

# Implementation of the International Code of Marketing of Breastmilk Substitutes

The “*Innocenti Declaration*” calls for all governments to take action to implement all the articles of the *International Code of Marketing of Breastmilk Substitutes* and the subsequent World Health Assembly resolutions. 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, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution. The “State of the Code by Country” by the ICDC on countries’ progress in implementing the Code provides sufficient information on the action taken.

Nations are supposed to enact legislations as a follow-up to the International Code. Several relevant subsequent World Health Assembly resolutions, which strengthen the *International Code* have been adopted since

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***Effective monitoring and enforcement of national Code legislation remains one of the key challenges in curbing inappropriate marketing practices***

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then and have the same status as the Code and should also be considered. The Global Strategy for infant and young child feeding calls for heightened action on this target. According to WHO-UNICEF-IBFAN 2016<sup>27</sup> report 135 out of 194 member states had at least some form of legal measure in place covering some provisions of the Code. A total of 39 countries have comprehensive legislation or other legal measures reflecting all or most provisions of the Code. The report also highlighted dismal status of the global implementation of the International Code and lack of political will to legislate and enforce the Code, and continued interference from baby food manufacturers as the major challenges in ensuring effective implementation of the Code and subsequent relevant WHA resolutions.

The indicator attempts to find out if the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions are in effect and implemented, and whether any further new action has been taken to give effect to the provisions of the Code; also it includes implementation and enforcement of the Code. (Table 3)

The average score for this indicator is 6.42 out of 10. Seven countries are coded Green by scoring 9 and above; with five countries scoring a perfect 10. Thirty eight countries score between 7 and 9, are coded Blue; the rest are below this level (Figure 9).

A look at the regions show gaps in many countries and no region doing well on this indicator.

**Table 3: Key question & subset questionnaire for the indicator on implementation of the International Code of Marketing of Breastmilk Substitutes and scoring criteria**

**Key questions:** Is the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolution are in effect and implemented? Has any new action been taken to give effect to the provisions of the Code?

