

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3527

Introduced by **REPRESENTATIVE JOSEPHINE VERONIQUE R. LACSON-NOEL and
REPRESENTATIVE RUFUS B. RODRIGUEZ**

EXPLANATORY NOTE

This bill seeks to promote, support and protect breastfeeding, which is considered to be the best form or gold standard of nutrition for infants. Breastfeeding is the most elemental form of parental care and the decision to breastfeed is the sole prerogative of the mother.

A major obstacle in achieving a higher breastfeeding rate in this country can be attributed to a recognized lack of education and awareness among pregnant women and mothers of infants of the significant benefits of exclusive breastfeeding for infants 0-6 months. This is coupled by a perceived lack of work-related support from their employers while such women had to contend with an economic need to continue work or employment, given the limited number of paid maternity leave presently allowed by social legislation.

In doing so, this bill aims to encourage women to practice exclusive breastfeeding for their infants from 0-6 months of age. This feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can breastfeed in this manner. This is achieved by a number of interventions,

such as: providing education to pregnant and lactating mothers on the advantage of breastfeeding as well as the proper care that would contribute to successful breastfeeding; encouraging employers of women to facilitate breastfeeding by setting up lactation facilities, educational programs on the benefit of breastfeeding, and scheduling breaks and work patterns to provide time for milk expression or breastfeeding; and the granting of incentives, in the form of tax deductions, to health institution or facilities and private employers who comply with the provisions of this bill.

It also seeks to prohibit advertisements and promotion of infant formula and to regulate advertisements and promotion of breastmilk substitutes intended for infants 6-12 months of age by requiring them to undergo a committee screening review processes. The decision of a mother not to breastfeed must be based on an informed choice. Thus, bottlefeeding shall be allowed only after the mother has been informed by a health professional of the advantages of breastfeeding and how to encourage and maintain lactation.

In view thereof, approval of this bill is highly and earnestly recommended.


JOSEPHINE VERONIQUE R. LACSON-NOEL


RUFUS B. RODRIGUEZ

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Introduced by **REPRESENTATIVE JOSEPHINE VERONIQUE R. LACSON-NOEL and**
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1 **"AN ACT PROVIDING FOR THE PROMOTION OF BREASTFEEDING PRACTICES AND**
2 **INSTITUTING MEASURES THEREFOR AND FOR OTHER PURPOSES"**
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*
5

6 **CHAPTER I**
7 **TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS**
8

9 **Section 1. Title.** This Act shall be known as the "Breastfeeding Act of 2010."
10

11 **Section 2. Declaration of State Policy and Principles** – Breastfeeding is the best form of
12 nutrition for infants.
13

14 It is hereby declared policy of the State to consider breastfeeding as an important and
15 basic act of nurture that must be encouraged in the interest of maternal and child health, and
16 that all women shall be encouraged to practice exclusive breastfeeding and all infants should, as
17 far as practicable, be fed exclusively on breastmilk from birth to six months of age. This feeding
18 ideal is to be achieved by creating an appropriate environment of awareness and support so
19 that women can breastfeed in this manner.
20

21 Genuine promotion of family values should encourage public acceptance of this most
22 basic act of nurture between a mother and her child.
23

24 **Section 3. Definition of Terms** – For purposes of this Act, the following definition are adopted:
25

26 **"Advertising"** means the act of publishing in magazines, periodicals and newspapers, and/or
27 advertisements broadcasts through radio and television mass media. and telecommunication
28 systems.
29

30 **"Age of gestation"** means the length of time the fetus is inside the mother's womb.
31

32 **"Bottle-feeding"** is the method of feeding an infant using a bottle with artificial nipples, the
33 contents of which can be any type of fluid.
34

35 **"Breastfeeding"** is the method of feeding an infant directly from the human breast.
36

37 **"Breastmilk"** refers to the human milk from a mother.
38

1 **"Breastmilk Substitute"** means any food intended for infants being marketed or otherwise
2 represented as a partial or total replacement for breastmilk, whether or not suitable for that
3 purpose.

4
5 **"Committee"** shall refer to the Inter-Agency Committee composed of the Secretary of Health
6 and Secretary of Trade and Industry as co-chairs, and the Secretary of Justice, the Secretary of
7 Finance, and the Secretary of Social Welfare and Development, as members.

