REPUBLIC OF THE PHILIPPINES
Ministry of Health
OFFICE OF THE MINISTER
Manila

PRESS STATEMENT OF HEALTH MINISTER
ALFREDO R.A. BENGZON
28 OCTOBER 1986

TODAY IS A HISTORIC DAY FOR THOSE OF US COMMITTED TO PROTECTING AND PROMOTING THE HEALTH OF MOTHERS AND CHILDREN.

AFTER A COLLECTIVE FIVE-EAR EFFORT BY AN ASSORTMENT OF GOVERNMENT AND PRIVATE HEALTH ORGANIZATION, I AM VERY PLEASED TO ANNOUNCE THAT THE PRESIDENT HAS SIGNED INTO LAW EXECUTIVE ORDER NO. 51, ADOPTING A NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS, AND RELATED PRODUCTS. IT WILL TAKE EFFECT 30 DAYS AFTER PUBLICATION IN THE OFFICIAL GAZETTE.

THE CODE IN EFFECT AIMS TO CONTRIBUTE TO THE PROVISION OF SAFE AND ADEQUATE NUTRITION OF INFANTS BY THE PROTECTION AND PROMOTION OF BREASTFEEDING; AND BY ENSURING THE PROPER USE OF BREASTMILK SUBSTITUTES AND SUPPLEMENTS WHEN THESE ARE NECESSARY. THE CODE ALSO CALLS FOR AN INTENSIFICATION OF THE DISSEMINATION OF INFORMATION ON BREASTFEEDING AND PROPER NUTRITION, AND THE REGULATION OF ADVERTISING, MARKETING AND DISTRIBUTION OF BREASTMILK SUBSTITUTES AND OTHER RELATED PRODUCTS, INCLUDING BOTTLES AND TEATS

IT IS NO SECRET TO US IN THE HEALTH SECTOR THAT BREASTMILK IS THE BEST FOOD FOR INFANTS FOR A VARIETY OF REASONS, AMONG THEM ITS NATURAL CONTENT OF ALL THE NUTRIENTS AND ANTIBODIES A NEWBORN BABY NEEDS FOR ITS FULL GROWTH AND DEVELOPMENT; THE PURITY AND CLEANLINESS OF BREASTMILK; AND THE NATURAL BOND THAT DEVELOPS BETWEEN MOTHER AND CHILD DURING BREASTFEEDING.

IT IS ALSO COMMON KNOWLEDGE TO US THAT TWO LEADING CAUSES OF INFANT MORTALITY – DIARRHEAL DISEASES AND MALNUTRITION – ARE OFTEN ROOTED IN IMPROPER AND ARTIFICIAL FEEDING PRACTICES.

DESPITE THIS KNOWLEDGE, HOWEVER, THRE IS EVIDENCE TO SHOW THAT THE PRACTICE OF BREASTFEEDING HAS BEEN DECLINING IN OUR COUNTRY.

GIVEN THIS SITUATION, WE ARE APPEALING TO THE SECTORS REPRESENTED IN THIS ROOM AND TO THE GENERAL PUBLIC TO HELP US IN OUR DRIVE TO PROMOTE BREASTFEEDING AND PROPER NUTRITION FOR ALL CHILDREN, AND TO SUPPORT US IN THE IMPLEMENTATION OF THE NATIONAL MILK CODE.

I AM PROUD TO SAY THAT THIS CODE IS THE PRODUCT OF THE COOPERATIVE AND TIMELESS EFFORTS OF INDIVIDUALS AND ORGANIZATIONS IN BOTH GOVERNMENT AND THE PRIVATE SECTOR.

THE PHILIPPINE MLK CODE INCORPORATES MANY PROVISIONS OF THE INTERNATIONAL CODE OF MARKETING OF BREASTFEEDING SUBSTITUTES, WHICH WAS ADOPTED BY THE WORLKD HEALTH ASSEMBLY IN MAY 1981.

SINCE 1981, A NUMBER OF LOCAL ORGANIZATIONS HAVE BEEN ACTIVE IN THE ADVOCACY OF A PHILIPPINE CODE. IN MARCH 1983, WITH MINISTRY OF HEALTH AS THE LEAD AGENCY, THESE GROUPS CAME UNDER THE UMBRELLA OF THE

NATIONAL MOVEMENT FOR THE PROMOTION OF BREASTFEEDING, OR THE NMPB, AND TOGETHER DRAFTED PHILIPPINE CODE AFTER CONSULTATIONS WITH ALL THE POTENTIALLY AFFECTED SECTORS.

A DRAFT OF THE CODE WAS SUBMITTED TO MALACANANG IN MARCH 1983 FOR POSSIBLE ENACTMENT AS AN EXECUTIVE ORDER. IN OCTOBER 1984, THEN OPPOSITION ASSEMBLYMAN FROM CALOOCAN NOW DEPUTY HEALTH MINISTER ANTONIO C. MARTINEZ FIELD THE SAME VERSION OF THE CODE AT THE BATASANG PAMBANSA AS PARLIAMENTARY BILL NO. 2147.

DESPITE THE CONTINUED PRESSURE BY ADVOCACY GROUPS, THE DRAFT OF THE CODE HAS BEEN GATHERING DUST UNTIL THE ASSUMPTION TO POWER OF PRESIDENT AQUINO. THE NEW HEALTH MINISTRY ADMINSTRATION REVIEWED THE CODE, INVOLVED NON-GOVERNMENT ORGANIZATIONS IN DISCUSSIONS, AND THEN TIGHTENED THE DRAFT TOGETHER WITH THE MALACANANG LEGAL STAFF. THE CODE WAS SIGNED INTO LAW LAST WEEK.

A WORKING GROUP COMPOSED OF HEALTH OFFICIALS AND MEMBERS OF NON-GOVERNMENT ORGANIZATIONS HAVE STARTED MEETING TO FORMULATE IMPLEMENTING GUIDELINES WHICH WILL BE SUBMITTED TO THE AFFECTED SECTORS AND INDUSTRIES FOR COMMENT ONCE COMPLETED.

INCLUDED IN THE CODE ARE PROVISIONS BANNING THE USE OF THE HEALTH CARE SYSTE FOR THE PROMOTION OF INFANT FORMULA AND THE OTHER RELATED PRODUCTS; BANNING DONATIONS, SAMPLES, AND OTHER GIVEAWAYS BY MILK COMPANIES TO HEALTH WORKERS AND THE GENERAL PUBLIC; REQUIRING SPECIAL LABELS FOR INFANT FORMULA; REQUIRING INTENSIFIED TRAINING OF HEALTH WORKERS; AND REGULATING ADVERTISEMENTS OF ALL PRODUCTS COVERED BY THE CODE.

THE PENALTIES FOR VIOLATORS OF THE CODE ARE TWO MONTHS TO ONE YEAR IMPRISONMENT OR A FINE OF NOT LESS THAN 1000 AND NOT MORE THAN 30,000.

I AM NOW READY TO ANSWER ANY QUESTIONS.

MALACANANG
Manila

EXECUTIVE ORDER NO. 51

ADOPTING A NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS, PENALIZING VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, in order to ensure that safe and adequate nutrition for infants is provided, there is a need to protect and promote breastfeeding and to inform the public about the proper use of breastmilk substitutes and supplements and related products through adequate, consistent and objective information and appropriate regulation of the marketing and distribution of the said substitutes, supplements and related products;

WHEREAS, consistent with Article II of the International Code of Marketing of Breastmilk Substitute, the present government should adopt appropriate legislation to give effect to the principles and aim of the aforesaid International Code.;

NOW, THEREFORE, I CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1 ***Title*** – This Code shall be known and cited as the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and Other Related Products."

SECTION 2 ***Aim of the Code*** – The aim of the Code is to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding and by ensuring the proper use of breastmilk substitutes and breastmilk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distributions.

SECTION 3 ***Scope of the Code*** – The Code applies to the marketing and practices related thereto, of the following products: breastmilk substitutes, including infant formula; other milk products, foods and beverages, including bottlefed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

SECTION 4 ***Definition of Terms*** – For the purposes of this Code the following definition of terms shall govern'

(a) "***Breastmilk Substitutes***" means any food being marketed or otherwise represented as a partial or total replacement of breastmilk, whether or not suitable for that purpose.

(b) "***Complementary Food***" means any food, whether manufactured or locally prepared, suitable as a complement to breastmilk or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called "weaning food" or "breastmilk supplement".

