



Welcome!

Please take your seats.

The program will begin shortly.



**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

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**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

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WHO



**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

Building and strengthening national monitoring and enforcement mechanisms

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World Health Organization

22 June 2023

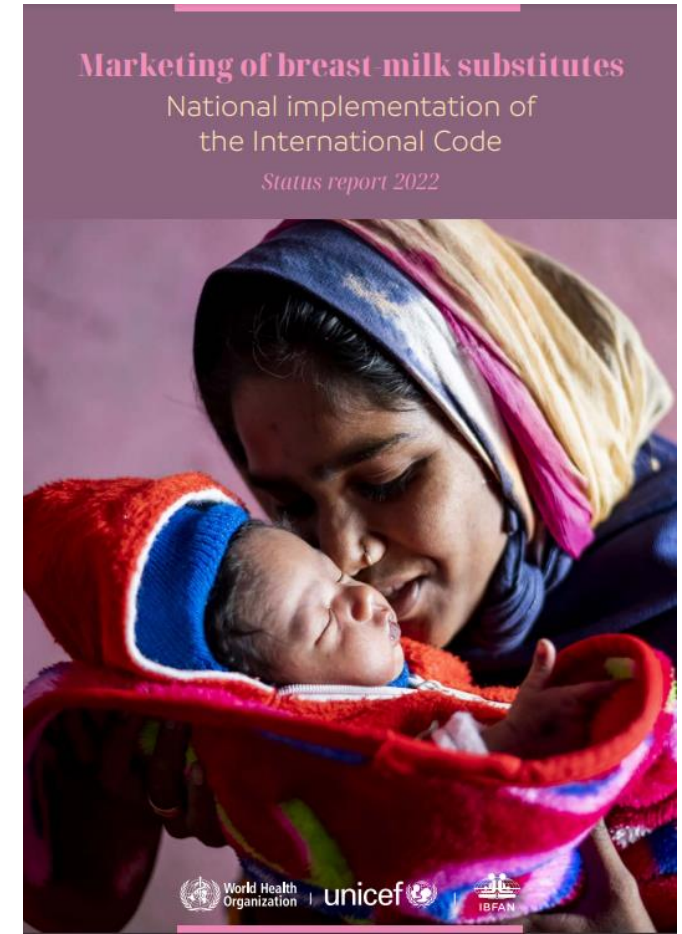
2022 WHO/UNICEF/IBFAN Report on the Legal Status of the Code

Checked for provisions which:

- identify who is responsible for monitoring compliance (5)
- define sanctions for violations (3)
- require that monitoring and enforcement should be independent, transparent and free from commercial influence (2)

A total score of 10 was given for countries which had all three provisions in place

- Of the 144 countries which have adopted legal measures to implement at least some of the provisions in the Code:
 - 17 countries scored 10 out of 10 for monitoring and enforcement
 - 58 countries scored 8 out of 10
 - 10 Countries scored 5 out of 10
 - 6 countries scored 3 out of 10
 - 45 countries scored 0 out of 10



Key challenges for Code Monitoring and Enforcement

Little improvement was observed on the indicators for monitoring and enforcement of the legislation



Why?

- lack of high level and sustained political will
- interference from manufacturers and distributors – in both law making and implementation
- absence of coordination among key actors
- lack of sufficient data and expertise
- limited resources for legislation, monitoring and enforcement

2022 WHO/UNICEF/IBFAN Report – Conclusions and Recommendations on Monitoring and Enforcement

Governments must allocate adequate budgets and human resources to ensure that national Code legislation is monitored and fully enforced, guaranteeing that deterrent sanctions are routinely applied in the case of violations.

2018 Report:

Governments must establish robust and sustainable monitoring and enforcement mechanisms to implement national laws and regulations aimed at eliminating inappropriate marketing practices.

Such mechanisms:

- need to involve all relevant government agencies authorized to monitor and enforce various elements of the Code;
- must be adequately funded and sourced with knowledgeable staff; and
- should allow for public engagement and scrutiny, including through the periodic release of implementation reports.

Ongoing Code Monitoring System

This requires, among other things, the establishment of a monitoring system that:

- enables the government to perform its duties and tasks without external pressure, fear or influence;
- gives the government the authority and sufficient resources to investigate Code violations;
- empowers the government to take remedial action in line with its national laws and regulations following investigation and verification of alleged violations;
- makes information related to monitoring activities, final results and remedial actions taken publicly available and accessible; and
- has safeguards to detect and exclude persons or bodies that have a conflict of interest and thus preserve its independence, integrity, trustworthiness and credibility.

All this requires a robust and sustainable system

Ongoing Monitoring System - Advantages



Implementation of *ongoing monitoring* - advantages:

- can lead to immediate results, if violations are identified, verified and enforcement action taken
- requires active government involvement at the onset as, by default, it must be embedded within existing systems related to the control and regulation of customs, food and advertising, among others
- ongoing monitoring may improve compliance with the Code and national laws by manufacturers, distributors and the health sector as they become aware of its existence

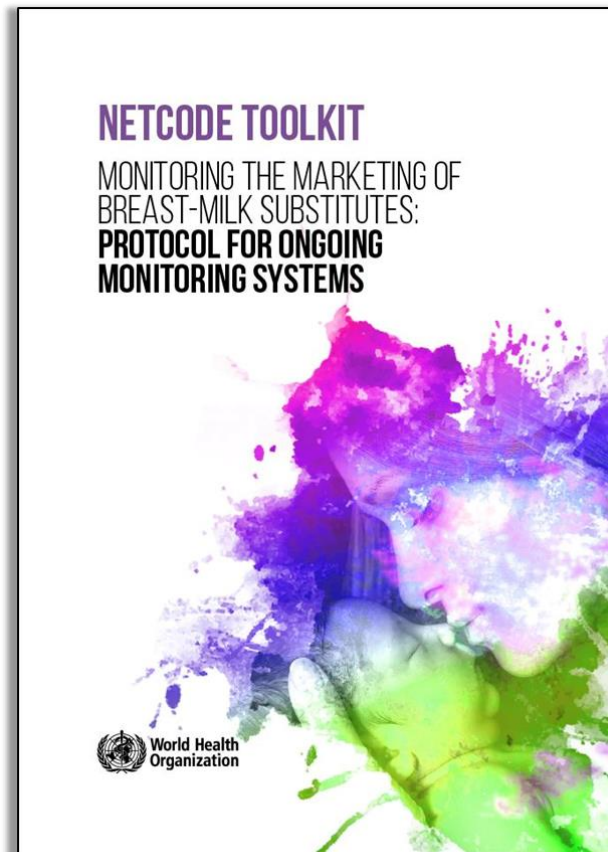
Ongoing Monitoring System - Objectives

The specific objectives of the ongoing monitoring system are to:



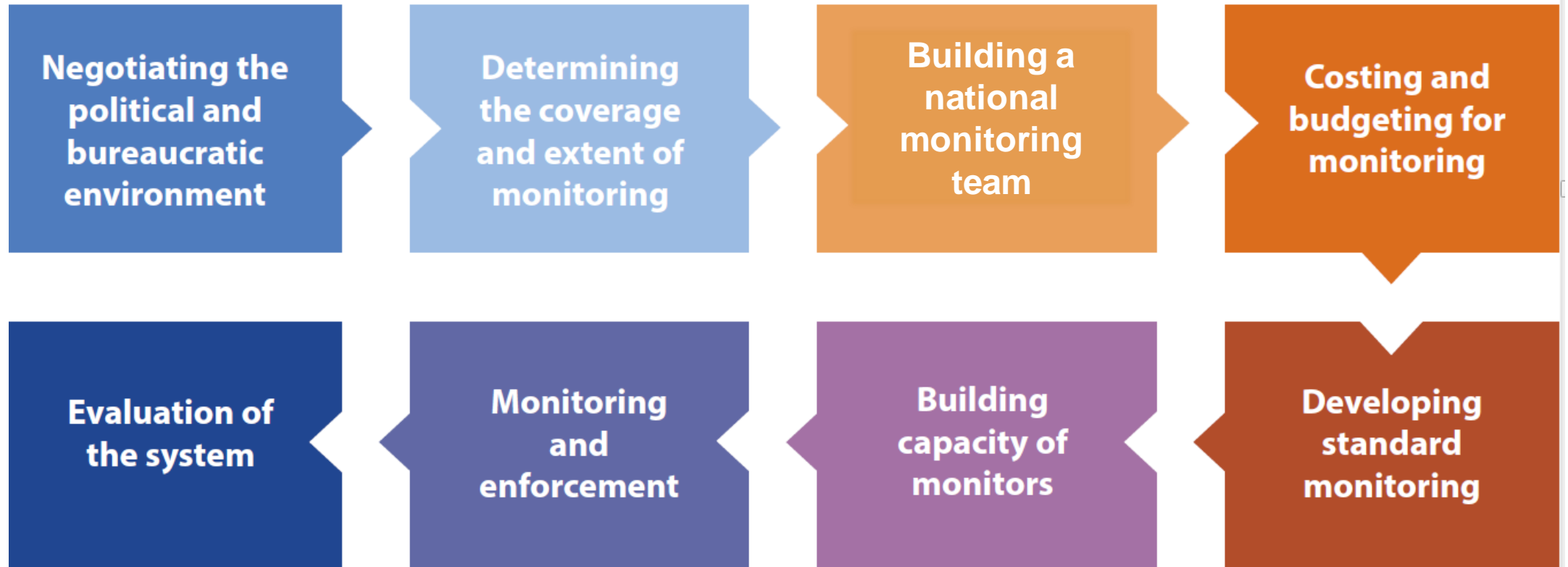
- detect violations of the national laws and/or the Code
- document and report such violations
- investigate and validate whether the reported activities are indeed violations
- activate an enforcement mechanism that would stop such violations and deter future violations
- hold manufacturers, distributors, retail outlets, the health-care system and health-care workers to account for their breeches of national laws and/or the Code

Establishing an ongoing code monitoring system



.... describes the process of setting up an ongoing government-run monitoring system, ideally integrated into existing regulatory and enforcement systems, to continuously monitor adherence to the Code in a systematic and sustainable way so as to take immediate enforcement action.

The Steps



Negotiating the political and bureaucratic environment

- Obtaining high-level commitment
- Engaging relevant ministerial departments and other agencies
- Identifying external supporters
- Anticipating and addressing opposition

How do you obtain high-level commitment for Code monitoring?

Are there existing health priorities which can be used?

What other opportunities exist?

How do you secure a multi-sectoral strategy and engage all relevant offices, both within and outside MoH ?

Who are relevant external supporters that should support monitoring and enforcement?

How do you ensure avoidance of conflict of interest?

Are there strategies to anticipate and address opposition?

Who is the opposition and what channels does it use to influence Code policy making and monitoring?



Coverage and extent of monitoring

① *What to monitor?*

② *Where to monitor?*

- Monitoring activities should be conducted where relevant products enter the country
- In settings where the main targets of promotional and marketing efforts are to be found

e.g. media channels and social networks, TV, radio, billboards, Internet (webpages, Facebook, Twitter, Instagram, smartphone apps, etc.), printed materials (magazines, newspapers, flyers, brochures, etc.), health facilities (public and private), point of sale (supermarkets, stores, pharmacies, groceries), public areas (day care centers, parks, theatres, cinemas, open spaces, etc.) and within communities

③ *When to monitor?*

- Ongoing process designed to identify violations as and when they occur
- Code monitoring ideally to be integrated into existing monitoring processes
- This may or may not be under the jurisdiction of the MoH

Determining
the coverage
and extent of
monitoring

Existing Monitoring Mechanisms

Product registration

- Product registration should ensure that labels of relevant products adhere to the provisions of the Code and/or the provisions of the national measure.
- In general, products that do not comply with the Code and/or national laws should not be given a product registration or license for importation.

Customs and border control

- Product inspections and requirements for importation should include the requirements set by the Code and/or national laws related to labels and product quality.
- Products that do not comply with requirements should not be allowed to enter the country.

Food and drug inspection activities at point of sale

- Agencies tasked to conduct routine monitoring and inspection of food products at point of sale should ensure that products covered by the Code are also integrated in their monitoring efforts.
- Monitoring will focus on whether they are marketed in line with the provisions of the Code and/or national laws.

Building a National Team

Designate a lead agency ... and build the team

Table 1 Potential monitoring agencies for different areas of monitoring

Area of Monitoring	Potential Monitoring Agencies
1. Product registration	<ul style="list-style-type: none">• Licensing departments and agencies,• Inspectors and monitors of the food and drug authority (FDA)
2. Customs and border controls	<ul style="list-style-type: none">• Custom and border inspectors
3. Food and drug inspection activities at point of sale	<ul style="list-style-type: none">• Ministry of Trade and Commerce,• Ministry of Health, FDA
4. Media monitoring	<ul style="list-style-type: none">• Advertising boards• Ministry of Trade and Commerce• Ministry of Health• Ministry of Information and Communication
5. Health facility monitoring and assessments	<ul style="list-style-type: none">• Ministry of Health (FDA, MCHN, Hospital Licensing and Accreditation, National Health Insurance Programme, BFHI monitoring)
6. Monitoring health and nutrition programmes at community level	<ul style="list-style-type: none">• Ministry of Health (FDA, MCHN)

Who should be the lead agency for a national monitoring team?

What monitoring systems already exist, which could be used for monitoring compliance with relevant provisions of the law?

Who are the relevant authorized agencies?

How do you secure participation by NGOs, public-interest civil society groups and the general public?

Costing and Budgeting



Necessary to estimate the cost of operationalizing monitoring activities at national and sub-national levels, so as to:

- identify available resources (human and financial) that can be allocated for monitoring the Code and/or national laws;
- estimate resources that need to be requested and/or advocated for at national and/or sub-national levels; and
- review systems and plans in order to ensure their sustainability and efficiency

Ask:

- Has a costing exercise been undertaken?
- If not, what are the challenges/obstacles in doing so?
- Are there existing budgets which can be utilized?

A number of key assumptions are relevant to costing the monitoring system and activities:

- Government monitors are existing salaried staff
- Logistical support of government monitors
- There is no need for additional infrastructure
- Existing communication and digital equipment



Possible list of costs (one-off and recurrent costs) to be identified.

- initial training of monitors (residential; non-residential; or self-training)
- incorporation of Code monitoring into pre- and in-service training for relevant agencies
- development, adaptation and finalization of SOPs and monitoring tools
- development of centralized monitoring database (development and maintenance)
- printing and reproduction of recording and reporting forms
- regular meetings of the monitoring team (operation costs, *per diem*, logistics)
- development of annual national reports (consultant or in-house)
- publication and dissemination of annual national reports
- development of a web-based reporting system

Developing
standard
monitoring tools
and a database

Standard Monitoring Tools and Database

Standard Monitoring Tools

- Existing monitoring tools
- Universal monitoring and reporting form
- Data collection tools
 - Paper
 - Online/mobile
 - SMS
- Databases



KoboToolbox

Universal Monitoring and Reporting Form

Use this form to report any practice that violates the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly Resolutions or the relevant national measure. Violations by manufacturers, distributors or by any person who works for or on their behalf must be reported to the designated authority.

*** Date and Time**
When was the violation observed?

*** Where (place, town) was violation observed?**
(For newspapers and periodicals, indicate the name and date of publication; for TV/Radio indicate channel, or frequency; webpage; Facebook account, name of health facility, shop)

*** Product name**

UNIVERSAL REPORTING AND MONITORING FORM

Use this form to report any practice that violates the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly Resolutions or the relevant national measure. Violations by manufacturers, distributors or by any person who works for or on their behalf must be reported to the designated authority.

Description of Violation

When was the violation observed? *
yyyy-mm-dd hh:mm

Where (place, town, others) (For newspapers and periodicals, indicate the name and date of publication; for TV/Radio indicate channel, or frequency; webpage; Facebook account, name of health facility, shop) *

Company name? *

Brand name (if no brand can be identified please describe logo or any promotional device) *

Type of product being promoted? *

- ☐ Infant Formula (0+ months)
- ☐ Follow up/on Formula (6+ months)
- ☐ Growing up milk (12+ months)
- ☐ Any other milk for children 0-36 months

Developing
standard
monitoring tools
and a database

Standard Monitoring Tools and Database



Relevant ministries and agencies may already have monitoring tools for their inspectors and monitors

e.g. existing tools used to monitor quality of care in health facilities

It is recommended to integrate additional information on monitoring of promotional practices for designated products

Where no existing monitoring tools exist, a practical, user-friendly universal monitoring form can be used

Developing
standard
monitoring tools
and a database

Standard Monitoring Tools and Database



Are there existing monitoring forms which can be used or modified, e.g. used for existing monitoring systems?

In what format do monitoring forms need to be? Paper, electronic?

Can existing database be used, or should there be a central database for compiling alleged Code violations?

Building the Capacity of Monitors



Monitors of participating agencies should complete hands-on training that will help them understand:

1. Why breastfeeding is important and the state of Infant and young child nutrition in the country;
2. The importance of regulating the marketing of breast-milk substitutes for the protection of infant and young child nutrition;
3. The aim, scope and major provisions of the Code and the national law;
4. Functions, roles and responsibilities for monitoring and enforcement;
5. What, where and when to monitor;
6. How to monitor (vis a vis their existing monitoring roles and responsibilities);
7. The monitoring protocols and procedures to follow;
8. Reporting and enforcement mechanisms.

Building
capacity of
monitors

Building the Capacity of Monitors



Keep in mind:

- importance of breastfeeding should be part of training for monitors not familiar with the issue
- identified monitors should be familiarized with provisions of relevant laws for proper identification, reporting and documentation of violations
- consider whether all monitoring agencies should be trained together or whether training should be tailored to individual agencies
- capacity building on monitoring the national laws should be integrated into induction and in-service training, where appropriate
- monitoring responsibilities should be included in job descriptions of relevant monitors

Building
capacity of
monitors

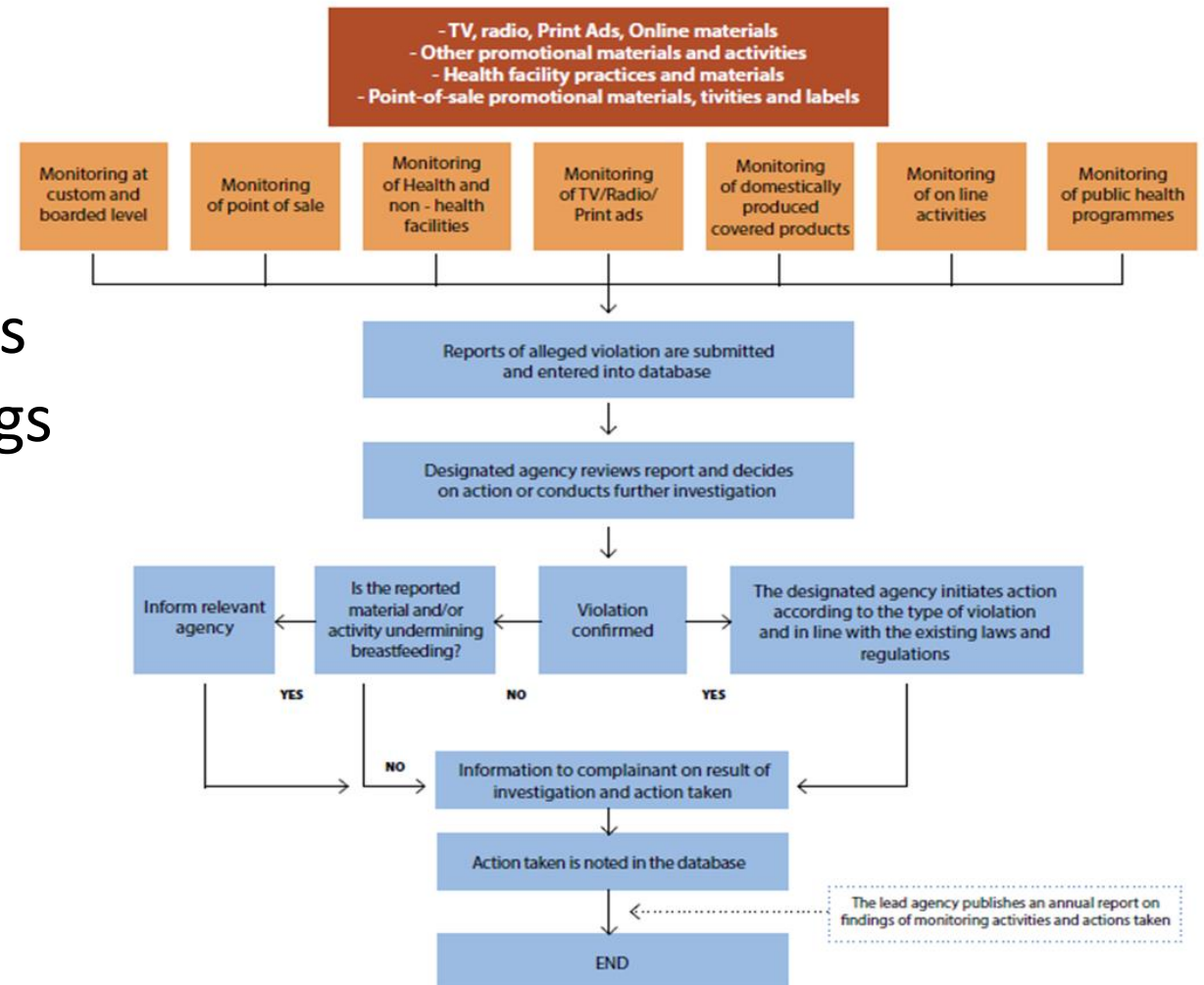
Building the Capacity of Monitors



- Do you have available expertise in Code monitoring training? Do you need a ToT?
- Do all identified monitors need to be trained together or should training be tailored to individual agencies?
- How do you integrate capacity building on monitoring the national laws into induction and in-service training? What are the opportunities for this?