8
9 **"Complementary Food or Breastmilk Supplement"** means any food whether manufactured
10 or locally prepared, suitable as a complement to breastmilk or infant formula when either
11 becomes insufficient to satisfy the nutritional requirements of the infant. This can include
12 products also commonly called as "weaning food".

13
14 **"Container"** means any form of packaging of products for sale as a normal retail unit, including
15 wrappers.

16
17 **"Distributor"** means a person, corporation or any other entity in the public or private sector
18 engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail
19 level a product under Section 27 of this Act. A "primary distributor" is a manufacturer's sales
20 agent, representative, national distributor or broker.

21
22 **"DoH"** refers to the Department of Health.

23
24 **"Expressed Breastmilk"** refers to the human milk which was extracted from the breast by
25 hand or by pump. It can be fed to an infant using the dropper, a nasogastric tube, a cup
26 and spoon, or a bottle.

27
28 **"FDA"** refers to the Food and Drug Administration (FDA) created pursuant to Republic Act No.
29 9711, formerly known as the Bureau of Food and Drugs (BFAD)

30
31 **"Formula Feeding"** is the feeding of an infant with an infant formula usually by bottle-feeding.
32 It is also called artificial feeding.

33
34 **"Health care system"** means governmental, non-governmental or private institutions or
35 organizations engaged, directly or indirectly, in health care for mothers of infants, infants and
36 pregnant women; and nurseries or childcare institutions. It also includes health workers in
37 private practice engaged in health care for mothers of infants, infants and pregnant women. For
38 the purpose of this Act, the health care system does not include pharmacies or other established
39 sales outlets.

40
41 **"Health Institutions"** are hospitals, health infirmaries, health centers, lying-in centers, or
42 puericulture centers with obstetrical and pediatric services.

43
44 **"Health Worker"** means a person working in a component of the health care system, whether
45 professional or non-professional, including volunteer workers. It also includes health workers
46 in private practice engaged in health care for mothers of infants, infants and pregnant women.
47 Traditional birth attendants and their assistants shall likewise be included.

48
49 **"Infant"** means a person falling within the age bracket of 0-12 months.

50
51 **"Infant Formula"** means a breastmilk substitute formulated industrially in accordance with
52 applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of
53 infants up to between four to six months of age, and adapted to their physiological
54 characteristics. Infant formula may also be prepared at home in which case it is described as

1 "home-prepared."

2
3 **"Label"** means any tag or other descriptive matter, written, printed, stenciled, marked,
4 embossed or impressed on, or attached to, a container of any product under Section 27 of this
5 Act.

6
7 **"Lactation Management"** is the general care of a mother-infant nursing couple during the
8 mother's prenatal, immediate postpartum and postnatal periods. It deals with educating and
9 providing knowledge and information to pregnant and lactating mothers on the advantages of
10 Breastfeeding, the physiology of lactation, the establishment and maintenance of lactation, the
11 proper care that would contribute to successful breastfeeding.

12
13 **"Low Birth Weight Infant"** is a newborn weighing less than two thousand five hundred
14 (2,500) grams at birth.

15
16 **"Manufacturer"** means a corporation or other entity in the public or private sector engaged in
17 the business or function (whether directly or through an agent or an entity controlled by or
18 under contract with it) of manufacturing a product under Section 27 of this Act.

19
20 **"Marketing"** means product promotion and advertising services.

21
22 **"Marketing firm"** refers to any entity that does marketing or provides marketing services.

23
24 **"Marketing personnel"** means any person whose functions involve the marketing of a product
25 or products coming under Section 27 of this Act.

26
27 **"Mother's milk"** - the breastmilk from the newborn's own mother.

28
29 **"Other related products"** refers to all materials used to administer breastmilk substitutes,
30 such as, but not limited to, feeding bottles, teats and other artificial feeding paraphernalia.

31
32 **"Products under Section 27 of this Act"** shall pertain to breastmilk substitutes, infant formula,
33 and complementary foods, when marketed or otherwise used or represented to be suitable,
34 with or without modification, for use as a partial or total replacement of breastmilk; other
35 related products such as feeding bottles, teats and other artificial feeding paraphernalia. It also
36 applies to their quality and availability, and to information concerning their use.

37
38 **"Promotions"** means the practice of giving temporary additional value to a product or service
39 to achieve specific marketing objectives.