(c) "***Container***" means any form of packaging of products for sale as normal retail unit, including wrappers.

(d) "***Distributor***" means a person, corporation or any other entity in public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level a product within the scope of this Code. A "primary distributor" is a manufacturer's sales agent, representative, national distributor or broker.

(e) "***Infant***" means a person falling within the age bracket of 0-12 months.

(f) "***Health care system***" means governmental, non-governmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child care institutions. It also includes health workers in private practice. For the purpose of this Code, the health care system does not include pharmacies or other established sales outlets.

(g) "***Health Worker***" means a person working in a component of such health care system, whether professional or non-professional, including volunteer workers.

(h) "***Infant Formula***" means a breastmilk substitute formulated industrially in accordance with applicable Codex Alimunterius standards, to satisfy the normal nutritional requirements of infants up to between four to six months of age, and

adapted to their physiological characteristics. Infant formula may also be prepared at home in which case it is described as "home-prepared".

(i) "***Label***" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container of any product within the scope of this Code.

(j) "***Manufacturer***" means a corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.

(k) "***Marketing***" means product promotion, distribution, selling, advertising, product public relations, and information services.

(l) "***Marketing Personnel***" means any person whose functions involve the marketing of a product or products coming within the scope of this Code.

(m) "***Sample***" means single or small quantities of a product provided without a cost.

(n) "***Supplies***" means quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided to families in need.

SECTION 5 ***Information and Education*** –

(a) The government shall ensure that objective and consistent information is provided on infant feeding, for use by families and those involved in the field of infant nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant nutrition.

(b) Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points: (1) the benefits and superiority of breastfeeding; (2) maternal nutrition, and the preparation for and maintenance of breastfeeding; (3) the negative effect on breastfeeding of introducing partial bottle-feeding; (4) the difficulty of reversing the decision not to breastfeed; and (5) where needed, the proper use of infant formula, whether manufactured industrially or home=prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use of it's use; the health hazards of inappropriate foods or feeding methods; and , in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

SECTION 6 ***The General Public and Mothers*** –

(a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products within the scope of this code shall be printed, published, distributed, exhibited and broadcast unless such materials are duly authorized and approved by an inter-agency committee created herein pursuant to the applicable standards provided for in this Code.

(b) Manufacturers and distributors shall not be permitted to give, directly or indirectly, samples and supplies of products within the scope of this Code or gifts of any sort to any member of the general public, including members of their

families, to hospitals and other health institutions, as well as to personnel within the health care system, save as otherwise provided in this Code.

(c) There shall be no point-of-sale advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie-in sales for the products within the scope of this Code. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.

(d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding, nor shall any other groups to the general public and mothers.

(e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this Code, either directly or indirectly, to pregnant women or with mother of infants, except as otherwise provided by this Code.

(f) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Code upon request by or with the approval of the Ministry of Health.

SECTION 7 ***Health Care System*** -

(a) The Ministry of Health shall take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers on infant nutrition, and on their obligations under this Code.

(b) No facility of the health care system shall be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in Section 8(b).

(c) Facilities of the health care system shall not be used for the display of products within the scope of this Code, or for placards or posters concerning such products.

(d) The use by the health care system of "professional service" representatives, "mothercrafts nurses" or similar personnel, provided or paid for by manufacturers or distributors, shall not be permitted.

(e) In health education classes for mothers and the general public, health workers and community workers shall emphasize the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

SECTION 8 ***Health Workers*** -

(a) Health workers shall encourage and promote breastfeeding and shall make themselves familiar with objective and consistent information on maternal and infant nutrition, and with their responsibilities under this Code.

(b) Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code shall be restricted to scientific

and factual matters, and such information shall not imply or create a belief that bottlefeeding is equivalent or superior to breastfeeding. It shall also include the information specified in Section 5.

(c) No financial or material inducements to promote products within the scope of this Code shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Section 8(e).

(d) Samples of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the Ministry of Health. No health workers shall give examples of infant formula to pregnant women and mothers of infants or members of their families.

(e) Manufacturers and distributors of products within the scope of this Code may assist in the research, scholarships and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the Ministry of Health.

SECTION 9 ***Persons Employed by Manufacturers and Distributors*** – Personnel employed in marketing products within the scope of this Code shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants.

SECTION 10 ***Containers/Labels –***

(a) Containers and/or labels shall be designed to provide the necessary information about the appropriate use of the products, and in such a way as not to discourage breastfeeding.

(b) Each container shall have a clear, conspicuous and easily readable and understandable message in Pilipino or English printed on it, or on a label, which message can not readily become separated from it, and which shall include the following points:

(i) the words “Important Notice” or their equivalent;
(ii) a statement of the superiority of breastfeeding;
(iii) a statement that the product shall be used only on the advice of a health worker as to the need for its use and the proper methods of use; and
(iv) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation.

(c) Neither the container nor the label shall have pictures or texts which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product and for illustrating methods of preparation.

(d) The term “humanized,” “maternalized” or similar terms shall not be used.

(e) Food products within the scope of this Code marketed for infant feeding, which do not meet all the requirements of an infant formula but which can be modified to do so, shall carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant.

(f) The labels of fool products within the scope of this Code shall, in addition to the requirements in the preceding paragraphs, conform with the rules and regulations of the Bureau of Food and Drugs

SECTION 11 ***Quality*** –

(a) The quality of products is an essential element for the protection of the health of infants, and therefore shall be of high recognized standard.

(b) Food products within the scope of this Code shall, when sold or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.

(c) To prevent quality deterioration, adulteration or contamination of food products within the scope of this Code shall, when sold or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.

SECTION 12 ***Implementation and Monitoring –***

(a) For purposes of Section 6(a) of this Code, an inter-agency committee composed of the following members is hereby created:

Minister of Health . . . . . Chairman
Minister of Trade and Industry. . . . . Member
Minister of Justice . . . . . Member
Minister of Social Services and Development . . . . . Member

The members may designate their duly authorized representative to every meeting of the Committee.

The Committee shall have the following powers and functions:

(1) To review and examine all advertising, promotion or other marketing materials, whether written, audio or visual, on products within the scope of this Code;

(2) To approve and disapprove, delete objectionable portions from and prohibit the printing, publication, distribution, exhibition and broadcast of, all advertising promotion or other marketing materials, whether written, audio or visual, on products within the scope of this Code;

(3) To prescribe the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities, and

(4) To promulgate such rules and regulations as are necessary or proper for the implementation of Section 6(a) of this Code.

(b) The Ministry of Health shall be principally responsible for the implementation and enforcement of the provisions of this Code. For this purpose, the Ministry of Health shall have the following powers and functions:

(1) To promulgate such rules and regulations as are necessary or proper for the implementation of this Code and the accomplishment of its purposes and objectives.

(2) To call the assistance of government agencies and the private sector to ensure the implementation and enforcement of, and strict compliance with, the provisions of this Code and the rules and regulations promulgated in accordance herewith.

(3) To cause the prosecution of the violators of this Code and other pertinent laws on products covered by this Code.

(4) To exercise such other powers and functions as may be necessary for or incidental to the attainment of the purposes and objectives of this Code.

SECTION 13 ***Sanctions*** -

(a) Any person who violates the provisions of this Code or the rules and regulations issued pursuant to this Code shall, upon conviction, be punished by a penalty of two (2) months to one (1) year imprisonment or a fine of not less than One Thousand Pesos (1,000.00) nor more than Thirty Thousand Pesos (P30,000.00) nor more than Thirty Thousand (30,000.00) or both.. should the offense be committed by a juridical person, the Chairman of the Board of Directors, the president, general manager, or the partners and/or the persons directly responsible therefore, shall be penalized

(b) Any license, permit or authority issued by any government agency to any health worker, distributor, manufacturer, or marketing firm or personnel for the practice of their professional or occupation, or for the pursuit of their business, may, upon recommendation of the Ministry of Health, be suspended or revoked in the event of repeated violations of this Code, or of the rules and regulations issued pursuant to this Code.

SECTION 14 ***Repealing Clause –*** All laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 15 ***Separability Clause*** - The provisions of this Executive Order are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

SECTION 16 ***Effectivity –*** This Executive Order shall take effect thirty (30) days following its publication in the Official Gazette.