Monitoring and Enforcement

- 1 Identifying violations
- 2 Reporting on violations
- 3 Verifying and acting on violations
- 4 Disseminating monitoring findings



Evaluation of the System



Aim of the evaluation:

- to determine the system's relevance, efficiency, effectiveness, impact and sustainability

Periodic evaluation to determine whether it is effectively ensuring full compliance with national laws

Engage external entity in conduct of evaluation to ensure unbiased process and outcome

Include both qualitative and quantitative information collection

Evaluation findings and recommendations should be written up in a report, and a publicly available summary should be considered (should be made known to both evaluators and evaluates prior to involvement in evaluation)

Evaluation of the System



Reviews of monitoring databases will be valuable to evaluate what types of violations are being reported, how they are being followed up, and whether they are increasing or decreasing

Examination of reports to the system that do not ultimately end in sanctions may be especially important:

- may point to aspects of the Code that are not adequately covered by existing national laws or where the national laws are not clearly written
- may indicate poor training of monitors who do not adequately understand the Code and national laws

Using the Kobo Toolbox for monitoring

4:23

KoboToolbox

Universal Monitoring and Reporting Form

Use this form to report any practice that violates the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly Resolutions or the relevant national measure. Violations by manufacturers, distributors or by any person who works for or on their behalf must be reported to the designated authority.

▼

*** Date and Time**
When was the violation observed?

17 Jun 2023 at 4:22 pm

*** Where (place, town) was violation observed?**

AA .humanitarianresponse.info

4:23

KoboToolbox

Universal Monitoring and Reporting Form

June 2023 > <

MON	TUE	WED	THU	FRI	SAT	SUN
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Time 4:22 pm

Reset Done

17 Jun 2023 at 4:22 pm

*** Where (place, town) was violation observed?**

AA .humanitarianresponse.info

4:26

*** Where (place, town) was violation observed?**
(For newspapers and periodicals, indicate the name and date of publication; for TV/Radio indicate channel, or frequency; webpage; Facebook account, name of health facility, shop)

Rue de Grande Pre, Geneva

*** Product name**

Folgenmilsch (Follow-on Formula)

*** Company/Brand name**
(if no brand can be identified please describe logo or any promotional device)

Bimbosan

*** Type of product being promoted?**

☐ Infant Formula (0+ months)

☒ Follow up/on Formula (6 + months)

☐ Growing up milk (12 + months)

☐ Any other milk for children 0-36 months

☐ Any other food or liquid marketed for infants (0-6 months)

☐ Commercial complementary food or

ee.humanitarianresponse.info

4:26

*** Type of violations?**

☐ Advertisement (TV, radio, printed materials)

☐ Online or social media promotion

☒ Promotion in retail outlets

☐ Free samples

☐ Promotional material for health professionals

☐ Promotion in health facilities

☐ Gifts or scholarships to health workers

☐ Sponsorship of health professional associations

☐ Inadequate labeling

☐ Health and nutrition claims on labels

☐ Non-compliant informational/educational materials

☐ Events/gifts targeting pregnant women,

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Using the Kobo Toolbox for monitoring

4:26

☐ Promotional material for health professionals

☐ Promotion in health facilities

☐ Gifts or scholarships to health workers

☐ Sponsorship of health professional associations

☐ Inadequate labeling

☒ Health and nutrition claims on labels

☐ Non-compliant informational/educational materials

☐ Events/gifts targeting pregnant women, mothers, etc.

☐ Industry contact with pregnant women and mothers


☐ Sales incentives/sales quota for company personnel

AA .humanitarianresponse.info

4:28

Evidence of violation
Upload picture of violation (like photo of labels, poster, product, samples) if available.

IMG_7573-16_27_34.jpeg



Person Reporting

* Name
Nina Chad

* Address
Sandy Beach, Australia

ee.humanitarianresponse.info

4:28

* Address
Sandy Beach, Australia

Phone number

* Email
chadn@who.int

Save Draft

Submit

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4:29

Information

Universal Monitoring and Reporting Form - 6 was successfully submitted

5

OK

* Email

Save Draft

Submit

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Using the Kobo Toolbox for monitoring – data dashboard

hide fields													
1 - 30 33 results	/ Date and Time	abc . / Where (place, town) was violation...	abc . / Product name	abc . / Company/Brand name	/ Type of product being promoted?	abc . / Describe complementary food.	abc . / Describe other product.	/ Type of violations?	abc . / Other type of violation	abc . / Additional details observed	/ Evidence of violation	abc Person Reporting / Name	abc Person Reporting / Address
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<input type="checkbox"/>	2023-06-20T20:00:...	Rue de Carouge	Bimbosan	Swiss product	Follow up/on Form...			Promotion in retail ...				Paola Gaete	Manutara 9858
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<input type="checkbox"/>	2023-06-20T15:17:...	OMS ! 🤔🇵🇰	AmazingMILK	Amazingmilkclub	Follow up/on Form...			Advertisement (TV,...				Nagoda-Niklew...	Rue de Beckeri...
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Go out and monitor!!

Thank You



**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

Arun Gupta

Coordinator of the Breastfeeding Promotion Network Of India



Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes
June 2023

Grassroots Monitoring :The Code/National Laws

Dr. Arun Gupta MD(Ped.), FIAP

Founder and Coordinator Breastfeeding
Promotion Network of India(BPNI), India.

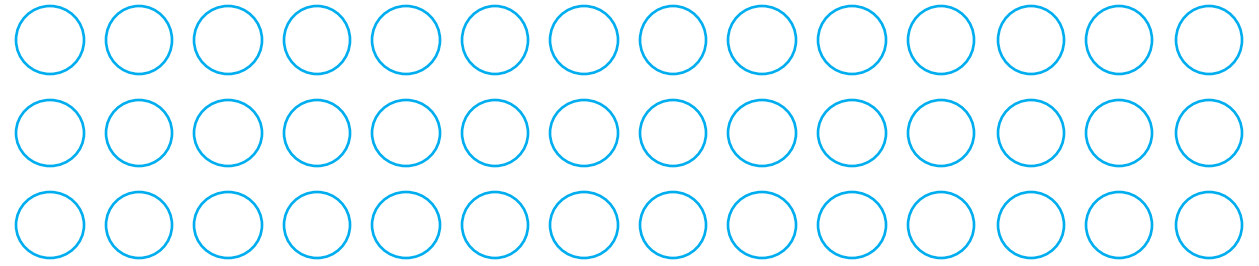


@moveribfan

Overview

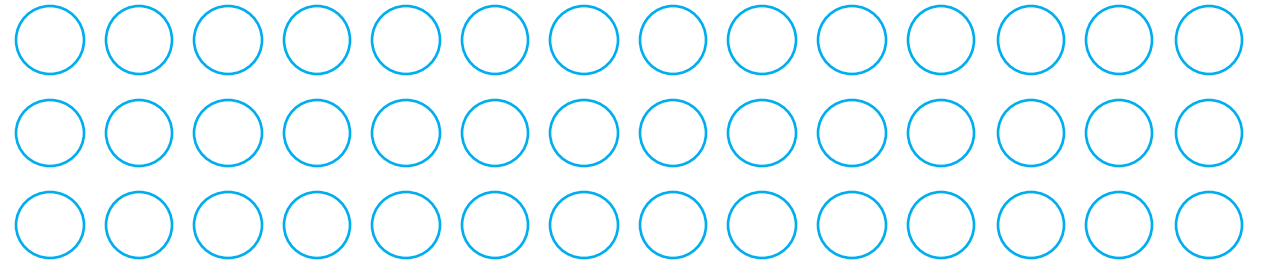
- What is Code Monitoring at the Grassroot level?
- Why Monitoring is essential?
- Who can monitor?
- What to monitor?
- Actions to be taken by the governments

What is Code Monitoring at the Grassroot level?



- Monitoring is carried out by the bottom-up approach to show what is happening on the ground
- Individuals and communities are involved.
- Governments leads.
- Civil society/academics/lactation professionals and other people monitor and report
- Independent (Without any conflicts of interest)

Why monitoring of the Code is essential?

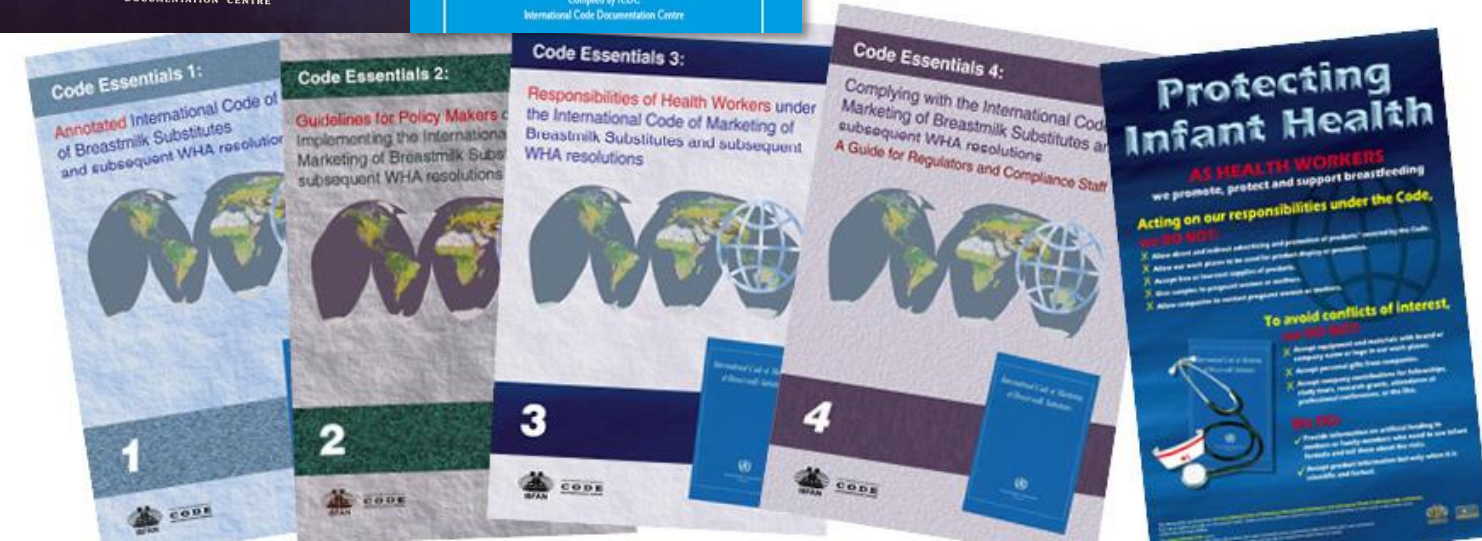
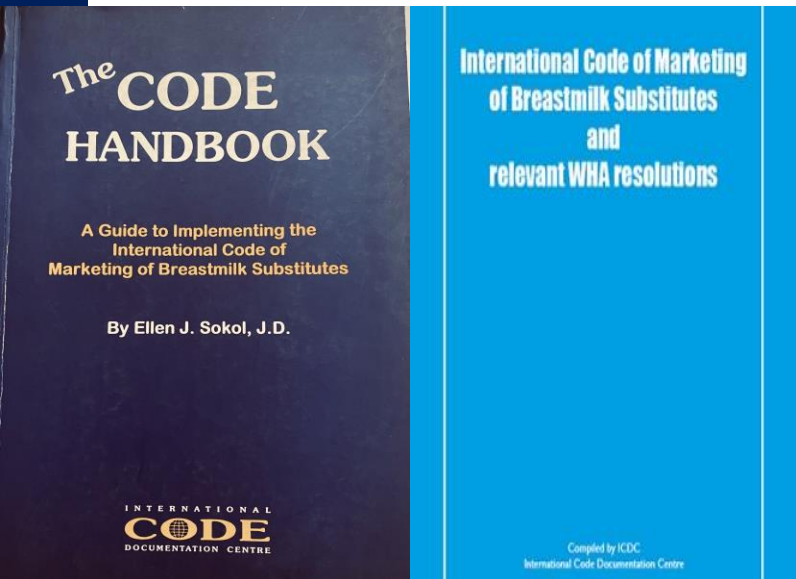
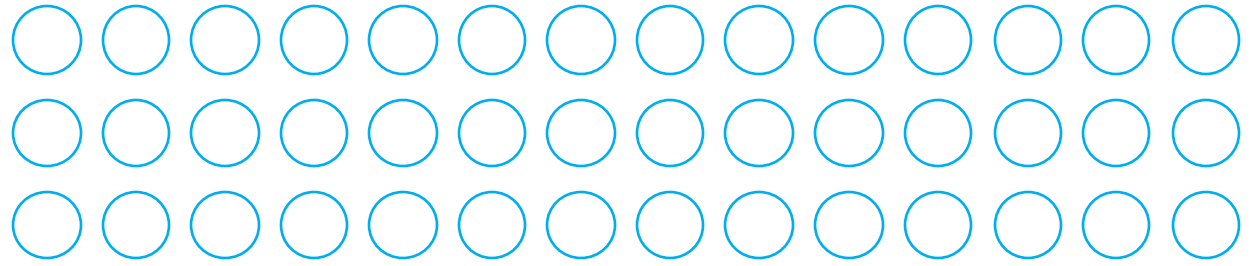


- To ensure protection, promotion and support of breastfeeding...3 pillars for success.

Added value of grassroots monitoring

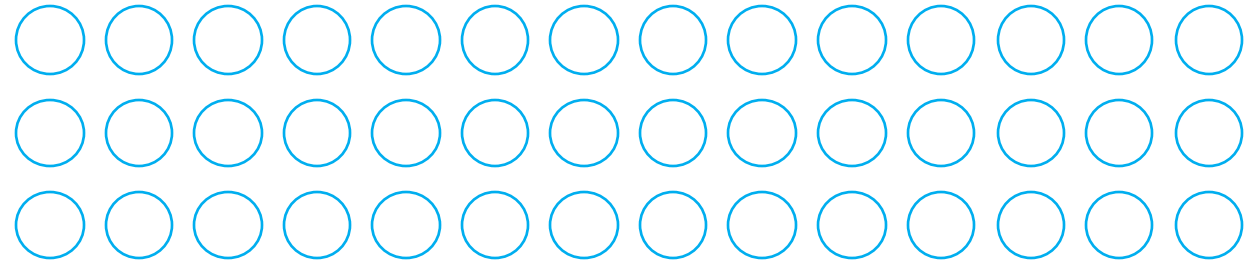
- A watchdog function
- Complimentary to government led monitoring
- Identifies loopholes, new and problematic areas of promotion.
- Creates an evidence base for action and programme planning
- Helpful in advocacy for framing new sections/ amendments to existing Code/laws.
- It helps holding the regulators and industry accountable.

Who can monitor ?



- **Monitors:** Need training to have through understanding of the Code and resolutions/National laws
- Solid foundation to identify violations.
- Establish plans to monitor and report.
- Governments should support such activity

What to Monitor ?



- **At Grassroot level:** Pharmacy, drug stores, grocery shops, maternity hospitals for posters, display, discounts.
- **Study of Labelling** for health claims, idealization of bottle-feeding, warnings.
- Watch the activity of health systems and professional organizations for **sponsorship**, gifts, free supplies, direct contact with mothers.
- Look at **E-commerce sites** for discounted sales
- While assessing **BFHI asking questions** from health workers (gift/sponsorship) and mothers(free supplies) is helpful too.

OPEN ACCESS

for updates

Health and nutrition claims for infant formula: international sectional survey

Ka Yan Cheung,¹ Loukia Petrou,¹ Bartosz Helfer,^{2,3,4} Erika Porubayeva,⁵ Elena Dolgikh,⁵ Insaf Ali,⁷ Lindsay Archibald-Durham,⁸ Meredith (Merilee) Brockway,⁹ Polina Bugaeva,¹ Rishma Chooniedass,¹¹ Pasquale Comberiati,¹² Erika Cortés-Macías,¹³ Sofia D'Elis,¹² Gavriela Feketea,^{14,15} Peter Hsu,¹⁶ Musa Abubakar Kana,¹⁷ Tatiana Kriulina,¹⁸ Yuzuka K Comfort Madaki,²⁰ Rihab Omer,²¹ Diego Peroni,¹² Jana Prokofiev,²² Melanie Rae Simps Naoki Shimojo,¹⁹ Linda P Siziba,²¹ Jon Genuneit,²¹ Sohini Thakor,¹ Mariam Waris,² Quadia Zaman,¹ Bridget E Young,²⁵ Brighid Bugos,²⁵ Matthew Greenhawt,²⁶ Michael E Li Jonathan Zheng,²⁸ Robert J Boyle,² Daniel Munblit^{2,5}

ABSTRACT

OBJECTIVES

To review available health and nutrition claims for infant formula products in multiple countries and to evaluate the validity of the evidence used for substantiation of claims.

DESIGN

International cross sectional survey.

SETTING

Public facing and healthcare professional facing company owned or company managed formula industry websites providing information about products marketed for healthy infants delivered at full term in 15 countries: Australia, Canada, Germany,

brain and/or eyes and/or nervous system" (53%) products, 13 ingredients), "strength supports a healthy immune system" (239 (products, 12 ingredients), and "helps/sup growth and development" (224 (37%) prod 20 ingredients). 41 groups of ingredients w associated with ≥1 claims, but many claims without reference to a specific ingredient (3 products). The most common groups of ing cited in claims were long chain polyunsatur fatty acids (278 (46%) products, 9 different prebiotics, probiotics, or synbiotics (225 (3 products, 19 claims); and hydrolysed prote (20%) products, 9 claims). 161/608 (26%) with ≥1 claims provided a scientific referen

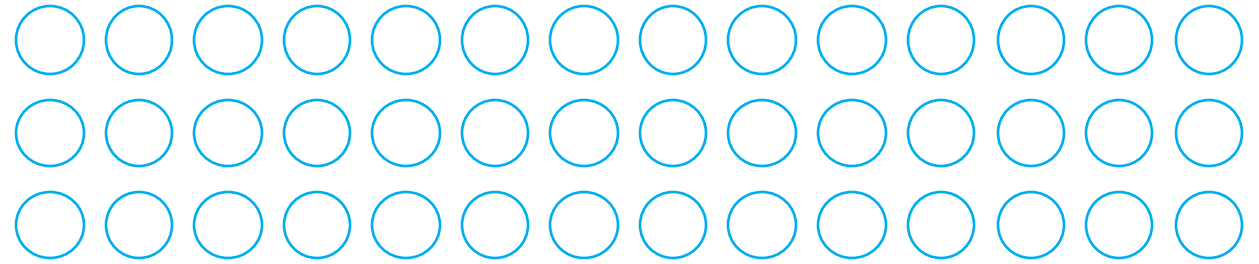
Monitoring policy interference

PARTNERS

<http://diet4life.fssai.gov.in/partners.html>

1/16/2018

Partners - diet4life



- In 2018 the food regulator of India partnered with Infant Young Child Nutrition Council of India (IYNCI), an NGO floated of the four big baby food multinationals Nestle, Danone, Abbott and Mead-Johnson.
- Came in the guise of importing special formula or IEMs. And led to getting exemption from existing law.

Sponsorships of conferences began to happen openly

It took BPNI 18 months to get it right.

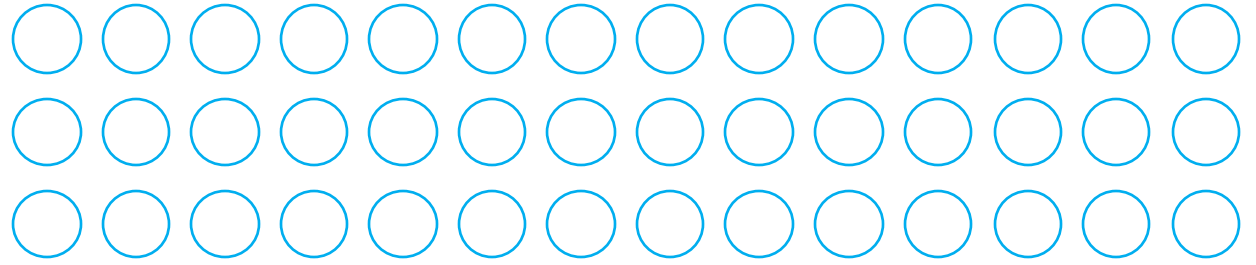
Lesson is never partner with organisations having conflicts of interest.

Is India's food safety authority above Parliament?

News > Is India's food safety authority above Parliament?



