

# MARKETING OF BREAST-MILK SUBSTITUTES: NATIONAL IMPLEMENTATION OF THE INTERNATIONAL CODE STATUS REPORT 2018



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Marketing of breast-milk substitutes: national implementation of the international code, status report 2018

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## ABBREVIATIONS

the Code International Code of Marketing of Breast-milk Substitutes (4) and subsequent relevant World Health Assembly resolutions (5)

EU	European Union
GINA	Global Database on the Implementation of Nutrition Action
the Guidance	<i>Guidance on ending inappropriate promotion of foods for infants and young children (7)</i>
IBFAN	International Baby Food Action Network
ICDC	International Code Documentation Centre (IBFAN technical office for Code implementation and monitoring)
NetCode	Network for Global Monitoring and Support for Implementation of the <i>International Code of Marketing of Breast-milk Substitutes</i> and subsequent relevant WHA resolutions
UNICEF	United Nations Children's Fund
WHA	World Health Assembly
WHO	World Health Organization

# EXECUTIVE SUMMARY

This report provides updated information on the status of implementing the *International Code of Marketing of Breast-milk Substitutes*<sup>1</sup> and subsequent relevant World Health Assembly resolutions<sup>2</sup> ("the Code") in and by countries.<sup>3</sup> It presents the legal status of the Code, including – where such information is available – the extent to which Code provisions have been incorporated in national legal measures. While the 2016 report focused on the status and quality of Code provisions at the global level, this report provides a regional perspective on the legal status of the Code. It highlights the status of a limited number of specific provisions that the World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and the International Baby Food Action Network (IBFAN) consider to be particularly instrumental in addressing and eliminating inappropriate marketing of breast-milk substitutes, feeding bottles and teats. As a baseline assessment of the 2016 *Guidance on ending inappropriate promotion of foods for infants and young children* ("the Guidance"),<sup>4</sup> WHO, UNICEF and IBFAN also undertook a preliminary analysis of selected legal provisions in those countries where complementary foods are listed as designated products in their Code-related legislation.

## METHODOLOGY

WHO, UNICEF and IBFAN collected information from country and regional offices on new or additional legal measures adopted by countries since 2016. In addition, for countries with missing or incomplete information in 2016, further investigation was conducted on the status of Code implementation. A re-examination of legal measures was undertaken for all countries with new information. For those countries that have adopted legal measures since the 2016 report, the relevant legal documents were obtained through the ministry of health, and with the assistance of regional and country offices. Documentation was also obtained from legal databases (LexisNexis<sup>5</sup> and FAOLEX<sup>6</sup>), national gazettes and internet search engines. Where needed, additional copies of legislation and translations were acquired from UNICEF and IBFAN-ICDC (International Code Documentation Centre) files. The documents received were then reviewed, based on the comprehensiveness of the provisions included in the national legal measures in all WHO Member States, and categorized as countries with full, many, few or no provisions in law.

## FINDINGS

### LEGISLATIVE STATUS OF THE CODE

As of April 2018, 136 out of 194 countries had some form of legal measure in place covering all, many or few provisions of the Code. In 2017, three countries – Chile, Thailand and Mongolia – enacted new Code-related legislation, while Albania, Bahrain and Bangladesh adopted additional legal measures to strengthen their legislative frameworks for Code implementation. Two countries – Fiji and China – took retrogressive steps by repealing laws or specific provisions of laws. New information available clarified the legal status of the Code in 10 countries that were classified as countries with no information in 2016. Seven of these were subsequently determined to have no legal measures in place, while three were added to the list of countries with legal measures, based on an analysis indicating that they de facto

1 International Code of Marketing of Breast-milk Substitutes. Geneva: World Health Organization; 1981 ([http://www.who.int/nutrition/publications/code\\_english.pdf](http://www.who.int/nutrition/publications/code_english.pdf)).

2 World Health Organization. Code and subsequent resolutions (<http://www.who.int/nutrition/netcode/resolutions/en/>).

3 The data presented in this report are for 194 WHO Member States ("countries"), and do not include non-Member States or territories.

4 Maternal, infant and young child feeding. Guidance on ending the inappropriate promotion of foods for infants and young children. In: Sixty-ninth World Health Assembly, Geneva, 23–28 May 2016. Provisional agenda item 12.1. Geneva: World Health Organization; 2016 (A69/7 Add 1; [http://apps.who.int/gb/ebwha/pdf\\_files/WHA69/A69\\_7Add1-en.pdf?ua=1](http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_7Add1-en.pdf?ua=1)).

5 LexisNexis (<http://www.lexisnexis.co.uk/en-uk/about-us/about-us.page>).

6 Food and Agriculture Organization of the United Nations. FAOLEX database (<http://www.fao.org/faolex/en/>).

align with the European Union (EU) regulation of 2013.<sup>7</sup> In addition, documentation of the legal measures that was unavailable in 2016 was obtained for five countries, resulting in an upgrade for two countries and a downgrade for three other countries. Careful re-examination of information on existing legal measures was undertaken for a total of 12 countries. On this basis, one country was upgraded and 11 were downgraded.

Thirty-seven years after the adoption of the Code, too few countries have robust measures in place to eliminate inappropriate promotion of breast-milk substitutes and complementary foods for infants and young children, including advertising to the general public and various forms of promotion in health-care settings. A ban on promotion of complementary foods for infants under 6 months of age is in place in under one third of all countries with Code-related legislation. In addition, in four out of the six WHO regions, a little over half of the countries have provisions that explicitly empower government agencies to impose sanctions on violators of their law. Furthermore, very few countries currently include milk products labelled for use up to at least 36 months of age as designated products in their legislation.

#### LEGAL PROVISIONS RELATED TO COMPLEMENTARY FOODS

As the Guidance was approved and launched in 2016, it is unlikely that many countries would already have adopted legal measures that adequately reflect the various requirements and prohibitions embedded in the Guidance recommendations. Nevertheless, of the 136 countries that have legal measures in place, 59 have incorporated complementary foods as designated products under such measures. Based on the information and analytical methods currently available to WHO, UNICEF and IBFAN, it appears that a number of countries have made significant efforts to address inappropriate marketing practices in relation to complementary foods, by incorporating relevant provisions in their legislation for the Code and infant and young child nutrition. Some of those countries successfully did so prior to the approval of the Guidance, while those that adopted new, or improved existing, legislation after 2016 took into consideration various elements of the Guidance.

Many countries do have detailed requirements and restrictions in relation to messages and labels on products, including for complementary foods. Nevertheless, there is much room for further improvement. In particular, prohibition of cross-promotion, and avoidance of conflicts of interest, by both manufacturers and distributors of complementary foods and health professionals, are frequently not included within the legal measures. The baseline analysis undertaken provides a useful, albeit cautious, starting point to assess the extent to which the current legal and regulatory landscape in countries is supportive of effective implementation of the recommendations of the Guidance.



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