Done in the City of Manila, this 20rh day of October, in the year of Our Lord, nineteen hundred and eighty-six.

President of the Philippines

By the President:

(Sgd) JOKE P. ARROYO
Executive Secretary

INTER-AGENCY COMMITTEE
CREATED UNDER EXECUTIVE ORDER NO. 51, SERIES OF 1986
M A N I L A

RULES AND REGULATIONS COVERING THE ADVERTISING, PROMOTION AND MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS

Pursuant to the provisions of paragraph 4 of Section 12(a) of Executive Order No. 51 dated 20 October 1986, otherwise known as "The Milk Code," the following rules and regulations are hereby promulgated to govern the advertising, promotion and marketing of products within the scope of said Code.

SECTION 1 ***Definition of Terms*** – As used in these Rules, unless the context indicates otherwise –

(a) ***"Committee"*** shall refer to the Inter Agency Committee created under Executive Order No. 51 series of 1986, composed of the Secretary of Health, as Chairman and the Secretary of Trade and Industry, the Secretary of Justice and the Secretary of Social Welfare and Development, as member.

(b) ***"Infant"*** shall refer to a person within the age bracket of 0-12 months

(c) ***"Breastmilk substitute and supplement"*** shall refer to the following:

(i) Breastmilk substitute means any food being marketed or otherwise represented as partial or total replacement of breastmilk;
(ii) Infant Formula or breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to between four to six months of age, and adapted to their physiological characteristics;
(iii) Complementary food, weaning food, breastmilk supplement or any food that is suitable as a complement to breastmilk or to infant formula when either becomes insufficient to satisfy the nutritional requirements of the infant; and
(iv) Infant feeding-bottles of any graduated container made of glass, plastic or similar materials;
(v) Nipples or teats made of rubber, silicone or similar materials which are used as breastfeeding substitutes.

(d) ***"Advertising material"*** shall refer to the packaging, including wrappers and to any advertising, promotion or marketing material for breastmilk substitutes and supplements in any form of media, such as motion pictures, including filkm commercials, whether photographed on film or videotaped, sound recordings, still photographs for public display or magazine and newspaper publications or artist's studies serving as a final basis for magazine and newspapaer advertising layouts or similar products intended for public exhibition in move theaters, on television, or through any communication device intended for public exposure.

Unless otherwise determined by the Committee, the term shall not include printed materials given directly by manufacturers and distributors of breastmilk substitutes and supplements to institutions engaged in the health care of mothers, infants and pregnant women, nurseries or child care institutions and to health workers in private practice, provided said materials are restricted to scientific and factual matters regarding said products and include the information mentioned in Section 20 hereof.

(e) ***"Label"*** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, the packaging of the product covered by these rules.

(f) ***"Marketing"*** means product promotion, distribution, sales, advertising, products public relations, and information services.

(g) ***"Marketing firm"*** shall refer to an individual or firm which provides marketing services.

(h) ***"Marketing personnel"*** shall refer to any person involved in marketing breastmilk substitutes or supplements.

SECTION 2 ***Functions of Committee*** **–** The Committee shall view, screen, examine, approve or disapprove, or delete portions from and prohibit the printing, publication, distribution, prohibition and broadcast of advertising materials of breastmilk substitutes or supplements and related products within the scope of the "Milk Code."

SECTION 3 ***Committee Secretary*** – The Committee shall designate a Secretary who shall keep the book or books necessary for the recording of all the action and proceedings of the Committee; and shall perform such powers and duties as may be assigned to him by these rules or by the Chairman.

SECTION 4 ***Quorum; Voting*** - A majority of all the members of the Committee present shall constitute a quorum for the review and examination of advertising materials. A majority vote of the members present is sufficient to pass upon and approved any business presented in the meeting.

The Chairman shall not be required to vote in a meeting.. He may however, break a tie vote in the Committee.

SECTION 5 ***Meetings –*** The Committee shall meet every fortnight. However, the Chairman may, motu proprio or upon the recommendation of the Secretary, call a special meeting to attend to urgent matters.

The members may designate their duly authorized representatives to attend and vote in the meetings of the Committee.

SECTION 6 ***Criteria for Action –*** In the review and examination of advertising materials, the members of the Committee shall be guided generally by the criteria established in Executive Order No. 51

SECTION 7 ***Application; Contents –*** An application for the review or examination of an advertising material shall be in the form prescribed by the Committee and shall be filed in triplicate. It shall contain, among others, the following information:

a. name of the marketing firm
b. bane if the brand or product
c. name of the manufacturer of the product
d. title of the advertising material, if any
e. nature/type of advertising material
f. in case of film, videotape or sound tape recording, its time duration

SECTION 8 ***Supporting Materials –*** The application shall be accompanied by the following:

a. a certification/clearance duly issued by the Bureau of Food and Drugs and/or other appropriate government agency that the label of the container and/or the product complies with the rules and regulation of said bodies.
b. Copies of such supporting documents, presentation materials and references which the advertiser/marketing firm may have submitted to the Philippine Board of Advertising for clearance prior to release, if any; and
c. Such other materials which the Committee may deem necessary for the examination and review of the advertising materials.

SECTION 9 ***Application –*** The application shall be filed in due form with the Secretary of the Committee at least thirty (30) days before the scheduled dated for the airing, release for exhibition of the advertising materials. The time and date of receipt shall be stamped on the application. An application fee of a reasonable amount to be determined by the committee will be collected for the review/examination of Advertising materials.

SECTION 10 ***Submission to Committee*** - The application shall be submitted by the Secretary of the Committee for review and examination within one (1) day from date of receipt. The Committee may conduct said review and examination or assign said task to the Preview Panel mentioned in the following Section.

SECTION 11 ***Preview Panel –*** The Committee may create Preview Panels which shall conduct the actual review and examination of advertising materials. A Panel shall be composed of one representative each of the Departments represented in the Committee. The representative of the Secretary of Health shall act as Chairman of a Panel.

The Preview Panel shall observe the rules and procedures on voting and quorum prescribed under these Rules.

SECTION 12 ***Action of Preview Panel*** - The written findings and recommendations of a Preview Panel shall be submitted immediately to the Committee, through the Secretary, immediately after the review and examination. Said findings and recommendations shall be included in the agenda of the next scheduled meeting of the Committee for decision.

The Preview Panel shall be available for consultation with the committee during the latter's deliberation of the Panel's findings and recommendation.

SECTION 13 ***Committee Deliberations –*** The meetings of the Committee and a Preview Panel, including the presentation of the advertising material, shall be held in executive session.

SECTION 14 ***Presentation of Advertising Material –*** The advertising material shall be formally presented in the meeting of the Committee or Preview Panel, as the case may be, by a duly designated representative of the Marketing Firm or advertiser.

SECTION 15 ***Decision –*** The Committee shall render its decision on an application within two (2) days after the presentation of the advertising material.

The decision of the Committee shall be in writing, each member stating clearly his comments and observations in case of disapproval.

In the proper case, the Preview Panel which conducted the review and examination of the advertising material may be consulted by the Committee.

SECTION 16. ***Approval –*** Not later than five (5) days from the date of the decision of the Committee, the Secretary shall issue the corresponding permit signed by the Chairman of the Committee authorizing the production airing, release or exhibition of the advertising material. In case of still photographs, artist's studies for advertising layouts

or similar materials, the approval thereof shall be stamped by the Secretary on the face thereof.

A motion picture, trailer, still and other pictorial advertisement may be approved in toto or with the elimination of objectionable scenes, parts or portions of the information or text thereof.

The permit for the production of the advertising material does not include the approval of the airing, release or exhibitions of the advertising material that may subsequently be produced.

SECTION 17. ***Recall of Permit –*** Upon verified complaint, the Committee shall immediately recall a permit for the airing or exhibition of an advertising material. Thereafter, the Committee shall conduct a formal inquiry wherein the advertising firm or advertiser concerned will be given an opportunity to answer the complaint. Said inquiry shall be terminated within ten (10) days from the date of commencement thereof.

SECTION 18. ***Disapproval –*** The Secretary of the Board shall notify the parties concerned of the disapproval of an application within five (5) days from the issuance of said decision. The notification shall be in writing and shall state the reason or reasons for the disapproval by the Committee.