Critical to monitor



Is ZeroSeparation Astroturfing? How business groups use babies to recruit allies



A new *Zero Separation* campaign was launched on 9th July by the *European Foundation for the Care of Newborn infants* (EFCNI) through an entity called *GLANCE – the Global Alliance for Newborn Care*. You can see the host on NGOs that have signed up to this call here: <https://we.tl/t-gby4wD2IUe>

It is important to know that the *EFCNI website* lists the US baby food company Abbott as its first funder in 2008 and later thanks the following *corporate partners* : The *Nestlé Nutrition Institute*. *Prolacta Bioscience® Inc.* *Royal DSM (manufacturer of formula ingredients)* and *Phillips* (manufacturer of bottles and teats).

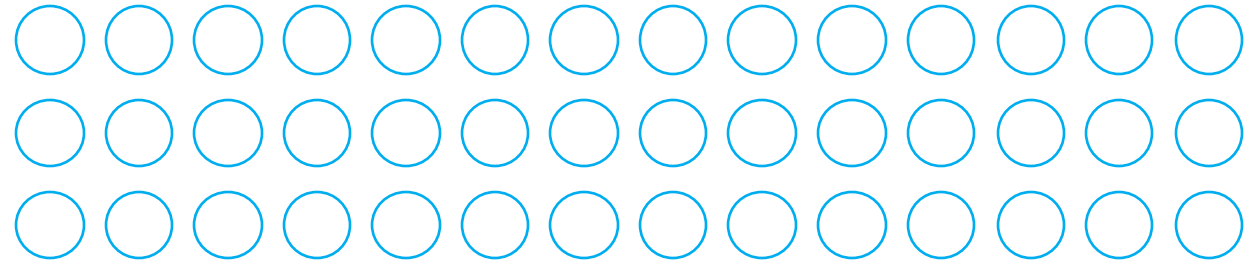
We are pleased that after being alerted about the conflicts of interest, UNICEF has decided not promote the Zero Separation in its World Breastfeeding Week materials.

The call to keep mothers and babies together is one we all support – especially now when so many are being separated – in some part because of *industry promoted fears of COVID transmission* – so its important to look closely at who is behind this.

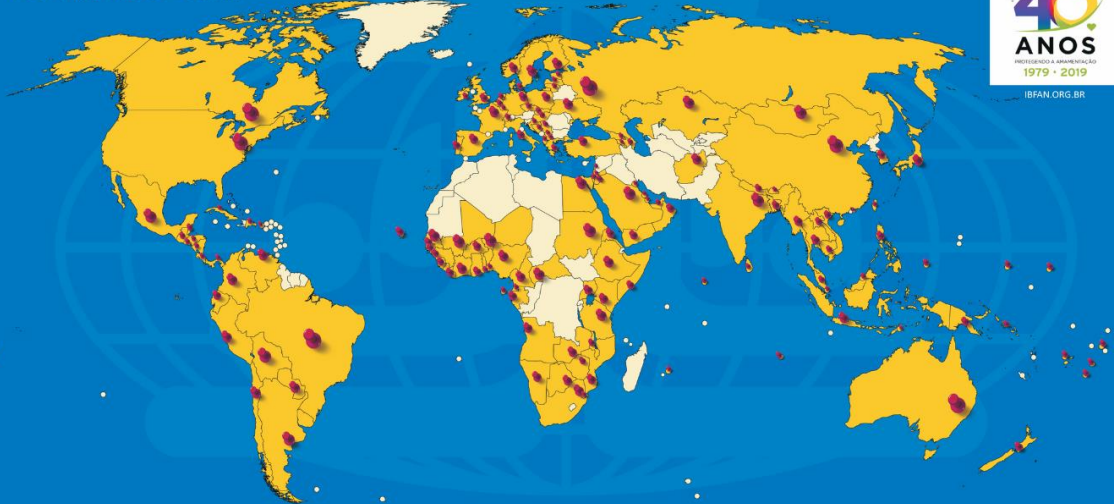
The *EFCNI Transparency page* and its *Policy regarding cooperation, funding and donations of specific industries* – could be reassuring for those who do not know the Code well but it is very misleading about Conflict of Interest. For example it states: “*EFCNI is aware of the WHO’s code in relation to marketing of infant formulas and will not enter into initiatives which contravene these. EFCNI accepts financial donations from milk manufacturers. EFCNI will not provide direct endorsement of infant milk products e.g. logo on packaging or promotions which promote infant formula instead of breastfeeding.*”

- How industry use new techniques like ***Astroturfing***- *masking the sponsors and* creating fake impressions of grassroots efforts.

IBFAN: Monitoring on the ground since 1981



IBFAN
NO MUNDO - 2019



ÁFRICA

África do Sul, Angola, Benin, Botsuana, Burkina Faso, Camarões, Cabo Verde, Costa do Marfim, Egito, Eritreia, Etiópia, Gabão, Gâmbia, Gana, Guiné, Guiné-Bissau, Guiné Equatorial, Libéria, Malawi, Mali, Maurício, Moçambique, Namíbia, Níger, Nigéria, Quênia, República Centro-Africana, São Tomé e Príncipe, Senegal, Serra Leoa, Somália,

Sudão, Suazilândia, Tanzânia, Togo, Uganda, Zâmbia e Zimbábue.

AMÉRICA

Argentina, Belize, Bolívia, Brasil, Canadá, Chile, Colômbia, Costa Rica, Cuba, El Salvador, Equador, Estados Unidos da América, Guatemala, Honduras, México, Nicarágua, Panamá, Paraguai, Peru, Porto Rico, República Dominicana, Uruguai e Venezuela.

ÁSIA

Afganistão, Arábia Saudita, Arménia, Azerbaijão, Bahrein, Bangladesh, Brunei, Butão, Camboja, Cazaquistão, China, Coreia do Sul, Emirados Árabes Unidos, Filipinas, Geórgia, Hong Kong, Iémen, Índia, Indonésia, Israel, Japão, Jordânia, Kuwait, Laos, Líbano, Malásia, Maldivas, Mianmar, Mongólia, Nepal, Omã, Palestina, Qatar,

Singapura, Sri Lanka, Tailândia, Taiwan, Timor-Leste e Vietnã.

EUROPA

Albânia, Alemanha, Bélgica, Bósnia e Herzegovina, Croácia, Dinamarca, Eslováquia, Espanha, Estónia, Finlândia, França, Grécia, Hungria, Irlanda, Itália, Kosovo, Letónia, Lituânia, Luxemburgo, Noruega, Países Baixos, Polónia, Portugal,

Tchêquia, Macedónia do Norte, Reino Unido, Rússia, Sérvia, Suécia, Suíça, Turquia e Ucrânia.

OCEANIA

Austrália, Estados Federados da Micronésia, Fiji, Ilhas Cocos, Ilhas Marshall, Ilhas Salomão, Niue, Nova Zelândia, Palau, Papua-Nova Guiné, Samoa Ocidental e Tonga.

- IBFAN -ICDC-Sharing of reports based on grassroots monitoring
- Training of the government or civil society staff for implementing
- Organising grassroots individuals, groups and networks
- National groups like BPNI reporting on regular basis
- Company campaigns : Hold companies accountable, analyses of company policies and alerting grassroot players for action.
- Inputs into international, regional and national policy development.

Monitoring reports



Figure 4. Early IBFAN Breaking the Rules Materials 1980–1988.



Reports and expose brings the issues upfront...so go on !!



‘Baby food brand ads on social media violate law’

KAVITA BAJELI-DATT @ New Delhi

SEVERAL baby food brands are violating laws by using social media to advertise products like infant milk substitutes, according to the latest report released by the Breastfeeding Promotion Network of India (BPNI).

The report, which flags 15 top brands, was released on May 21, also World Breastfeeding Day. BPNI, which has been mandated by the government as a child welfare non-profit to flag such violations, said a new trend has emerged in promoting these products using social media, and unsuspecting influencers are becoming partners in crime. Moreover, some of these products are being promoted by celebrities like Bollywood actors Anushka Sharma and Mira Rajput Kapoor, wife of Shahid Kapoor.

“New tactics of involving celebrities, social media influencers, mothers and mother bloggers on Instagram and YouTube is certainly catching on,” said the report adding that knowingly or unknowingly, they are also infringing the law and are liable to be penalised.

There is no system to monitor and investigate such violations, which have remained unchecked. The law prohibits any kind of “promotion” of food products or feeding bottles, including advertising, incentives



WHAT THE REPORT SAYS

Legal position

Law prohibits any kind of “promotion” of baby food products or feeding bottles, including advertising, incentives or directly reaching out to moms, for children under the age of 24 months.

Child welfare non-profit BPNI, which has been mandated by the government as organisation to flag such violations, says:

New trend emerged in promoting these products using social media

Some products are being promoted by celebrities like Bollywood actors

No system to monitor and investigate such violations, which have remained unchecked

Social media is the new promotion playground. It must be monitored and notified diligently. Digital technologies used for marketing breast milk substitutes are proven to be contributing to increasing sales and consumption of baby formula across the world. Our findings confirm WHO observations

Breastfeeding Promotion Network

or directly reaching out to moms, for children under the age of 24 months.

“Social media is the new-generation promotion playground;

therefore, it must be monitored and notified diligently. Digital technologies used for marketing breast milk substitutes are proven to be contributing to in-

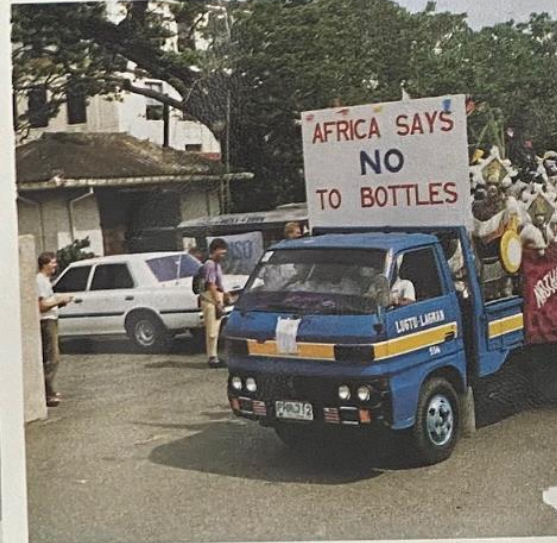
creasing sales and consumption of baby formula across the world. Our findings confirm World Health Organisation’s observations,” said the report titled “Indian Law Baby Food Offenders.”

The Indian government 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 the marketing of the baby foods as a follow-up to the International Code of Marketing of Breast Milk Substitutes and subsequent World Health Assembly resolutions.

Speaking to this paper, Arun Gupta, one of the four founder paediatricians of BPNI said, undermining breastfeeding and complementary feeding through commercial influence also violates child’s right to life and health and mother’s right to breastfeed. Non-stop promotion continues even after 32 years of the established law.

He said they have flagged these 15 violations of the IMS Act by major companies and the platforms used by them with the union health ministry. BPNI has also written a letter to Health Secretary Rajesh Bhushan and National Commission for Protection of Child Rights (NCPCR), chief Priyanka Kanoongo flagging the violations.

Campaigns...1989



UPDAT



Actions to be taken

Governments can consider following actions to strengthen grassroots monitoring:

- Appointment of a point person to monitor Code/Law
- Preparation of individuals, teams and organisations to monitor and report
- Launch a mobile App for people to monitor and report
- Integrate monitoring with BFHI enquiry
- Building a database of reports
- Establish efficient enforcement mechanisms
- Initiate legal or other punitive action when necessary
- Allocation of funding for all of the above
- Reviewing annually



Picture courtesy of
UNICEF/DOH Thailand



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the Code of Marketing of Breast-milk Substitutes
June 2023



Thank you!





**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

Khatthanaphone Phandouangsy

Deputy Director General

Department of Hygiene and Health Promotion

Ministry of Health, from the Lao People's Democratic Republic



Strengthening Monitoring of the Breast-Milk Substitutes Code in LAO PDR

Using real-time information system

Ministry of Health



Presentation outline

- Background
- Key strategic actions
- Key findings
- Way forward

BACKGROUND

Strengthening Monitoring of the Breast-Milk Substitutes Code in LAO PDR

Objectives of BMS Monitoring System

01

To capture and report violations related to advertisements/ promotions on BMS products

To capture and report violations related to labeling on BMS products

02

03

To analyze and use data for evidence-based decision making

Products Monitored



1

Infant formula powder or milk powder



2

Commercial complementary foods



3

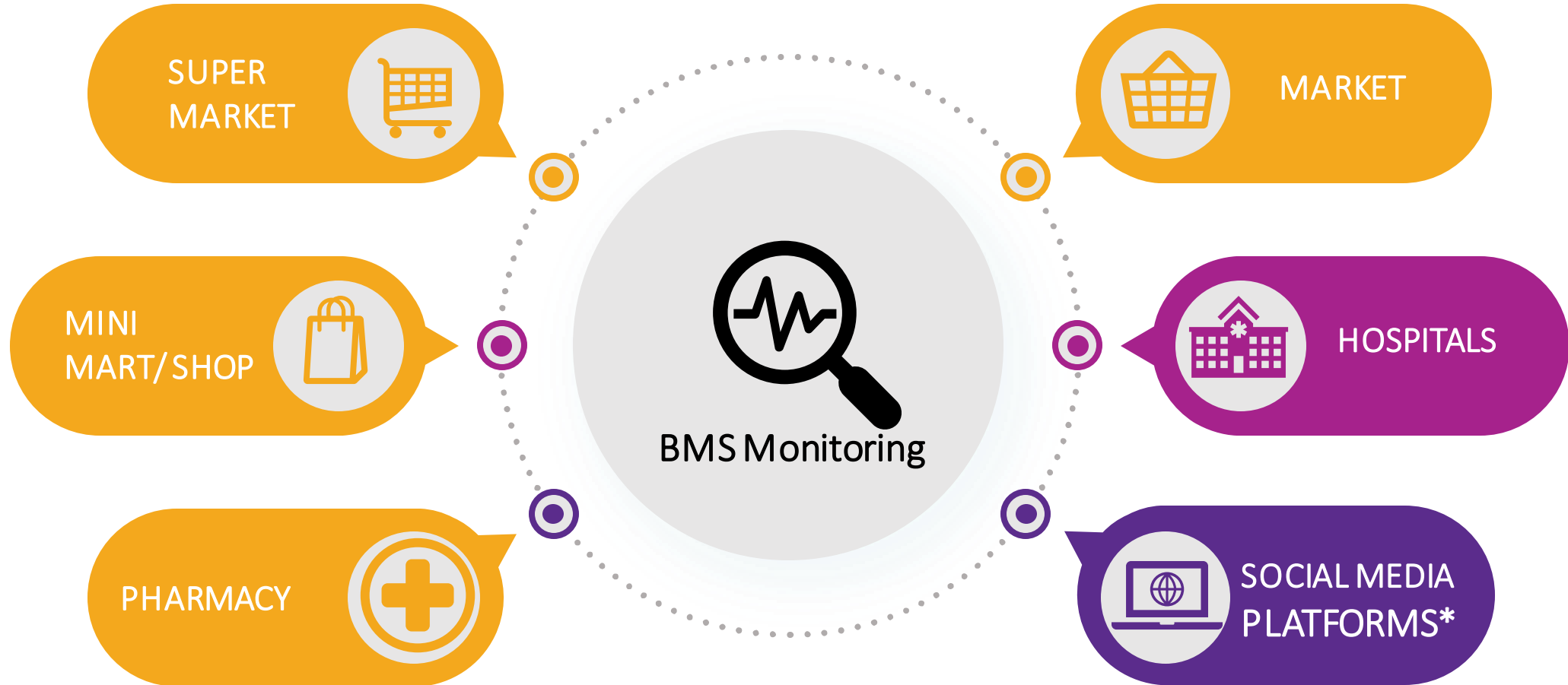
Any other food products for infants and toddlers






4

Feeding equipment (milk bottle, teat etc)

Targeted places for BMS Monitoring

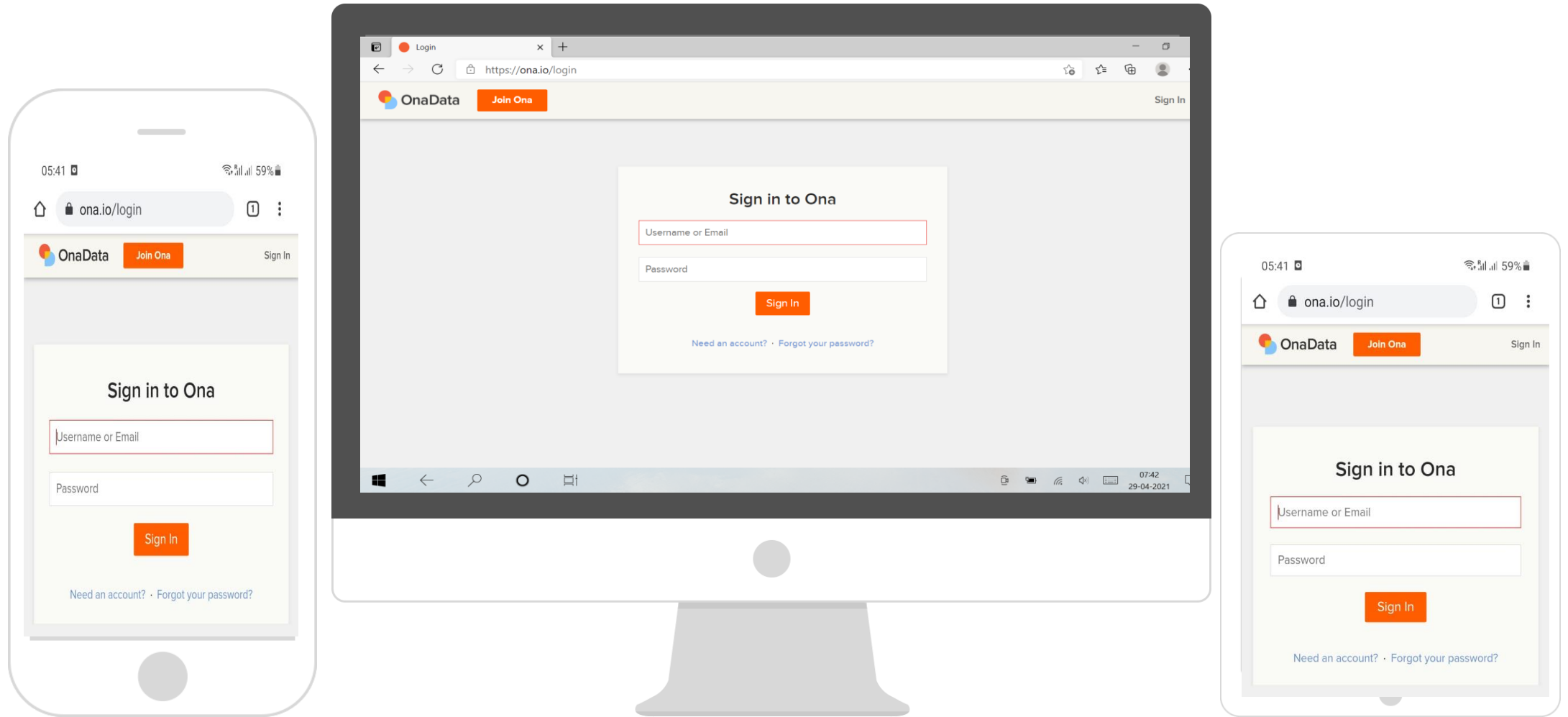


-  Retail points of sale (1 Form in use)
-  Health Facilities (3 Forms in use)
-  *E-commerce (Forms under development)

