



IMPLEMENTING THE NATIONAL REGULATIONS ON THE MARKETING OF BREASTMILK SUBSTITUTES (BMS) AND RELATED PRODUCTS: THE ROLE OF LEGISLATORS & POLICYMAKERS

PREAMBLE:

Breastfeeding is one of the most cost-effective and impactful interventions for reducing malnutrition and under-five mortality—both of which are very high in Nigeria. **The World Health Organization (WHO) recommends exclusive breastfeeding for the first six months of a child's life, along with continued breastfeeding up to two years of age and beyond.** Research shows that infants under six months who are not breastfed are three to four times more likely to die than those who receive any breast milk.

Improving breastfeeding practices could save approximately 100,000 lives in Nigeria each year and add \$150 million (USD) to Nigeria's economy each year due to increased productivity. Breastfeeding protects children from infectious and chronic diseases, increases cognitive development, and lowers healthcare costs for families and societies. Everyone benefits when mothers breastfeed. Yet despite its unparalleled benefits, mothers and families face significant commercial pressures that undermine breastfeeding.

In 1981, the World Health Assembly (WHA) adopted a resolution for member countries to implement a Code of Marketing of Breast-milk Substitutes (The Code) in response to concerns from member states about a rise in infant mortality as a result of promotion of infant formula. The Code is aimed at protecting and promoting optimal infant and young child feeding by controlling inappropriate marketing of breast milk substitutes (BMS). The Code covers products such as infant formula, follow-on formula, growing-up milk, and other related products. Nigeria was a signatory to the adoption of the Code in 1981 and has enacted legislation and developed National Regulations in line with the provisions of the Code.

WHY ARE THE CODE AND NATIONAL REGULATIONS SO IMPORTANT?

The Code and National Regulations:

- Promote optimal Infant and Young Child Feeding (IYCF), improving child survival, growth, and development
- Prevent inappropriate marketing practices of infant food manufacturers and distributors
- Monitor progress on Code implementation annually as required by the World Health Assembly (WHA)
- Track progress and ensure that Code implementation targets are achieved
- Detect and accurately document marketing practices by infant formula manufacturers that violate the Code and Regulations for appropriate redress
- Support an enabling environment for mothers to adopt best IYCF practices

NIGERIA LAWS

- Marketing (Breast Milk Substitutes) Decree No. 41 of 1990 amended as Decree No 22 of 1999 (Now Marketing of Breastmilk Substitute Act Cap M5 LFN 2004).
- 2005: "Marketing of Infant and Young Children Food and other Designated Products (Registration, Sales, etc.) Regulations 2005" to strengthen the existing Acts.



LEGISLATORS AND POLICYMAKERS HAVE A ROLE TO PLAY TO PROTECT BREASTFEEDING

Legislators and policymakers must:

- Support speedy passage of the revised Bill, (Marketing of Breast Milk Substitutes Act Cap M5 LFN, 2004)
- Be aware of and elevate the importance of Code monitoring and enforcement
- Provide oversight of implementation of the Code, including support and funding for a robust monitoring and enforcement mechanism
- Allocate sufficient resources for the designated Regulatory Agency (NAFDAC)
- Provide an enabling environment for the effective implementation of the NAFDAC Regulations 2018
- Educate constituencies on the Code and subsequent national regulations

PROVISIONS OF THE CODE/NATIONAL REGULATIONS

- No advertising of BMS and related products such as feeding bottles, teats, pacifiers, etc. to the public
- No free samples of BMS and related products to pregnant women, new mothers, or families
- No promotion of BMS and related products in healthcare facilities or by health professionals, including the distribution of free or low-cost supplies
- No company sales representatives to advise mothers
- No gifts or personal samples to health workers
- No words or pictures idealising artificial feeding, or pictures of infants on labels of infant milk containers
- Information to health workers should be scientific and factual
- All information on artificial infant feeding, including that on labels, should explain the benefits of breastfeeding and the costs and hazards associated with artificial feeding

- Unsuitable products, such as sweetened condensed milk, should not be promoted for babies
- Manufacturers and distributors should comply with the Code's provisions even if countries have not adopted laws or other measures

PENALTIES FOR VIOLATIONS OF THE NATIONAL REGULATIONS

First offenders receive warning letters; after which the following actions may be pursued:

- Seizure of offending articles for destruction
- Confiscation or detention of product to allow possible corrective action
- Closure of business premises
- Invalidation of marketing authorization
- Confiscation of assets
- Prosecution of recalcitrant offenders
- Administrative fines

IMPLEMENTATION AND MONITORING

Per article 11 of the Code, governments must act to uphold the principles and aim of the Code, including the adoption of national legislation or other suitable measures. These laws must be publicly stated, and should apply to all those involved in the manufacture and marketing of relevant products. The Government of Nigeria as a signatory to these international provisions seeks your support for its implementation and enforcement, to ensure the optimal nutrition, survival, growth, and development of infants and young children.

REPORT ALL VIOLATIONS TO NAFDAC HQ OR NEAREST OFFICE IN THE STATES:

NAFDAC Corporate Headquarters: Plot 2032 Olusegun Obasanjo Way, Zone 7, Wuse Abuja.

Website: www.nafdac.gov.ng | Email: nafdac@nafdac.gov.ng; info@nafdac.gov.ng

Hotlines: 08037024035, 08023021457, 08053235501

