

International Code of Marketing of Breast Milk Substitutes

**Code of Marketing of Infant and Young Child Nutrition and Related Products
B.E. 2551 (2008)**

**Chapter 1
Aim**

To promote exclusive breastfeeding for six months, to provide for continued breastfeeding alongside other complementary foods until infants reach two years of age, and to ensure that they receive safe and adequate nutrition in accordance with their growth and development by:

- 1.1 protecting, promoting, and encouraging breastfeeding
- 2.2 ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate and correct information and through appropriate supervision and control of marketing and distribution.

**Chapter 2
Scope**

These Criteria apply to the marketing and practices related to breast-milk substitutes and related products, as well as to the quality, availability, and information of the following products.

- (a) Breast-milk substitutes include:
 - 2.1 Infant formula and infant foods
 - 2.2 Follow-up/Follow-on formula for infants;
Follow-up/Follow-on foods for infants and young children
 - 2.3 Complementary food
 - 2.4 Other foods for infants and young children
- (b) Related products include feeding bottle containers, rubber teats, fake teats, and other equipments used with such products.
- (c) Other products as determined by the Ministry of Public Health.

**Chapter 3
Definitions**

Under these Codes

Infant means a new born child up to 12 months old.

Young child means a child of more than 12 months old but not more than two years old.

Breast-milk substitute means any food being marketed or otherwise represented as a partial or total replacement for breast-milk whether or not suitable for that purpose.

Infant formula means modified milk used to feed newborn infants until they are 12 months old.

Follow-up/Follow-on formula for infants and young children means modified milk used to feed infants or young children from the age of six months to three years (as announced in the Ministry of Public Health Notification on Follow-up/Follow-on formula for Infants and Young Children, but under these Criteria it is applicable for two years).

Infant food means food used to feed newborn infants until they are 12 months old.

Follow-up/Follow-on food for infants and young children means food used to feed infants or young children from the age of six months to three years (as announced in the Ministry of Public Health Notification on Follow-up/Follow-on food for Infants and Young Children, but under these Criteria it is applicable for two years).

Complementary food means any food given in conjunction with breast-milk or formula for infants of at least six months old and for young children from one year to three year old to satisfy their nutritional requirements, including dietary supplements as announced in the Ministry of Public Health Notification on Dietary Supplements for Infants and Young Children.

Container means material used to package the products under these Criteria whether by containing, wrapping, or any other method, but under these criteria it is applicable for two years.

Label means any image, design, mark or statement displayed on the product, its container, package, and any insert/leaflet that comes with the container.

Manufacturer means a person or juristic entity that is engaged in the business, manufactures, repackages, or changes the product container under these Criteria whether directly, through an agent, or under a joint agreement.

Importer means a person who brings or orders the products under these Criteria to be brought into the Kingdom.

Distributor means a person who sells, dispenses, provides, or exchanges products, whether directly or indirectly, for commercial purposes or for possession for sale, including those who are representatives or employees of that person.

Marketing means any method used to recommend or sell the products under these criteria, including product promotion, support, distribution, advertising, public relations, and provision of information.

Marketing personnel means any person whose function involves marketing.

Sample means a product provided without cost.

Supplies means products provided for free or at a low price so that they can be used for a period of time as may be necessary, for example, for social assistance purposes, including products given to families in need.

Health care system means governmental, nongovernmental, and private agencies or organizations engaged, directly and indirectly, in health care for pregnant women, mothers and infants; and nurseries for infants and young children, including health workers in private practice, but it does not include pharmacies or other established sales outlets.

Health worker means a person working in any professional field of the health care system, whether paid or unpaid, including unpaid voluntary workers in the related areas.

Chapter 4 Information and Education

4.1 The Ministry of Public Health, by way of the Department of Health, is responsible for ensuring that the objectives of providing information and its substance on breast-milk substitutes are correct and reliable with no hidden commercial agenda. Such responsibility includes planning, procurement, design, dissemination of information, and control of manufacturers, importers or distributors who can act only after receiving approval from the Department of Health together with the approval mark.

4.2 Media and documents that provide information and knowledge on breast-milk substitutes to pregnant women, mothers of infants and young children, and the general public, in the forms of writing, voice and image must meet the following requirements:

4.2.1 Provide clear information on every item as follows:

(a) The benefits and superiority of breastfeeding.

(b) Maternal nutrition, and the preparation for and maintenance of breastfeeding.

(c) Provide breast-milk substitutes too soon or in conjunction with breastfeeding will have negative effects on breastfeeding and make it difficult for breastfeeding.