SECTION 19. ***Reconsideration –*** Within five (5) days from receipt of the decision, the aggrieved party may file a written request for reconsideration. The request for reconsideration shall clearly state the reasons or grounds in support thereof. The committee shall decide the request for reconsideration within fifteen (15) days from the date it receives the same. The decision of the Committee thereon shall be final.

SECTION 20. ***Favored Themes –*** The Committee favors the use of the following themes in advertising materials for breastmilk substitute and supplement:

a. The benefits and superiority of breast feeding.
b. Maternal nutrition and the preparation for the maintenance of breastfeeding.
c. The negative effect on breastfeeding of introducing partial bottlefeeding.
d. The difficulty of reversing the decision not the breastfeed.
e. The proper use of infant formula, where absolutely needed.
f. In general, such materials which positively show or emphasize the adverse and deleterious social and financial implications of bottle feeding and the health hazards associated with the improper use of breastmilk substitutes and supplements.

SECTION 21. ***Prohibitions –*** The following shall not be included in advertising materials

a. text or information which discourage or tend to undermine the benefits or superiority of breastfeeding or which idealize the use of breastmilk substitutes and supplements.
b. The term “humanized”, “maternalized” or similar words in describing breastmilk substitutes and supplements.
c. Pictures or texts which idealize the use of infant formula. However, graphics may be used for the easy identification of the product for illustration methods of preparation.

SECTION 22. ***Mandatory Notice –*** All containers and labels of breastmilk substitutes and supplements shall carry a message, in Filipino or English, which states that breastfeeding is superior to breastmilk substitutes of supplements; that breastmilk

substitutes of supplements should only be used upon the advice of a health worker; and that improper preparation of said products can be hazardous to an infant's health.

The notice shall be clearly and conspicuously printed on the container or label which is firmly attached to the packaging or wrapper of the breastmilk substitute of supplement.

SECTION 23 ***Violations –*** Any person violating the provision of these Rules shall, upon conviction, be punished by a fine of P1,000,000 to P30,000,000 and/or imprisonment from two (2) months to one year. In addition, any license, permit or authority issued by the government to any marketing firm or personnel for the pursuit of their business or practice of their profession may, upon recommendation of the Secretary of Health, be suspended or revoked in case of repeated violations of the provisions of the "Milk Code" or these Rules.

SECTION 24 ***Effectivity –*** These Rules shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Done in the City of Manila, this 26th day of May 1987

(Sgd) ALFREDO R.A. BENGZON, M.D.
SECRETARY OF HEALTH
Chairman

JOSE S. CONCEPCION
SECRETARY OF TRADE AND INDUSTRY
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SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT
Member

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF HEALTH
OFFICE OF THE SECRETARY
Manila

April 3, 1987

DEPARTMENT CIRCULAR
No. 24 s 1987

TO : The Undersecretaries of Health
Bureau and Regional Directors, Chiefs of Offices, Services, Special, Regionals, Provincial Hospitals/Unit Heads and Other Concerned

SUBJECT : Guidelines for the Implementation of Executive Order No. 51 – "Adopting a National Code of Marketing of Breastmilk Substitues, Breastmilk Supplements and other related products"

The following guidelines are issued for the guidance of all concerned in the implementation of Executive Order No. 51, "National Code of Marketing of Breastmilk Substitues, Breastmilk Supplements and other related products"

I. INFORMATION EDUCATION COMMUNICATION AND TRAINING

The promotion of breastfeeding and the implementation of the Milk Code shall be integral parts of all IEC, training and other relevant activities of the Department of health and concerned agencies. As such:

1. The Department of Health shall plan, provide, design, disseminate and regulate information related to infant nutrition and Milk Code implementation in collaboration with other agencies (government and non-government). It shall:

    1.1 Mobilize existing network and other units within the DOH at all levels involved in IEC and Training.
    1.2 Strengthen the National Movement for the Promotion of Breastfeeding (NMPB) and other organizations concerned with the promotion of breastfeeding and implementation of the Milk Code.
    1.3 Harness other available resources for IEC and Training.
    1.4 Serves as clearinghouse for all information materials on infant nutrition and the Milk Code.

2. The focal targets for information and education on breastfeeding practices shall be rural and urban women, their families, health population and nutrition workers as well as professional and special groups.
3. Contents of IEC and training programs shall be based on the needs of specific target groups and of the service.
4. Strategies for local IEC and training programs shall be based on the conditions and situations of the area and the specific characteristics of the local target groups.

II. MONITORING

The Department of Health assumes the primary responsibility of monitoring compliance and violations of the provisions of the Milk Code. At the national level, a task force will be crated chaired by the Assistant Secretary for Public

Health and with membership drawn from other various offices of DOH, representatives of NMPB and other concerned NGOs.

The Milk Code Monitoring Task Force shall have the following functions:

1. Monitors compliance as well as problems encountered in the implementation of the Milk Code.
2. Reviews/acts on reports of violations of the provisions of the Code from the national and field levels.
3. verifies reports of violations of the Milk Code.
4. monitors labels of products within the scope of the Code and marketing practices in various distribution centers.
5. Recommends sanctions or punitive actions for violations of the Milk Code to the Undersecretary of the Public Health.
6. Submits regular reports on the status of the Milk Code implementation to the Undersecretary of Public Health.

Monitoring at Regional/Provincial/City Levels

1. In the field, the task of monitoring shall be the primary responsibility of the Regional Health Director and Provincial/City Health Officers in collaboration with the Regional/Provincial/City Council for Health Concerns.
2. A Task force shall be created at the regional level composed of representatives of the DOH, other GOs and NGOs. A regional Milk Code Coordinator from DOH shall be designated to head the Task Force.
3. The Task Force shall serve as the focal group in charge of coordinating and monitoring activities relevant to the field implementation of the Milk Code.
4. The Task Force shall verify reports of violations of the Milk Code.
5. monitors labels of products within the scope of the Code and marketing practices in various distribution centers.
6. Problems/violations arising at the field levels shall be investigated and resolved at these levels whenever appropriate to institute prompt and timely actions. Only cases that require prosecution shall be elevated to the national level (Refer to policy guidelines on sanctions or violations of the Code for details).
7. The Milk Code Coordinator shall submit reports to the Regional Health Director.

III. DONATIONS FROM MANUFACTURERS/DISTRIBUTORS OF PRODUCTS WITHIN THE CODE

1. No health facility or health worker shall receive directly or indirectly samples, donations, supplies or products within the scope of the Code.
2. Charitable institutions like orphanages that care for infants and children who had been abandoned/orphaned; and lack access to wet nurses and lactating mothers may receive donations from manufacturers/distributors of product within the scope of the Code, provided requests are made to the proper authorities.
3. Request(s) shall be addressed to:
    a. Undersecretary for Public Health Services – National Level
    b. Regional Health Director - Regional Level (including Metro Manila)
    c. Provincial Health Officer - Provincial/Municipal level
    d. City Health Officer - City Level

4. Request(s) for authority to receive donations shall include the following information:
    a. name, address and telephone no. of institutions

b. no. of infants, including sex and age
c. estimated amount/quantity of requirements per month or per quarter.
d. Items requested (products, supplies, materials, equipments, etc.)
e. Administrator or head of institutions making the request.

5. Recipient charitable institutions shall submit required reports to the Department of Health.
6. In cases of disasters/emergencies, donations from manufacturers/distributors of products within the scope of the Code may be received/distributed to the affected population under the provision of government agencies or non-government organizations. The organizations concerned shall submit a written report within thirty (30) days from receipt of donations to the abovementioned officials indicating name of organization, donations received, distribution list and other permanent details.
7. Receiving institutions shall not participate in any promotional activity of manufacturers/distributors of products within the scope of the Code.

