



Republic of the Philippines  
Department of Health  
**BUREAU OF FOOD AND DRUGS**  
Filinvest Corporate City  
Alabang, Muntinlupa City



20 October 2004

Bureau Circular  
No. 15 s. 2004

**TO : ALL BFAD DIVISION CHIEFS  
ALL FOOD MANUFACTURERS, DISTRIBUTORS  
AND OTHER CONCERNED**

**SUBJECT : Guidelines on Advertising, Promotion and Other Marketing Materials  
of Breastmilk Substitutes, Breastmilk Supplement and Other  
Related Products**

Attached for information and guidance is a copy of the Guidelines on Advertising, Promotion and Other Marketing Materials of Breastmilk Substitutes, Breastmilk Supplement and Other Related Products pursuant to Section 12(a) (3) in relation to Section 6(a) of Executive Order No. 51 (Milk Code)

Dissemination of the information to all concerned is desired.

**(Sgd) Prof. LETICIA-BARBARA B. GUTIERREZ, M.S.**  
Director

## **GUIDELINES ON ADVERTISING, PROMOTION AND OTHER MARKETING MATERIALS OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENT AND OTHER RELATED PRODUCTS**

These guidelines are issued pursuant to Section 12(a) (3) in relation to Section 6(a) of Executive Order NO. 51 ("National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and other Related Products") issued on 20 October 1986 on advertising, promotion and other marketing materials of breastmilk substitutes, breastmilk supplement and other related products.

### **SCREENING PROCEDURES**

#### **I. FILING OF APPLICATION**

The applicant for permit to advertise milk products must secure an application form from the Bureau of Food and Drugs – Inter Agency Committee Secretariat (BFAD-IAC Secretariat). The accomplishment form shall be submitted to the IAC Secretariat together with the required documents and proof of payment of the filing fee of Two Thousand Pesos (P2,000.00) per material. Incomplete documents will not be accepted.

Required documents:

- a. PRINT ADS - text and visual layout
- b. AUDIO ADS - text or script
- c. AUDIO-VISUAL/TV - storyboard both picture and text/script

Other requirement/s: substantiation/studies to support claim/s

All application forms shall specify the "intended/target audience" and brief description of the type of material.

The requesting party shall submit one final copy and five (5) photocopies of each material for screening.

Schedule of screening of materials shall be every 3<sup>rd</sup> Monday of the month unless the IAC decides to change the schedule.

Application and accompanying documents must be filed on or before the first Friday of each month in order to be included in the screening by the IAC for said month, otherwise it will be considered in the next schedules screening.

#### **2. THE INTER-AGENCY SECRETARIAT**

The IAC Secretariat will check and collate the documents according to the requirements for the deliberation of the IAC attaching the IAC voting slips thereon.

#### **3. THE IAC DELIBERATIONS**

The representative/s of both company and ad agency are encouraged to attend the IAC deliberation to answer queries which may arise during the deliberation of the submitted materials.

The IAC Secretariat shall issue the consolidated results of deliberation duly signed by the Chairperson five (5) days after the screening.

#### **4. APPROVAL OF APPLICATION**

Upon the finalization of the approved advertising material/s, the applicant shall submit the final copy of the advertising material/s to the IAC Secretariat for final evaluation by the IAC.

4.1. If the final copy of the advertising materials does not conform to the approved advertising material on file, the same shall be returned to the applicant within five (5) days from date of receipt thereof. The applicant shall make necessary revisions and resubmit the same to the IAC.

4.2. If the final copy conforms to the advertising materials as approved by the IAC, a Certificate of Approval shall be issued to the applicant within five (5) days after the screening.

##### **4.2.1. Approval for printing**

If the applicant is approved, a Certificate of Approval with the Executive Order Number shall be released by the IAC Secretariat as issued and signed by the IAC Chairperson upon submission of the final artwork by the applicant.

##### **4.2.2. Approval for airing (TV & audio)**

If the application is approved, a Certificate of Approval with the Executive Order Number shall be released by the IAC Secretariat as issued and signed by the IAC Chairperson upon submission by the applicant of the final copy of the storyboard and an off-line copy of the material in VHS or cassette tape for final review by the Chairperson.

After the issuance of Certificate of Approval, no material variations or changes in the approved advertising materials shall be allowed in connection therewith. In case there is doubt as to the conformity of the material with the IAC approval, the same shall be returned to the IAC for final decision.

4.3. The Certificate of Approval shall authorize the applicant to publish, air, disseminate and/or release to the public the approved advertisement; Provided, however, that the published/released materials conforms exactly to the approved copy on file with the IAC.