(d) Correct instructions must be provided when it is necessary to use breast-milk substitutes.

(e) Information on expenditure, economic and social impacts, as well as health hazards, must be provided when it is necessary to use infant formula and infant food.

4.2.2 Indicate health hazards of unnecessary and unsuitable breast-milk substitutes.

4.2.3 Provide no image or statement stimulating a desire to use breast-milk substitutes.

4.3 Manufacturers, importers, and distributors will donate equipment, media and documents that provide information and knowledge only upon request and must obtain consent from the competent official concerned in writing as specified by the Department of Health. These equipment or media may bear the names or marks of the donating companies but no communication to refer to products under these criteria is allowed, and distribution can be made only by the health care system.

Chapter 5 Mothers and the general public

5.1 It is forbidden to advertise and promote sale in any form related to breast-milk substitutes and related products under these Criteria to the public.

5.2 Manufacturers, importers, and distributors are forbidden to provide, directly or indirectly, to pregnant women, mothers, or members of their families samples of breast-milk substitutes and related products under these Criteria.

5.3 In conformity with the aim and scope of these Criteria, manufacturers, importers, and distributors must not engage in point-of-sale advertising, giving of samples or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, special sales, loss-leaders and tie-in sales. This provision does not restrict the establishment of pricing policies and practices intended to provide products at lower price on a permanent or long-term basis.

5.4 Manufacturers, importers, and distributors are forbidden to distribute, directly or indirectly, to pregnant women, mothers, and family members anything that has an appearance or symbol intimating manufacturers, importers, distributors or products under these criteria that may promote marketing of the use of breast-milk substitutes and related products.

5.5 It is forbidden for the marketing personnel to seek direct or indirect contact of any kind with pregnant women, mothers, and family member to promote marketing of food for infants and young children.

Chapter 6

Health care systems

6.1 The Ministry of Public Health, by the Department of Health, should put in place appropriate measures to protect, promote and support breastfeeding and take action in accordance with these Criteria, including issuing the policy, information, and operational guidelines for health workers as well as providing information as specified in Chapter 4, Section 4.2.

6.2 Health service establishments in the health care system must not encourage the use of products under these Criteria.

6.3 Health service establishments must not display products and product-related media such as documents, posters, and flyers, other than that specified in Chapter 4, Section 4.3.

6.4 Health workers such as doctors, nurses or other related personnel must not represent manufacturers, importers, and distributors of breast-milk substitutes and other related products under these Criteria.

6.5 Demonstration of the use of infant formula and infant food must be made as follows:

6.5.1 It must be done only by health workers.

6.5.2 It must be done for mothers and family members who need to use the products..

6.5.3 The information given must include a clear explanation of the hazards of improper use of infant formula and infant food.

6.6 Donations and low-priced sales of the products under these Criteria for infants with medical indications shall be in accordance with the judgments of the institutes that use them and agencies that receive them. Manufactures, importers and distributors are forbidden to use donations and low-priced sales as marketing tools.

6.7 Donors and institutes receiving such donations must be jointly responsible for setting measures to ensure that supplies of infant formula and products under these Criteria can be continued in an adequate and sustained manner as needed by infants.

6.8 Equipment and other materials, in addition to those referred to in Chapter 4, Section 4.3, donated to medical and health-providing institutes under the health care system may bear the company's name and logo, but must not refer to the products under these Criteria.

Chapter 7

Health workers

7.1 Health workers must protect, promote and encourage breastfeeding; and those who are concerned in particular with maternal and infant nutrition and health must make themselves familiar with their responsibilities under these Criteria.

7.2 Manufactures, importers and distributors must provide scientific and factual information to doctors, nurses, nutritionists, and other professionals concerned without inducing, persuading, and leading them to believe that bottle feeding is equivalent or superior to breastfeeding. It should also include the information specified in Chapter 4, Section 4.2. Information of products under these Criteria that appears in a medical journal must be considered by the Committee of the Office as determined by the Ministry of Public Health.

7.3 Manufactures, importers and distributors are forbidden to provide financial support and other items likely to lead to promoting the products under these Criteria to health workers including their family members. Nor should these be accepted by health workers and their family members.

7.4 Manufactures, importers and distributors are forbidden to provide samples of the products under these Criteria, including equipment and utensils for their preparation or use, to health workers, except for the purpose of professional evaluation at the institutional level.

Health workers are forbidden to give samples of the products under these Criteria to pregnant women, mothers, or their family members.

7.5 Manufactures, importers and distributors of products under these Criteria must disclose any support given to health workers, for educational and training purposes, study visits, research grants, and attendance at professional conferences. In this connection, institutes that receive support for their work and individuals who receive such support must also disclose the support information.

