

Translation from Spanish

C O L O M B I A

MINISTRY OF HEALTH

DECREE No 1397, OF 24 AUGUST 1992

This decree is to promote breastfeeding, regulate the marketing and advertising of infant formula and complementary foods and to establish other provisions.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

In the exercise of powers granted to him by Section 11 of Article 189 of the Constitution, and

CONSIDERING

that it is the duty of the Government to promote breastfeeding, on which to a large extent depend the physical, intellectual and psychological development of the people;

that the Government voted for the International Code of Marketing of Breastmilk Substitutes, adopted by Resolution WHA34.22 of 21 May 1981 by the World Health Assembly and committed itself to incorporating its provisions into domestic legislation;

that Colombia subscribed to the Declaration of the Children's Summit in favor of childhood in September 1990

HEREBY DECREES

ARTICLE 1 - SCOPE: The provisions of this Decree shall apply to the manufacturers, distributors and marketers of infant formula and complementary foods for infants and to their employees and to health workers.

ARTICLE 2 - DEFINITIONS: For the purposes of this Decree

"Health worker" means any person, whether a health professional or auxiliary staff, including non-paid volunteers, working in a public or private health care facility.

"Infant formula" means any animal or vegetable-based product that is processed, transformed or added to, including by pasteuriza-

tion, according to the Codex Alimentarius [standards], which, by virtue of its composition is meant to totally or partially replace breastmilk for children up to two (2) years of age.

"Complementary foods" means processed, manufactured, industrialized or pasteurized food products, that do not have the quality of infant formula, intended for feeding of children under two (2) years of age.

"Marketing" means production, distribution, selling, advertising, public relations and information services for products covered by this Decree.

"Distributor" means a person, company or any other entity in the private or public sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level an infant formula or a complementary food.

"Manufacturer" means any physical or legal person engaged in the business of producing infant formula or complementary food.

"Advertising" means any form of communication, by a physical or legal person, through radio, television, press, cinema, posters, billboards, hoardings, leaflets, folders or any other means of public dissemination, in pursuit of a commercial activity intended to promote goods and services.

"Container" means any form of packaging of a product for its protection, transportation and sale at retail level.

"Label" means any tag, mark, pictorial or other descriptive matter, written, printed, stenciled or embossed on a container, intended to identify the product, its characteristics, contents and any other information about it.

"Supplies" means quantities of a product provided for use over a fixed period of time, free or at low price.

"Sample" means single units or small quantities of a product provided free of cost, not for the purpose of marketing.

ARTICLE 3 - INFORMATION: The information provided with infant formula or complementary food must be clear, factual, truthful, coherent and must not be misleading.

ARTICLE 4 - CONTENTS OF MATERIALS: Any informational or educational material on child feeding, especially infant feeding, in-

tended for the public, must provide information on the following points:

- (a) The importance of exclusive breastfeeding during the first four (4) to six (6) months of life in satisfying all the nutritional, emotional and immunological needs of an infant.
- (b) The negative effects on breastfeeding of partial bottle-feeding and the introduction of other types of food before they are necessary.

Scientific educational and informational materials on infant formula and complementary foods must conform to ethical standards and provide scientific and truthful information.

ARTICLE 5 - COMMERCIAL PROMOTION: Any commercial promotion of infant formula must specifically mention:

- (a) That breastmilk is the best food for infants.
- (b) That, if the instructions for preparation and cleanliness are not strictly followed, the promoted product is harmful to infants' health.
- (c) That the use of a feeding bottle has a negative impact on the quality and quantity of breastmilk.

PROHIBITIONS

ARTICLE 6: The promotion of infant formula shall:

- (a) Not contain any mention of, allusion to or graphic representation of bottle-feeding.
- (b) Not contain any text, drawing or direct or indirect allusion that may lead to believe that infant formula is better than breastmilk, nor any text, drawing or allusion that limits the virtues of breastmilk or compares or equals it to bottle-feeding, neither shall it use expressions such as "humanized" or "maternalized";
- (c) Not be done by offering free or subsidized goods or services of whatever kind, including those intended for users and employees of the health care system.

