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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22 June 2023

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
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

1. Negotiating the political and bureaucratic environment
2. Determining the coverage and extent of monitoring
3. Building a national monitoring team
4. Costing and budgeting for monitoring
5. Evaluation of the system
6. Monitoring and enforcement
7. Building capacity of monitors
8. Developing standard monitoring
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
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

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
Standard Monitoring Tools and Database

Standard Monitoring Tools

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

*Where (place, town) was violation observed?
Using the Kobo Toolbox for monitoring
Using the Kobo Toolbox for monitoring – data dashboard

<table>
<thead>
<tr>
<th>Date and Time</th>
<th>Where (place, town) was violation...</th>
<th>Product name</th>
<th>Other product</th>
<th>Type of product being promoted</th>
<th>Additional details observed</th>
<th>Person Reporting / Name</th>
<th>Person Reporting / Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023-06-21T16:17...</td>
<td>WHO headqua...</td>
<td>DNA +</td>
<td>Goldenmama</td>
<td>Other product</td>
<td>Pregnancy sup...</td>
<td>Inadequate label...</td>
<td>Kerig</td>
</tr>
<tr>
<td>2023-06-21T16:59...</td>
<td>Outside a...</td>
<td>Amazing milk...</td>
<td>Infant Formula (0+)</td>
<td>Advertisement (TV)...</td>
<td></td>
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<td>Jamshid</td>
</tr>
<tr>
<td>2023-06-21T20:00...</td>
<td>Rue de Carouge</td>
<td>Biobio...</td>
<td>Swiss product</td>
<td>Follow upon Form...</td>
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<td>Paola</td>
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<tr>
<td>2023-06-21T15:50...</td>
<td>Geneva</td>
<td>Optimilk</td>
<td>Optimilk</td>
<td>Infant Formula (0+)</td>
<td>Health and nutri...</td>
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<tr>
<td>2023-06-21T15:51...</td>
<td>Who building</td>
<td>Infant formula</td>
<td>Optimilk</td>
<td>Infant Formula (0+)</td>
<td>Sponsorship of fee...</td>
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<td>2023-06-21T16:48...</td>
<td>Who building</td>
<td>Goldenmilk</td>
<td>Goldenmilk</td>
<td>Advertitement (TV)...</td>
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<td>2023-06-21T16:42...</td>
<td>Who building</td>
<td>Infant formula</td>
<td>Goldenmilk</td>
<td>Infant Formula (0+)</td>
<td>Advertitement (TV)...</td>
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<tr>
<td>2023-06-21T15:44...</td>
<td>Caritas...</td>
<td>Formula...</td>
<td>Goldenmama</td>
<td>Infant Formula (0+)</td>
<td>Health and nutri...</td>
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<td>2023-06-21T15:40...</td>
<td>Geneva</td>
<td>Optimilk</td>
<td>Nuño Nl</td>
<td>Infant Formula (0+)</td>
<td>Promotional materi...</td>
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<td>2023-06-21T16:27...</td>
<td>Who building</td>
<td>Infant formula</td>
<td>Amazing milk...</td>
<td>Infant Formula (0+)</td>
<td>Advertising (TV)...</td>
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<td>2023-06-21T16:28...</td>
<td>WHO catatara...</td>
<td>Goldenmilk</td>
<td>Goldenmilk</td>
<td>Infant Formula (0+)</td>
<td>Milk for pregna...</td>
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<td>2023-06-21T16:25...</td>
<td>In the coffee ro...</td>
<td>Golden milk...</td>
<td>Golden milk</td>
<td>Infant Formula (0+)</td>
<td>Maternal and in...</td>
<td></td>
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</tr>
<tr>
<td>2023-06-21T08:30...</td>
<td>WHO HQ, Gen...</td>
<td>Goldenmilk</td>
<td>Goldenmilk</td>
<td>Infant Formula (0+)</td>
<td>Promotion to health...</td>
<td></td>
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<tr>
<td>2023-06-21T16:17...</td>
<td>CMS...</td>
<td>AmazingMilk</td>
<td>Amazingmilkclub</td>
<td>Follow upon Form...</td>
<td></td>
<td></td>
<td>Nagoda-Nikwe...</td>
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<tr>
<td>2023-06-21T16:18...</td>
<td>Audtrium</td>
<td>Optimilk</td>
<td>Nutrimil...</td>
<td>Infant Formula (0+)</td>
<td>Inadequate label...</td>
<td></td>
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<tr>
<td>2023-06-21T15:10...</td>
<td>Who Genève</td>
<td>Goldenmilk</td>
<td>Goldenmilk</td>
<td>Follow upon Form...</td>
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<td>Hamilí</td>
</tr>
<tr>
<td>2023-06-21T11:15...</td>
<td>WHO</td>
<td>Optimilk</td>
<td>No specific product...</td>
<td></td>
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<td>Gömeva...</td>
</tr>
<tr>
<td>2023-06-21T13:35...</td>
<td>Dhaka</td>
<td>Goldenmama</td>
<td>360Brain picks</td>
<td>Other product</td>
<td>For pregnant ...</td>
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</tr>
<tr>
<td>2023-06-21T13:27...</td>
<td>Besides the Au...</td>
<td>Amazing Milk</td>
<td>Trusted product</td>
<td>Any other milk for c...</td>
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<td>khusrivlah...</td>
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<tr>
<td>2023-06-21T13:17...</td>
<td>Tea station out...</td>
<td>Nutricaf Optim...</td>
<td>Nutricaf</td>
<td>Follow upon Form...</td>
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<td></td>
<td>Debora</td>
</tr>
</tbody>
</table>