Chapter 8

Persons employed by manufactures, importers and distributors

8.1 Consideration of payment incentives for marketing personnel must not be based on the volume of sales of products under these Criteria. No target must be set for the sale of such products. However, this does not include the sale volume of other products of the company.

8.2 Personnel who have anything to do with the products under these Criteria are forbidden to perform educational functions in relation to pregnant women, mothers, and their families, except in cases in which the health care system requests them to perform other functions with the written approval of the appropriate authority of the government concerned.

Chapter 9

Labeling

9.1 Labels must be designed to provide the necessary information about the appropriate use of the product, and so as not to discourage breastfeeding.

9.2 Labels of breast-milk substitutes must be approved by the Food and Drug Administration only and must bear the following words:

9.2.1 For infant formula

(a) The words “Important Notice”:

- Breast-milk is the best possible food for infants because of its complete nutritional values.
- Infant formula should be used on the advice of doctors, nurses, or nutritionists.
- Preparation or use of incorrect ingredients will be harmful to infants.

(b) Instructions for usage or tables recommending daily feeding.

(c) Words “No sugar, honey, or any sweetener should be added because it may cause infants and young children tooth decay and obesity.”

9.2.2 For infant food

(a) The words “Important Notice”:

- Breast-milk is the best possible food for infants because of its complete nutritional values.
- Infant food should be used on the advice of doctors, nurses, or nutritionists.
- Preparation or use of incorrect ingredients will be harmful to infants.

(b) Instructions for usage or tables recommending daily feeding.

- (c) Statement “No sugar, honey, or any sweetener should be added because it may cause infants and young children tooth decay and obesity.”
- 9.2.3 For follow-up/follow-on formula for infants and young children and follow-up/follow-on food for infants and young children
 - (a) Statement “Do not feed infants less than six months old”:
 - (b) Statement “No sugar, honey, or any sweetener should be added because it may cause infants and young children tooth decay and obesity.”
- 9.2.4 For complementary food
 - (a) Statement “Do not feed infants less than six months old”:

Labels must not have pictures of infants, text, or other pictures that may idealize the use of infant formula. It is forbidden to use the terms “humanized”, “maternalized”, “most equivalent to breast-milk”, or any similar terms.

9.3 Labels of breast-milk substitutes must show the essential ingredients, calories, types and quantity of nutrients per 100 grams (or 100 milliliters) and those ready for consumption at 100 milliliters.

Chapter 10 Quality

10.1 The quality of products under these Criteria is an essential element for the protection of the health of infants and therefore must be of high quality and of a high recognized standard.

10.2 Food products under these Criteria must meet the standards as announced by the Ministry of Public Health under the law on food.

Chapter 11 Implementation and monitoring

11.1 The Ministry of Public Health is responsible for taking action and adopting legislation, ministerial regulations, and suitable measures to meet the principles and aim of these criteria in accordance with the country’s social and legal framework and in coordination with the World Health Organization, UNICEF, and other agencies of the United Nations system.

Policies, measures, laws, and regulations adopted to give effect to the principles and aim of these Criteria, including those governing the manufacture and marketing of the products, should be publicly stated.

11.2 The Ministry of Public Health will monitor measures, laws, rules and regulations issued according to the principles and aim of these criteria, including collaborating with the World Health Organization in the supervision, monitoring and implementation of the health care system and the practice of health workers.

Manufacturers, importers and distributors that are members of trade associations of foods for infants and young children and other related products, as

well as nongovernmental organizations, professional groups, and consumer organizations, should collaborate with the Ministry of Public Health to this end.

11.3 Manufacturers, importers and distributors are responsible for supervising, monitoring, and setting operational procedures in their marketing practices according to the principles and aim of these Criteria, and for summarizing the work of the trade associations concerned to be submitted to the Office of Food and Drug Administration in February of every year.

11.4 Nongovernmental organizations, professional groups, institutions, and individuals concerned have the responsibility of monitoring and informing the Ministry of Public Health of the activities of manufacturers, importers and distributors which are incompatible with the principles and aim of these Criteria so that appropriate action can be taken.

11.5 Manufacturers, importers and distributors must advise, control, and train each member of their marketing personnel of the responsibility of strictly observing these Criteria, as well as reporting violations and measures taken against the violators and submitting reports to the Office of Food and Drug Administration every year.

11.6 Thailand as a Member State, must communicate annually to the Director-General of the World Health Organization information on action taken to give effect to the principles and aim of these Criteria in accordance with Article 62 of the Constitution of the World Health Organization.

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