**Guidelines for scoring**

**Criteria** (*legal measures that are in place in the country*)

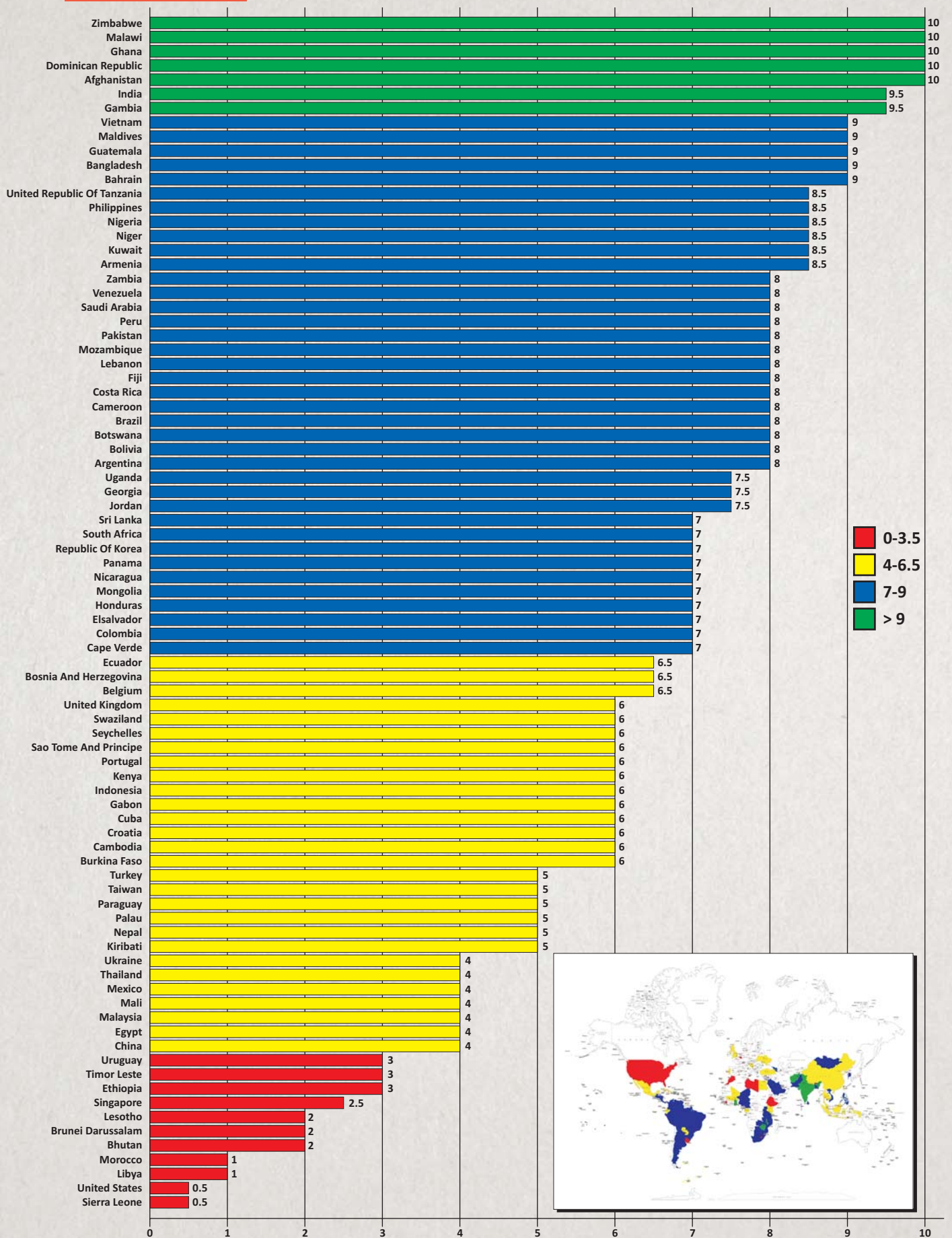
**Scoring**

3a: Status of the International Code of Marketing	
✓ (Check that apply. If more than one is applicable, record the highest score.)	
3.1) No action taken	0
3.2) The best approach is being considered	0.5
3.3) National Measures awaiting approval (for not more than three years)	1
3.4) Few Code provisions as voluntary measure	1.5
3.5) All Code provisions as a voluntary measure	2
3.6) Administrative directive/circular implementing the code in full or in part in health facilities with administrative sanctions	3
3.7) Some articles of the Code as law	4
3.8) All articles of the Code as law	5
3.9) Relevant provisions of World Health Assembly (WHA) resolutions subsequent to the Code are included in the national legislation*	
a. Provisions based on at least 2 of the WHA resolutions as listed below are included	5.5
b. Provisions based on all 4 of the WHA resolutions as listed below are included	6
3b: Implementation of the Code/National legislation	
3.10) The measure/law provides for a monitoring system	1
3.11) The measure provides for penalties and fines to be imposed to violators	1
3.12) The compliance with the measure is monitored and violations reported to concerned agencies	1
3.13) Violators of the law have been sanctioned during the last three years	1
<b>Total Score (3a + 3b)</b>	<b>___/10</b>

\* Following WHA resolutions should be included in the national legislation/enforced through legal orders to tick this score.

1. Donation of free or subsidized supplies of breastmilk substitutes are not allowed (WHA 47.5)
2. Labeling of complementary foods recommended, marketed or represented for use from 6 months onward (WHA 49.15)
3. Health and nutrition claims for products for infants and young children are prohibited (WHA 58.32) are prohibited
4. Labels of covered products have warnings on the risks of intrinsic contamination and reflect the FAO/WHO recommendations for safe preparation of powder infant formula (WHA 58.32, 61.20)

**Figure 9: The state of implementation of the International Code of Marketing of Breastmilk Substitutes in 84 countries on a scale of 0-10**