NEXT »
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 lead.
- 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.
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.
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-gby4wD2lUe](https://we.tl/t-gby4wD2lUe)

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 Nestle Nutrition Institute, ProActa 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 -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
Reports and expose brings the issues upfront...so go on !!

INDIAN BABY FOOD LAW OFFENDERS

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 (BNPN).

The report, which flags 25 top brands, was released on May 21, also World Breastfeeding Day. BNPN, which has been mandated by the government as a child welfare non-profit 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 other 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 punished.

There is no system to monitor and investigate such violations, which have remained unchecked. The law prohibits any advertisement of milk products or feeding bottles, including advertising, online or directly reaching out to moms for children under the age of 24 months.

Children and women usually turn to social media as 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 increasing unmet demand for infant formula across the world. Our findings confirm BNPN observations.

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 unmet demand for infant formula across the world. Our findings confirm BNPN observations.

WHAT THE REPORT SAYS

Legal position

Law prohibits any level 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 BNPN, which has been mandated by the government as an organization to flag such violations, says:

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 unmet demand for infant formula across the world. Our findings confirm BNPN observations.
Campaigns...1989
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
Thank you!

Picture courtesy of UNICEF/DOH Thailand
Khatthananaphone 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

02
To capture and report violations related to labeling on BMS products

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

- Super Market
- Mini Mart/Shop
- Pharmacy
- Market
- Hospitals
- Social Media Platforms*

- 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

Create forms using excel

Forms in local language

Visualization, dashboard & integration with other apps

Offline data capture

Capture Images, audios, videos

Skip logic & validation
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

- General data
- Product types data
- Promotion data
- Labelling data
- GPS data
Key stakeholders involved in BMS Monitoring

- Ministry of Health
- Ministry of Justice
- Ministry of Industry & Commerce
- Ministry of Public Security
- EU, UNICEF, DPs
- Ministry of Finance
- Ministry of Health
Established Master Trainers in BMS Monitoring
Strengthened Capacity of Provinces and Districts
BMS Monitoring in Lao PDR

12 PROVINCES

73 DISTRICTS

646 RETAIL POINTS OF SALE

Completed (12)

In-progress (6)
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
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

Snong Thongsna
Vice Minister of Health
Ministry of Health
Lao People’s Democratic Republic
Renata de Araujo Ferreira
Brazilian Health Regulatory Agency
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

- Brazilian Breastfeeding and Complementary Feeding Strategy
- Brazilian Human Bank Network (BHN-BR)
- Legal Protection: NBCAL and MTA
- Baby Friendly Hospital Initiative
- Education, communication and social mobilization
- Kangaroo care method
- Monitoring and evaluation
- Innovative component

