



putting child nutrition
at the forefront
of social change

**Breastfeeding
Promotion Network of India**

(Registered Under Societies Registration
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Dr. Rajiv Kumar
Vice Chairman, Niti Aayog,
Chairperson, National Council on India's Nutrition Challenges,
New Delhi.

Sub: Key Nutrition Policy for Children under-2 is under threat by action of FSSAI, Needs High Level Intervention to Stop.

Dear Dr. Rajiv Kumar,

Greetings from Breastfeeding Promotion Network of India (BPNI)!

We congratulate you on becoming the Chair of National Council on India's Nutrition Challenges with a mandate to review it quarterly and provide policy direction.

This is in continuation of our discussion in your room on 15 January 2018. We thank you for your time to meet and discuss key policy matters on nutrition including the recent action of FSSAI, which may undermine the key policy referred above, the *Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003. (IMS Act).*

We submit as under;

1. This is regarding FSSAI's project titled "Diet4Life" with Infant and Young Child Nutrition Council of India (IYNCI) as a key partner, which is a front organization of 4 baby food manufacturers i.e. Abbott, Danone, Nestle and Mead Johnson. FSSAI & IYNCI partnership for "Diet4Life" is a clear case of institutional conflicts of interest and defies the conflicts of interest principle of the 'National Nutrition Strategy' of Government of India launched recently by Niti Aayog. This project intends to promote foods for special medical purposes (FSMP). Our concerns on this partnership were communicated to FSSAI but we have not yet heard back.
2. FSSAI has issued a notice on 27 December 2017, calling for comments on revision of existing standards of foods for infant nutrition. This notification proposes to keep Foods for Special Medical Purposes (FSMP) out of purview of the IMS Act, and provide new definitions of these products. FSSAI claims on its website that FSMP are out of the scope of IMS Act. It is important to note that FSMPs fall under the definition of "infant milk substitute" in the IMS Act. A detailed explanatory note that elucidates the gravity of the issue is attached.
3. The IMS Act was enacted to regulate production, supply and distribution of all infant milk substitutes. Its objectives included protection and promotion of breastfeeding and proper use of breastmilk substitutes. This law was enacted to control marketing of baby foods for children under- 2 and save them from disease, deaths and malnutrition.

4. We are deeply concerned that this action proposed by FSSAI will result in giving a free hand to baby food manufactures to promote their products by entering into health systems with sponsorships and gifts etc. In fact this has already started. Such events blatantly violate section 9 of the IMS Act, which is critical for its implementation in both letter and spirit. (See Annex)

5. We believe that FSSAI can take action to import and provide FSMP to the needy. It does not require that FSMP be exempted from provisions of IMS Act when it comes to promotion and marketing. Government of India can take a call on how to deal with prevalence data and identification of IEMs, procurement /purchase of FSMP.

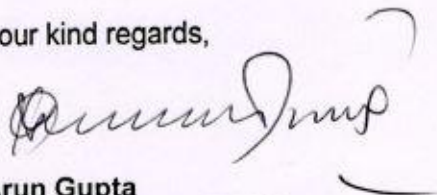
6. We request you as the chair of National Council on India's Nutrition Challenges to initiate steps to withdraw the FSSAI's notifications in public interest and uphold the sanctity of IMS Act, which is the key policy intervention for nutrition of children under -2.

7. We also call upon you to recognize institutional conflicts of interest in the FSSAI & IYNCI partnership and take steps to call it off.

We shall be obliged to provide any information /clarification if you may so desire.

We look forward to a positive response from you,

With our kind regards,



Dr. Arun Gupta
Central Coordinator BPNI
Regional Coordinator IBFAN Asia