

THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR

MINISTRY OF HEALTH, DEPARTMENT OF HEALTH

NOTIFICATION NUMBER ~~—~~<sup>22</sup>/2014

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According to the objectives of National Food Law, Myanmar Food and Drug Board of Authority issues this Order by exercising the authority of sub-section (b) of Section 38 of National Food Law, to support breastfeeding to infant and young child, to ensure appropriate use of breast-milk substitutes safely and nutritiously, to introduce proper complementary food at right time, to publish right and adequate information on these and to be marketed the formulated breast milk substitutes and complementary food under the ordinance.

**Order of Marketing of Formulated Food for Infant and Young Child**

**CHAPTER (1)**

**Title and Definition**

1. This Order shall be called the Order of Marketing of Formulated Food for Infant and Young Child.
2. Any expression to which a meaning has been assigned in this Order shall bear such meaning:
  - (a) **Infant** means a baby under 6 months of age;
  - (b) **Young child** means a child from the age of 6 months up to the age of 2 years;
  - (c) **Breast-milk substitute** means any food being marketed or otherwise presented as partial or total replacement for breast milk, whether or not suitable for that purpose;
  - (d) **Infant formula** means a breast-milk substitute formulated as liquid milks, powdered milks, modified powdered milks or powdered drinks marketed or otherwise represented as suitable for infant;
  - (e) **Follow-on formula** means a breast-milk substitute formulated as liquid milks, powdered milks, modified powdered milks or powdered drinks marketed or otherwise represented as suitable for young child;
  - (f) **Special dietary management for specific medical conditions** means Infant or follow-on formula for special dietary management for infant or young child with specific medical conditions;
  - (g) **Complementary Food** means any food suitable as a complement to breast milk or breast milk substitute when either become insufficient to satisfy the nutritional requirements of the young child;

- (h) **Formulated Complementary Food** means complementary food specially formulated as liquid or semi-fluid or semi-solid or powder either as ready to feed or feed after preparation;
- (i) **Accessory Feeding Utensils** means utensils used for feeding infant or young child which are similar in shape with mother's nipple such as feeding bottles, teats and feeding cups with spouts, straws or teats and the stuffs used with it or combination of these two and any other product marketed or represented as suitable for feeding infant or young child as determined by the relevant authority by notification from time to time according to Myanmar Food and Drug Board of Authority;
- (j) **Manufacturer** means a person or corporation engaged in the business or function (whether directly or indirectly) of manufacturing any food or accessory feeding utensil;
- (k) **Distributor** means a person or corporation engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level of any food or accessory feeding utensil. For the purposes of this Order, distributor includes importer and exporter;
- (l) **Health care system** means governmental, nongovernmental or private person or institutions or organizations engaged, directly or indirectly, in healthcare, preventive, therapeutic or other health services. It also includes nurseries or child-care institutions. For the purposes of this Order, the health care system does not include established pharmacy and sales outlets;
- (m) **Health care provider** is a person working in a component of such a health care system including private sector, whether professional or non-professional, including voluntary unpaid workers;
- (n) **Health professional** is a registered person who is holding government approved related certificate to give health care services.
- (o) **Container** means anything in which or with which the food is in direct contact or any form of packaging of food; (For example, wrappers, card boxes, tins, etc)
- (p) **Label** means any tag, brand, marks, pictorial or other descriptive matter, written, printed, marked, embossed or impressed on, or firmly attached to a container;
- (q) **Marketing** means product promotion, distribution, selling, advertising, product public relations, and information services;
- (r) **Sample** means single or small quantities of a product provided without cost;
- (s) **Designated food** means following –
- (1) Infant formula;
  - (2) Follow on formula;
  - (3) Special dietary management for specific medical conditions;
  - (4) Formulated complementary food;
  - (5) Any other food determined by the authority by notification from time to time according to Myanmar Food and Drug Board of Authority.

## CHAPTER (2)

### Quality Assurance

3. Quality assurance of each and every designated food and accessory feeding utensils of this Order shall be in conformity with the relevant Myanmar Standards, Guidelines and or international Standards and Guidelines (Codex Code of Hygienic Practice for Foods for Infants and Children, Codex Alimentarius Commission Standards and Guidelines) referenced by Myanmar Food and Drug Board of Authority and or as determined by the authority by notifications from time to time according to Myanmar Food and Drug Board of Authority.
4. The designated food and accessory feeding utensils that are in conformity with the relevant Standards and Guidelines mentioned in Article 3 only are to be manufactured, distributed or marketed according to National Food Law and resolution of this Order.