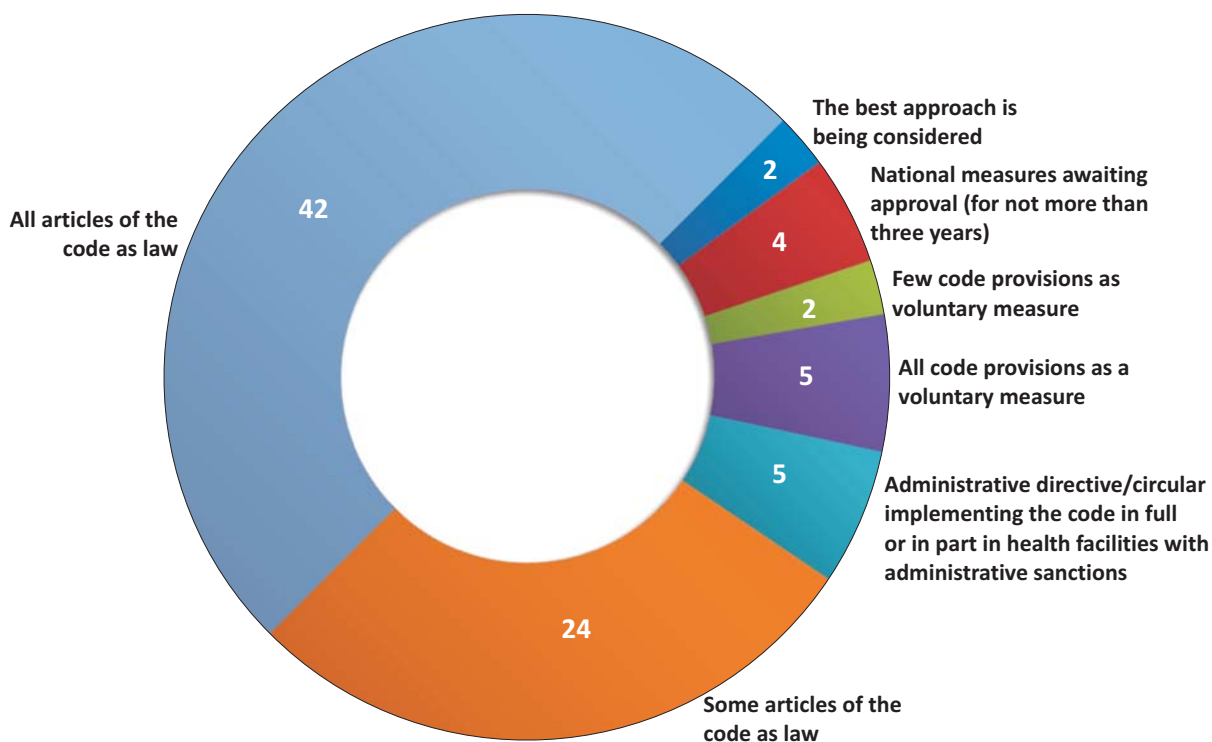
## Analysis and Conclusion

Analysis of the indicator in terms of legal status of the Code (Figure 10) shows half the number of countries (42) have a comprehensive legislation on the Code, followed by 24 countries having some articles of the Code as law. This reflects on countries having adopted or amended strong legal measures incorporating the Code provisions.

Assessment findings indicated that there is huge scope for improvement to protect breastfeeding by adopting and implementing the International Code and subsequent WHA resolution. Many countries have shown improvement having legislated all articles of Code and also implementing;

IBFAN played a crucial role and there was a direct relation between achievement and the presence of IBFAN support in these countries. However, even countries having a legislation, need to work on effective implementation and monitoring, as merely having a law is not enough. The joint WHO-UNICEF-IBFAN 2016<sup>27</sup> report also endorses the fact that “countries continue to face significant challenges in ensuring effective implementation of the Code and the subsequent WHA resolutions”. It also emphasises on the lack of political will to legislate and enforce the Code as well as interference from baby food manufacturers in efforts to strengthen monitoring and enforcement measures.

**Figure 10: Status of the International Code of Marketing in 84 countries**



<sup>27</sup> WHO & UNICEF 2016. Marketing of Breast-milk Substitutes: National Implementation of the International Code Status Report. [http://apps.who.int/iris/bitstream/10665/206008/1/9789241565325\\_eng.pdf?ua=1&ua=1](http://apps.who.int/iris/bitstream/10665/206008/1/9789241565325_eng.pdf?ua=1&ua=1)