KEY STRATEGIC ACTIONS

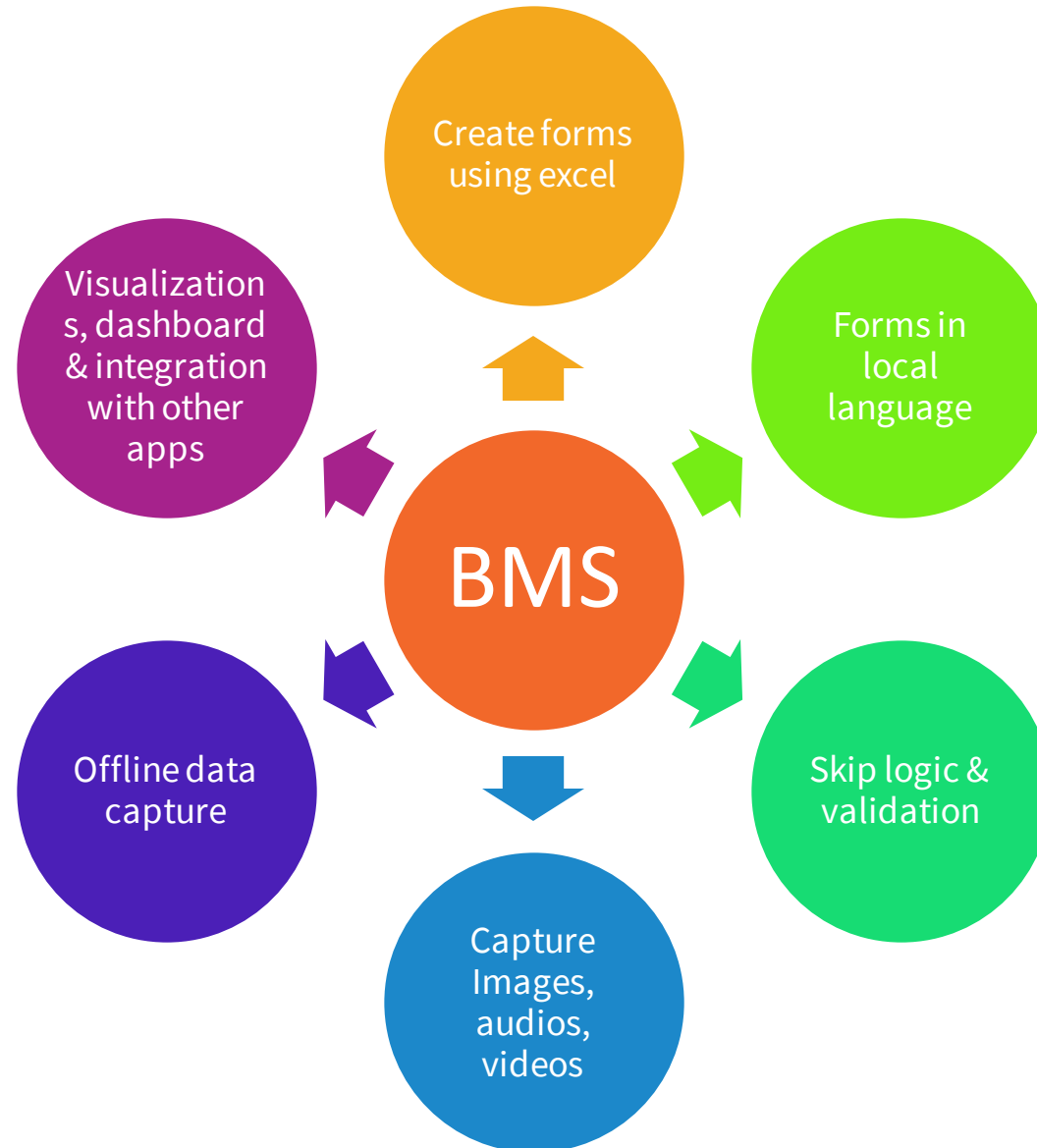
Strengthening Monitoring of the Breast-Milk Substitutes Code in LAO PDR

Developed BMS monitoring system using Ona



Ona is a mobile based data collection platform for conducting field surveys and assessments

Features of BMS Monitoring System



Work-Flow of BMS Monitoring System



01. Design

Create survey form using Excel and have instant access on android phones



02. Collect

Easily distribute survey on an Android device or on the web. Data connection not needed



03. Analyze

Visualize data as it is collected and gain understanding using powerful insights tools

Steps for Reporting BMS Violations

01. Get blank form

Download blank form from server

02. Fill blank form

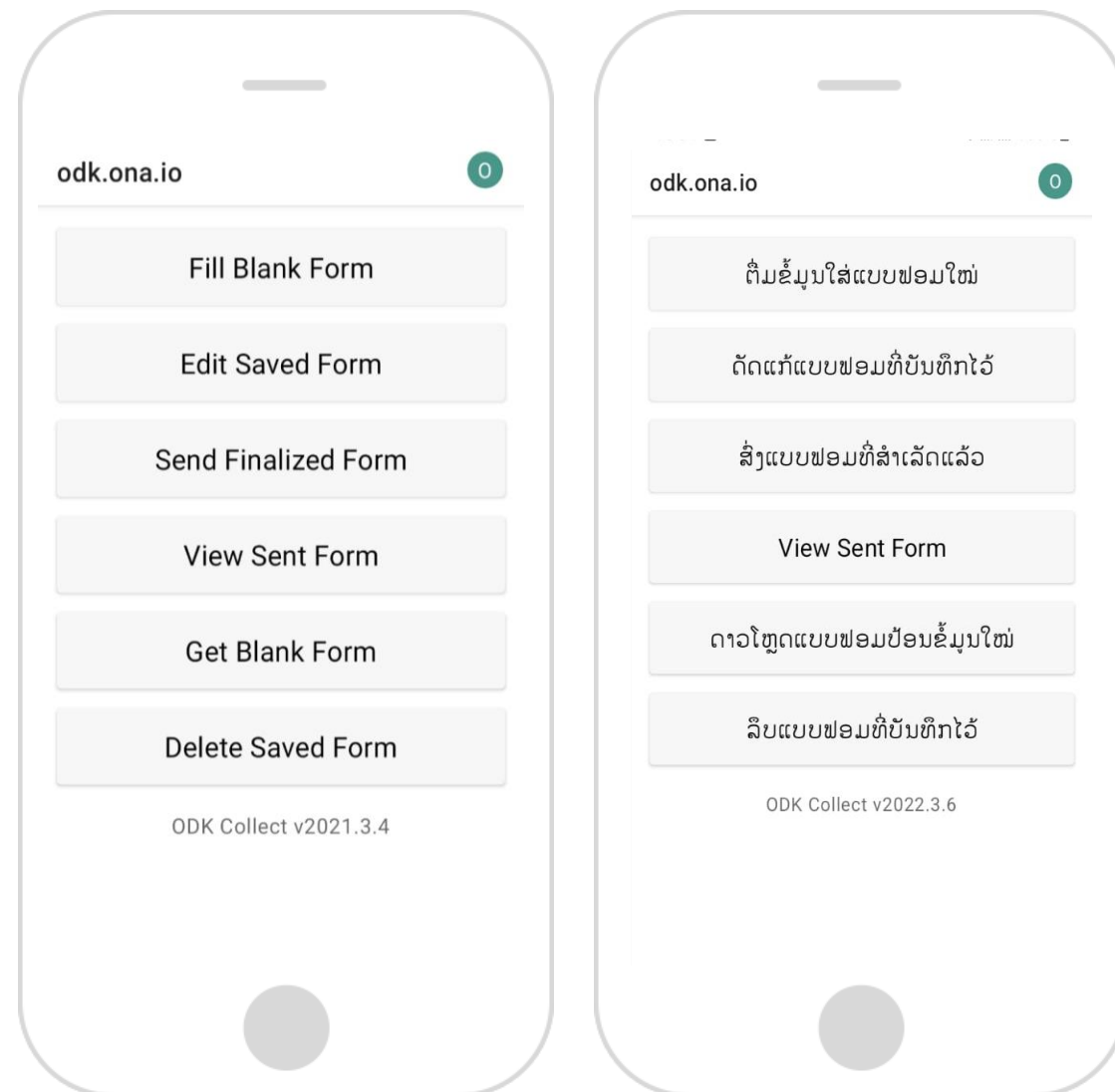
Enter data for BMS products

03. Edit saved form

Modify data if required

04. Send finalized form

Upload data to the server



Data Captured in BMS Monitoring System

ຟອມລົງຕິດຕາມ BMS

General details

* Select a province

☐ Vientiane Capital

☐ Phongsali

☐ Louangnamtha

☐ Oudomxai

☐ Bokeo

☐ Louangphabang

☐ Houaphan

☐ Xainyabouli

☐ Xiangkhouang

☐ Vientiane

☐ Bolikhamxai

☐ Khammouan

☐ Savannakhet

NEXT >

General data

ຟອມລົງຕິດຕາມ BMS

Product details

1. Product type

☒ Infant formula powder or milk powder (Stage 1, Stage 2 and Stage 3)

☐ Commercial complementary foods (Infant cereals, baby foods etc)

☐ Any other food products for infants and toddlers (UHT Stage 3 milk, yogurt for babies etc)

☐ Feeding equipment (milk bottle, teat etc)

< BACK

NEXT >

Product types data

ຟອມລົງຕິດຕາມ BMS

Product details

* 1.1 Do you see any of the following promotion/advertisement related violations outside or inside retail point of sale for BMS products including feeding equipment?

☒ Brand shelf

☐ Posters

☐ Banners

☒ Shelf tags

☐ Coupons

☐ Stamps

☐ Discounts (promotions)

☐ Buy 1 get 1 free

☐ Lucky draw ticket

☐ Free toys

☐ Gifts

< BACK

NEXT >

Promotion data

ຟອມລົງຕິດຕາມ BMS

Product details

* 1.2 Do you see any of the following label related violations for BMS products including feeding equipment?

☒ labels that do not have lao language

☐ labels difficult to read

☐ labels that do not specify the recommended age of introduction/ use

☐ labels that do not provide directions for appropriate preparation

☐ label that do not contain a statement of superiority of breastfeeding

☒ labels that contain any images of babies, baby toys, animals

☒ labels that contain any health/ nutrition claims

☐ labels that do not show expiry date

☐ products that are already expired

< BACK

NEXT >

Labelling data

ຟອມລົງຕິດຕາມ BMS

Comments

Collect the GPS coordinates of this place

Change Location

Latitude: N 17°56'13"
Longitude: E 102°37'1"
Altitude: 146m
Accuracy: 20m

GPS data

Key stakeholders involved in BMS Monitoring



Established Master Trainers in BMS Monitoring



Strengthened Capacity of Provinces and Districts



BMS Monitors in Action



BMS Monitoring in Lao PDR



12 PROVINCES

73 DISTRICTS

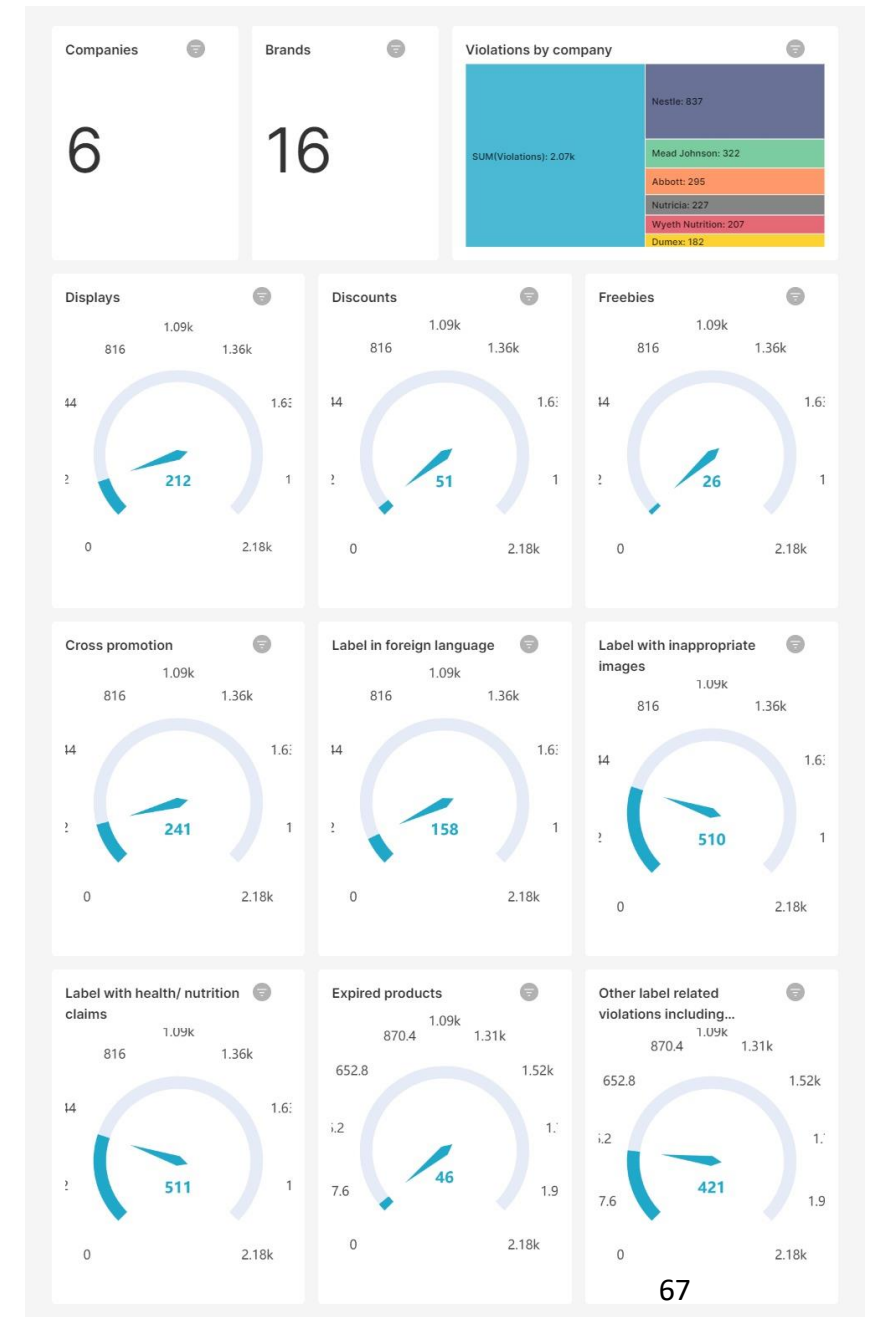
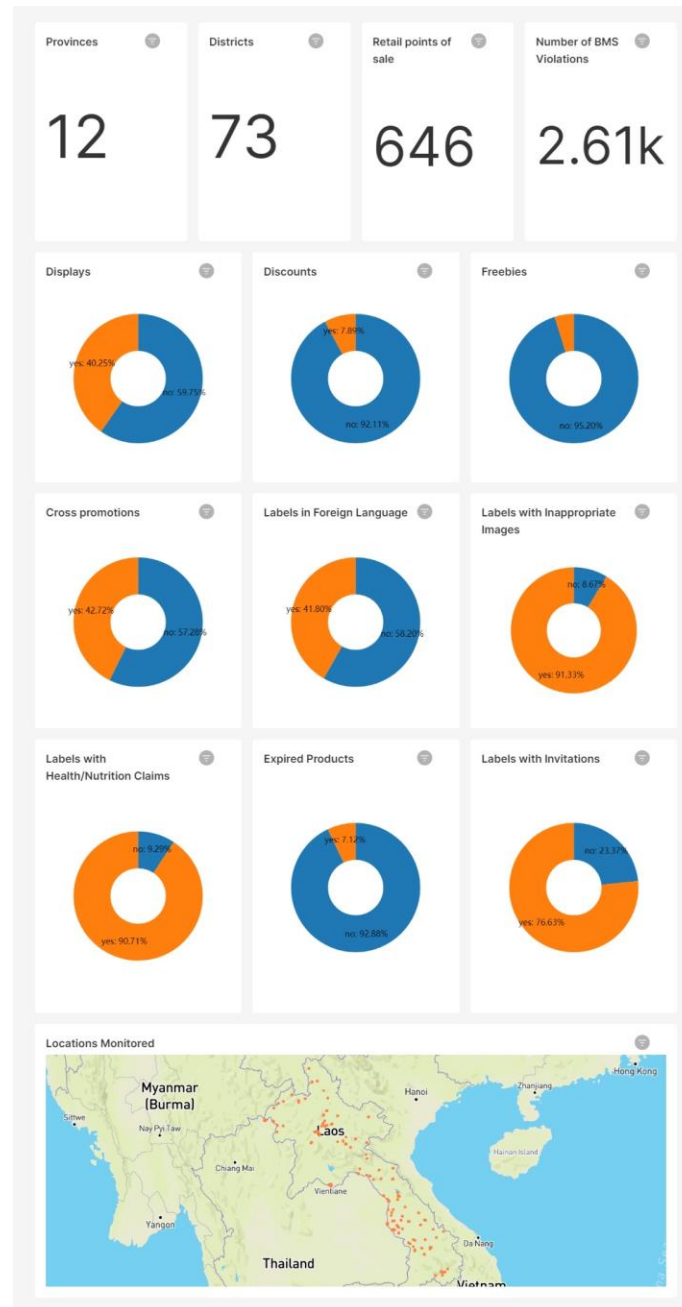
646 RETAIL
POINTS OF SALE

DATA ANALYSIS AND VISUALIZATION

Strengthening Monitoring of the Breast-Milk Substitutes Code in LAO PDR

Automated dashboards

- Easy overview:
 - Most common types of violations
 - Location of violations
 - By province, district or even by company/brand



Way forward

- Scale up of BMS monitoring at retail points of sale (from 12 to all 18 provinces by July 2023)
- Scale up of BMS monitoring at both public and private hospitals (12 out of 18 provinces by December 2023)
- Development of tool to capture BMS violations in e-commerce and/or social media platforms (by December 2023)
- Increased awareness of legislation amongst retailers and health officials as well as the general public



Thank you



ສະຫະພາບ ເອີຣົບ
European Union



unicef 
ເພື່ອເດັກທຸກໆຄົນ



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June 2023

Snong Thongsna

Vice Minister of Health
Ministry of Health
Lao People's Democratic Republic



**Global Congress on Implementation of
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June 2023

Renata de Araujo Ferreira

Brazilian Health Regulatory Agency

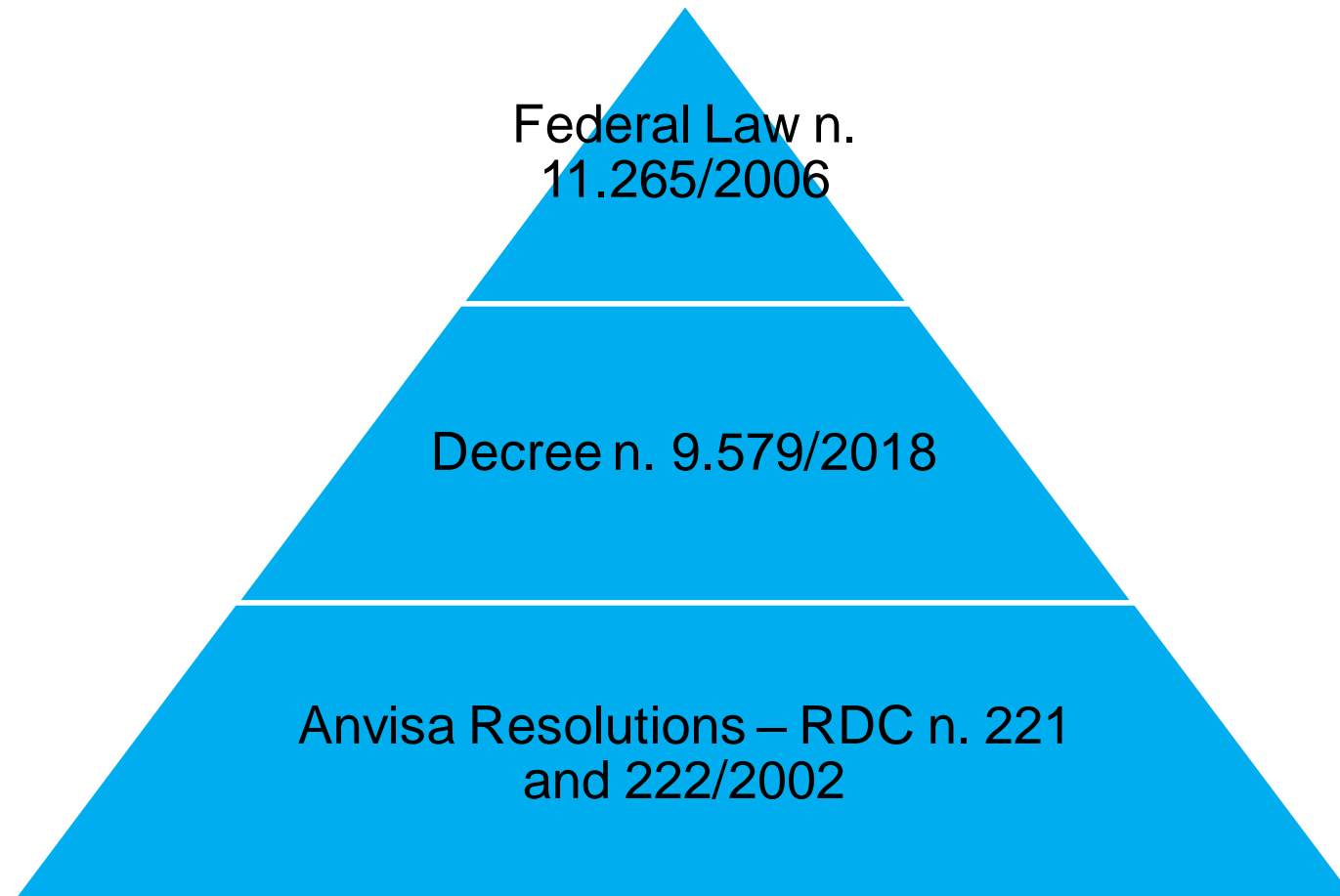


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Experiences: establishing and operationalizing monitoring systems - Brazil

Renata de Araujo Ferreira
Brazilian Health Regulatory Agency
ANVISA

NBCAL (Brazilian Code of Marketing of Infant and Toddler's Food Teats, Pacifiers and Baby Bottles)



NBCAL is an essential part of the Brazilian breastfeeding policy (PNAM)

Components of the Brazilian Policy for the Promotion, Protection and Support of Breastfeeding

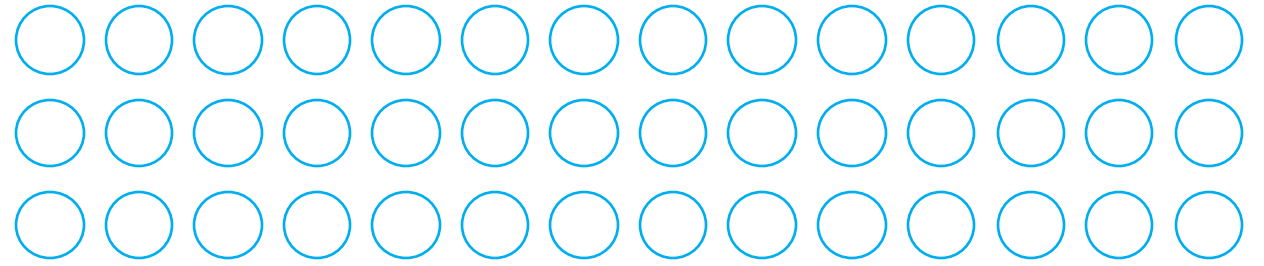


NBCAL monitoring and enforcement

- The NBCAL monitoring and enforcement is a legal responsibility of all Brazilian Health Regulatory System (SNVS), which includes ANVISA and regulatory bodies in 27 States and 5568 Municipalities;
- Anvisa acts at the federal level and the other bodies according to their responsibility (state or municipal)

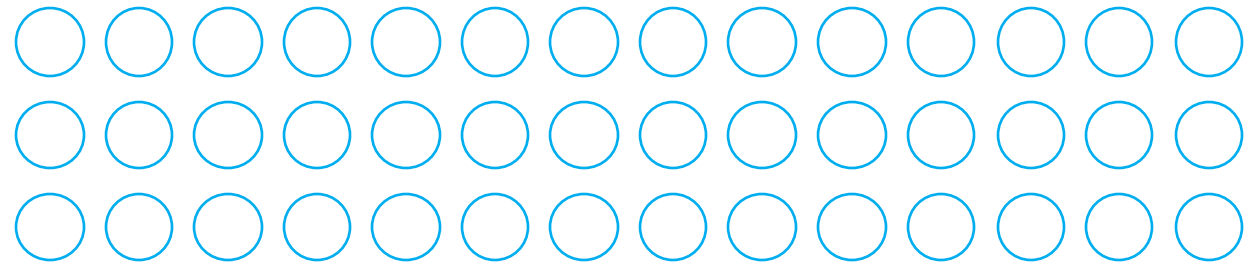


Anvisa



- The Brazilian Health Regulatory Agency (Anvisa) is an autarchy linked to the Ministry of Health, part of the Brazilian National Health System (SUS) as the coordinator of the Brazilian Health Regulatory System (SNVS).
- Anvisa's role is to promote the protection of the population's health by executing sanitary control of the production, marketing and use of products and services subject to health regulation, including related environments, processes, ingredients and technologies, as well as the control in ports, airports and borders.