IV. ASSISTANCE/SPONSORSHIP OF RESEARCH FELLOWSHIPS/CONTINUING EDUCATION AND OTHER RELATED RESEARCHES

Manufacturers/Distributors of products within the scope of the Code may assist in the conduct of research, scholarship and continuing education of health professionals provided:

1. A formal request for assistance/sponsorships is submitted by the proponent/recipient to the Undersecretary for Public Health with the following information:
   a. For Research Project
   - Name of Proponent
   - Manufacturer/distributor from whom assistance/sponsorship is solicited
   - Research Protocol
   - Kind of assistance solicited
   - Budgetary requirements

   b. Fellowships
   - Name of Participant
   - Manufacturer/distributor from whom sponsorship is solicited
   - Field of study
   - Duration
   - Training institutions
   - Justification/contribution to health development of the country
   - Budgetary requirements

   c. Continuing Education
   - Name of applicant (professional organization/group)
   - Manufacturer/distributor from whom sponsorship is solicited
   - Nature of activity (workshop, seminar, etc.)
     : Objective
     : Theme
     : Participants (number/categories)
     : Program of activities
     : Speakers
     : Expected outputs

2. The manufacturers who wish to conduct clinical trials/evaluation make a formal request to the Undersecretary for Public Health providing the following information:

a. Name of proponent
b. Institution involved
c. Objective of study
d. Period covered by the study
e. Experimental Design
f. Products involved and quantity of products

3. Assistance/sponsorship shall be utilized strictly for the specific objective/purposes for which they are solicited.

4. Clinical trials/evaluation shall be conducted in accordance with the approved protocol.

5. Recipients (individuals/organizations/groups) shall not allow themselves to be used directly or indirectly for any promotional activity related to products within the scope of the Code such as display of posters and streamers patronizing the company and their products or use as lecturer in the promotion of products to idealize bottlefeeding.

6. The DOH shall monitor researches and activities relating to assistance. sponsorships, fellowships and continuing education. Reports by recipients/participants/proponents shall be submitted according to the required format as part of the monitoring activity.

SANCTIONS FOR THE VIOLATIONS OF THE MILK CODE

1. Reports of violations of the Milk Code at the provincial and city levels shall be investigated and resolved at such level.
2. Reports of findings, decisions and actions taken shall be sent and forwarded to the Office of the Undersecretary for Public Health through the Regional Health Director.
3. In cases of repeated violations which require the application of sanctions, the Regional Health Director shall conduct an investigation of the violations and submit a report of the findings and recommendations to the Undersecretary for Public Health for appropriate action.
4. For violations committed at the national level, an investigation shall be conducted by the Legal Office of the Department of Health and the findings submitted to the Undersecretary for Public Health for appropriate action.
5. The following punitive actions shall apply:
   5.1 For the first violation, a letter of warning/reprimand from the health officer concerned shall be sent to the offenders.
   5.2 For repeated violations, appropriate sanctions shall be applied.

Please be guided accordingly.

ALFREDO R.A. BENGZON, M.D.
Secretary of Health

Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY
Manila

DEPARTMENT CIRCULAR
No. 122-a s. 1987

TO : The Undersecretaries of Health, Bureau and Regional Directors, Chiefs of Offices, Services, Regionals, Provincial Hospitals/Unit Heads and Other Concerned.

SUBJECT : Amendment to Dept. Circular No. 24 dated April3, 1987 on guidelines to implement E.O. 51 on the Milk Code, in particular, Section IV Assistance/Sponsorship of Research Fellowship/Continuing Education & Other Related Researches

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Section IV, beginning at p. 4 of above circular is hereby amended as follows:

1. Approval of requests by manufacturers & distributors of products within the scope of the Milk Code to aggist continuing education activities like trainings, workshops, conferences and similar activities is hereby delegated further to Regional Health Directors in addition to the Undersecretary of Public Health, Requirements for approval remain as stated in section VI, no. 1(c).
2. Approval for covered manufacturers and distributors to assist research projects, clinical trials and fellowships shall continue to be made only by the Undersecretary of Public Health.
3. In order to facilitate documentation of action at the Regional Health Offices, attached form is provided. Duplicate copies of these forms shall be collected and forwarded every quarter to the Office for Public Health Services as a report of action in this regard.

Please be guided accordingly.

(Sgd) ALFREDO R.A. BENZON, M.D.
Secretary of Health

CERTIFIED TRUE COPY

GREGORIA V. BAUTISTA
Chief, Records Section
Department of Health

INTERNATIONAL CODE OF MARKETING OF BREAST-MILK SUBSTITUTES

The Member States of the World Health Organization:

Affirming the right of every child and every pregnant and lactating woman to be adequately nourished as a means of attaining and maintaining health;

Recognizing that infant malnutrition is part of the wider problems of lack of education, poverty, and social justice;

Recognizing that the health of infants and young children cannot be isolated from the health and nutrition of women, their socio-economic status and their roles as mothers;

Conscious that breast-feeding is an unequalled way of providing ideal food for the healthy growth and development of infants; that it forms a unique biological and emotional basis for the health of both mother and child; that the anti-infective properties of breast milk help to protect infants against disease, and that there is an important relationship between breast feeding and child-spacing;

Recognizing that the encouragement and protection of breast-feeding is an important part of the health, nutrition and other social measures required to promote healthy growth and development of infants and young children; and that breast-feeding is an important aspect of primary health care;

Considering that when mothers do not breast-feed, or only do so partially, there is a legitimate market for infant formula and for suitable ingredients from which to prepare it; that all these products should accordingly be made accessible to those who need them through commercial or non-commercial distribution systems; and that they should not be marketed or distributed in ways that may interfere with the protection and promotion of breast-feeding;

Recognizing further that inappropriate feeding practices lead to infant malnutrition, morbidity and mortality in all countries, and that improper practices in the marketing of breast-milk substitutes and related products can contribute to these major public health problems;

Convinced that it is important for infants to receive appropriate complementary foods, usually when the infant reaches four to six months of age, and that every effort should be made to use locally available foods; and convinced, nevertheless, that such complementary foods should not be used as breast-milk substitutes;

Appreciating that there are a number of social and economic factors affecting breast-feeding, and that, accordingly, governments should develop social support systems to protect, facilitate and encourage it, and that they should create an environment that fosters breast-feeding, provides appropriate family and community support, and protects mothers from factors that inhibit breastfeeding;
Affirming that health care systems, and the health professionals and other health workers serving in them, have an essential role to play in guiding infant feeding practices, encouraging and facilitating breastfeeding, and providing objective and consistent advice to mothers and families about the superior value of breast-feeding, or, where needed, on the proper use of infant formula, whether manufactured industrially or home-prepared;

Affirming further that educational systems and other social services should be involved in the protection and promotion of breast-feeing, and in the appropriate use of complementary food;

Aware that families, communities, women's organizations and other nongovernmental organizations have a special role to play in the protection and promotion of breast-feeding and in ensuring the support needed by pregnant women and mothers of infants and young children, whether breast-feeding or not;

Affirming the need for governments, organizations of the United Nations system, nongovernmental organizations, experts in various related disciplines, consumer groups and industry to cooperate in activities aimed at the improvement of maternal, infant and young child health and nutrition;

Recognizing the governments should undertake a variety of health, nutrition and other social measures to promote healthy growth and development of infants and young children, and that this Code concerns only one aspect of these measures;

Considering that manufacturers and distributors of breast-milk substitutes to have an important and constructive role to play in relation to infant feeding, and in the promotion of the aim of this Code and its proper implementation;

Affirming that governments are called upon to take action appropriate to their social and legislative framework and their overall development objectives to give effect to the principles and aim of this Code, including the enactment of legislation, regulations or other suitable measures;

Believing that, in the light of the foregoing considerations, and in view of the vulnerability of infants in the early months of life and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of breast-milk substitutes, the marketing of breast-milk substitutes requires special treatment, which makes usual marketing practices unsuitable for these products;

THEREFORE:

The Member States hereby agree the following articles which are recommended as a basis for action .

Article I. Aim of the Code

This aim of this Code is to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding, and by ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

Article 2. Scope of the Code

The Code applies to the marketing and practices related thereto, of the following products: breast-milk substitutes, including infant formula; other milk products, foods and beverages, including bottle-fed complementary foods, when marketed or otherwise presented to be suitable, with or without modification, for use as a partial or total replacement of breast-milk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

Article 3. Definitions

For the purpose of this Code:

"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.

“Complementary food“	means	any food, whether manufactured or locally prepared, suitable as a complement to breast-milk or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called “weaning food” or “breast-milk supplement.”
“Container“	means	any form of packaging of products for sale as a normal retail unit, including wrappers.
“Distributor“	means	a person, corporation or any other entity in the public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level a product within the scope of this Code. A “primary distributor” is a manufacturer’s sales agent, representative, national distributor or broker.
“Health care system“	means	governmental, nongovernmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child-care institutions. It also includes health workers in private practice. For the purposes of this Code, the health care system does not include pharmacies or other established sales outlets.
“Health Worker“	means	a person working in a component of such a health care system, whether professional or non-professional, including voluntary, unpaid workers.
“Infant formula“	means	a breast-milk substituted formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to between four or six months of age, and adapted to their physiological characteristics. Infant formula may also be prepared at home, in which case it is described as “home-prepared.”
“Label“	means	any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container (see above) of any products within the scope of this Code.
“Manufacturer“	means	a corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or through an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.