40
41 **"Rooming-in"** is the practice of placing the newborn in the same room as the mother right after
42 delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding.
43 The infant may either share the mother's bed or be placed in a crib beside the mother.

44
45 **"Sample"** means single or small quantities of a product provided without cost.

46
47 **"Seriously-ill Mothers"** are those who are: with severe infections; in shock; in severe cardiac or
48 respiratory distress; or dying or those with other conditions that may be determined by the
49 attending physician as serious.

50
51 **"Supplies"** means quantities of a product provided for use over an extended period, free or at a
52 low price, for social purposes, including those provided to families in need.

1 **"Weaning"** means discontinuing the breastfeeding of an infant with substitution of other
2 feeding habits

3
4 **"Wet-nursing"** is the feeding of a newborn from another mother's breast when his/her own
5 mother cannot breast-feed.

6
7 **"Young child"** means a person from the age of more than twelve (12) months up to the age of
8 three (3) years (36 months)

9
10 **CHAPTER II**
11 **PROGRAM ON THE PROMOTION OF BREASTFEEDING**

12
13 **Section 4. *Formulation of the Program*** - There shall be a comprehensive program to promote
14 breastfeeding to be formulated by the Department of Health and the Department of Social
15 Welfare and Development in coordination with other government agencies and private sector
16 and industry concerned within one (1) year from the effectivity of this Act.

17
18
19 **CHAPTER III**
20 **RIGHTS OF NURSING MOTHERS**

21
22 **Section 5. *Right of the Mother to Breastfeed*** - The mother's right to breastfeed her child who
23 equally has the right to her breastmilk is recognized. It is protected and enforceable. No mother
24 should be discriminated upon or socially ostracized for breastfeeding her child.

25
26 **Section 6. *Mother's prerogative*** - Breastfeeding is the most elemental form of parental care.
27 The decision to breastfeed is the sole prerogative of the mother. The decision to do otherwise
28 must be based on an informed choice. In health care facilities, bottle feeding shall be allowed
29 only after the mother has been informed by the attending health personnel of the advantages of
30 breastfeeding and how to encourage and maintain lactation. The proper techniques of infant
31 formula feeding shall be provided only after the mother has opted to adopt formula feeding for
32 her infant.

33
34 **Section 7. *Not indecent exposure*** - No provision of law or ordinance on indecent exposure
35 shall apply to breastfeeding an infant. A mother may breastfeed her baby in any location, public
36 or private, where the mother is otherwise authorized to be, even if not done discreetly,
37 irrespective of whether the nipple of the mother's breast is uncovered during or incidental to
38 the breastfeeding.

39
40 **Section 8. *Breastfeeding and the workplace*** - Majority of women who continue to breastfeed
41 upon returning to work miss less time from work due to baby-related illnesses, and even if they
42 do miss work have shorter absences compared to women who do not breastfeed. Thus,

43
44 (a) Women shall have the right to breastfeed their babies in the workplace.

45
46 (b) Employers are encouraged to facilitate the continuation of breastfeeding when their women
47 employees return to work, to set up lactation facilities and support for them, including
48 educational programs on the benefits of breastfeeding, and assistance in handling breastfeeding
49 problems, as well as difficulties often experienced by breastfeeding mothers in the workplace.

50
51 (c) Employers shall develop written policies supporting breastfeeding practices for the
52 workplace that addresses issues including work schedule flexibility; scheduling breaks and
53 work patterns to provide time for milk expression and/or breastfeeding.

(d) Employers shall provide mothers with reasonable unpaid break time to express milk or breastfeed.

Section 9. Lactation facilities -A woman's milk supply is directly related to how much stimulation the breasts receive. Failure to breastfeed or pump sufficiently may result in the loss of the mother's milk supply that can result in the baby weaning prematurely. Employers shall provide a clean and private location in the workplace where mothers can express milk or breastfeed in privacy. Such location shall have access to clean, safe water source and sink for washing hands and rinsing out any needed breast-pumping equipment; and access to hygienic storage facilities for the mother's breastmilk.

CHAPTER IV ROOMING-IN AND BREASTFEEDING OF INFANTS

Section 10. Applicability - The provisions in this Article shall apply to all private and government health institutions adopting rooming-in and breastfeeding as defined in this Act.

Section 11. Normal Spontaneous Deliveries - The following newborn infants be put to the breast of the mother immediately after birth and forthwith roomed-in within thirty (30) minutes:

- (a) well infants regardless of age of gestation; and
- (b) infants with low birth weights but who can suck.

