

The Bangladesh Breastmilk Substitutes (BMS) Act

PROTECTING, PROMOTING, AND SUPPORTING BREASTFEEDING
BY ENDING THE UNETHICAL MARKETING OF BMS



Breastfeeding is an unparalleled start to life that must be protected

The scientific evidence is clear - breastfeeding gives children the best start in life. The World Health Organization (WHO), UNICEF, and scientists and doctors worldwide recommend exclusive breastfeeding for the first six months of a child's life, along with continued breastfeeding up to two years of age and beyond. Breastfeeding protects children from disease, increases cognitive development, and lowers healthcare costs for families and societies. Everyone benefits when mothers breastfeed.

Despite its unparalleled benefits, mothers and families face significant commercial pressures that undermine breastfeeding. The Bangladesh Breastmilk Substitutes (BMS) Act prevents the aggressive and unethical marketing of BMS in health care settings, commercial spaces, and the media, as well as the marketing of false and misleading information about the benefits of formula products.

Bangladesh BMS Act

The Bangladesh Breastmilk Substitutes, Infant Foods, Commercially Manufactured Complementary Foods, and the Accessories Thereof (Regulation of Marketing) Act (the Bangladesh BMS Act) was adopted by Parliament in 2013 and supported with additional bylaws in 2017. The Bangladesh BMS Act was developed specifically to ensure that mothers and families receive accurate and unbiased information about the healthiest way to feed their infants and young children— free of commercial influence. The Bangladesh BMS Act is based on the International Code of Marketing of Breast-milk Substitutes (the Code), adopted by the World Health Assembly (WHA) in 1981, and updated regularly by subsequent WHA Resolutions. The Code aims to protect and promote breastfeeding by regulating the marketing and distribution of BMS, including advertising, promotions, and labeling. It applies to all BMS and related products—infant formula, follow-up formula, other milk products, feeding bottles and nipples, and commercially manufactured complementary foods.

BREASTMILK SUBSTITUTES (BMS) INCLUDE INFANT FORMULA, FOLLOW-UP FORMULA, COMMERCIALY-MANUFACTURED COMPLEMENTARY FOODS, AND GROWING UP MILKS—PRODUCTS MARKETED FOR USE BY INFANTS AND CHILDREN UP TO 59-MONTHS OLD— WHICH ARE OFTEN LABELED WITH MISLEADING INFORMATION AND IMAGES.

Regulating marketing supports optimal child feeding practices

Persuasive marketing can undermine a mother's confidence to breastfeed by idealizing artificial feeding. It also does not provide education on the risks of not breastfeeding. In health systems, mothers may see formula promotions or even be encouraged by healthcare workers to use formula—including right after birth. Advertising can give the false impression that infant formula is the healthiest option. It can also imply that it is a status symbol for affluent families. Marketing practices can directly impact feeding practices:

- A study found that as the frequency of BMS advertisements in a parenting magazine increased, breastfeeding rates reported the following year generally declined.¹
- Numerous studies have found that mothers who receive free formula samples when discharged from the hospital breastfeed less.²

Stronger monitoring and enforcement of the Code must balance growing profit incentives

The global infant formula market is projected to grow from US\$53.31 billion in 2015 to about US\$76 billion by 2021, making it one of the fastest growing categories in

the food and beverage industry.³ The Asia Pacific region is a significant driver of this growth, as companies target emerging and developing markets. Growth in emerging markets is projected to be more than 20 times higher than developed markets. Infant formula companies continue

to target China and are looking to expand into South Asia, the Middle East, and Africa. Stronger monitoring and enforcement of the BMS Act must address the growing BMS industry.

BANGLADESH BMS ACT (2013): SUMMARY OF KEY PROVISIONS

MARKETING

- No samples of BMS, infant foods, bottles, and teats to infants, mothers, child care providers, or any health care providers.
- No speeches or statements in support of BMS, including images promoting BMS.
- No circulation or distribution of misleading information about child health and development, the nutritional value of BMS, the safety of BMS, or implying the superiority of BMS.
- No organizing activities or programs for the promotion of BMS with the assistance of importers, producers, distributors, or sellers/marketers.
- No event or promotions of BMS, including special days or weeks.
- No incentives for health workers, including commissions or financial benefits.