No advertisement of products shall be aired, published, disseminated or released to the public without a Certificate of Approval issued by the IAC Violation hereof shall subject the manufacturer, the advertiser and the radio/TV stations to the appropriate sanctions provided by the law.

#### **5. DISAPPROVAL OF APPLICATION**

If the application is disapproved, the applicant shall be informed of the disapproval and the reasons thereof within five (5) days from the date of deliberation. Applicant shall make the necessary revisions of the disapproved materials and resubmit the same for the reconsideration of the IAC.

The following documents shall be submitted to the IAC Secretariat together with the request for reconsideration:

- a. The disapproved advertisement or a faithful facsimile there;

- b. All supporting materials which were required to be submitted with the original applications; and
- c. Copies of the voting forms of the IAC members.

## **6. MOTION FOR RECONSIDERATION**

A written motion for reconsideration of the IAC decision denying the application may be filed by the aggrieved party within five (5) working days from date of receipt of the written notice of disapproval. Said motion shall be addressed to the IAC and filed with the IAC Secretariat.

If the request for reconsideration is filed by mail, the date of the mailing shall be deemed to be the date of filing.

Only one (1) motion for reconsideration shall be entertained.

6.1. The request for reconsideration shall contain the following:

- a. The date of receipt of the notice of disapproval; and
- b. The reasons or grounds on which the reconsideration is based: Provided, however, that only grounds directly pertinent to the advertising materials and directed to the reasons for disapproval shall be considered e.g., additional scientific data to support the claims.

6.2. The following grounds are not acceptable:

- a. Allegations not directly related to the advertising materials sought to be reconsidered, such as but not limited to, loss of sales, loss of advertising contract, liability to meet deadlines and need to import the product; and
- b. Allegations not directed to the grounds for disapproval.

The IAC shall evaluate the request for reconsideration and a vote of the majority of the members present shall be sufficient to render a decision of the IAC. All opinions whether for or against shall be in written form and will form part of the voting.

A copy of the decision shall be served upon the aggrieved party within five (5) days from the date of its rendition.

## **6. VALIDITY OF APPROVAL**

The Certificate of Approval shall be valid for a period of one (1) year from the date of issuance. The Committee however, may, in special cases, issue a Certificate of Approval valid for less than one year.

## **7. REQUEST FOR EXTENSION OF CERTIFICATE OF APPROVAL**

Materials subject to the request for extension shall be treated as new materials and will follow the same procedures for new applications.

## **8. NON-PUBLICATIONS/NON-AIRING**

Non publication or non-airing of the advertisement within six (6) months from the date of issuance of the Certificate of Approval shall be a ground for the revocation of there without need of a hearing. Said revocation shall be effective as of the date of receipt of the notice of revocation.

## 9. GENERAL SCREENING CRITERIA

The deliberation shall cover both the general concepts and details of the text as well as the particular medium used. Bottom line of the deliberation shall be the over-all impact of the ad on the public to which it is addressed or to those who would generally have access to the publication.

The following shall be the guiding criteria in the screening:

### 9.1. Standard Messages

The following standard messages shall be incorporated in all advertisements:

#### **ADVERTISEMENTS OF MILK SUPPLEMENTS**

##### 9.1.a. ENGLISH

###### 9.1.a.1. Primary Standard Message

**“BREASTMILK IS THE BEST FOR BABIES UP TO 2 YEARS”**

###### 9.1.a.2. Secondary Standard Messages

**“THE USE OF MILK SUPPLEMENTS MUST ONLY UPON  
ADVICE OF A HEALTH PROFESSIONAL”**

**“THE IMPROPER USE OF BREASTMILK SUPPLEMENTS MAY  
BE DANGEROUS TO YOUR CHILD’S HEALTH”**

###### 9.1.a.3. Primary Feeding Bottles and/or Tests Standard Message

**“BREASTFEEDING IS THE BEST FOR BABIES UP TO 2  
YEARS”**

###### 9.1.a.4. Secondary Feeding Bottles and/or Teats Standard Message

**“THE IMPROPER USE OF MILK SUPPLEMENTS/FEEDING  
BOTTLES AND TEATS MAY BE DANGEROUS TO YOUR  
CHILD’S HEALTH”**

###### 9.1.a.5. Primary Complimentary Food Standard Message

**“EXCLUSIVE BREASTFEEDING IS THE BEST FOR BABIES UP  
TO SIX MONTHS”**

###### 9.1.A.6. Secondary Complementary Food Standard Message

**“START COMPLEMENTARY FEEDING AT SIX MONTHS.  
INTAKE OF IMPROPERLY PREAPRED COMPLEMENTARY  
FOODS MAYBE DANGEROUS TO YOUR CHILD’S HEALTH”**