Non-compliance investigations



- Between 2020 and 2023, 26 processes were started by Anvisa at the federal level to investigate non-compliance with NBCAL;
- There is no national database with information on investigations processes and sanctions filed by states and municipalities;

Epinet: e-commerce monitoring project



- Pilot project started in 2022 by Anvisa;
- Anvisa defines terms and conditions and uses artificial intelligence (a contracted company) that searches internet for irregular advertisements;
- When a non-compliance is identified, an electronic tool automatically notifies the company to delete the content;
- The company may request clarification to Anvisa about the notification by email;
- After notification, the electronic tool monitors whether the irregular content has been deleted from the internet and whether it will not be published again.



Sinais captados
+ 86.200.000



Ameaças em potencial
+ 609.000



Notificações (takedowns)
128.739

Produtos

Tudo

Grupos

Tudo

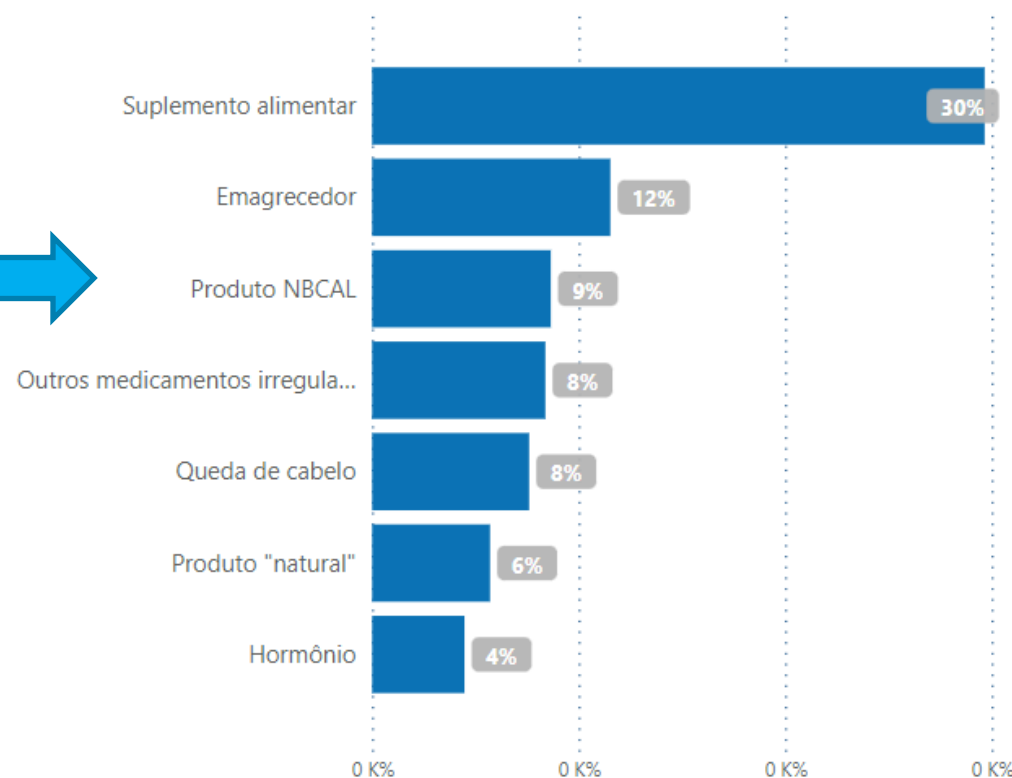
NBCAL



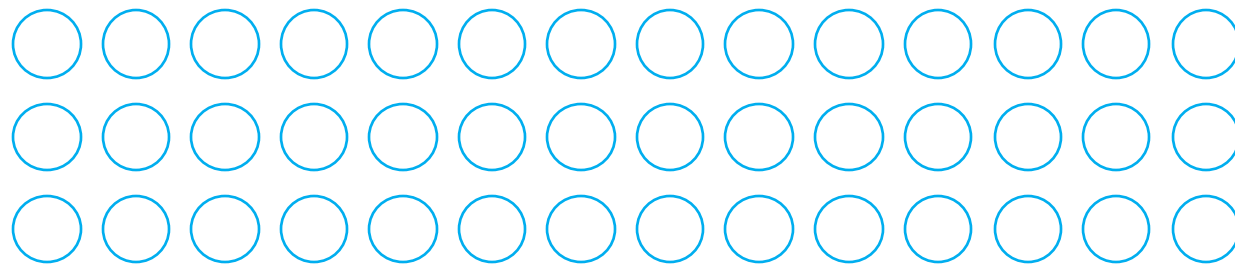
Notificações (takedowns)
10.356



Principais grupos com notificações solicitadas



Sanctions



- Non-compliance with NBCAL by companies related to advertising can have the following sanctions, established in Federal Law n. 6437/77: warning, prohibition of advertising, suspension of sales, imposition of rectifying message, suspension of advertising and fine;
- Penalties can be accumulated;
- The amount of the fine can vary between BRL 2,000.00 (U\$ 400,00) to BRL 1,500,000.00 (U\$300.000,00);
- The recurrence of the same irregularity doubles de fine.



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Brazil has many challenges
and non-compliance with
NBCAL, but we continue to
work on improving our
monitoring system.



World Health
Organization

unicef 
for every child



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Thank you

Obrigada!



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Nina Chad

Breastfeeding Counsellor and Technical Consultant
Department of Nutrition and Food Safety (NFS)
World Health Organization



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Monitoring digital marketing of breast-milk substitutes

Monitoring challenges

Digital promotions may:

- be ephemeral or fleeting;
- not be publicly visible;
- originate from outside the country;
- be difficult to recognise as promotions.

Monitoring in digital ecosystems

- periodic sampling (eg WHO CLICK protocol)
- public reporting portal
- require platforms to filter content
- social media intelligence monitoring
- purchase commercial market reports
- *persistent monitoring (eg VIVID)*
- combination approaches



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Nguyen Mai Huong

Senior Officer

Department of Maternal and Child Health
Ministry of Health Viet Nam



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Innovation in monitoring harmful digital marketing

Dr Nguyen Mai Huong, MD, MPH
*Department of Maternal and Child
Health, Ministry of Health*

Viet Nam – a fast growing digital economy

- Viet Nam with total population of 100 million is among top 15 countries with smartphone users
- Ranked Facebook's 7th largest user base with an estimated 58 million active users.
- Online ads industry is growing rapidly, reaching US\$390 million in revenues in 2016 and tripled in 2020.
- Since 2014, social networks overtook search engines to become the most-used online advertising method.



Despite legal framework to prohibit marketing of BMS products for children up to 24 months old...

- Law on Advertisement 2012
- Decree 100/2014/ND-CP on the trading in and use of nutritious products for infants, feeding bottles and teats.
- Decree 70/2021/ND-CP on Digital Advertising since July 2021:
 - Online platforms to report annually on advertisement violations and remove violations within 24 hours.

... increase in Code violations on online platforms while limited human resources to enforce the Code

- Digital marketing accounts for 70% of total spending for marketing.
- 32% of mothers report seeing BMS marketing on social media.



VIVID (Virtual Violations Detector) – an artificial intelligence powered application was developed by multi stakeholder partnership.



- Department of Maternal and Child Health
- Department of Legislations Affairs
- Department of Health Inspection
- Viet Nam Food Administration



VIVID scans 43 fanpages and websites of companies accounting for 95% of breast-milk substitutes sales in Viet Nam.

Glico



FrieslandCampina



WAKODO



BLACKMORES
THE BEST OF HEALTH

meiji



VIVID scans baby shop websites, fanpages, shopping platforms.



PHILIPS

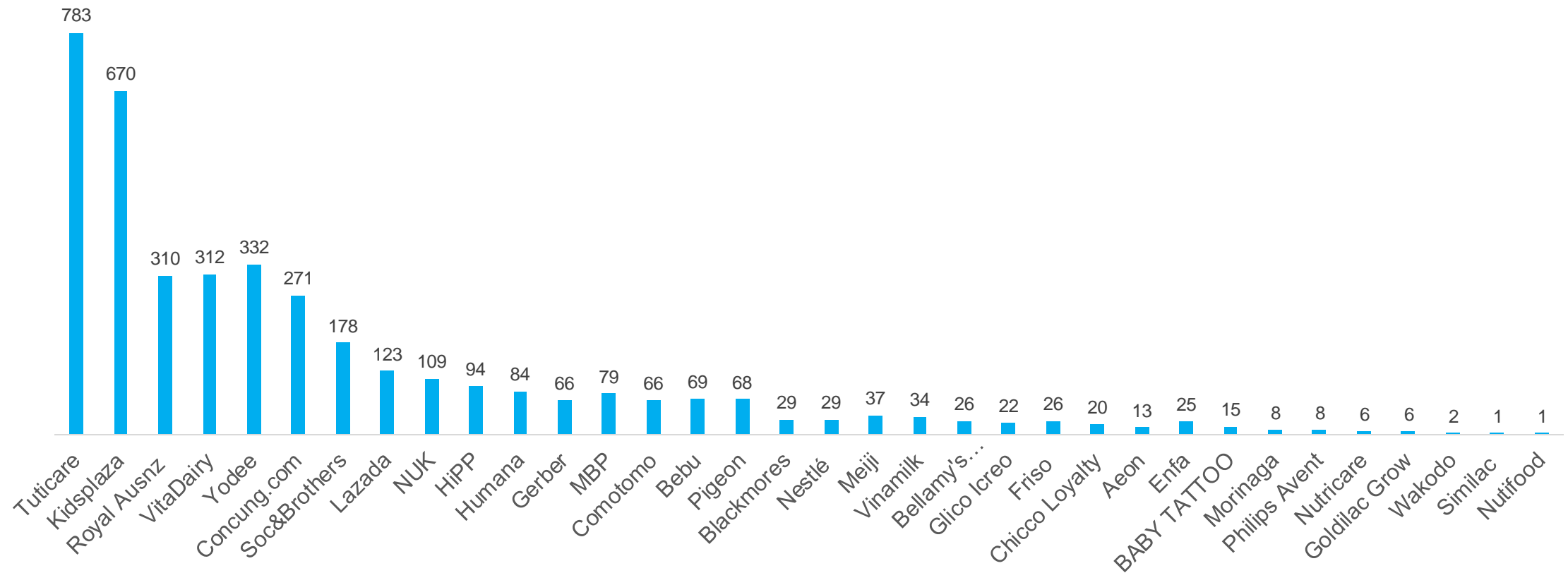


como
tomo



In 2022, VIVID scanned 35,790 posts and detected 3,922 Code violations.

(~ 15 violations per day, accuracy rate of 77%).





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Thank you!



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Constance Ching

Consultant, Code Implementation & Advocacy
Alive & Thrive, East Asia Pacific



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June 2023

Options for monitoring digital marketing

AI as Solution: Capabilities and Findings

Constance Ching

Technical Consultant on Code Advocacy and Implementation

Alive & Thrive | East Asia Pacific
FHI Solutions | Innovation Incubator



World Health
Organization

unicef 
for every child

AI and digital technology have been used to

- Disrupt businesses, improve productivity and increase bottom line
- Exploited for unethical and predatory marketing targeting women, children and families
- Data mining and algorithms: Big data enhances marketing capacity and ACUITY

Yet the application of AI to protect vulnerable groups and improve public health still has much room for exploration

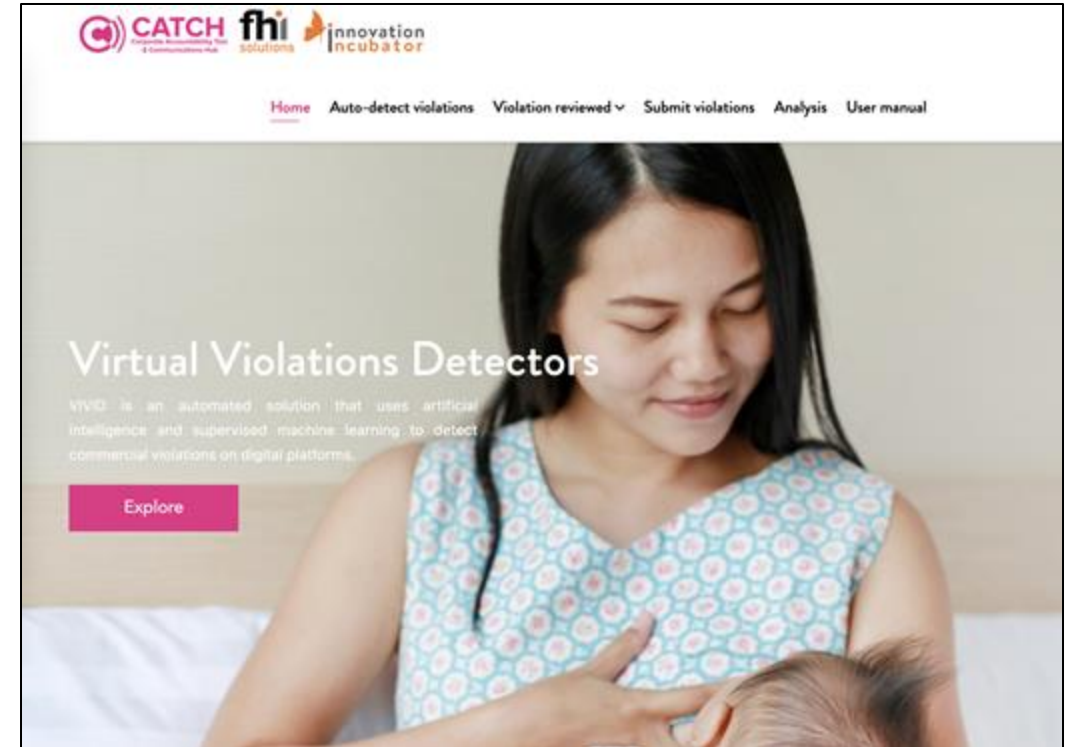
To **aid**, not to replace monitoring.
To disrupt the status quo “not able to do anything about digital marketing”



What is a Virtual Violations Detector (VIVID)?

- **Virtual assistant that uses human trained and supervised artificial intelligence** to monitor inappropriate marketing on digital platforms
- Trained to identify Code violations and types of violations
- VIVID Viet Nam in national language and based on national legal measures
- VIVID Code (pilot) in English and based on the International Code (and WHA resolutions)
- Code + Can be adapted to national context to aid monitoring and enforcement

Prototype in beta phase: ongoing developing and usability testing



How does it work?

Snapshots of Development and Human Training Process

"WHAT, HOW, WHERE"

1. WHAT: Image and Text Recognition



Identify products (scope)

- breastmilk substitutes (up to 36 months / infant formula, follow-up formula, and growing-up milk)
- bottles and teats
- food for infants and young children
- commercial milk formula for pregnant and lactating women

A&T Global_PROJECT TIMELINE													
File Edit View Insert Format Data Tools Extensions Help													
75% View only													
Use standardized product type/name (R/F; FUF2; GUM2; CF; CMF-PW)													
	Company	Brand	Product name	Use standardized product type/name (R/F; FUF2; GUM2; CF; CMF-PW)	Age	Milk	Complete nutritional food	Under scope of Code/WHO Guidelines	Corrected type	Questions and comments	Image of front label		
9	8	Kindness Milk Sweetener Yogurt	CF	CF	> 1 years old	TRUE	FALSE	TRUE	WHO Rec. 4		https://www.kindness.com.au/		
10	8	Nextel	Nextel MCM Maternal	CMF-PW	Maternal	TRUE	FALSE	FALSE	CMF-PW		https://www.nextel.com.au/		
11	10	Lactogen	Lactogen 1	GUM2	1-3 years old	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.lactogen.com.au/		
12	11	Lactogen	Lactogen 2	GUM2	4-6 years old	TRUE	FALSE	FALSE	WHO Rec. 32		https://www.lactogen.com.au/		
13	12	Lactogen	Nextel Lactogen 1 Baby Milk	R/F	From birth	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.lactogen.com.au/		
14	13	Lactogen	Nextel Lactogen 2	FUF2	6-12 months	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.lactogen.com.au/		
15	14	Lactogen	Lactogen 3 Grow up Formula	GUM2	1-3 years old	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.lactogen.com.au/		
16	15	PeNAN	Nextel PeNAN Infant Formula	R/F	From birth	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.penan.com.au/		
17	16	NIDO	Nextel Nido Kinder 1+	GUM2	> 1 years old	TRUE	FALSE	TRUE	WHO Rec. 32		https://www.nido.com.au/		
18	17		Nextel Infant Cereals Honey &	CF	> 12 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.nido.com.au/		
19	18	CERELAC	CERELAC Nextel Baby Cereals & Oats	CF	> 12 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
20	19	CERELAC	CERELAC NUTRIPURE	CF	> 12 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
21	20	CERELAC	CERELAC NUTRIPURE	CF	> 12 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
22	21	CERELAC	CERELAC Rice (without milk)	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
23	22	CERELAC	CERELAC Brown Rice & Milk	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
24	23	CERELAC	CERELAC Rice & Mixed Fruit	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
25	24	CERELAC	CERELAC Rice & Mixed Fruit	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.cerelac.com.au/		
26	25	GERBER	GERBER 1st FOODS	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.gerber.com.au/		
27	26	GERBER	GERBER 1st FOODS Cereals	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.gerber.com.au/		
28	27	GERBER	GERBER 1st FOODS Pears	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.gerber.com.au/		
29	28	GERBER	GERBER Organic Teether	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.gerber.com.au/		
30	29	GERBER	GERBER Organic Teether	CF	> 6 months	FALSE	FALSE	FALSE	WHO Rec. 32		https://www.gerber.com.au/		

*VIVID Viet Nam is based on national law and built in national language

Cross-Promotion

“Womb to tomb marketing”



The image displays a row of five infant formula cans from the brand Medela. From left to right, the products are: Enfamama A+, Enfagrow A+ MINDPRO (Lengkah 4), Enfagrow A+ MINDPRO (Lengkah 3), Enfagrow A+ MINDPRO (Lengkah 5), and Enfagrow A+ MINDPRO Gentlease. Above the Enfamama A+ can is a circular award badge from 'theAsianparent' for 'PARENTS' CHOICE 2021 BEST MATERNAL MILK ENFAMAMA A+ MALAYSIA'. Above the Enfagrow A+ MINDPRO (Lengkah 3) can is a larger circular award badge from 'parenthood' for 'PARENTS' CHOICE AWARDS 2022 WINNER', with a blue banner below it stating '2 YEARS IN A ROW'. A large red arrow points from the left towards the Enfamama A+ can. The background is a light beige with a subtle hexagonal pattern. The bottom of the image features a dark blue banner with white and yellow text.