“Marketing“	means	product promotion, distribution, selling, advertising, product public relations, and information services.
“Marketing personnel“	means	any persons whose functions involve the marketing of a product or products coming within the scope of this Code.
“Samples“	means	single or small quantities of a product provided without cost.
“Supplies“	means	quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided to families in need.

Article 4. Information and Education

4.1 Governments should have the responsibility to ensure that objective and consistent information is provided on infant and young child feeding for use by families and those involved in the field of infant and young child nutrition. This responsibility should cover either the planning, provision, design and dissemination of information, or their control

4.2 information and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants and young children, should include clear information on all the following points: (a) the benefits and superiority of breast-feeding: (b) maternal nutrition, and the preparation for maintenance of breast-feeding; (c) the negative effect on breast-feeding of introducing partial bottle-feeding; (d) the difficulty of reversing the decision not to breast-feed; and (e) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula, they should include the social and financial implications of its use; the health hazards of inappropriate foods for feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breast-milk substitutes. Such materials should not use any pictures or text which may idealize the use of breast-milk substitutes.

4.3 Donations of informational or educational equipment or materials by manufacturers or distributors should be made only at the request and with written approval of the appropriate government authority or within guidelines give by governments for this purpose. Such equipment or materials may bear the donating company’s name or logo, but should not refer to a proprietary product that is within the scope of this Code, and should be distributed only through the health care system.

Article 5. The general public and mothers

5.1 There should be no advertising or other form of promotion to the general public of products within the scope of this Code.

5.2 Manufacturers and distributors should not provide, directly or indirectly, to pregnant women, mothers or members of their families, samples of products within the scope of this Code.

5.3 In conformity with paragraphs 1 and 2 of this Article, there should be no 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, discounts

coupons, premiums, special sales, loss-leaders and tie-in sales, for products within the scope of this Code. This provision should not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.

5.4 Manufacturers and distributors should not distribute to pregnant women or mothers of infants and young children any gifts of articles or utensils which may promote the use of breast-milk substitutes or bottle-feeding.

5.5 Marketing personnel, in their business capacity, should not seek direct or indirect contact of any kind with pregnant women or with mothers of infants and young children.

Article 6. Health care systems

6.1 The health authorities in Member States should take appropriate measures to encourage and protect breast-feeding and promote the principles of this Code, and should give appropriate information and advice to health workers in regard to their responsibilities, including the information specified in Article 4.2

6.2 No facility of a health care system should be used for this purpose of promoting infant formula or other products within the scope of this Code. This code does not, however, preclude the dissemination of information to health professionals as provided in Article 7.2

6.3 Facilities of health care systems should not be used for the display of products within the scope of this Code, for placards or posters concerning such products, or for the distribution of material provided by a manufacturer or distributor other than that specified in Article 4.3

6.4 The use by the health care system of "professional service representatives," "mothercraft nurses" or similar personnel, provided or paid for by manufacturers or distributors, should not be permitted.

6.5 Feeding with infant formula, whether manufactured or home-prepared, should be demonstrated only by health workers, or other community workers if necessary; and only to the mothers or family members who need to use it; and the information given should include a clear explanation of the hazards of improper use.

6.6 Donations or low-price sales to institutions or organizations of supplies of infant formula or other products within the scope of this Code, whether for use in the institutions or for distribution outside them, may be made. Such supplies should only be used or distributed for infants who have to be fed on breast-milk substitutes. If these supplies are distributed for use outside the institutions, this should be done only by the institutions or organizations concerned. Such donations or low-price sales should not be used by manufacturers or distributors as a sales inducement.

6.7 Where donated supplies of infant formula or other products within the scope of this Code are distributed outside an institution, the institution or organization should take steps to ensure that supplies can be continued as long as the infants concerned need them. Donors, as well as institutions or organizations concerned, should bear in mind this responsibility.

6.8 Equipment and materials, in addition to those referred to in Article 4.3, donated to a health care system may bear a company's name or logo, but should not refer to any proprietary within the scope of this Code.

Article 7. Health workers

7.1 Health workers should encourage and protect breast-feeding; and those who are concerned in particular with maternal and infant nutrition should make themselves familiar with their responsibilities under this Code, including the information specified in Article 4.2

7.2 Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code should be restricted to scientific and factual matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breast-feeding. It should also include the information specified in article 4.2

7.3 No financial or material inducements to promote products within the scope of this Code should be offered by manufacturers or distributors to health workers or members of their families, nor should these be accepted by health workers or members of their families.

7.4 Samples of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, should not be provided to health workers except when necessary for the purpose of professional evaluation or research at the institutional level. Health workers should not give samples of infant formula to pregnant women, mother of infants and young children, or members of their families.

7.5 Manufacturers and distributors of products within the scope of this Code should disclose to the institution to which a recipient health worker is affiliated any contribution made to him or on his behalf for fellowships, study tours, research grants, attendance at professional conferences, or the like. Similar disclosures should be made by the recipient.

Article 8. Persons employed by manufacturers and distributors

8.1 In systems of sales incentives for marketing personnel, the volume of sales of products within the scope of this Scope should not be included in the calculation of bonuses, nor should quotas be set specifically for sales of these product. This should not be understood to prevent the payment of bonuses based on the overall sales by a company of other products marketed by it.

8.2 Personnel employed in marketing products within the scope of this Scope should not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants and young children. This should not be understood as preventing such personnel from being used for other functions by the health systems at the request and with the written approval of the appropriate authority of the government concerned.

Article 9. Labelling

9.1 Labels should be designed to provide the necessary information about the appropriate use of the product, and so as not to discourage breast-feeding.

9.2 Manufacturers and distributors of infant formula should ensure that each container has a clear, conspicuous, and easily readable and understandable message printed on it, or on a label which cannot readily become separated from it, in an appropriate language, which includes all the following points: (a) the words “Important Notice” or their equivalent; (b) a statement of the superiority of breast-feeding; (c) a statement that the product should be used only on the advice of a health worker as to the need for its use and the proper method of use; (d) instructions for appropriate

preparation, and a warning against the health hazards of inappropriate preparation. Neither the container nor the label should have pictures of infants, nor should they have other pictures or text which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product as a breast-milk substitute and for illustrating methods of preparation. The terms "humanized," "maternalized" or similar terms should not be used. Inserts giving additional information about the product and its proper use, subject to the above conditions, may be included in the package or retail unit. When labels give instructions for modifying a product into infant formula, the above should apply.

9.3 Food products within the scope of this Code, marketed for infant feeding, which do not meet all the requirements of an infant formula, but which can be modified to do so, should carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant. Since sweetened condensed milk is not suitable for infant feeding, nor for use as a main ingredient of infant formula, its label should not contain purported instructions on how to modify it for that purpose.

9.4 The label of food products within the scope of this Code should also state all the following points: (a) the ingredients used; (b) the composition/analysis of the product; (c) the storage conditions required; and (d) the batch number and the date before which the product is to be consumed, taking into account the climatic and storage conditions of the country concerned.

Article 10. Quality

10.1 The quality of products in an essential element for the protection of the health of infants and therefore should be of a high recognized standard.

10.2 Food products within the scope of this Code should, when sold-or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.

Article 11. Implementation and monitoring

11.1 Governments should take action to give effect to the principles and aim of this Code, as appropriate to their social and legislative framework, including the adoption of national legislation, regulations or other suitable measures. For this purpose, governments should seek, when necessary, the cooperation of WHO, UNICEF and other agencies of the United Nations system. National policies and measures, including laws and regulations, which are adopted to give effect to the principles and aim of this Code should be publicly stated, and should apply on the same basis to all those involved in the manufacture and marketing of products within the scope of this Code.

11.2 Monitoring the application of this Code lies with governments acting individually, and collectively through the World Health Organization as provided in paragraphs 6 and 7 of this Article. The manufacturers and distributors of products within the scope of this Code, and appropriate nongovernmental organizations, professional groups and consumer organizations should collaborate with governments to this end.