IMPLEMENTATION

- The National Advisory Committee (the Committee) shall consist of members from the Ministry of Health and Family Welfare, nominated officers, the Department of Health, a child specialist or nutritionist, a non-governmental organization (NGO) representative, and the director of the Institute of Public Health Nutrition.
- The functions of the Committee will be to advise and provide recommendations to the government on the enforcement and monitoring of the BMS Act. The Committee will meet at least once every three months.

LABELING

- Proper instructions, warnings, and health concerns must be attached to all BMS products.
- No labels or statements may be added to BMS products regarding any approval by doctors or similar authorities. No labels or statements may be added implying the superiority of BMS.
- When labeling, the size of the BMS company logo must be no more than half of the name of the product.

INFORMATION, EDUCATION, AND COMMUNICATION (IEC) MATERIALS

- Mothers and child care providers of infants must be given information on the value of breastfeeding, including the importance of breastfeeding within one hour of birth, the superiority of breastmilk as a complete dietary food, the protection from disease provided by breastmilk, and all other benefits.

REGISTRATION

- BMS companies must apply for proper registration and certification through the government, including a Safety Certificate, application fee, and copies from the appropriate authorities as defined in the BMS Act.
- Companies must maintain and renew their registration certificate as required.

VICTIMIZED FAMILY COMPENSATION

- In case of violation, the Court may issue an order for a BMS company to compensate the family of a victimized child as penalty for violating the BMS Act.

Violations of marketing rules are too common⁴

There are many ways in which formula companies violate the BMS Act. Common violations include:

- Direct contact with mothers: BMS companies directly contact mothers offering everything from gifts to free product samples and invitations to workshops.
- Violations in healthcare settings: Some hospitals display formula products and permit the sale of formula at kiosks or even through health workers.
- Labeling violations: Advertising and labels make unsubstantiated claims about the product's health benefits, imply that the product is equal to or superior to breastmilk, or include imagery that idealizes formula feeding.
- Point of sale advertising: Sales in commercial settings can often include special promotions, samples, or even company representatives approaching mothers directly.
- Sponsorships of medical associations: BMS companies provide gifts and sponsorships to medical associations and health care personnel to attend workshops and conferences.

Preventing illegal marketing is a joint responsibility

Breastmilk contains all the nutrients that a baby needs for the first six months of life. WHO recommends exclusive breastfeeding—with no other foods or fluids including water—until a baby is six months of age. According to the 2017 Bangladesh Demographic and Health Survey (BDHS), 64 percent of babies 0-5 months of age were being exclusively breastfed.

ROLES AND RESPONSIBILITIES OF KEY ACTORS

HEALTH CARE PROVIDERS:

- Encourage breastfeeding during every visit with new and expectant mothers.
- Support early initiation of breastfeeding within the first hour after birth; provide counseling to support exclusive breastfeeding for the first six months of life.
- Only advise mothers on how to use breastmilk substitutes (BMS) when it is medically necessary.
- Communicate with fellow health workers about the importance of promoting breastfeeding.
- Do not allow the sale or promotion of any milk product or food for infants under 59 months of age in health settings, including samples or gifts.
- Provide proper guidance on how to use BMS for infants only based on the World Health Organization (WHO) "Acceptable medical reasons for use of breast-milk substitutes."⁵

MEDIA AND JOURNALISTS:

- Serve as a watchdog by investigating and reporting on unethical advertising by formula companies.
- Do not accept advertising by companies; promote and encourage optimal breastfeeding practices through in-depth reporting on the importance of breastfeeding.

GOVERNMENT:

- Develop and operationalize a system for monitoring and enforcing the BMS Act that includes clear roles and responsibilities for different actors. This includes using the WHO NetCode methodology to track violations and support ongoing monitoring efforts.
- Ensure that fines and other enforcement mechanisms are implemented when violations of the BMS Act occur.
- Systematically strengthen the capacity of health personnel at all levels to provide support and counseling on infant and young child feeding (IYCF) and ensure health systems are free of unethical marketing practices.

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