#1 EXPERT Recommended Brand in Malaysia*











* Claim based on 2020 MJN HCP Brand Health Tracker – Wave 1 Report.



Supports mum & developing baby's
nutritional needs




Auto-detect violations

No	Country ↑↓	Company ↑↓	Brand ↑↓	Caption	Image	Published date ↑↓	Crawl date ↑↓	Link	VIVID		
									Status ↑	Code article	Violation type
1	Malaysia	FrieslandCampina	Friso mum	7 DAYS left to win! Our contest ends on 31 May! Last chance to win up to RM600,000 worth of prizes! Buy Friso® Gold and be in the running to win a gorgeo...		05-25-2023	05-26-2023		Violation	5.1	Promotion to the public
2	Malaysia	Mead Johnson Nutrition	Enfagrow	Only+ Enfagrow A+ MindPro provides expert DHA levels* & MFGM to nurture both IQ & EQ^, Give your child to try today to support his holistic brain development. ^Coupl...		02-28-2023	05-26-2023		Violation	5.1 4.2 WHA58.32	Promotion to the public Information and education Nutrition or health claims
3	Malaysia	NUK		Shopee Pay Day is happening now!👉 Shop now to get up to 55% off only on 25th May! Enjoy Free Shipping benefits with min spend of RM20 and an RM10 off voucher f...		05-25-2023	05-25-2023		Violation	5.1 5.3 5.4	Promotion to the public
4	Malaysia	Mead Johnson Nutrition	Enfagrow	Only+ Enfagrow A+ MindPro provides expert DHA levels* & MFGM to nurture both IQ & EQ^, Give your child to try today to support his holistic brain development. ^Coupl...		02-28-2023	05-25-2023		Violation	5.1 4.2 WHA58.32	Promotion to the public Information and education Nutrition or health claims
5	Malaysia	NUK		Make those first months more peaceful with the help of NUK Star Latex Soother with an extra soft baglet♥ Our orthodontic soother helps perfect teeth alignme...		05-23-2023	05-24-2023		Violation	5.1	Promotion to the public

2. HOW: How/Why is it a violation?

Set up violation 'rules' according to provisions in the Code and relevant WHA resolutions (2016 WHO Guidance)

Trained the machine to identify the type of violations and Code articles/Resolutions
E.g. WHA 58.32 Nutrition and health claims



A&T Global_PROJECT TIMELINE							
File Edit View Insert Format Data Tools Extensions Help							
75% View only							
A9:A13 A. Promotion to the public							
A B C D E							
1	IF1 = Infant formula / Step 1						
2	FUF2 = Follow-up formula / Step 2						
3	GUM3 = Growing-up milk / Step 3						
4	BMS (Breastmilk substitutes) = IF1 + FUF2 + GUM3 (all formula milk from 0-36 months)						
5	B&T = Bottles and teats						
6	CF = Food for infants and young children / Complementary foods						
7	CMF-PW = Commercial milk formula for pregnant women						
8	Violation Type	Violation Code	Violation Content - It is a violation when ...	Products	Provisions	Reference	Keyword
9	A. Promotion to the public	A1. Advertisement and general promotion	Advertisements and other forms of promotion.	BMS, B&T	5.1	Article 5.1 (Code)	
10		A2. Samples	Giving free samples.	BMS, B&T	5.2	Article 5.2 (Code)	1. https://www.babyandme.nestle.com.sg/brand/tan-opti
11		A3. Discounts and coupons	Discount, coupons, premiums, rewards, point accumulation for rewards, tie-in / bundled sales, or other forms of promotion.	BMS, B&T	5.3	Article 5.3 (Code)	
12		A4. Gifts	Giving gifts (to promote use of BMS or bottle-feeding).	BMS, B&T	5.4	Article 5.4 (Code)	
13		A5. Contact with mothers	Direct or indirect contact with pregnant women/mothers of infants and young children.	BMS, B&T	5.5	Article 5.5 (Code)	1. https://nutricia.com.au/caroline/meet-caroline/ 2. https://www.babyandme.nestle.com.sg/nestle-baby-c 3. https://abbottfamily.com.sg/ask-out-experts
14	B. Labelling (including packaging and messaging)	B1. Inadequate labelling (Infant formula)	*FOR INFANT FORMULA ONLY Label, packaging and messages (brochures, online information and package labels) missing any of the following: a. Superiority of breastfeeding. b. The need for the advice of a health worker c. Instructions for appropriate preparation and d. Health hazards of inappropriate preparation	IF/1	9.2	Article 9.2 (Code)	1. https://www.bellarysorgansinstitute.com.au/product 2. https://www.a2nutrition.com.au/products/0-6-months
15		B2. Inadequate labelling (Powdered infant formula warnings)	*FOR POWDERED INFANT FORMULA ONLY Label, packaging and messages missing: a. Risk of intrinsic contamination of powdered formula b. Needs to be prepared using water first boiled and then cooled to not less than 70°C (WHO/FAO guidelines).	IF/1 (powdered)	WHA58.32 + WHA61.20	WHA 58.32 [2005] + WHA61.20 [2008]	https://www.amazon.co.uk/Kendamil-First-Infant-Stage
16		B3. Labelling that undermines breastfeeding	Label, packaging and messages (brochures, online information and package labels) that contain any of the following: a. text, images, or messages that discourage breastfeeding b. pictures or text that idealize products or bottle-feeding, e.g. presenting the product as comparable to breastmilk or breastfeeding, using "humanised", "maternalised" or similar terms, contain pictures of infants c. other pictures or text idealizing the use of BMS/bottle-feeding	BMS, B&T	9.1 + 9.2	9.1 + 9.2 (Code) <i>*Note: 9.2 is only limited to infant formula. To overcome that limitation, we combine it with 9.1 here, so together this category can be applied to all BMS and B&T.</i>	
17		B4. Health and nutrition claims	Label, packaging and messages (brochures, online information and package labels) contain nutrition or health claims. Text, graphics or icons that state or suggest the product or its ingredients confer special physiological, growth, developmental or functional benefits.	BMS, B&T	WHA58.32	WHA 58.32 [2005]	Includes DHA and ARA, special nutrients found in breast milk that are important for helping support brain and eye development and calcium and phosphorus for baby's growing bones 1. https://abbottstore.com.sg/similac-gain-with-2-d-850 2. https://www.apta.com.hk/zh-hk/our-products/esensi 3. https://www.babyandme.nestle.com.sg/tan-optipro-4 4. https://abbottfamily.com.sg/products/page/similac-2i 5. https://www.instagram.com/p/CSOZgYgrJn/ 6. https://www.babyandme.nestle.com.sg/brand/tan-opti
18	C. Information and Education	C1. Company-sponsored information and education materials	Information and education materials dealing with the feeding of infants and young children that are sponsored or produced by company.	BMS	4	Article 4 (Code, general)	1. https://www.nutritionnews.abbott/content/dam/au/bey

One post – multiple violations

Violation	5.1	Promotion to the public Information and education Messages, information, educational materials, and labeling Nutrition or health claims
	5.3	
	5.4	
	4.2	
	9.1 + 9.2, 4.2	
	WHA58.32	

Help give your child both IQ and EQ nutrition
Complete the #MissingHalf with Enfagrow A+ MindPro.

MAXIMUM 5 TRANSACTIONS*
Per Customer, During the Promotion Period.

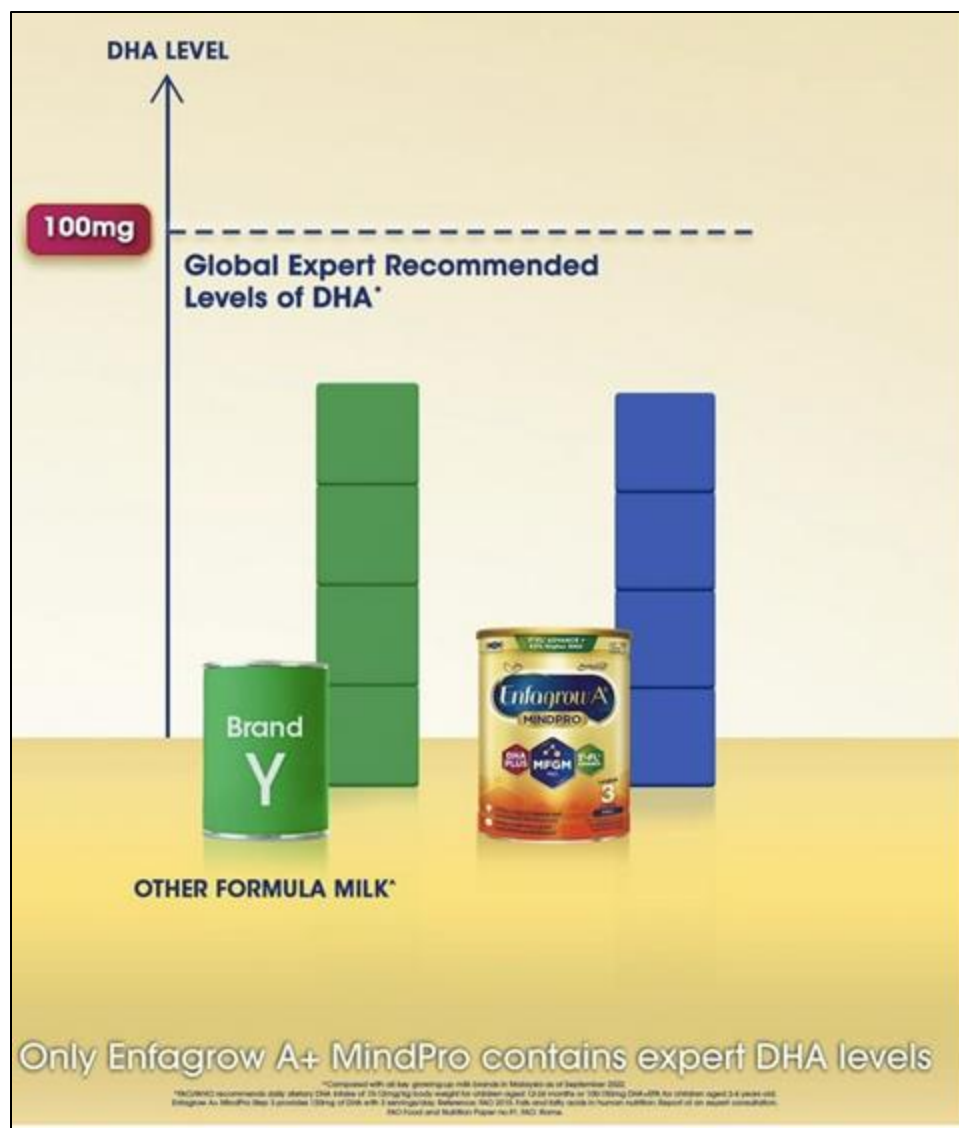
With purchase of Enfagrow A+ Mindpro Step 3 & Step 4 3.48kg (All Variants)

26th - 28th MAY 2023 **Southkey, JB Mid Valley**

FREE Piano Block Set* **BUY X3** **FREE Kid Playground Set***

*Promo and conditions apply. While stocks last. Each customer is entitled to purchase and redeem up to maximum 5 transactions during the promotion period. This promotion is applicable to Enfagrow A+ Mindpro 3 and 4 3.48kg all variants. The promotion only available at Big Baby Expo @ Southkey JB Mid Valley, 26 - 28 May 2023.

<u>Malaysia</u>	<u>Mead Johnson Nutrition</u>	<u>Enfagrow</u>	Get a FREE* Piano Block Set or Kid Playground Set at BIG Baby Expo @Southkey, JB MidValley. Choose Enfagrow A+ MindPro. Nurturing your child's IQ with Expert D...
-----------------	-------------------------------	-----------------	--

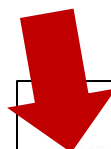
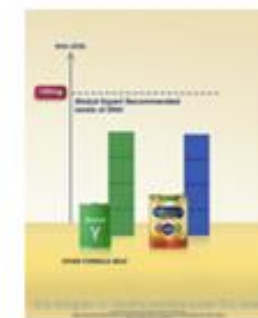


Malaysia

Mead Johnson Nutrition

Enfagrow

Only+ Enfagrow A+ MindPro provides expert DHA levels* & MFGM to nurture both IQ & EQ^. Give your child to try today to support his holistic bra...



Violation

5.1
4.2
WHA58.32

Promotion to the public
Information and education
Nutrition or health claims



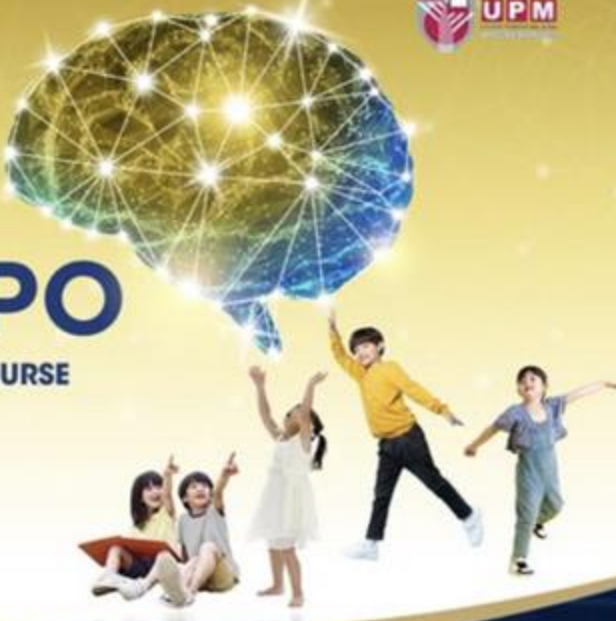
"Only Enfagrow A+ MindPro provides expert DHA levels* & MFGM to nurture both IQ & EQ^*. Give your child to try today to support his holistic brain development."

Enfagrow A⁺ MINDPRO presents

In collaboration with UPM

HOLISTIC BRAIN EXPO

SUNWAY PYRAMID, ORANGE CONCOURSE
18 - 21 MAY 2023



Enfagrow A⁺ MINDPRO

World Brain Day

Nourishing Our Children's Holistic Brain Development



IQ: WHO recommends daily dietary DHA intake of 10-12mg/kg body weight for children 12-24 months or 100-150mg DHA-EPA for children 2-6 years old. Reference: IQ: 2013. Fat and fatty acids in human nutrition. Report of an expert consultation. FAO Food and Nutrition Paper no. 91. FAO: Rome.

3. WHERE: Where are the violations?

- Identified links and pages where companies are active: Facebook, Instagram, and company websites (*with 50-page limitation)
- Select companies from each of the countries covered
- Consulted partners / monitors on the ground
- Only public posts/pages
- Therefore, monitoring is extremely important in providing examples and machine training

Prototype: Australia, Hong Kong, Malaysia, New Zealand, Nigeria, Philippines, Singapore, UK, USA, and *Viet Nam.

A	B	C
24		https://www.nuk.sg/
25	Singapore	https://www.instagram.com/nuksingapore/
26		https://www.nestle.com.hk/en/brands/baby
27	Hong Kong	https://www.tommeetippee.com.hk/
28		https://www.frisogold.com.my/
29		https://www.facebook.com/FrisoGoldMY
30		https://www.instagram.com/frisogoldmy/
31		https://www.startwell.nestle.com.my/
32		https://www.mamil.com.my/en/
33		https://www.facebook.com/DumexMamil/?ref=br_rs
34		https://abbottnutrition.com.my/
35		https://www.enfagrow.com.my/
36		https://www.facebook.com/enfagrowmalaysia
37		https://www.instagram.com/enfagrowmy/
38		https://mymambaby.com/
39		https://www.instagram.com/mymambaby/
40		https://www.wyethnutrition.com.my/brands/wn/growing-milk/g
41		https://www.facebook.com/TommeeTippeeMY_
42	Malaysia	https://www.facebook.com/nuk.my/
43		www.a2nutrition.com.au
44		https://www.facebook.com/a2PlatinumToddler/
45		https://bellamysorganic.com.au/
46		https://www.facebook.com/bellamysorganic/?ref=page_internal
47		https://www.instagram.com/bellamysorganic/
48		www.nestlebabyandme.com.au
49		https://www.bellamysorganicinstitute.com.au/
50		https://www.facebook.com/NestleBabyandMeAU
51		https://www.medela.com.au/
52		https://natureonedairy.com/
53		https://www.facebook.com/natureonedairy
54		https://www.instagram.com/natureonedairyaustralia/
55		https://www.facebook.com/pigeonbabyau/photos/?ref=page_internal
56	Australia	https://www.instagram.com/pigeonbabyau/
57		https://www.konga.com/category/baby-kids-toys-8


≡ List of fanpage, website (updated)(1) ▾ Products (upd


Submit violations: Violation identifier


Submit violations

☒ Enter the suspected text/Drop image

Enter the suspected text


Or drop the image here

 Country ▼

☐ I'm not a robot 
reCAPTCHA
Privacy - Terms

Check

**Encourage
public/citizen
participation in
monitoring**



Importance of human vetting / supervised functions


























- AI supervised machine learning to verify and improve accuracy
- Engagement in monitoring and enforcement (government, CSO)

CATCH fhi innovation solutions incubator

















Home Auto-detect violations Violation reviewed Submit violations Analysis User manual supervisor

Auto-detect violations

Search Select Date Brand/Company Country Violation... Apply Export excel

No	Country	Company	Brand	Caption	Image	Violation type	Status	Code article	Violation type
1	Australia	Bellamy's Australia, Mengniu Dairy	Bellamy's Organic	We love the forward thinking 🤖 We are officially entering the time of year where it feels like our little one's bring home a new sickness every week...hang in the...			 	 	
2	Singapore	Orient EuroPharma and Dairy Goat Co-operative	Karihome	Karihome Cow Milk Growing-Up Formula contains the highest* 2"-FL of any brand and it's going for just \$37 at Lazmall! Made in New Zealand with more than ...			 	 	
3	Malaysia	FrieslandCampina	Friso mum	7 DAYS left to win! Our contest ends on 31 May! Last chance to win up to RM600,000 worth of prizes! Buy Friso® Gold and be in the running to win...		Promotion to the public	 	 	
4	Australia	Nature One Dairy		Sleep walking – why does it happen? How do we fix it? Lisa has some answers 🤖 You can find expert sleeping tips just like these on our website. ❤️			 	 	
5	Singapore	NUK		You can count on it -The NUK Star soother is just that! Majority of babies can be soothed by it. Breastfeeding mothers		Promotion to the public	 	 	

Viet Nam: CSO works together with Ministry of Health and Ministry of Information and Communications to vet and go through the detected violations

No	Brand ↓↑	Caption	Image	Public date ↓↑	Crawl date ↓↑	Link	Violation code	Status	Supervisor 1	Supervisor 2	Operator
1	Royal Ausnz	SỮA DÊ GOAT 2 THƠM MẬT, CHO CON TỪ 6-12 THÁNG DINH DƯỠNG TRỌN VẸN, ĐỂ KHÁNG VỮNG VÀNG 😊 Con không uống được sữa bò không sao, con hấp thu kém mới đáng lo! 😊 Con biếng ăn không lo, không chọn được...		14/09/2021	14/09/2021		6.1-SCT	Violation	Reviewing	Reviewing	 
2	Bellamy's Organic	BELLAMY'S ORGANIC - ĐỒNG HÀNH CÙNG BÉ LỚN KHỎN LÀNH MẠNH ✅ Được sản xuất từ nguồn nguyên liệu hữu cơ tươi ngon, chất lượng cao và đạt chứng nhận, các sản phẩm của Bellamy's chứa dồi dào thành...		14/09/2021	14/09/2021		6.1-SCT	Violation	Reviewing	Reviewing	 
3	Kidsplaza	#Minigame HOT 🔥 HOT? Đố ba mẹ biết ông trùm "Vĩ điện tử" nào sẽ cùng Kids TUNG TRIỆU MÃ MỜI GIẢM BANH NÓC vào ngày 15.9.2021? 😊 Bí mật lắm Ad không gợi ý tí gì đâu...❤️AL...		13/09/2021	14/09/2021			Non-violation	Reviewing	Reviewing	 
4	Webtretho	CÂU ĐỐ VUI, tối ngày 13/09/2021 *Lưu ý: Câu trả lời hợp lệ là câu trả lời ở trong cộng đồng Webtretho nhé mọi người. Cơ hội nhận thưởng mỗi ngày với 2 giải thưởng là QUÀ TẶNG trị giá 100.000 VND...		13/09/2021	14/09/2021			Non-violation	Reviewing	Reviewing	 