11.3 Independently of any other measures taken from implementation of this Code, manufacturers and distributors of products within the scope of this Code should regard themselves as responsible for monitoring their marketing practices according to the principles and aim of this Code, and for taking steps to ensure that their conduct at every level conforms to them.

11.4 Nongovernmental organizations, professional groups, institutions, and individuals concerned should have the responsibility of drawing the attention of manufacturers and distributors to activities which are incompatible with the principles and aim of this Code, so that appropriate action can be taken. The appropriate governmental authority should also be informed.

11.5 Manufacturers and primary distributors of products within the scope of this Code should apprise each member of their marketing personnel of the Code and of their marketing personnel of the Code and of their responsibilities under it.

11.6 In accordance with Article 62 of the constitution of the World Health Organization, Member States shall communicate annually to the Director-General information on action taken to give effect to the principles and aim of this Code.

11.7 The Director-General shall report in even years to the World Health Assembly on the status of implementation of the Code; and shall, on request provide technical support to Member States preparing national legislation or regulations, or taking other appropriate measures in implementation and furtherance of the principles and aim of this Code.

Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

73-34
SAN LAZARO COMPOUND
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TEL. NO. 711-60-30

January 7, 2000

Administrative Order
No. 3-B s. 2000

Subject : **Guidelines for assistance/ sponsorship by manufacturers of products covered by Executive Order 51 (Milk Code).**

The following guidelines are issued for the guidance of all concerned in the implementation of the Milk Code (E.O. 51), particularly the provisions pertaining to the assistance and/or sponsorship of research, scholarship, continuing education and donations by manufacturers of products covered by the Milk Code.

Section I – Legal Mandates

For approval of donations from manufacturers/distributors of products within the scope of the Code.

This is embodied in the following:

Section 6 (b)

"Manufacturers and Distributors shall not be permitted to give directly or indirectly, samples and supplies of products within the scope of the Code or gifts of any sort to any member of the general public, including their families, to hospitals and other health institutions, as well as to personnel within the health care system, save as otherwise provided in the Code".

Signed A.O. Received in the Records Section on 6/7/00

Section 6 (f)

"Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Code upon requests by or with the approval of the Department of health".

Section 8 (e)

"Manufacturers and distributors of products within the scope of this Code, may assist in research, scholarship and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the Department of Health".

Despite the issuance of this circular and other previous related guidelines, an increasing concern over the availment of assistance or sponsorship by milk manufacturers for certain health activities has been noted. Through the thirteen years of the implementation of the Code, it has been noted that there has been growing dependence by professional organizations/ other parties on the assistance given by these manufacturers.

It is therefore imperative that guidelines on sponsorship be revised and updated to include requirements as well as monitoring mechanisms.

II – Definition of Terms

1. Continuing education shall refer to training courses, workshops, seminars, scientific conferences and conventions for purposes of scientific updates and professional advancement.

2. Training shall refer to residency or post- residency training for purposes of acquiring specialization on a chosen field.

3. Research/Clinical Trials shall refer to investigative or experimental studies in the field of Maternal and Child Health and Nutrition.

4. Donation shall refer to (a) products within the scope of Code, like milk formula, feeding bottles and teats; and (b) equipment, like weighing scale, stethoscope, sterilizer, and autoclave) materials and other related items given for free.

5. Convention kit shall refer to an envelope container of whatever material that serves as holder of important convention journals, publications and handouts.

III – Scope

These guidelines pertain to the following activities sponsored by manufacturers/distributors of breastmilk substitutes, breastmilk supplements and other related products, i.e. feeding bottles, artificial nipples/teats and pacifiers.

1. Continuing education activities, e.g. scientific meetings, conferences and conventions.

2. Training
   2.1 Residency training
   2.2 Post- residency training

3. Researches/Clinical Trials/Experimental studies

4. Donations
   4.1 Milk and related products
   4.2 Materials and equipment

IV - Assistance/ Sponsorship from Milk Manufacturers and Distributors

A. Continuing Education

1. General Policies

1.1 It is the responsibility of health facilities and professional organizations to provide continuing education to their staff and members. They may seek assistance from manufacturers of covered products after exhausting all resources.

1.2 Continuing education which have long term benefit to the most number of persons in the health facility or professional organizations shall be encouraged, while those that have short-term individual benefits such as business meetings, fellowship nights may be allowed provided they are contributory to the attainment of the continuing education activity.

1.3 Any allowed assistance to health facilities by the different manufacturers shall be pooled and coursed through the training committees of these institutions and not to a particular individual.

1.4 Any assistance for attendance to local/foreign post-graduate courses, conventions or seminars, to local chapter of professional national organization who shall decide and determine the participant entitled to any privilege. Such organization shall be responsible in monitoring their attendance.

1.5 The following items maybe allowed for sponsorship:

a) Food and venue in accordance with the prevailing rate, provided there is no registration fee collected.
b) Transportation and accommodation of main international/local speakers.
c) Streamers, flyers and posters
d) Convention kits

Note: Streamers, logo, posters and convention kits shall not bear the logo and brand name of the product covered by the **Milk Code.**

1.6 Researcher/Medical Officer employed by milk companies may participate during continuing education activities as lecturers provided topics are related to the program and do not undermine the benefits of breastfeeding.

2.4 Justification for the need to undergo postgraduate specialty training from the requesting institution.

2.5 Report of training, using prescribed report format shall be submitted yearly and within 30 days after the completion of the residency.

C. Research and Clinical Trial

1. General Policies

1.1 The International Ethics Policies on Researches in Children shall be adopted as follows:

1.1.a Researches using well-infants/ children as subjects shall be limited to physiologic studies, which should not be harmful to infants.

1.1.b Researches using ill-infants/ children as subjects shall be limited to therapeutic studies with potential benefits for the particular subject.

1.2 If there is really a need for local study, this will be subject for renewal based on prevailing international studies/standards.

1.3 Clinical trials/evaluation shall be conducted in accordance with the approved protocol.

1.4 Recipients (individual/organization/group) shall not allow themselves to be used directly or indirectly for any promotional activity related to products within the scope of the Code such as display of posters and streamers patronizing the company and their products or be used as lecturers in the promotion of the products to idealize bottlefeeding.

1.5 Assistance/sponsorship for research projects, clinical trials and fellowships shall be reviewed and approved by t he Office for Public Health Services.

1.5.1 Criteria for approval

1.5.1.1 Researches or studies whose outcome shall have valuable contribution to the field of Maternal and Child Health.

1.5.1.2 Researches involving infants as subjects:

1.5.1.2.a Well infants as subject- the research study is limited to physiological studies which should not be harmful to infants.

1.5.1.2.b Ill infants as subject- the research study shall be limited to therapeutic studies with potential benefits for the particular subject.

1.6 The regional, provincial or city Milk Code Monitoring Task Force may check on the progress or may assess and evaluate the approved research anytime during its actual conduct.

1.7 For transparency purposes, disclosure of sponsoring company maybe done through verbal declaration during the public presentation of the research or through acknowledgment upon publication of the research results.

2. Approval of Assistance for Health and Health- Related Researches

2.1 Eligible recipients for research assistance/ sponsorship include health workers in the government/ private sector who are required during their residency training/ fellowship to come up with research studies and or who are in the field of research.

2.2 Requirements

2.2.1 Duly accomplished application form for concerned official at different appropriate level for approval.

2.2.2 Research protocol

2.2.3 Budget

2.2.4 Screening of research protocol

2.2.5 A report of the outcome of the research shall be submitted to the Office for Public Health Services two (2) months after the completion of the study and before disclosure to the public copy furnished Essential National Health Research (ENHR).

B. Milk Donation

1. General Policies

1.1 Donations are allowed only on the following:

1.1.1 Non-profit institutions, duly accredited by DSWD orphanages who care for abandoned orphaned infants and children.

1.1.2 In times of calamities, disaster or emergencies, provided the guidelines for their distribution and utilization are observed.

1.1.3 Donations should only be the last resort when other means such as human milk banking and wet nursing have failed after reasonable effort.

1.1.4 Babies with inborn errors of metabolism.

1.2 Criteria for Approval

1.2.1 Requesting institution shall be duly licensed by Security and Exchange Commission (SEC).

1.2.2 Donated products shall meet Bureau of Food and Drug (BFAD) standards.

1.2.3 Ocular inspection shall be done by DOH representative from concerned level to validate donations, organization and target beneficiaries.