### 9.1.b. FILIPINO

#### 9.1.b.1. Primary Standard Message

**“ANG GATAS NG INA ANG PINAKAMABUTI PARA SA BATA HANGGANG 2 TAON”**

#### 9.1.b.2. Secondary Standard Messages

**“ANG PAGGAMIT ANG ANUMANG PAMALIT SA GATAS NG INA AY DAPAT SANG-AYON SA PAYO NG ISANG HEALTH PROFESSIONAL”**

**“ANG MALING PAGGAMIT NG ANUMANG PAMALIT SA GATAS NG INA AY MAARING MAKASASAMA SA KALUSUGAN NG BATA”**

#### 9.1.b.3. Primary Feeding Bottles and/or Tests Standard Message

**“ANG PAGPAPASUSO ANG PINAKAMAGALING PARA SA BATA HANGGANG 2 TAON”**

#### 9.1.b.4. Secondary Feeding Bottles and/or Teats Standard Message

**“ANG MALING PAGGAMIT NG BOTELYA AT TSUPON AY MAARING MAKASASAMA SA KALUSUGAN NG BATA”**

#### 9.1.b.5. Primary Complimentary Food Standard Message

**“ANG GATAS NG INA LAMANG ANG PINAKAMABUTI PARA SA BATA SA UNANG ANIM NA BUWAN”**

#### 9.1.b.6. Secondary Complementary Food Standard Message

**“ANG PAGBIBIGAY NG KARAGDAGANG PAGKAIN AY DAPAT SANG-AYON SA PAYO NG ISANG HEALTH PROFESSIONAL”**

### **LABELLING OF MILK SUPPLEMENTS**

#### **9.2. Standard Pro-forma Message**

- 9.2.1. The following messages shall be printed on all labels of commercially sold infant formula (used only by infants with metabolic disorders) including the so-called special milk formula (supplement instead of formula), the so-called low birth weight milk formula (there is no such thing as LBW formula), and follow-on milk formula (which we require to be called milk supplement):

**IMPORTANT: “BREASTMILK IS THE BEST FOR BABIES UP TO 2 YEARS”**

**“THE USE OF MILK SUPPLEMENTS MUST ONLY BE UPON ADVICE OF A HEALTH PROFESSIONAL”**

“THE IMPROPER USE OF BREASTMILK SUPPLEMENTS MAY BE DANGEROUS TO YOUR CHILD’S HEALTH”

**MAHALAGA:** “ANG GATAS NG INA ANG PINAKAMABUTI PARA SA BATA HANGGANG 2 TAON”

“ANG PAGAMIT NG ANUMANG PAMALIT SA GATAS NG INA AY DAPAT SANG-AYON SA PAYO NG ISANG HEALTH PROFESSIONAL”

“ANG MALING PAGGAMIT NG ANUMANG PAMALIT SA GATAS NG INA AY MAAARING MAKASASAMA SA KALUSUGAN NG BATA”

- 9.2.2. The message shall be at least 1/6 of the type size of the biggest letter/logo of the label.
- 9.2.3. the message shall be written in bold letters on the uppermost border of the principal display panel.
- 9.2.4. The use of the term “milk supplement” shall replace the phrase “follow-on formula” on the label of the follow-on formula breastmilk substitute.
- 9.2.5. Concerning labels – The following pictures/drawings are not allowed:
- a) an infant;
  - b) a woman with a feeding bottle;
  - c) an infant and a woman holding a feeding bottle;
  - d) a woman holding a feeding bottle;
  - e) a feeding bottle with or without white substance inside the bottle on the principal display panel; and
  - f) pack/product shots covered by the code.
- 9.3. For PRINT advertisements, the primary standard message shall be at least 1/3 of the size of the largest letter/logo in the ad materials. Primary and Secondary standard messages shall be contained in all advertisements and should be prominently displayed and emphasized. The size of the secondary messages should be  $\frac{3}{4}$  of the size of the primary message. The actual picture of a Filipino breastfeeding mother is included in the standard messages and both mother and baby should be depicted as beautiful, happy and healthy.
- 9.4. For purely AUDIO advertisements (radio ads), the primary message should be mentioned at least before the catch line or the last line of the promotional material.
- 9.5. For purely AUDIO-VISUAL advertisements (TV ads), the primary standard message with an actual breastfeeding logo shall be flashed, second to the last frame for at least three (3) seconds. Voice-over for the primary standard message shall be a requirement.
- 9.6. The following are not allowed:
- 9.6.1. Advertisement of infant formula from birth to 6 months.
  - 9.6.2. Corporate displays which include products under E.O. 51 Announcements of program sponsorship e.g. “This program/special is brought to you by.... “containing only the name of the company.” This

shall require only a Certificate of Clearance subject to the same application procedures as provided herein.