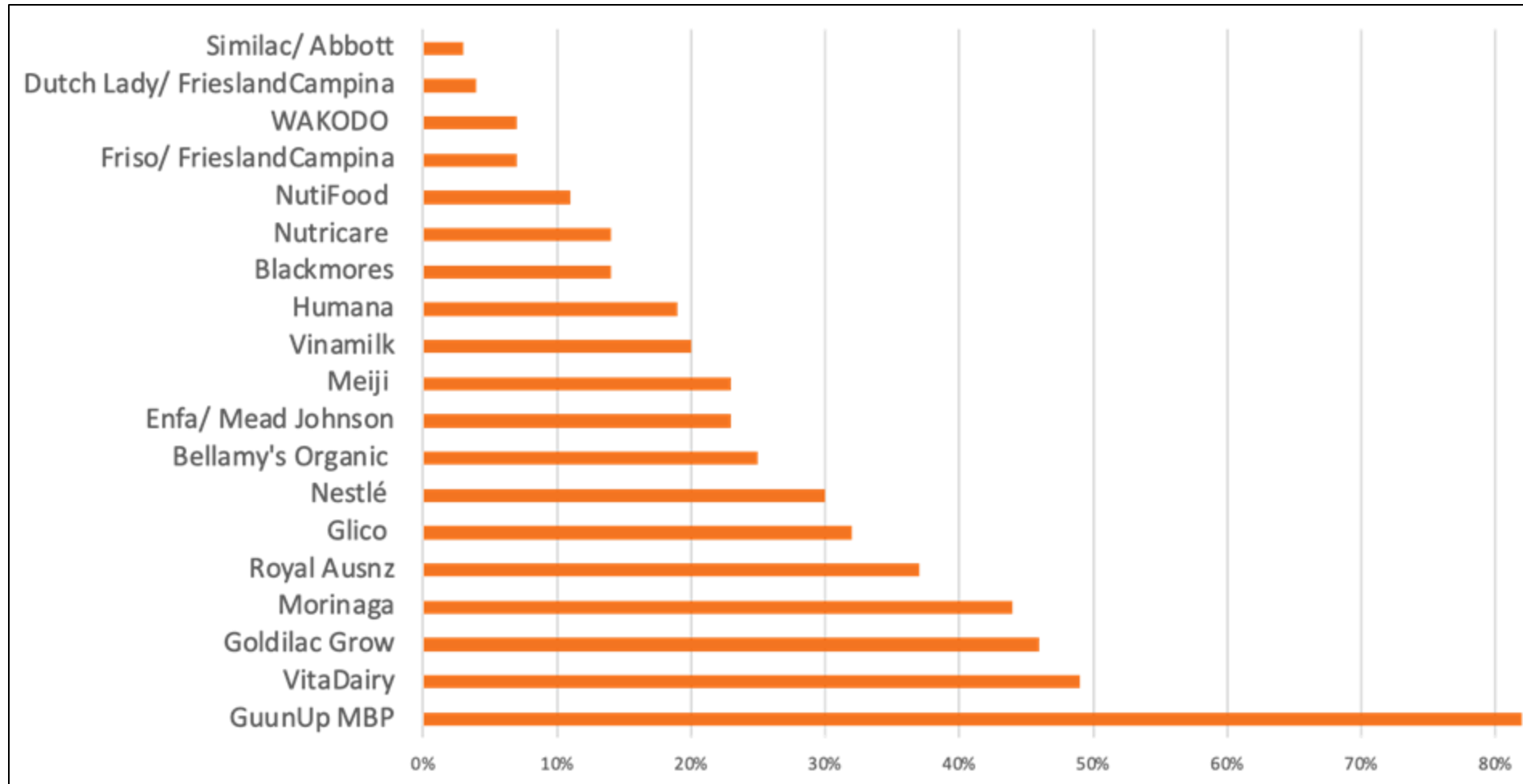
Tracking actions: From monitoring to enforcement/penalty: Companies are asked to take down their posts



Brand ↓↑	Caption	Image	Public date ↓↑	Checking date ↓↑	Penalty issued ↓↑	Link	Legal documents	Violation code	Change status
Bellamy's Organic	CÔNG BỐ DANH SÁCH TRÙNG THƯỜNG - Livestream ngày 18/9 Buổi livestream Hướng dẫn Phòng & Chăm sóc sức khỏe cho Mẹ bầu và Trẻ nhỏ mắc Covid 19 do Bellamy's Organic Việt Nam thực hiện với sự chia sẻ...		28/09/2021	30/09/2021			Select ✓	11.2.dd, 6.1-SCT	
Morinaga			28/09/2021	30/09/2021			Select ✓	6.1-SCT	
Bellamy's Organic	CÔNG BỐ DANH SÁCH TRÙNG THƯỜNG - Livestream ngày 18/9 Buổi livestream Hướng dẫn Phòng & Chăm sóc sức khỏe cho Mẹ bầu và Trẻ nhỏ mắc Covid 19 do Bellamy's Organic Việt Nam thực hiện với sự chia sẻ...		28/09/2021	28/09/2021			Select ✓	11.2.dd, 6.1-SCT	

TRACK PREVALENCE FOR ANALYSIS, REPORTING, AND RESEARCH

Example: Percentage of Code violations among select social media pages in Viet Nam in 2022 by **BMS companies**



TRACK PREVALENCE FOR ANALYSIS, REPORTING, AND RESEARCH

Deployed in October 2022 26915 entries scanned in total

No	Code Article	Violation Types	Entries
1	5.1	Promotion to the public	13673
2	WHA58.32	Nutrition or health claims	7850
3	9.1 + 9.2,4.2	Messages, information, educational materials, and labelling	7230
4	5.5	Promotion to the public	3340
5	5.3	Promotion to the public	3068
6	4.2	Information and education	3054
7	5.4	Promotion to the public	2542
8	5.2	Promotion to the public	1016
9	WHA58.32 + WHA61.20- Label_contam	Labeling, packaging and messaging	918
10	WHO Rec. 4	2016 Guidance [Foods for infants and young children]	746

TRACK PREVALENCE FOR ANALYSIS AND RESEARCH

Company	Entries	Violations
Abbott	3483	1820
Danone	2380	1609
Mead Johnson Nutrition	3108	2613
Nestlé	3280	2594

(not exhaustive numbers/list)

Even though...

- Existing Code laws that prohibit general promotion of BMS (and related products) do not exclude digital media
- Generally, mainstream marketing practices on digital platforms such as advertising, discounts, promotion coupons, and contact with mothers are broadly covered by these legal measures.
- These digital marketing practices do call for greater regulatory clarity and specificity: additional laws/regulations, amendment or adaptations to existing law, and necessary to specifically stipulate the type of sanctions and the actor responsible for carrying them out.



But challenges persist in monitoring and enforcement

WHA Resolution 75.21 in 2022 to develop guidance for governments on how to restrict digital marketing of BMS and related products

Certain grey areas exist

Strategies such as:

User generated content

Influencers

Cross-border
marketing

Data mining

Who is accountable? How to restrict/enforce?

Malaysia: Encouraging User Generated Content

#EnfagrowMY



Kongsi salam kreatif anda & menang hadiah berjumlah sehingga

RM50,000*

Sertai Sekarang



*Setiap anak berhak menang dan menang



Nak Menangi Hadiah Utama?

Beli mana-mana produk Enfagrow A+ untuk peluang menangi hadiah utama.

HADIAH UTAMA
(4 Pemenang)
RM4,000

Dana Harapan Anak dan produk Enfagrow A+ selama setahun (bernilai sehingga RM4750)



Peraduan Salam Kebaikan Salam Penuh Harapan

Sertai dengan 3 langkah mudah!



Langkah 1

Rakam video cara anak anda bersalaman.



Langkah 2

Muat naik di laman sosial anda dengan #SalamPenuhHarapan #EnfagrowMY.
Pastikan laman sosial anda dalam tetapan 'public'.



Langkah 3

Isikan borang penyertaan yang dipautkan dalam halaman web peraduan.

HADIAH SAGUHATI
(150 Pemenang)
E-wallet RM100 x 25 (setiap minggu x6 minggu)

Borang Penyertaan Peraduan

Tiada pembelian diperlukan!



Form fields: Nama Penuh, Bilangan Tarafan, Nombor Kad Pengenaliran, E-mel, Alamat.



Shop ▾
Products

Prenatal ▾
Hub

Tips & ▾
Resources

Why ▾
Enfamil
A+

Why ▾
Enfagrow
A+

Enfamil A+ ▾
Coupons &
Offers

Tools ▾



[Home](#) / [Milestone memories](#)

Enfamil A+® Milestone Memories™

LITTLE MOMENTS, BIG MEMORIES

Every tumble, babble, and wide-eyed discovery comes with an amazing story behind it. Share unique, spontaneous and precious moments of your baby.

[Upload your photo](#)



Upload your pictures

Would you like to share a photo of your baby on Enfamil.ca?
You can post it on Instagram & Twitter using #enfamil, #enfamilcanada, #enfa



[Upload a photo](#)



Tweet using #enfamil,
#enfamilcanada or
#enfa



Post on Instagram
with #enfamil,
#enfamilcanada or
#enfa



Watch and then share your precious moments

You love to capture baby's precious moments. Now there's a place to upload your photos and stories to share with other parents—and to enjoy what they've posted.

[Learn more](#)

Influencer marketing



The Bureau of Investigative Journalism, 2020: SGM (Danone) Mom Bassadors in Indonesia



Content created by influencers (who could be paid by the company) or users (who would not be paid).



Mom Com India: Close to 3 million subscribers

Digital marketing IS powerful. But do not let that paralyze us.

It is exactly because of how powerful it is that we need to remember the importance of monitoring – the spirit of monitoring – to hold companies to account.



Babymilk Plus
second only to breast milk.



There's no doubt that breast milk is the most suitable form of nutrition for the development and growth of young infants. But if for any reason breast feeding is not possible the infant should get a formulated Baby Milk. Cow & Gate has formulated Babymilk Plus to have a composition corresponding as closely as possible to breast milk. And it has been clinically and chemically assessed to ensure that it is completely acceptable to both babies and paediatricians. Available in 500 g and 1 kg tins.

Babymilk Plus.
The acceptable alternative to breast milk.

Ask Cow & Gate's advice if you have any questions concerning your baby. A free consultancy service is available to all mothers. Johannesburg: Tel. 785-2060 • Cape Town: Tel. 55-5111 • Portofino: Tel. 3-4380 • Durban: Tel. 37-8221

Mother's milk is best for Baby.

But when you have to bottle-feed make sure you take care.

Follow these 10 important points...

1. Wash and sterilize feeding bottle, nipple and all utensils used. Otherwise milk can get contaminated very easily.
2. Boil the water for ten minutes and cool it to just above body temperature before you mix the milk powder. Very hot water will cause the fat content in the milk powder to separate. Whereas cold water will make it difficult to dissolve the powder.
3. Do not over-dilute feeds (except under doctor's advice) as this could lead to malnutrition.
4. As you feed, ensure that the feed is neither too hot nor too cold, by testing a little on the back of your hand. It is important that the food is as close to body temperature as possible.
5. Check that the hole in the nipple is of the right size, so that milk comes out in large, round drops. If the flow of milk is too slow, it will make Baby work very hard at drawing it out. And if it is too fast, it may even choke him.
6. Remember, overfeeding is as harmful as under-feeding. Follow the feeding table given on the pack.
7. When breast-feeding is supplemented by bottle-feeding, see that they together make an adequate quantity.
8. Prepare a fresh feed for Baby each time. Do not give Baby left-over feeds, as milk gets contaminated.
9. Keep the tin in a cool, dry place away from strong odours. Keep lid tightly closed to avoid contamination.
10. Follow all the instructions given on the pack. If in doubt, consult the doctor.

Choose Glaxo Sanihome—the trusted infant milk food

- Glaxo Sanihome is hygienically prepared and packaged.
- Glaxo Sanihome is specially suited to Baby's tender digestion. A light and easily digested food is formed in the stomach making it suitable for even the most delicate babies.
- Glaxo Sanihome is ideally balanced with the right amount of protein, fat, carbohydrates, vitamins, minerals and iron. No wonder Glaxo Sanihome has been named by mothers over the years...



Trust Glaxo—trusted by mothers.

THE ILLUSTRATED WEEKLY OF INDIA, FEBRUARY 7, 1962



Bottle feeding takes a turn for the better.





Glaxo Sanihome is a complete infant milk food. It is specially formulated to be easy to digest and absorb. It is also easy to prepare. You don't need a special skill to make it. Just add water to the powder and you're done. It's the perfect food for your baby.

Glaxo Sanihome
by Gripeight.
Little things mean a lot.





Visit the VIVID tool through our
CATCH (Corporate Accountability
Tool & Communications Hub)
platform

GLOBAL BREASTFEEDING
COLLECTIVE




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 Search results


Breastfeeding Advocacy Toolkit


A knowledge and tool base for breastfeeding advocates



Funding



Code


Workplace



Ten Steps


Counselling Access


Community Links


Monitoring

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The Problem With Formula Milk Industry Webinars

<https://www.globalbreastfeedingcollective.org/problem-formula-milk-industry-webinars>

This webinar series focuses on how the formula milk industry aggressively markets their products to health professionals, influencing their beliefs and training, as well as the advice they give parents. Organization WHO, The...

[Breastfeeding](#) [Global](#) [Breastfeeding Advocacy Toolkit](#) [Toolkit](#) [National](#) [BfMI Code](#)




VIVID

<https://www.globalbreastfeedingcollective.org/vivid>

VIVID uses automated artificial intelligence and supervised machine learning to detect advertising violations of the Breastmilk Marketing Code on digital platforms. Organization Alive & Thrive, FHI Solutions Publication date 2022...

[Breastfeeding](#) [Global](#) [Breastfeeding Advocacy Toolkit](#) [Toolkit](#) [BfMI Code](#)



Universal Monitoring and Reporting Form

<https://www.globalbreastfeedingcollective.org/universal-monitoring-and-reporting-form>

This spreadsheet provides the raw information for creating a data entry package for the Universal Monitoring and Reporting Form. A number of data entry programs can read an .XLS file of this type to create forms. The...

[Breastfeeding](#) [Global](#) [Breastfeeding Advocacy Toolkit](#) [Toolkit](#) [BfMI Code](#)

**GBC
Breastfeeding
Advocacy
Toolkit**



STAY CONNECTED

@fhisolutions

www.fhisolutions.org

Email: cching@fhi360.org

Thank you!

Check us out at:

code.corporateaccountabilitytool.org/articles/auto-detection





**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

David Clark

Code expert
Former legal specialist at UNICEF



Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes
June 2023

Considerations for ensuring effective legal enforcement

David Clark, International Legal Consultant

Slides by Katherine Shats, UNICEF HQ

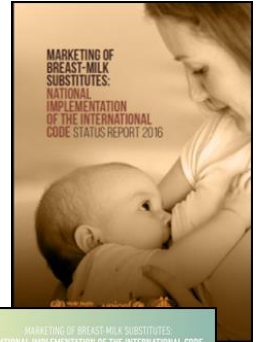
REMEMBER

MANY REASONS LAWS ARE NOT
ENFORCED COULD HAVE BEEN
ADDRESSED FROM THE BEGINNING
AND BUILT *INTO* THE LEGAL
FRAMEWORK



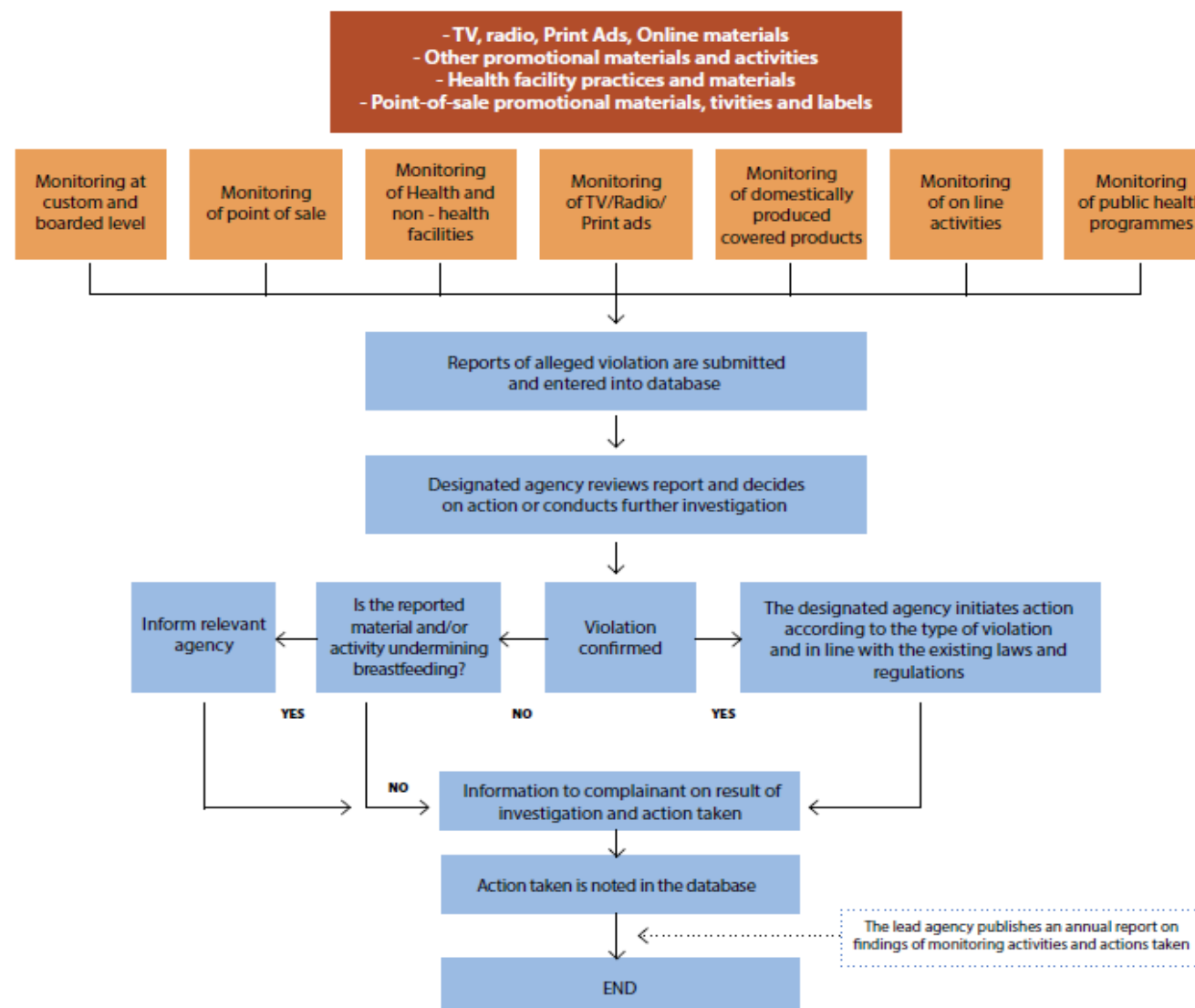
Enforcement of Code legislation

- Code Status Report Recommendations:
- Governments should establish **robust and sustainable monitoring and enforcement mechanisms** to implement national laws and regulations
- Such mechanisms must **involve all relevant government agencies, be adequately funded, and allow for public engagement and scrutiny**, including through the periodic release of implementation reports
- Governments should **apply deterrent sanctions** in the case of violations of national Code legislation



Monitoring and Enforcement

Monitoring
and
enforcement



Specifying monitoring and enforcement authorities, powers and duties

The law should specify which authorities/agencies have the power and duty to a) monitor and inspect for compliance and b) **initiate enforcement action, investigate, resolving complaints and administer penalties.**

The authorities' powers should include entering relevant premises, obtaining evidence, conducting interviews, seizing products that do not comply with the law and issuing notices or on-the-spot fines.

Establishing the necessary mechanisms

Selection of a monitoring and enforcement entity should be guided by several criteria:

Enforcing agency should be

- completely free of conflict of interest
- competent to enforce the legislation effectively
- Have the political will
- BE CONSULTED

Enforcement agents should receive **adequate training** in content of the law, monitoring and enforcement procedures, reporting processes ...

Some aspects of **enforcement may best be handled at a national level, while others may require the involvement of local agents or officers** (in some countries, with decentralized health services, monitoring and enforcement will be a shared responsibility of local government units)

Financing the enforcement mechanisms

Once the appropriate enforcement agencies are identified, consider how they will be **financed**.

- What is covered under the agency's current budget? Will it need to be increased to include Code violations? Is it tied to the scope of their duties as defined in another law? Should this law expand their duties so that extra budget can be allocated?
- Will the body require additional resources or expertise to enforce the law? If so, where will these resources come from and how will they be appropriated? Does this require additional legislative or policy change?
- What about manpower/human resources to issue warnings, adjudicate complaints, refer for prosecution?

Imposing sanctions

Sanctions must be **serious enough to deter** violations

If considering criminal sanctions, would the criminal penalty for violations be consistent with criminal penalties under comparable laws?

Sanctions should be **proportional** to the nature and seriousness of the violation and the legal duty of the violator (a small retailer, the CEO of large manufacturer, and a health worker cannot be subject to the same sanction); and increase for repeat violations.

Other forms of penalties may include cease and desist orders, suspension of licenses removal of inappropriate promotional materials, requiring counter-advertising at the cost of the violator, return of donated goods, etc

Imposing sanctions

Procedures used to impose sanctions also vary widely - **may involve same procedures used in criminal or civil cases** before the courts

Alternatively, procedures may involve **hearings or other administrative proceedings within the enforcement agency**

If the agency has the legal competence and capacity to conduct administrative hearings, **this approach may speed and simplify enforcement, while reducing expenses**

Enforcement procedures

If possible **select enforcement procedures that function well in relation to other laws**, Are there good examples in the field of tobacco or pharmaceuticals?

