



putting child nutrition
at the forefront
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**Breastfeeding
Promotion Network of India**

(Registered Under Societies Registration
Act XXI of 1860, Delhi R.No. S-23144)

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BPNI/2015/144

March 30, 2015

Dr. K.K. Aggarwal,
Honorary Secretary General,
Indian Medical Association
I.M.A. House, Indraprastha Marg
New Delhi-110 002

Dear Dr. Aggarwal,

Subject: Sponsorship of IMA CME for GPs by Abbott violating the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003 (IMS Act).

I am writing to you in reference to your e-mail sent to BPNI¹ regarding the issue of sponsorship of IMA CME for GPs by Abbott, a formula manufacturer company.

On behalf of BPNI, let me make the following points to explain why IMA should not enter into any collaboration with ABBOT as it will defeat both letter and spirit of the IMS Act.

1. You are aware that Indian Parliament enacted the law for protecting, and promoting breastfeeding i.e. the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and it was further strengthened by an Amendment Act in 2003 (IMS Act)
2. For your information the IMS Act is a criminal law and any offence committed is cognizable.
3. The IMS Act takes under its purview health care system, which according to the definition in the IMS Act means, "an institution or organisation engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health worker in private practice, a pharmacy, drug store and any association of health workers) as well as health worker (means a person engaged in health care for mothers, infants or pregnant women."
4. Section 9 of the Act is the most important section regarding health workers and it states:
 - 9.1 *No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall offer or give, directly or indirectly, any financial inducements or gifts to a health worker or to any member of his family for the purpose of promoting the use of such substitutes or bottles or foods.*
 - 9.2 *No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship.*

¹Breastfeeding Promotion Network of India (BPNI) is a non-profit voluntary organization registered under societies registration act 1860. Government of India, using the powers conferred by clause (c) of Sub-Section (1) of Section 21 of the IMS Act, has appointed BPNI through a gazette notification to make complaint regarding the violation the IMS Act in the court of law.

5. It is evident from the above mentioned provisions of the IMS Act that it applies to health workers (which includes medical practitioners), health care facilities (which includes institutions, hospitals, clinics etc. where the medical practitioner is practicing medicine) and professional association of health workers.
6. I would like to share with you two opinions of Late Prof. P M Bakshi (who was member of Law Commission) and Mr. Chander Uday Singh (Lawyer of Supreme Court) on the issues of sponsorship and Section 9 of the IMS Act. These were sought in the year 1994 by Dr. Anand's of ACASH Mumbai, on his query, "Opinion on sponsorships inducements etc. to bodies of pediatricians". (Annexure-1 and 2)
7. Government of India have also tried to clarify positions on section 9 when they issued a Joint letter of Secretary Health and Women and Child Development to the Chief Secretaries of States in August, 2010 stating, "There are other examples of baby food manufacturers coming over to sponsor doctor's conference using other brands which are meant for children over two years." The letter further states requesting all the chief secretaries "To take action under your directives to check and ban such sponsorships. These actions could include directives to the state government offices, medical colleges, health care institutions, and associations of doctors and nurses to abstain from such collaborations." (Please see the attachment Annexure -3)
8. Further in 29th December 2010 Government of India through a letter of Additional Secretary Health to all the professional organisations including IMA reiterated how important section 9 was and how government interprets that section clearly. "The IMS Act clearly prohibits sponsorship of health workers or their association directly or indirectly by the baby food companies." (Please see the attachment Annexure -4)
9. IMA has clearly spelled out its position on the issue of avoiding sponsorship and implementation of IMS Act in a letter sent by IMA Secretary General to Secretaries of state and local IMA branches in 1995 (letter No. IMA/F.7 (121)/3484), (Please see the attachment Annexure -5)

In the view of above-mentioned facts, IMA's proposal to have collaboration with and sponsorship from Abbott for its academic activities is in conflict with the provisions of the IMS Act and will also defeat the very spirit and its objectives. If IMA takes this position it is likely to set a precedent in favour of such a damaging practice to infant health in favour of baby food companies, that reminds me the Statement of Objectives read out by late Arjun Singh in the Parliament while Tabling the Bill. (Copy enclosed for your ready reference Annexure -6.)

I hope you will take necessary action to avoid such collaboration. Lets us meet with Dr Kushwaha, I can clarify these issues more clearly, let me know if it is possible,

*With regards,
Arun*

Dr. Arun Gupta MD FIAP
Central Coordinator, BPNI
Regional Coordinator- IBFAN Asia,
Co-Chair- IBFAN Global Council

Cc: Dr. K P Kushwaha, Principal & Dean, Baba Raghav Das Medical College Gorakhpur