## CHAPTER (3)

### Labeling

5. Manufacturer or distributor of any kind of designated food and accessory feeding utensils of this Order shall abide the labeling rules which bear the following particulars:
  - (a) Container or label –
    - (1) Shall be designed so as not to discourage breastfeeding;
    - (2) Shall not be designed so as to encourage using any kind of accessory feeding utensils;
    - (3) Shall not be designed so as to induce feeding any kind of designated food;
  - (b) Label –
    - (1) shall not readily become separated from the container;
    - (2) shall be in Myanmar language;
    - (3) shall be written not less than 1 mm height for the smallest letter;
  - (c) Label, outside as well as inside, shall not contain written form, photos, pictures, cartoons, graphic representation or any similar representation that expressed following –
    - (1) any medicinal, health or nutritional claims with regard to any nutrients or substance that is the essential composition or any ingredients, additives added or any statement with similar meaning;
    - (2) the terms 'humanized', 'materialized', or similar terms;
    - (3) the terms 'best food for your baby', 'best for your baby's brain', or similar terms;
    - (4) pictures of pregnant mother, foetus, infant, young child, lactating mother or family;
    - (5) accessory feeding utensils or pictures of using them.

6. Manufacturer or distributor of any kind of designated food under this Order shall abide the labeling rules which bear the following particulars as well as labeling rules in article 5:

(a) The label must state all the information of the product and the directions for appropriate use but are not limited to followings:

- (1) the kind of food;
- (2) appropriate age for the product;
- (3) the ingredients used;
- (4) the nutritional information of the product;

(available energy value, expressed in kJ and kcal, and the content of proteins, carbohydrates and lipids, expressed in numerical form, per 100ml of liquid or per 100gm of powder/flake/solid or one serving of the product ready for use together with contents of other nutrients and specially fortified nutrients)

- (5) instructions for appropriate preparation, storage and disposal of the product;
- (6) pack size, date marking shall include the batch number, the manufactured date, expired date or best before date of which the product is to be consumed, taking into account the climatic and storage conditions of Myanmar;
- (7) brand name, manufacturer's name, address, country of origin and name and address of local distributor;
- (8) warning against the health hazards of inappropriate preparation and storage;

(b) If the food is to be prepared and used, the label shall contain the following information written in clear, understandable, Myanmar language -

- (1) indicate that safe drinkable, previously boiled water not below 70 degree Celsius should be used to prepare the formula, which should then be left to cool;
- (2) indicate that only the endorsed scoop should be used;
- (3) indicate the feeding chart and direction for use;
- (4) indicate that only one feed should be prepared at a time;
- (5) indicate that any leftover should be discarded after defined period (hour);
- (6) indicate that the baby must be held upright in mother or care taker's chest while feeding;
- (7) indicate that infant or young child should be fed by using only spoon and cup;
- (8) a warning on the potential health hazards of improperly sterilized feeding utensils.

7. Manufacturer or distributor of any designated food under this Order shall abide the labeling rules in article 5 and 6 as well as express the following particulars according to specific foods in black and bold letters together with red and bold statement of 'Importance Notice'; (In writing black and bold letters, it shall be in prominent black and bold with white background and the font size of at least 3 mm height for the smallest letter for a 400g tin in a

statement and based on this, the letters shall be proportionately with the container size but not less than 1.5 mm height for the smallest letter.)

(a) Infant formula

- (1) 'Use only for babies who are not breastfed';
- (2) 'Only use on the advice of a health professional';
- (3) 'If not prepared appropriately, health hazards may occur';
- (4) 'Breast milk is the best food for babies'.

(b) Follow on formula

- (1) 'Suitable only for the baby above six months old who are not breastfed';
- (2) 'Only use on the advice of a health professional';
- (3) 'If not prepared appropriately, health hazards may occur';
- (4) 'It should form only part of a diversified diet';
- (5) 'Breast milk is the best food for babies'.

(c) Special dietary management for specific medical conditions

- (1) 'Formulated food for -----' (with the blank filled in with the specific disease(s), disorder(s), or medical condition(s) that referenced in WHO publication WHO/FCH/CAH/09.01: Acceptable medical reasons for use of breast-milk substitutes for which product is intended);
- (2) 'For the baby ----- old' (with the blank filled in with age of the baby);
- (3) 'ONLY USE UNDER MEDICAL SUPERVISION'.

(d) Formulated complementary food

- (1) 'For the age of 6 months onwards';
- (2) 'Not intended to replace appropriately prepared family foods';
- (3) 'Continue breastfeeding till 2 years of age'.

**Food not for Infant and young child label**

8. Anyone shall manufacture, distribute or market which bear the following compulsory points in black and bold letter together with this black and bold statement of 'Importance Notice' mentioned in article 7 for food not intended for infant and young child is though resemble in nature or usage with the food in article 2(d) and (e) or for food determined as not suitable for infant and young child by the relevant authority.

- (a) 'Not suitable for below 2 years of age';
- (b) 'If not prepared appropriately, health hazards may occur'.