Section 12. Deliveries by Caesarian - Infants delivered by caesarian section shall be roomed-in and breastfed within three (3) to four (4) hours after birth.

Section 13. Deliveries Outside Health Institutions - Newborns delivered outside health institutions whose mothers have been admitted to the obstetrics department/unit and who both meet the general conditions stated in Section 11 of this Act, shall be roomed-in and breastfed immediately.

Section 14. Exemptions - Infants whose conditions do not permit rooming-in or breast-feeding as determined by the attending physician, and infants whose mothers are either:

- (a) seriously ill;
- (b) taking medications contraindicated to breastfeeding;
- (c) violent psychotics; or
- (d) whose conditions do not permit breastfeeding and rooming-in as determined by the physician shall be exempted from the provisions of Sections 11, 12, and 13: *Provided, That* these infants shall be fed expressed breastmilk or wet-nursed as may be determined by the attending physician.

CHAPTER V EXTENDED BREASTFEEDING AND WEANING

Section 15. Benefits - Extended breastfeeding should be encouraged. There is no evidence that breastfeeding a child beyond infancy and allowing a child to wean naturally is harmful.

Section 16. Weaning - Mothers shall be responsive to needs of the child and shall allow their child to wean naturally. Weaning, as a personal decision to be made by each mother based on her particular family situation and individual circumstances, is recognized. Young children who nurse past their infancy have their own developmental timetables..

CHAPTER VI
INFORMATION AND EDUCATION

Section 17. *Information and Education.*

(a) The Department of Health shall ensure that objective and consistent information is provided on infant and young child feeding for use by families and those involved in the field of infant and young child nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant and young child nutrition.

(b) The Department of Health should take appropriate measures to encourage and protect breastfeeding, and promote the principles of this Act. It should give appropriate information, training and advice to health workers in regard to their responsibilities, including the information specified in Section 11.

(c) Manufacturer, distributor or representatives of products covered by this Act are allowed to conduct or be involved in the promotion, education and production of Information, Education and Communication (IEC) materials on breastfeeding, infant and young child care and nutrition, as long as the programs and materials used are reviewed and approved by the IAC. Promotion of products intended for infants 0-6 months as covered by this Act will not be allowed in such venues.

Section 18. *Continuing Education, Re-education and Training of Health Personnel*

(a) The Department of Health with the assistance of other government agencies, professional and non-government organizations shall conduct continuing information, education, re-education, and training programs for physicians, nurses, midwives, nutritionist, dietitians, community health workers and traditional birth attendants (TBAs) and other health personnel on current and updated lactation management, including their obligations under this Act.

Information materials shall be given to all health personnel involved in maternal and infant care in health institutions.

(b) Manufacturers and distributors of products under Section 27 of this Act may assist in the research, scholarships and continuing education of health professionals.

Section 19. *Information Dissemination to Pregnant Women* - During the prenatal, perinatal and postnatal consultations and/or confinements of the mothers or pregnant women in a health institution, it shall be the obligation of the health institution and the health personnel to immediately and continuously teach, train, and support the women on current and updated lactation management and infant care, and to distribute written information materials on such matters free of charge.

Section 20. *Classes for mothers of infants and pregnant women* - In health education classes for mothers of infants and pregnant women, health workers and community workers shall emphasize the benefits of breastmilk and the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

Personnel employed in marketing products under Section 27 of this Act shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants. This should not be understood as preventing such personnel from being used for other functions by the health care systems.

Section 21. *Mandatory Information-* Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points:

- (1) benefits and superiority of breastfeeding
- (2) maternal nutrition, and the preparation for and maintenance of breastfeeding
- (3) negative effect on breast feeding of introducing partial bottle-feeding
- (4) difficulty of reversing the decision not to breastfeed
- (5) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text, which may idealize the use of breastmilk substitutes.

Section 22. *Donations of informational or educational equipment or materials-* Donations of informational or educational equipment or materials by manufacturers or distributors should be made only upon written approval of the appropriate government authority. Such equipment or materials may bear the donating company's name or logo, but should not refer to a proprietary product that is under Section 27, and should be distributed only through the health care system.

