary feeding through commercial influence also violates child's right to life and health and mother's right to breastfeed.

The report findings are similar to what was said in the Parliament in 1992 while the Bill was introduced. And also this report confirms [WHO's observations](#) in their report on marketing of baby formulas.

No one is stopping anyone from manufacturing. But the law is very clear as it prohibits any kind of "promotion" of the food products or feeding bottles for children under the age of 24 months. It is defined as: *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. And Section 3 (c) of the law provides, "No person shall take part in the promotion of infant milk substitutes, feeding bottles or infant foods". Further the Indian law prohibits direct contact with any pregnant woman or the mother of an infant; inducement of any other kind, for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods.



In the “Indian Law Baby Food Offenders” report you will find 15 offences by companies in relation to advertising, promotion, offering discounts on infant milk substitutes, infant foods and feeding bottles and demonstrating how to prepare infant milk substitute, in gross violation of the IMS Act.

Says Dr Arun Gupta, “India has one of the strongest possible legislations, and its people have benefitted from it. I would urge the Government of India to investigate through appropriate agencies or appoint a special prosecutor, on these company practices alleged to be violating the national which is a cognizable offence”.

Non-stop promotion continues even after 32 years of the established law, and new players are emerging and promoting their food products aggressively in India in violation of this law. Newer tactics include involvement of celebrities, influencers mothers, mother bloggers on Instagram and YouTube. Knowingly or unknowingly, they are also infringing the law and liable to be penalized.

“Mothers do fall prey to their misinformation and profit driven tactics and the celebrities have huge public influence”, says Nupur Bidla, the national coordinator of BPNI. She added “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”.

“This is a tip of the iceberg- findings of few concerned people and a comprehensive assessment is needed every year, government may consider commissioning a report and allocate funds for this work” said Arun Gupta, one of the four founder pediatricians of BPNI. Government may launch an investigation as per law into alleged violations through appropriate mechanisms and prosecution if required. Government through its communication could encourage citizen reporting of violations, BPNI offers its Mobile App “Stanpan Surakhsha” for this purpose.

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 27th July, 1995) as child welfare NGO to initiate action under section 21(1) of the IMS Act for monitoring complaints. BPNI members continue to be vigilant about any kind of promotion of the infant milk substitutes, infant foods or feeding bottles, which are three products under the scope of this law.

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