



putting child nutrition
at the forefront
of social change

**Breastfeeding
Promotion Network of India**

(Registered Under Societies Registration
Act XXI of 1860, Delhi R.No. 5-23144)

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BPNI/2015/136

June 1, 2015

Shri Satyendar Jain
Health Minister
Government of NCT of Delhi,
Health and Family Welfare Department
9th Level, A-Wing, IP Extension,
Delhi Secretariat,
Delhi - 110002

Subject: Request to initiate action against Nestle India Limited for violation of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, Amendment Act 2003 (IMS Act)

Dear Shri Jain,

This is an established fact that breastfeeding is an unequalled way of providing optimum food and nutrition for the healthy growth and development of an infant. Breastfeeding saves lives and prevent malnutrition in children. Breastfeeding also has a direct impact on adult intelligence, educational attainment and income. Breastfeeding has been shown to reduce diabetes, hypertension, heart diseases and cancers. Breastfeeding also have several health benefits for the mother including birth spacing and prevention of breast and ovarian malignancies.

I wish to bring to your notice that to protect breastfeeding from commercial influence of formula companies India has a law, named, The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply & Distribution) Act 1992, and Amendment Act 2003 (IMS Act) which prohibits all kind of direct or indirect promotion of infant milk and infant food products. The Act also prohibits providing sponsorship, gifts, fellowship and any pecuniary benefits to health care providers and their association. However, infant formula manufacturing companies are violating the IMS Act with impunity in our country.

Recently Nestle India Limited violated the IMS Act when its' sales representative supplied printed material / pamphlet of infant food product **Cerelac** to the nursing staff of Guru Gobind Singh Hospital, Raghbir Nagar, a Government of NCT Delhi hospital. He gave an instruction to the nursing staff to distribute the pamphlets to mothers in maternity ward and those who are visiting for regular check-up in the OPD.

This is a serious violation of section 3 (a), section 5 (b) and section 8 (1) of IMS Act, which says:

Section 3 (a). No person shall- "advertise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes, feeding bottles or infant foods".

Section 5 (b).subject to the provisions of sub-section (4) of section 8, no person shall donate or distribute "any informational material or educational equipments or material relating to infant milk substitutes or feeding bottles or infant foods".

Section 8 (1) No person shall- *"use any health care system for the display of placards or posters relating to, or for the distribution of, materials for the purpose of promoting the use or sale of infant milk substitutes, feeding bottles or infant foods"*.

We request you to initiate appropriate action to stop such activities in the Government of Delhi hospital by issuing appropriate instruction to the administrators/medical superintendents of these hospitals.

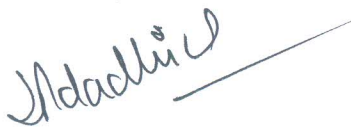
We also request you to kindly take appropriate legal action against the offending company Nestle India Ltd., M-5A, Connaught Circus, New Delhi, 110001 and others associated with the violation of the Act.

We hope this will draw your utmost attention in the public interest and safeguarding health of women and children in India. A copy of the printed material /pamphlet is attached with this letter.

I wish to apprise you that the Breastfeeding Promotion Network of India (BPNI) is an independent non-profit NGO registered under the Societies Registration Act XXI of 1860, Delhi (R.No. S-23144). BPNI is notified in the official Gazette of India, wide Notification of the Ministry of HRD (G.S.R. 540, dated 27 July 1995), under clause (c) of subsection (1) of Section 21, of the "Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992", to monitor the compliance with this Act and initiate legal action.

With warm regards,

Yours sincerely,



**Dr. J.P. Dadhich, MD, FNNF, PGD-DN
National Coordinator, BPNI**