- 9.6.3. Special displays
- 9.6.4. Shelf talker/vision, floor vision
- 9.6.5. Mobiles
- 9.6.6. Endorsement (direct or indirect) of product by parents, doctors, health professionals, experts or scientist in Nutrition.
- 9.6.7. Pictures/drawing of:
  - a. An infant holding a feeding bottle
  - b. An infant and a woman holding a feeding bottle
  - c. A woman holding a feeding bottle
  - d. A feeding bottle containing a white substance
  - e. A baby and the product shot in one frame
  - f. A man and a woman with a product shot
  - g. A feeding bottle on the principal display panel
  - h. Appearance of infant and mother with the brand product.
- 9.7. Print Ad/Product Shots are not allowed as false cover, detachable insert (i.e., bookmarks and souvenir program) and inside front and back and outside back cover.
- 9.8. Print Ad on infant feeding bottles or any graduated container made of glass, plastic or similar materials should be limited to MIMS & PIMS (Philippine Index of Medical Specialties)
- 9.9. Hanging of streamers, banners, posters, billboards should be limited to conventions and medical functions targeting medical doctors only, and should not be displayed in stores/trade outlets, government facilities and along highways. Materials must show only the company name/logo and not the product.
- 9.10. Other Advertising materials
  - Price cards containing only the name of the product and/or the company and the price and should be confined in store or supermarket shelves for the intent and purpose of selling the products on display.
- 9.11. Manufacturers and importers of milk supplements shall have six (6) months from the effectivity of these guidelines to exhaust the remaining stocks of the products whose labeling does not comply herewith.

## **10. ACCURACY OF THE INFORMATION**

- 10.1. The advertisements must contain accurate and clear information
- 10.2. Proofs substantiating any of the claims/assumptions/information must be submitted. The IAC will accept only proofs that are scientific, objective and clear from researches not funded by the companies and/or their affiliates.

## **11. THE "TOTAL EFFECT"**

All health and nutrition claims for products which have high potentials of misleading the public shall not be allowed.

Promotion of products covered by the scope of the Code must be objective and should not idealize the product over breastmilk or breastfeeding in the advertising concept. It must not in any case undermine breastmilk or breastfeeding. The "total effect" should not



directly or indirectly suggest that buying the product means giving love and affection by parents or relatives or that patronizing the product will bring better health to the baby.

## **12. MONITORING AND ENFORCEMENT PROCEDURES**

The Department of Health – Bureau of Food and Drugs shall be principally responsible for the implementation and enforcement of the provisions of the Code.

In the event advertisements are aired, published, released or disseminated:

- a. Without the corresponding Certificate of Approval;
- b. Without conforming exactly with the approved copy on file with the IAC, or
- c. Without the Certificate of Approval Number, as required.

the IAC Secretariat shall immediately issue a Cease and Desist Order (CDO) signed by the Chairman of the Committee against the manufacturer, the advertising company and the newspaper, establishments and the radio/TV stations concerned ordering the withdrawal of the promotional materials within the following periods:

- a. Radio/TV Commercials – Twenty four (24) hours from receipt of the CDO;
- b. Newspapers and other Print Publications other than posters – Three (3) days in Metro Manila and one (1) week in provinces from date of receipt of the CDO in case of daily publications and in the succeeding issue in all other cases; and
- c. Posters and other collateral materials such as streamers, banners, etc. – One (1) week from receipt of the CDO within Metro Manila and two (2) weeks in all other areas within the Philippines

In the event the CDO is not complied with within the time prescribed above, the IAC Secretariat shall immediately submit a report of non-compliance of the CDO to the Legal Division of BFAD for the prosecution of the erring firms/entities.

All previous administrative issuances and guidelines relative to E.O. 51 s. 1986 inconsistent with these guidelines are hereby repealed and/or modified, accordingly.

These guidelines shall be effective immediately following its publication in a newspaper of general circulation.

August 2,2004, Manila, Philippines

### **RECOMMENDING APPROVAL:**

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