1.3 Allowable Quantity

1.3.1 Total supply requirements for 6 months to 1 year based on the number of actual beneficiaries.

1.3.2 In institution where breastfeeding is not possible, donation is allowed depending on the amount or quantity the donor can provide.

1.4 The Milk Code Monitoring Task Force at different levels shall conduct monitoring activity on the utilization/ consumption of the donated products.

2. Requirements

2.1 Duly accomplished DOH request form addressed to any of the following for approval:

a.) Assistant Secretary for Public Health Services- National Level

b.) Regional Health Director- Regional Level inc. Metro Manila

c.) Provincial Health Officer- Provincial/ Municipal Level

d.) City Health Officer- City Level

2.2 In case of request for special milk formula, attach the latest laboratory result of the prospective beneficiary/ies.

C. Materials and Other Related Items

1. General Policies

1.1 Duly accomplished request form for concerned officials at different level for approval.

1.1.1 Criteria for approval

1.1.1.1 Submission of all requirements

1.1.1.2 The institution should have passed DOH criteria for good rooming-in and breastfeeding practices;

1.1.1.3 No name/ no logo of the donating company nor brand names of covered product within the scope of the Code on the donated items;

V- The Role of Infant Milk Producing Companies in Support to Breastfeeding Promotion

1. Creation of a National Committee for the Promotion of Breastfeeding.

2. Milk Formula companies are encouraged to participate in the development, production and distribution of Information, Education and Communication (IEC) material on Breastfeeding with consultation of the Inter-agency Committee (IAC) on Milk Code and support tri-media campaign on Breastfeeding of the Department of Health.

3. Milk formula companies are encouraged to sponsor trainings, workshop, seminars to promote breastfeeding among all pre-service training of health workers.

VI- Implementing Mechanism

A. Structure

1. National Level:

At the National Level, a Milk Code Monitoring Task Force shall be created, chaired by the Assistant Secretary of Office for Standards and Regulations and membership drawn from various offices of DOH. It has the following functions:

1.1 Monitor compliance as well as problems encountered in the implementation of the Milk Code.

1.2 Reviews/ verifies/ acts on reports of violations of the provisions of the code from the national and field levels.

1.3 For violations committed at the national level, an investigation shall be conducted by the Legal Office of the Department of Health and findings submitted to the Undersecretary for Standards and Regulation for appropriate action.

2. Regional/ Provincial/ City Levels:

1. In the field, the task of monitoring shall be the primary responsibility of the Regional Health Director and Provincial/ City Health Officers in collaboration with the Regional/ Provincial/ City Council for Health concerns.

2. A Task Force shall be created at the regional/ provincial/ city level composed of representatives of DOH, other GOs, and NGOs. A regional/ provincial/ city Food and Drug Regulation Officer (FDRO) shall be designated to head the Task Force and shall serve as the focal group in charge of coordinating and monitoring activities relevant to the field implementation of the Milk Code.

3. The Task Force shall verify reports of violation of Milk Code.

4. Monitors labels of products within the scope of the Code and marketing practices in various distribution centers.

5. Problems/ violations arising at the field levels shall be investigated and resolved at these levels whenever appropriate to institute prompt and timely actions. Only cases that require prosecution shall be elevated to the National Level.

6. Provincial/ City Task Force shall submit reports to the Regional Health Director and consolidated quarterly report to be submitted to the National Task Force, Office of Standards and Regulations.

B. Sanctions

1. Reports of finding, decisions and actions taken shall be sent and forwarded to the Office of Undersecretary for Standards and Regulations through the Milk Code Monitoring Task Force.

2. In cases of repeated violations which require the application of sanctions, the Regional Health Director shall conduct an investigation of the violations and submit a report of the findings and recommendation to the Undersecretary for Standards and Regulations through the Milk Code Monitoring Task Force for appropriate action.

3. For any violation of this Department Circular, sanctions will be imposed based on the provisions of Department Circular 24 s. 1987 which cover the implementing guidelines of the Milk Code.

VI- Repealing Clause

This Order repeals Department Circular No. 58- A s. 1994 and other related orders inconsistent herewith.

VII- Effectivity Clause

This Order takes effect immediately.

ALBERTO G. ROMUALDEZ, JR., MD.
Secretary of Health

Republic of the Philippines
Department of Health

OFFICE OF THE SECRETARY

SAN LAZARO COMPOUND
RIZAL AVENUE, STA.CRUZ
MANILA, PHILIPPINES
TEL. NO. 711-80-80

INTER-AGENCY COMMITTEE
CREATED UNDER E.O. 51 s. 1986

APPLICATION FORM FOR APPROVAL OF ADVERTISEMENT
(In accordance with Administrative Order No. 3-B s. 2000)

_____
(Date)

Name of Manufacturer/Advertiser: _____

Address: _____
Telephone Number: _____

Name of Marketing Firm/Agency: _____

Address: _____
Telephone Number: _____
Name of Product/Brand: _____

Materials to be Reviewed:

A. Type (Please check)

_____ Compre	_____ Video tape/Film
_____ Final Artwork	_____ Slides
_____ Storyboard	_____ Others (specify)_____

B. Type of material _____

Type of target clientele: _____
BFAD Official Receipt Number: _____

Note: With this form, please attach the following:

1. Valid Certificate of Product Registration from the Bureau of Food and Drugs
2. Approved product label
3. Copy of the approval of the material by Philippine Board of Advertising
4. Substantiation of health claims

Other materials which may be deemed necessary for the examination and review of the advertising material

_____
Name of the Applicant
(Signature over printed name)

_____
Designation

Republic of the Philippines
DEPARTMENT OF HEALTH
BUREAU OF FOOD AND DRUGS
Civic Drive, Filinvest Corporate City
Alabang, Muntinlupa City
Website: www.bfad.gov.ph
E-Mail Address: bfad@bfad.gov.ph
Tel No. (632) 807- 07-21 / 842-56-06

REQUEST FOR AUTHORITY TO RECEIVE MILK DONATIONS

(In accordance with Administrative Order No. 3-B s. 2000)

_____
(Date)

Requesting Institution/Organization: _____

Administrator/Head of Institution: _____

Address: _____

Telephone Number: _____

Level of Operation:

Scope: _____ National
_____ Regional
_____ Provincial/City

Total No. of Chapter/Branch: _____

Type of Clientele to be given donations:

Age: _____ 0-6 months
_____ 7-12 months
_____ 1-4 years

Sex: _____ Male
_____ Female

Donation Requested

Name of Product	Lot No.	Expiration Date	CPR	Quantity Requested

Note: With this form, please attach the following:

1) Copy of valid Accreditation from DSWD
2) Copy of valid SEC registration.

Other Pertinent Information:

_____
_____

_____
Name of Applicant
(Signature over printed name)

_____
Designation

Republic of the Philippines
DEPARTMENT OF HEALTH
BUREAU OF FOOD AND DRUGS
Civic Drive, Filinvest Corporate City
Alabang, Muntinlupa City
Website: www.bfad.gov.ph
E-Mail Address: bfad@bfad.gov.ph
Tel No. (632) 807- 07-21 / 842-56-06

REQUEST FORM FOR SPONSORSHIP

(In accordance with Administrative Order No. 3-B s. 2000)

(Please submit this form at least one month before the expected date of activity with complete requirements to avoid unnecessary delays.)

_____
(Date)

Requesting Agency: _____
Address: _____
Nature of Activity (workshop, seminar, research, fellowship, etc.): _____
_____
Title/Theme/Field of Study/Research: _____
_____
Intended venue and date of activity: _____
Objectives: _____
_____
Expected outputs and commitments from requesting agency: _____
_____
Manufacturer/Distributor from whom sponsorship is solicited: _____
_____
Specific details of nature of sponsorship requested (cash, kind, prizes, travel, etc.): __
_____

Budget Requested (if applicable): P_____

For research and fellowships, state justification or contribution to the development of the country: _____

Note: With this form, please attach the following:

1. Program of activities with list of speakers and specific topics.
2. All other pertinent materials such as handouts, posters displays, visual aids, etc. which will be used in the activity.
3. Detailed budgetary requirements (i.e. food, printed materials, communication and transportation expenses, rental of venue and other audiovisual equipments).

The IAC on E.O. 51 may request to view slides and films for final review and validation. Please schedule and allow time for this.

_____
Name of Applicant
(Signature over printed name)

_____
Designation