Brazilian Ministry of Health, 2017 (adapted)
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)
• 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.
EPINET - Monitoramento do e-commerce de produtos sujeitos à vigilância sanitária

- Sinais captados: + 86.200.000
- Ameaças em potencial: + 609.000
- Notificações (takedowns): 128.739

- Produtos: Tudo
- Grupos: Tudo

--NBCAL

- Notificações (takedowns): 10.356

Date until May 14th 2023
- 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 the fine.
Brazil has many challenges and non-compliance with NBCAL, but we continue to work on improving our monitoring system.
Thank you

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

Nina Chad
Breastfeeding Counsellor and Technical Consultant
Department of Nutrition and Food Safety (NFS)
World Health Organization
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
Global Congress on Implementation of
the Code of Marketing of Breast-milk Substitutes
June 2023

Nguyen Mai Huong
Senior Officer
Department of Maternal and Child Health
Ministry of Health Viet Nam
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 a 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.
VIVID scans baby shop websites, fanpages, shopping platforms.
In 2022, VIVID scanned 35,790 posts and detected 3,922 Code violations. (~15 violations per day, accuracy rate of 77%).
Thank you!
Constance Ching
Consultant, Code Implementation & Advocacy
Alive & Thrive, East Asia Pacific
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
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

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

“Womb to tomb marketing”
Supports mum & developing baby's nutritional needs

Vitamin D
Calcium
HIGHEST DHA
FOLIC ACID
HIGHEST CHOLINE
Iron
<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Company</th>
<th>Brand</th>
<th>Caption</th>
<th>Image</th>
<th>Published date</th>
<th>Crawl date</th>
<th>Link</th>
<th>Status</th>
<th>Code article</th>
<th>Violation type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Malaysia</td>
<td>NestleCampina</td>
<td>Friso mum</td>
<td>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 gorgeous...</td>
<td>📸</td>
<td>05-25-2023</td>
<td>05-26-2023</td>
<td>✅</td>
<td>Violate</td>
<td>5.1</td>
<td>Promotion to the public</td>
</tr>
<tr>
<td>2</td>
<td>Malaysia</td>
<td>Mead Johnson Nutrition</td>
<td>Enfagrow</td>
<td>Only Enfagrow A+ MindPro provides expert DHA levels® &amp; MFGM to nurture both IQ &amp; EQ®. Give your child to try today to support his holistic brain development. *Coupl...</td>
<td>📸</td>
<td>02-20-2023</td>
<td>02-26-2023</td>
<td>✅</td>
<td>Violate</td>
<td>5.1 WHASB.02</td>
<td>Promotion to the public Information and education Nutrition or health claims</td>
</tr>
<tr>
<td>3</td>
<td>Malaysia</td>
<td>NUK</td>
<td></td>
<td>Shoppers Pay Day is happening now! Shop now to get up to 55% off only on 28th May Enjoy Free Shipping benefits with min spend of RM20 and an RM10 off voucher f...</td>
<td>📸</td>
<td>05-26-2023</td>
<td>05-26-2023</td>
<td>✅</td>
<td>Violate</td>
<td>5.1</td>
<td>Promotion to the public</td>
</tr>
<tr>
<td>4</td>
<td>Malaysia</td>
<td>Mead Johnson Nutrition</td>
<td>Enfagrow</td>
<td>Only Enfagrow A+ MindPro provides expert DHA levels® &amp; MFGM to nurture both IQ &amp; EQ®. Give your child to try today to support his holistic brain development. *Coupl...</td>
<td>📸</td>
<td>02-20-2023</td>
<td>02-26-2023</td>
<td>✅</td>
<td>Violate</td>
<td>5.1 WHASB.02</td>
<td>Promotion to the public Information and education Nutrition or health claims</td>
</tr>
<tr>
<td>5</td>
<td>Malaysia</td>
<td>NUK</td>
<td></td>
<td>Make those first months more peaceful with the help of NUK Star Latex Soother with an extra soft baggie❤️ Our orthodontic soother helps perfect teeth alignment...</td>
<td>📸</td>
<td>05-23-2023</td>
<td>05-24-2023</td>
<td>✅</td>
<td>Violate</td>
<td>5.1</td>
<td>Promotion to the public</td>
</tr>
</tbody>
</table>
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
One post – multiple violations