ARTICLE 7: Advertising and promotion for infant formula intended to reach mothers, families or the general public shall not be allowed. 5-1

Information activities shall be permitted only if directed to health professionals in the public or private sector and only for the presentation and dissemination of scientific materials about products that in no way discourage exclusive breastfeeding nor are suggested as substitutes to breastmilk. 7-2

ARTICLE 8: Manufacturers and distributors shall not offer to health workers nor their families any financial or material benefits nor gratifications, with the aim of promoting products covered by this Decree, nor shall they give out free samples of such products, particularly feeding bottles and teats. 7-3

ARTICLE 9: Health workers shall not give mothers nor their families samples nor supplies of infant formula nor complementary foods. 7-4

ARTICLE 10: Advertising, promotion and display of infant formula and complementary foods in any facility of a health care system shall not be permitted, nor any other promotion technique that undermines breastfeeding. 6-2 6-3

ARTICLE 11: Manufacturers and distributors shall not give to mothers free or low-priced samples of products mentioned in this Decree, nor any gifts, utensils, feeding bottles or teats. 5-2 5-4

LABELS OF CONTAINERS OR PACKETS OF INFANT FORMULA AND COMPLEMENTARY FOODS

ARTICLE 12: Labels of containers or packets of infant formula and complementary foods shall conform to the provisions of Section five of Law 9 of 1979 and of Resolution 8688 of 1979 issued by the Ministry of Health or to such laws and regulations that may substitute, modify or add to them.

ARTICLE 13: The label of any infant food must prominently display:

- (a) Precise instructions on cleanliness and the correct preparation and use of the product. 9.2(d)
- (b) The following statement: "Breastmilk is the best food for your baby." (b)

- (c) The following statement: "If preparation and cleanliness instructions are not strictly followed, this food or any other, is harmful to your baby's health." d)
- (d) A statement on the proper and clean use of utensils for the preparation [of the product] and for feeding, highlighting the use of cup and spoon. *

ARTICLE 14: Labels of containers and packages of infant formula shall not contain:

- (a) Drawings or graphic presentations of human figures. 9.2
- (b) Drawings or graphic presentations of feeding bottles, apart from those used to illustrate preparation of the product. 9.2
- (c) Text, drawings or direct or indirect allusions which may lead to the belief that infant formula is better than breastmilk, nor any text, drawing or allusion that limits the virtues of breastmilk or compares or equals it to bottle-feeding, neither shall they use expressions such as "humanized" or "maternalized". 9.2

COMPLEMENTARY FOODS *

ARTICLE 15: Any commercial promotion of complementary foods shall encourage mothers to breastfeed as long as possible, by specifically highlighting

- (a) that breastmilk is the best food for the baby;
- (b) that the product is only a complement to breastmilk after the first four months of age of the baby.

ARTICLE 16: Any commercial promotion of complementary foods shall not refer to nor allude to bottle-feeding, neither shall it have any graphic presentation of a feeding bottle.

ARTICLE 17: The label of any complementary foods shall clearly and prominently display, apart from the instructions for preparation of the product and its proper use, the following text:

- (a) "Breastmilk is the best food for your baby."
- (b) "This product is only a complement to breastmilk after the first four months of age of the baby."

(c) "Feed this product to your baby with a cup and spoon."

ARTICLE 18: Labels of containers or packages of complementary foods shall not have any text referring to bottle-feeding nor any graphic presentation of a feeding bottle.

ARTICLE 19: Infringements of this Decree shall be sanctioned in conformity with the provisions of Law 9 of 1979, following the procedure laid down in Decree 2780 of 1991.

ARTICLE 20: This Decree shall come into force on the date of its publication and overrides any contrary provisions, particularly Decree 1220 of 1980.

LET IT BE PUBLISHED AND COMPLIED WITH

Done in Santafé de Bogotá, D.C., 24 August 1992

GUSTAVO I. DE ROUX RENGIFO
Minister of Health

Translation by J-P. Allain
IBFAN Code Documentation Centre ©
September 6, 1993

Translation from Spanish

C O L O M B I A

MINISTRY OF HEALTH

DECREE No 1396, OF 24 AUGUST 1992

This Decree establishes the National Council for the Support of Breastfeeding and provides for other matters.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

In the exercise of the powers given to him by Decree 1050 of 1968,

HEREBY DECREES

ARTICLE 1: There shall be a National Council for the Support of Breastfeeding as a standing body of the Ministry of Health, to coordinate the activities resulting from the present Decree.