Section 23. *Breastfeeding as part of the curriculum* - In coordination with the DOH, the Department of Education shall formulate a comprehensive education program on breastfeeding to be incorporated in the elementary and secondary curriculum. The Commission on Higher Education shall likewise ensure that breastfeeding and its importance are emphasized in the appropriate subjects in the medical and health related collegiate and post-graduate courses.

CHAPTER VII HUMAN MILK BANK

*** Section 24. *Provision of Facilities for Breastmilk Collection and Storage*** - The health institution adopting rooming-in and breastfeeding shall provide equipment, facilities, and supplies for breastmilk collection, storage and utilization, the standards of which shall be defined by the Department of Health.

CHAPTER VIII RESEARCH

Section 25. *Research, Ethics Committee, Purpose* - The DoH shall ensure that research conducted for public policy purposes, related to infant and young child feeding, should, at all times, be free from any commercial influence/bias; accordingly, the health worker or researcher involved in such must disclose any actual or potential conflict of interest with the company/person funding the research. In any event, such research and its funding shall be subjected to independent peer review. Towards accomplishing these ends;

(a) Assistance for research and clinical trials involving products under Section 27 hereof given by manufacturers and distributors are allowed only upon approval by an Ethics Committee of the DoH. The same committee shall monitor said researches.

(b) The researches shall be conducted in accordance with an approved protocol. Any changes in the protocol after it has been approved will be subject to a new review and approval by the Ethics Committee.

(c) Assistance for research may be allowed subject to the following conditions:

1. Researches involving well or ill infants and young children as subjects shall be limited to physiological factors and therapeutic studies;
2. These studies should in no case be harmful to the subject;
3. Should be limited to those with potential benefits for the particular subject.

(d) Recipients of research awards shall not allow themselves, their organizations or their subjects, to be used directly or indirectly for any promotional activity related to products under Section 27. These may be by way of display of posters and streamers patronizing the Company, their products and/or as lecturers/speakers or testimonials in the promotion of the products under Section 27 that undermine breastfeeding.

(e) Assistance for support of laboratory costs, reagents and other materials shall be allowed only upon approval and review by the Ethics Committee regarding the used based on submitted protocol.

Section 26. Public Disclosure – For transparency purposes, a disclosure and/or disclaimer of the sponsoring company should be done by the company itself, health worker, researcher involved through verbal declaration during public presentation of the research and in print upon publication.

CHAPTER IX MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS

Section 27. Scope – This Article applies to the marketing, and practices related thereto, of the following products: breastmilk substitutes, infant formula, and complementary foods, when marketed or otherwise used or represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles, teats and other artificial feeding paraphernalia. It also applies to their quality and availability, and to information concerning their use.

Section 28. Advertising -

(a) Advertising for products under Section 27 intended for infants **0 to 6 months shall not be allowed.**

(b) Advertising for products under Section 27 intended for infants **6-12 months shall be allowed upon review and approval of the IAC.**

Section 29. Promotions -

(a) The General Public and Mothers

- 1 2. Promotion for products under Section 27 of this Act intended for infants 0-6
- 2 months shall not be allowed.
- 3 2. Promotion for products under Section 27 of this Act intended for infants 6-12
- 4 months shall be allowed upon review and approval of the IAC.
- 5
- 6

7 **Section 30. Contents of Materials** – The following are deemed to undermine breastfeeding,
8 hence, shall be not be allowed to be included in advertising, promotional and marketing
9 materials of products under Section 27 hereof:

10
11 (a) Texts, pictures, illustrations or information which discourage or tend to undermine
12 the benefits or superiority of breastfeeding or which idealize the use of products under
13 Section 27 hereof. In this connection, no pictures of infants, person holding a feeding
14 bottle, feeding bottles and infant with product shots shall be used in any advertisements
15 of products under Section 27 hereof.

16
17 (b) The term “humanized”, “Maternalized”, “close to mother’s milk” or similar words
18 describing infant formula or breastmilk substitutes;

19
20 (c) Pictures or texts that idealize the use of infant formula.

21
22 **Section 31. Health and Nutritional Claims. -**

23
24 (a) Health and nutritional claims for products within the scope of the Act are allowed as
25 long as it is based on scientific and factual information upon review and approval by the
26 IAC.

27
28 (b) False or misleading information or claims of products within the scope of the Act are
29 prohibited.