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Promotion to the public</td>
</tr>
<tr>
<td>5.3</td>
<td>Information and education</td>
</tr>
<tr>
<td>5.4</td>
<td>Messages, information, educational materials, and labeling</td>
</tr>
<tr>
<td>4.2</td>
<td>Nutrition or health claims</td>
</tr>
<tr>
<td>9.1 + 9.2,4.2</td>
<td>WHA58.32</td>
</tr>
</tbody>
</table>

**Table:**

<table>
<thead>
<tr>
<th>Malaysia</th>
<th>Mead Johnson Nutrition</th>
<th>Enfagrow</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 DI...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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...
"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."
HOLISTIC BRAIN EXPO
SUNWAY PYRAMID, ORANGE CONCOURSE
18 - 21 MAY 2023
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.
Submit violations: Violation identifier

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

<table>
<thead>
<tr>
<th>No</th>
<th>Brand</th>
<th>Caption</th>
<th>Image</th>
<th>Public date</th>
<th>Crawl date</th>
<th>Link</th>
<th>Violation code</th>
<th>Status</th>
<th>Supervisor 1</th>
<th>Supervisor 2</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Royal Ausnz</td>
<td>SỮA DẺ GOAT 2 THÔM MẠT, CHƠI CON TỬ 6-12 THÁNG ĐIỆU DƯƠNG TRỌN VEN, ĐỀ KHÁNG VŨNG VÀNG 😎 Con không urniture được sữa boa không sao, con hập thư kem mãi đang lọ 😎 Con biếng ăn không lọ, không chọn được…</td>
<td><img src="image1.jpg" alt="Image" /></td>
<td>14/09/2021</td>
<td>14/09/2021</td>
<td>🔗</td>
<td>61-SCT</td>
<td>Violation</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>✔️</td>
</tr>
<tr>
<td>2</td>
<td>Bellamy’s Organic</td>
<td>BELLAMY’S ORGANIC - ĐỒNG HÀNH CÙNG BÉ LON KHÔN LÁNH MANH ✅ Được sản xuất từ nguồn nguyên liệu hữu cơ tươi ngon, chất lượng cao và đạt chứng nhận, các sản phẩm của Bellamy’s chưa đối đạo thành…</td>
<td><img src="image2.jpg" alt="Image" /></td>
<td>14/09/2021</td>
<td>14/09/2021</td>
<td>🔗</td>
<td>61-SCT</td>
<td>Violation</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>✔️</td>
</tr>
<tr>
<td>3</td>
<td>Kidsplaza</td>
<td>#Minigame HOT 🎁 HOT🎁 Đồ ba mẹ biết sống trùm “Vũ điệu tự” nào sẽ cùng Kids TUNG TRIỆU MẢ MÔI GIẢM BÁNH NỌC vào ngày 15.9.2021? 😇 Bì mất lầm Ad không gởi ý tổ đi đâu...❤️AL.</td>
<td><img src="image3.jpg" alt="Image" /></td>
<td>13/09/2021</td>
<td>14/09/2021</td>
<td>🔗</td>
<td>Non-violation</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>✔️</td>
</tr>
<tr>
<td>4</td>
<td>Webtretho</td>
<td>CẬU ĐÔ VIÊ, tối ngày 13/09/2021 &quot;Lưu ý: Cấu trúc Dinh Regel là cấu trúc đội trong công tác Webtretho nhe mọi người. Cả hội nhóm thường mỗi ngày với 2 giờ thường là QUÀ TẶNG trị giá 100.000 VND…</td>
<td><img src="image4.jpg" alt="Image" /></td>
<td>13/09/2021</td>
<td>14/09/2021</td>
<td>🔗</td>
<td>Non-violation</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>Reviewing</td>
<td>✔️</td>
</tr>
</tbody>
</table>
Tracking actions: From monitoring to enforcement/penalty: Companies are asked to take down their posts