ARTICLE 2: The National Council for the Support of Breastfeeding shall be composed of the following:

- The First Lady of the Nation or her representative, who shall chair the National Council.
- The Minister of Health or his representative.
- The Director General of the Colombian Institute for Family Welfare or his representative.
- The Director of the Social Security Institute.
- A representative of UNICEF.
- A representative of the Panamerican Health Organisation (WHO).
- A representative of each of the Associations of the Schools of Medicine, Nursing, Nutrition and Odontology.
- The Presidents of each of the following professional associations: doctors, nurses, psychologists, nutritionists, dentists, paediatricians, perinatologists, gynaecologists and obstetricians, or their representatives.
- A representative of the manufacturers and distributors of infant formula and complementary foods.
- A representative of La Leche League International.

- The deputy director for Control of Biological and Behavioural Risk Factors of the Ministry of Health or his representative, who shall act as Executive Secretary.

The Council may, at its discretion, invite to its meetings representatives of other public or private institutions.

ARTICLE 3: The attributions of the National Council for the Support of Breastfeeding shall be:

- (a) To guide and promote a policy on breastfeeding and complementary feeding that achieves the implementation of existing plans and programmes as well as their review and updating.
- (b) To prepare a Plan of Action for the Executive Committee.
- (c) To promote information and education of all sectors of society on the issue of breastfeeding.
- (d) To encourage inclusion of the Breastfeeding Action Plan in the appropriate parts of the National Development Plan.
- (e) To advise [geographical] departments, districts, municipalities and indigenous territories on the creation of Committees for the Support of Breastfeeding in their regions and on development and execution of the relevant plans.
- (f) Any other which the participants deem appropriate for the fulfillment of the aims of this Decree.

ARTICLE 4: The National Council for the Support of Breastfeeding shall hold an ordinary meeting every four (4) months and shall meet in extraordinary session when called by its Chairman.

ARTICLE 5: The coordination and execution of measures adopted by the National Council for the Support of Breastfeeding shall be the responsibility of the Executive Committee for the Breastfeeding Action Plan, which shall be composed as follows:

- The deputy director for Control of Biological and Behavioural Risk Factors of the Ministry of Health, who shall be its coordinator.
- The deputy director for Nutrition of the Colombian Institute of Family Welfare.
- A representative of each of the Associations of the Schools of Medicine, Nursing, Psychology, Nutrition and Odontology.

- A representative of each of the following professional associations: doctors, nurses, psychologists, nutritionists, dentists, paediatricians, perinatologists, gynaecologists and obstetricians.
- A representative of La Leche League International.
- A representative of UNICEF.
- A representative of the Panamerican Health Organisation (WHO).
- The deputy director for Health Services of the Social Security Institute.

ARTICLE 6: The attributions of the Executive Committee shall be:

- (a) To coordinate, integrate and develop, with the relevant institutions, activities of the National Plan for the Support of Breastfeeding prepared by the National Council.
- (b) To collaborate in the drafting of policies and strategies for the implementation of the operative plans.
- (c) Promote and support research on health issues related to breastfeeding.
- (d) To follow up on the development of plans and actions at different levels and to make appropriate recommendations.
- (e) To maintain an updated information system on the situation of breastfeeding in the country.
- (f) To promote and encourage participation of non-governmental organisations and of the community in breastfeeding support activities.
- (g) Any other responsibilities entrusted to it by the National Council.

ARTICLE 7: Committees for the Support of Breastfeeding shall be set up in the [geographical] departments, districts, municipalities and indigenous territories. Such committees shall coordinate their activities with the National Council and with the Executive Committee and shall adopt their own rules of procedure for that purpose.

ARTICLE 8: The National Council and the Executive Committee shall advise the [geographical] departments, districts, municipalities and indigenous territories on the setting up of

Breastfeeding Support Committees and may encourage the creation of institutional and community support groups.

ARTICLE 9: This Decree shall come into force on the date of its publication.

LET IT BE PUBLISHED AND COMPLIED WITH

Done in Santafé de Bogotá, D.C., 24 August 1992

GUSTAVO I. DE ROUX RENGIFO
Minister of Health

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September 6, 1993