## CHAPTER (4)

### Marketing

9. In respect of marketing, a manufacturer or distributor of the designated food and accessory feeding utensils under this Order shall prohibit promotional practices include but are not limited to followings:

- (a) point-of-sale advertising, competition, display, luring, encouraging, advising, enticing or any other promotion device to induce sales directly or indirectly to the consumer at the retail level;
- (b) discount, discount coupons, gift, lucky-draw, any kinds of incentives for consumers;
- (c) special sales, tie-in sale, handing-over sale, door-to-door sale;
- (d) giving premiums, higher commission rate or service rate;
- (e) in systems of sales incentives for marketing personnel the volume of sales of designated food and accessory feeding utensils shall not be included in the calculation of bonuses;
- (f) quotas not be set specifically for sales of designated food and accessory feeding utensils;
- (g) directly or indirectly promoting sales, advertising, communication to the general public through press, radio, television or through any kind of electronic technology, or through bill board, street banner, advertisement flag, vinyl, poster, pamphlets and any other similar items or through celebrities such as artists, sportsmen and their family members;
- (h) directly or indirectly giving designated food and accessory feeding utensils as samples, prize, present or supporting or helping to do those things;
- (i) marketing and related practices within the health care system
- (j) attempt, in their business capacity, to make direct or indirect contact with pregnant women, mothers of infant or young child, or members of their family.

10. Without the prior approval of Myanmar Food and Drug Board of Authority or Ministry of Health, manufacturer or distributor of designated food or accessory feeding utensils or food in article 8 or anyone employed by them or any person or private organization who accept their support directly or indirectly, shall not:

- (a) provide low cost sales or free samples, or donate free or honor as present or prize of designated food and feeding utensils to the health care system or health care provider;
- (b) donate or distribute or install or provide service for equipment and office materials such as growth charts, identifications bands, posters, notepads, pens, calendars, toys and other equipments and office materials and others such as umbrella, hand bag, travelling bag or helping to do those things to a health care system or to health care provider;

- (c) offer any gift, contribution or benefit to a health care system or to health care provider; including fellowships, research grants or funding for local and international meetings, seminars, continuing education courses or conferences;
- (d) Sponsor events, contests, telephone counseling or campaigns or supporting to do those things related to reproductive health, pregnancy and maternal nutrition, childbirth, infant or young child feeding or related topics;
- (e) Support directly or indirectly in child birth or in caring of pregnancy, mother and child.

## CHAPTER (5)

### Information and Education

11. In respect of information on pregnancy, mother of infant or young child, infant and young child feeding, manufacturer or distributor of designated food or accessory feeding utensils or food in article 8, or anyone employed by them or any person or private organization who accept their support directly or indirectly -

- (a) Shall not communicate with either health care providers or general public;
- (b) Shall not organize information and education program either inside or outside the health care system;
- (c) Shall not distribute or disseminate information, education and communication materials except only through health care system with the approval of Ministry of Health.

12. Anyone, when publishing information or educational materials which refer to infant or young child feeding, whether directly to individual, a group or public or through media such as printed, audio, visual or through any other means, shall:

- (a) be written or narrated in Myanmar;
- (b) contain correct and current information clearly and conspicuously explain each of the following points -
  - (1) the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years or beyond;
  - (2) how and why any introduction of bottle feeding or early introduction of complementary foods negatively affects breastfeeding;
  - (3) the importance of introducing complementary foods from the age of six months and easy preparation of complementary foods at home using local ingredients;
  - (4) Stress on maternal nutrition and preparation for breastfeeding.

- (c) not use or contain any text, photos, pictures, cartoons, graphical representations or similar expression with following meaning –
- (1) that encourage bottle feeding and discourage breastfeeding;
  - (2) an impression that makes a belief of feeding of designated food, are equivalent to, comparable with or superior to breast-milk or to breastfeeding;
  - (3) any indications that encourage or attract directly or indirectly to use designated food;
  - (4) the brand name or logo, company name of designated food or accessory feeding utensils nor of any manufacturer or distributor;
- (d) Lay stress on correct information as well as necessary conditions to use, systematic usage, costing, social problems and possible health hazard of infant or young child when informing about designated food or accessory feeding utensils as necessary.

## **CHAPTER (6)**

### **Monitoring**

13. Myanmar Food and Drug Board of Authority shall delegate any organization with full responsibilities to oversee the monitoring and implementation of this Order of marketing of formulated infant and young child food.
14. All State, Region and Township Food and Drug Supervisory Committees shall take the responsibilities for the monitoring and implementation of this Order of marketing of formulated infant and young child food and report regularly to Myanmar Food and Drug Board of Authority.
15. All State, Region and Township Food and Drug Supervisory Committees shall monitor, assess, supervise and take action on violations of any provisions of this Order.
16. Health care system and health care provider shall support to meet the objectives of this Order as well as shall behave in consistence with this Order and shall have the responsibility to oversee the monitoring and implementation of this Order.
17. With the authoritative direction of the Ministry of Health, the budgetary approval and use of budget for Supervision and Monitoring shall be used under the respective Department Budget.

## **CHAPTER (7)**

### **Taking Action**

18. Whoever violates any provisions of this Order shall be taken action with the section 31 of the National Food Law.