<table>
<thead>
<tr>
<th>Brand</th>
<th>Caption</th>
<th>Image</th>
<th>Public date</th>
<th>Checking date</th>
<th>Penalty issued</th>
<th>Link</th>
<th>Legal documents</th>
<th>Violation code</th>
<th>Change status</th>
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</thead>
<tbody>
<tr>
<td>Bellamy’s Organic</td>
<td>CÔNG BỒ DANH SÀCH TRỪNG THUỶ - Live stream ngày 18/9 Bủi livestream Hướng dòa Phòng &amp; 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...</td>
<td><img src="image1.png" alt="Image" /></td>
<td>28/09/2021</td>
<td>30/09/2021</td>
<td></td>
<td><img src="select.png" alt="Select" /></td>
<td><img src="legal.png" alt="Legal documents" /></td>
<td>11.2.dd, 61-SCT</td>
<td><img src="change.png" alt="Change" /></td>
</tr>
<tr>
<td>Morinaga</td>
<td><img src="image2.png" alt="Image" /></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><img src="select.png" alt="Select" /></td>
<td><img src="legal.png" alt="Legal documents" /></td>
<td>6.1-SCT</td>
<td><img src="change.png" alt="Change" /></td>
</tr>
<tr>
<td>Bellamy’s Organic</td>
<td>CÔNG BỒ DANH SÀCH TRỪNG THUỶ - Live stream ngày 18/9 Bủi livestream Hướng dòa Phòng &amp; 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...</td>
<td><img src="image3.png" alt="Image" /></td>
<td>28/09/2021</td>
<td>28/09/2021</td>
<td></td>
<td><img src="select.png" alt="Select" /></td>
<td><img src="legal.png" alt="Legal documents" /></td>
<td>11.2.dd, 61-SCT</td>
<td><img src="change.png" alt="Change" /></td>
</tr>
</tbody>
</table>
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

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

<table>
<thead>
<tr>
<th>Company</th>
<th>Entries</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott</td>
<td>3483</td>
<td>1820</td>
</tr>
<tr>
<td>Danone</td>
<td>2380</td>
<td>1609</td>
</tr>
<tr>
<td>Mead Johnson Nutrition</td>
<td>3108</td>
<td>2613</td>
</tr>
<tr>
<td>Nestlé</td>
<td>3280</td>
<td>2594</td>
</tr>
</tbody>
</table>

(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
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

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

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

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

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

**GBC Breastfeeding Advocacy Toolkit**
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
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

- TV, radio, Print Ads, Online materials
- Other promotional materials and activities
- Health facility practices and materials
- Point-of-sale promotional materials, activities and labels

Monitoring at custom and boarded level
Monitoring of point of sale
Monitoring of Health and non-health facilities
Monitoring of TV/Radio, Print ads
Monitoring of domestically produced covered products
Monitoring of online activities
Monitoring of public health programmes

Reports of alleged violation are submitted and entered into database

Designated agency reviews report and decides on action or conducts further investigation

Inform relevant agency
Is the reported material and/or activity undermining breastfeeding?

Violation confirmed

The designated agency initiates action according to the type of violation and in line with the existing laws and regulations

YES

Information to complainant on result of investigation and action taken
Action taken is noted in database

NO

END

The lead agency publishes an annual report on findings of monitoring activities and actions taken.
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

MANY REASONS LAWS ARE NOT ENFORCED COULD HAVE BEEN ADDRESSED FROM THE BEGINNING AND BUILT INTO THE LEGAL FRAMEWORK
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

Hou Kroeun
Cambodia Country Director
Helen Keller International
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**
- 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).
- 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.
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
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

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.

Source: KDHS 2022

- 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.
- 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.
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
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.

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<td><strong>Total (out of 100)</strong></td>
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Thank You

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Ministry of Health, Nairobi-Kenya

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Website: https://www.health.go.ke/
http://www.nutritionhealth.go.ke/
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June 2023

Group work
11:15 – 12:30

Lunch
12:30 – 13:45

Group work
13:45 – 15:30