Make sure there are mechanisms to feed monitoring findings to the appropriate enforcement agencies.

Whichever procedures are chosen, they should meet **basic standards of fairness and transparency** and are **consistent with the jurisdiction's legal and constitutional standards** of due process of law and procedural fairness.

REMEMBER

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**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

Hou Kroeun

Cambodia Country Director
Helen Keller International



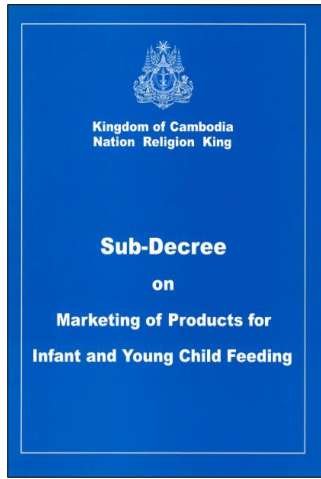
Global Congress on Implementation of
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June 2023

Cambodia's Experience in Code Monitoring and Enforcement

Hou Kroeun, Country Director
Helen Keller Intl on behalf of the Cambodia
team



National Breast Milk Substitutes (BMS) Regulations



Sub-Decree on Marketing of Products for Infant and Young Child Feeding (Sub-Decree 133)

- Endorsed by the government in 2005.
- BMS & foods up to 24 months of age.
- Executive Working Group enforces the implementation.

Inter-Ministerial Prakas No. 061

- Endorsed in 2007.
- Identified the four responsible line ministries.
- Outlined their key mandates.



New Inter-Ministerial Pakas

- Close loopholes of Sub Decree 133.
- BMS and foods from 24 – 36 months.
- Expected to be endorsed before June 30, 2023.

New Inter-Ministerial Prakas (Joint Prakas)



- Further strengthen enforcing the Sub Decree 133.
- Increase target groups to 24-36 months.
- Prohibit promotions, advertisements, labels & packaging, displays, information boards, billboards, donations, and samples of food products.
- Regulate the marketing of BMS products through social/digital media platforms.
- Prohibit health and nutrition claims, and cross-promotion.
- Regulate that the labels must be written in Khmer.
- Regulate the violator's penalties.

PILOT TEST ACTIONS, TOOLS, AND RESPONSIBILITIES OF MONITORING SYSTEM

SD Monitoring Training



Use of SD Monitoring Checklist



Testing actions taken against violators



ROLL-OUT OF MONITORING AND ENFORCEMENT SYSTEM

SD Monitoring Training



Conducting SD Monitoring as part of Routine Monitoring



Achievements and actions against violators (sources: MOC and MOH 2023)



- Conducted 1,176 monitoring visits (2021-2022).
- Monitored 165 locations (2021-2022).
- Generated 3,528 reports (2021-2022).
- Performed 1,176 verbal warnings (2021-2022).
- Issued 83 written warnings (2021-2023).
- 82 cases were financially penalized (2021-2023).
- Sued one BMS company with fake labelling.

BMS case in a court battle



- 22 infants given BMS products were hospitalized with anemia and iron deficiency.
- A petition was sent to the government to examine the quality of milk powder.
- Products were sent to a lab in Singapore for testing of the content of iron and zinc.
- Test results found that the product labelling was fraudulent.
- The case was sent to the court and the parents won the battle!
- Court ordered the company to compensate each parent from \$10,000 - \$20,000 and sentenced the CEO to 10 months in prison, with \$2,000 fine.

BMS donation during COVID-19 crisis

- MOH received a request to approve a donation of 79,716 cans of BMS.
- Intended for children 0-24 months from poor families.
- Offered by a foreign company.
- SD133/BMS Code prohibits donations, as stipulated in Articles 13, 14 and 15.
- H.E Prof. Minister of Health issued a response letter with a decision not to accept the donation.
- Development Partners consisting of 17 UN agencies, donors, Civil Society Organizations, and SUN Civil Society Alliance endorsed and applauded the MOH's action.



September 23, 2021

H.E Prof. Mam Bunheng
Minister of Health
Phnom Penh, Kingdom of Cambodia

Subject: Appreciation Letter

Dear H.E Prof. Mam Bunheng,

We, the below development partner signatories concerned with public health in Cambodia, strongly endorse a letter dated September 6, 2021, from Your Excellency, on the decision not to accept a donation of 79,716 cans of breastmilk substitutes (BMS) that would be distributed to babies and young children in poor families in Rattanakiri province. We hereby express our sincere appreciation to Your Excellency and the Ministry of Health for your swift response. We recognise and praise your ongoing effort, commitment and continued work to ensure the health, safety and wellbeing of Cambodian children, and congratulate the Ministry of Health for taking this major step to protect our children.

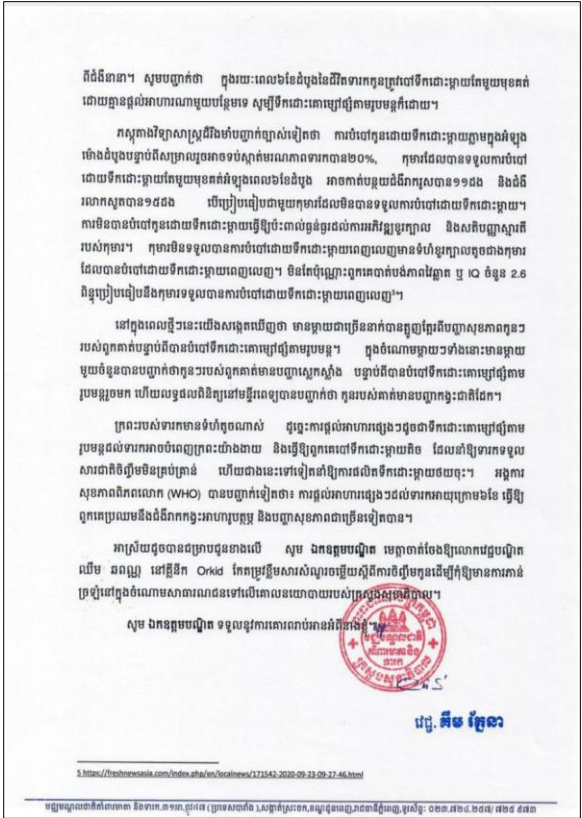
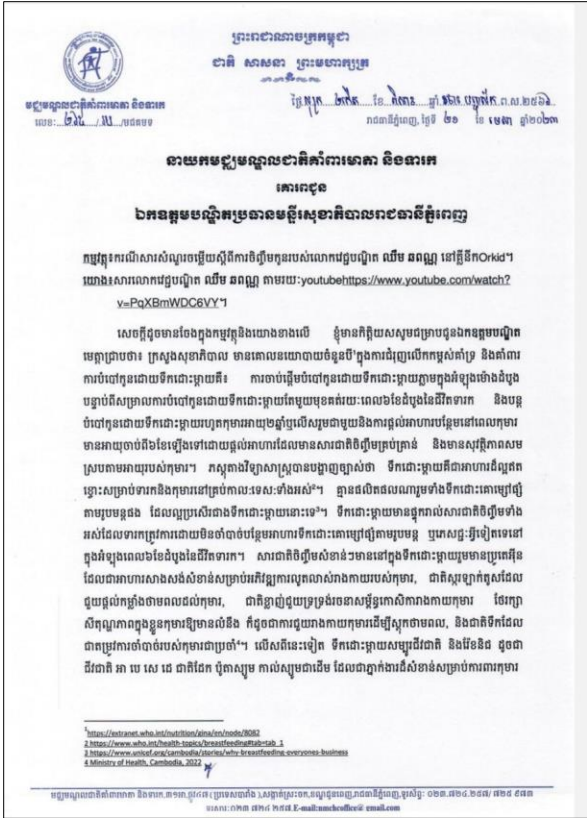
We fully agree with the content of your decision letter and the references you made to Cambodia's Sub Decree 133 on The Marketing of Products for Infant and Young Child Feeding (Sub Decree 133) and the National Policy on Infant and Young Child Feeding (IYCF Policy). These policies ensure adequate and safe nutrition for infants and young children by protecting and promoting exclusive breastfeeding for children 0-6 months and encouraging appropriate and timely complementary feeding at 6 months, with continued breastfeeding until 2 years and beyond. Furthermore, we completely agree with Your Excellency that both Sub Decree 133 and the IYCF Policy play a critical role in promoting and protecting the nutrition and health of children in Cambodia. They also help to protect Cambodian children and their families from misleading and inappropriate promotions of infant formula and other breastmilk substitutes.

We present our compliments to Your Excellency and the Ministry of Health with the highest regard. It is our honour to inform Your Excellency that the Operational Guidance on Infant and Young Child Feeding in Emergencies, endorsed by the World Health Assembly in 2010, highlights that exclusive and continued breastfeeding remains recommended and feasible, even during emergency situations. Unsolicited donations and distribution of BMS undermines breastfeeding, which can lead to increased malnutrition, illness and maternal stress. We applaud the Ministry of Health for their continued commitment to promoting breastfeeding throughout the COVID-19 pandemic.

It is our honor to also inform Your Excellency that development partners are working together, and in partnership with other external stakeholders, to support the Ministry of Health and other relevant ministries to promote, support and protect breastfeeding practices in Cambodia, including the strengthened enforcement of Sub Decree 133.

Action taken against a private sector violation

- A medical doctor from this clinic made and posted a video clip with incorrect messages violating Sub Decree 133.
- He advised mothers to breastfeed and feed BMS products.
- He advised mothers to mix BMS powders with rice porridge.
- MOH's NMCHC Director sent an official letter to the clinic Director to make corrections to the video clip due to incorrect advice to the public.
- 24 hours after receiving the letters, a video clip posted on Facebook and YouTube was removed.



Boycott the involvement of BMS companies

- MOH decided to turn down a request for a meeting with a regional association linked with BMS company.
- Helen Keller and A&T requested SUN CSA, UN, and government officials to consider boycotting the regional food system dialogues due to a BMS violator in the panel discussion.



Lessons learned

- Strong national regulations on BMS
- Strong enforcement mechanism
- Buy-in from the high political level
- Government champions
- Clear and active monitoring and reporting system
- BMS monitoring integrated into routine systems
- Vital role of CSOs to hold stakeholders accountable
- Continued technical and financial support from development partners





**Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes**
June 2023

Veronica Kirogo

Director of Nutrition and Dietetics Services
Ministry of Health, Kenya



Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes
June 2023

Kenya Experience in Enforcing the Code

Veronica Kirogo
Director of Nutrition and Dietetics Services
Ministry of Health



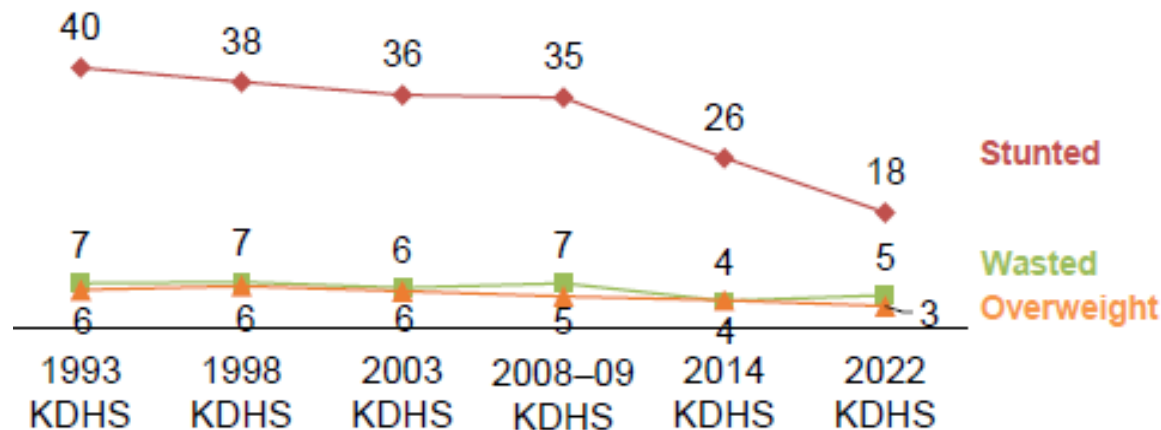
Background



- The Constitution of Kenya (2010) guarantees
 - ✓ every person the right to be free from hunger and to have adequate food of acceptable quality (article 43 (1c))
 - ✓ every child the right to basic nutrition (article 53(1c))
- The Kenya Health Policy 2014-2030 identified *child malnutrition, sub-optimal breastfeeding and poor infant and young child feeding practices* as major risk factors to morbidity and mortality.
- The economic impact of child undernutrition is estimated at Ksh 373.9 billion (USD 2.68 billion) or equivalent to 6.9% of the GDP.

Status of Infant and Young Child Nutrition

Trend in stunting, wasting and overweight among U5s in Kenya 1993-2022

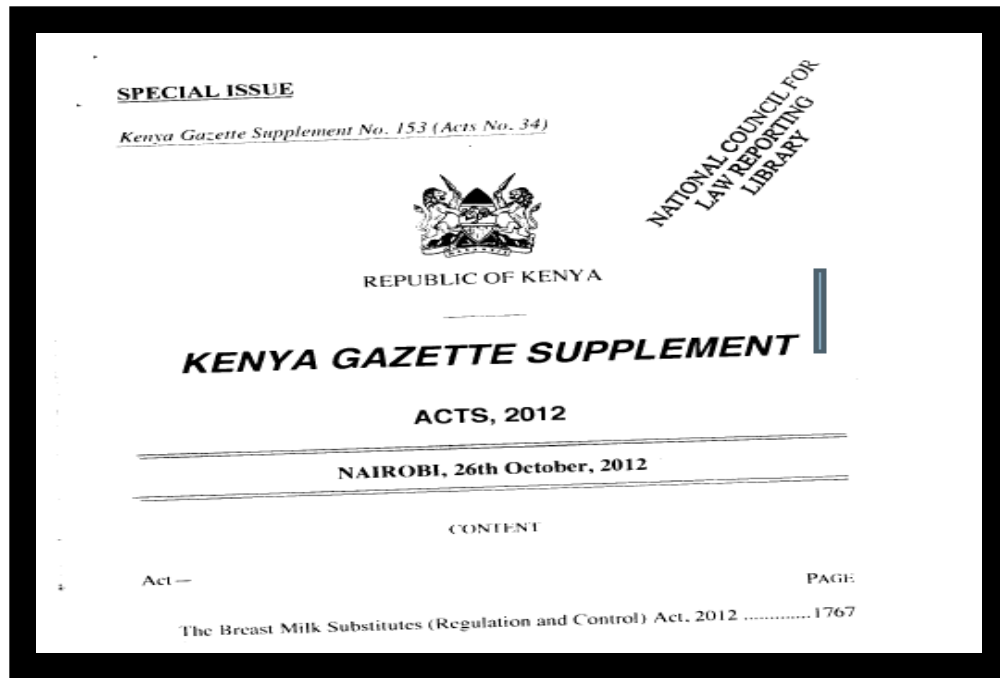
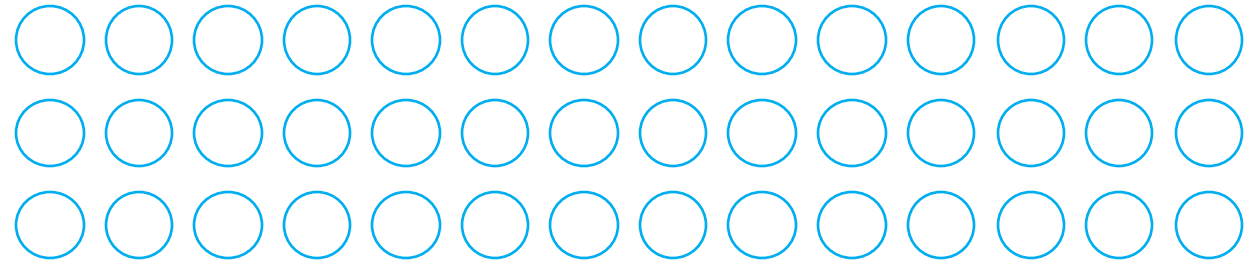


Source: KDHS 2022

Key Infant and Young Child Feeding Indicators

- 60% of infants initiated to breastfeeding within 1 hour of birth.
- 60% rate of exclusive breastfeeding.
- 34% of children below 24 months fed from a bottle with a nipple.
- 31% of children 6-23 months fed on minimum acceptable diet.

Status of Implementation of the Code in Kenya: *The BMS Act, 2012*



- Kenya was the 1st government to vote in favor of (WHA34.22) Resolution on adopting the Code in 1981.
- In 2012, Kenya enacted the BMS Act to ***provide for appropriate marketing and distribution of breast milk substitutes; safe and adequate nutrition for infants through the promotion of breastfeeding and proper use of breast milk substitutes, where necessary and for connected purposes.***

Challenges

- Continued violation of the BMS Act, 2012 observed:



- Continuous medical education (CME) sponsored by infant formula manufacturers through professional associations

The BMS (General) Regulations, 2021

- Section 28(1) of the Act gives the Cabinet Secretary for Health to make Regulations in consultation with the National Committee on infant and young child feeding.
- In August 2021, the BMS (General) Regulations were published and came to effect on 30th May 2022.
http://kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/2021/LN184_2021.pdf
- The objects of the Regulations is *to ensure that all persons that use, manufacture, sell and market BMS understand that BMS undermines breastfeeding and that suboptimal feeding is a leading but preventable cause of serious child illnesses and deaths.*

NO. 34 OF 2012	
THE BREAST MILK SUBSTITUTES (REGULATION AND CONTROL) ACT	
SUBSIDIARY LEGISLATION	

List of Subsidiary Legislation	
	Page
1. The Breast Milk Substitutes (Regulation and Control) (General) Regulations, 2021.....	3

Scope of the Regulations

- I. Procedures relating to the use of designated products and pre-packaged complementary food
- II. Donations of designated products and pre-packaged complementary food
- III. Labelling of designated products and pre-packaged complementary food
- IV. Interactions between manufacturers, distributors and health workers
- V. Information, education and communication materials
- VI. Enforcement

Key Enforcement Tools

- Registration form
- Application for donation
- Returns for donation
- Seizure forms

SCHEDULE

[r. 12(2)]

Form BMS 1

APPLICATION FOR DONATION

Donation Case No:..... Date:

TAKE NOTICE that I/We(Name
of donor) of Identity/Registration No and

Addressseek consent to be allowed to make a donation
to (Name of donee)

SEIZURE FORM A

(r. 42(2))

(To be used in case of seizure of 'articles' where the 'articles' are to be removed from
the premises where they are seized).

To... (Name and address of the vendor)

.....

Lessons from Enforcement of the BMS Act and Regulations

- Effective enforcement requires collaboration and teamwork among the various enforcement agencies.
- Registration of manufacturers and distributors ongoing; so far close to 10 companies have registered.
Lesson – Need for sensitization/publicity of the Regulations alongside enforcement
- Slow process in the revision of labels in compliance with the Regulations
Lesson – Manufacturers are cautious in ensuring compliance to labelling regulations and have been requesting for review of the revised labels by MOH and KEBS
- Push from the industry to reconsider exemption of infant formula for special medical purposes
- Adequate budget for enforcement is necessary to ensure: sensitization of critical number of enforcement officers; optimal facilitation of the National committee on infant and young child feeding
- The media is a key stakeholder in the implementation of the Act through Ethical advertising practices, Information dissemination and advocacy, monitoring marketing practices and reporting on violation.
- Digital marketing is an emerging threat to the gains in regulating BMS

Status of Implementation of the Code in Kenya

- By 2020, the national legal instruments were “*moderately aligned to the Code*”.
- The BMS (General) Regulations, 2021 improved the score to “*significantly aligned to the Code*” as reported in the National implementation of the international code, status report 2022 .

Category	Score	
	2020	2022
Scope (20)	16	16
Monitoring and enforcement (10)	8	10
Informational/ educational materials (10)	6	10
Promotion to general public (20)	20	20
Promotion in health care facilities (10)	10	10
Engagement with health workers and systems (15)	9	9
Labelling (15)	0	7
Total (out of 100)	69	82

Thank You



Division of Nutrition and Dietetics

Ministry of Health, Nairobi-Kenya

Email: headnutrition.moh@health.go.ke

Website: <https://www.health.go.ke/>

<http://www.nutritionhealth.go.ke/>

Breakout Room Assignments Thursday AM + PM

Africa (English)	Room V
French	Auditorium left side / Z1
Arabic	Room X
Asia (English)	Room U
America & Caribbean (English)	D46025
Spanish	M205 or W1
Europe & Central Asia (English)	Auditorium right side / Z4

Spanish
language
breakout
rooms

W1	M205
Argentina	Mexico
Bolivia	Panama
Brazil	Paraguay
Chile	Peru
Costa Rica	Uruguay
Cuba	Venezuela
Dominican Republic	
Ecuador	
El Salvador	
Guatemala	
Honduras	
Nicaragua	



Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes
June 2023

Group work

11:15 – 12:30

Lunch

12:30 – 13:45

Group work

13:45 – 15:30



World Health
Organization

unicef 
for every child