30
31 (c) Promotion of products under Section 27 must be objective and should not equate or
32 make the product appear to be as good or equal to breastmilk or breastfeeding in the
33 advertising concept. It must not in any case undermine breastmilk or breastfeeding.

34
35 **Section 32. Information to Health Workers** . -Information provided by manufacturers and
36 distributors to health professionals regarding products under Section 27 shall be restricted to
37 scientific and factual information, and such information shall not imply or create a belief that
38 bottle-feeding is equivalent or superior to breastfeeding.

39
40 **Section 33. Promotions in Healthcare System. -**

41
42 (a) No facility of the health care system shall be used for the purpose of promoting
43 products intended for infants 0-12 months under Section 27. This Act does not,
44 however, preclude the dissemination of scientific and factual information to health
45 professionals as provided in Section 32.

46
47 (b) Facilities of the health care system shall not be used for the display of products,
48 posters and materials intended for infants 0-12 months under Section 27 as provided by
49 a manufacturer or distributor.

50
51 (c) Manufacturers, distributors and marketing firms or their representatives are
52 prohibited from using the health workers in the dissemination, distribution and
53 promotion of products intended for infants 0-12 months under Section 27.

(d) The use by the health care system of "professional service representatives", "mothercraft nurses" or similar personnel provided or paid for by manufacturers or distributors, shall not be permitted.

Section 34. *Classes, Seminars for Women.* - Manufacturers, distributors and representatives of products covered by Section 27 of this Act shall not be allowed to hold activities, classes, and seminars, related to the promotion of products intended for infants 0-12 months, for pregnant women and mother of infants.

Section 35. *Inducements.* - Financial or material inducements to promote products under Section 27 of this Act, shall not be given by manufacturers, distributors and representatives of such products, nor shall this be accepted by mothers of infants, pregnant women, health workers, hospital and other health institution, as well as to personnel within the health care system including members of their families except as provided for in Sections 25 and 44.

Section 36. *Samples and Supplies.* - Samples and supplies of products under Section 27 intended for infants 0-12 months or equipment/utensils for the preparation or use of these products from manufacturers, distributors and representatives shall not be allowed to be given to any member of the general public, mothers of infants, pregnant women, health workers, hospitals and other health institutions, as well as personnel within the healthcare system, including members of their families except as provided for in Sections 25 and 44.

Section 37. *Gifts of any sort.* - Gifts of any sort to promote products covered under Section 27 of this Act intended for infants 0-12 months, from manufacturers, distributors, and representatives shall not be allowed to be given to, mothers of infants, pregnant women, health workers, hospitals and other health institutions, as well as personnel within the healthcare system, including members of their families.

Section 38. *Point of Sale.* - There shall be no point of sale advertising, giving of samples or any promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, rebates, special sales, bonus and tie-in sales, loss-leaders, prizes or gifts, for products intended for infants 0-12 months under Section 27 of this Act. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.

Section 39. *Containers / Labels.* -

(a) Containers and/or labels shall be designed to provide the necessary information about the appropriate use of products under Section 27 of this Act, and in such a way as not to discourage breastfeeding.

(b) Each container shall have a clear, conspicuous and easily readable and understandable message in Filipino or English printed on it, or on a label, which message can not readily become separated from it, and which shall include the following points:

1. The words "Important Notice" or their equivalent
2. A statement of the superiority of breastfeeding
3. A statement that the product shall be used only on the advice of a health worker as to the need for its use and the proper methods of use; and
4. Instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation.

(c) Neither the container nor the label shall have pictures or texts which may idealize the use of

1 infant formula. They may, however, have graphics for easy identification of the product and for
2 illustrating methods of preparation.

3
4 (d) The term "humanized", "maternalized" or similar terms shall not be used

5
6 (e) Neither the container nor the label of milk products intended for infants 0-12 months under
7 Section 27 of this Act shall have pictures of babies and children together with their mothers,
8 fathers, siblings, grandparents, other relatives or caregivers (or yayas).

9
10 **Section 40. *Infant Feeding Warning.*** - Food products under Section 27 of this Act marketed
11 for infant feeding, which do not meet all the requirements of an infant formula but which can be
12 modified to do so, shall carry on the label a warning that the unmodified product should not be
13 the sole source of nourishment of an infant.

14
15 **Section 41. *Authority of the FDA.*** - The labels of food products under Section 27 of this Act
16 shall, in addition to the requirements in the preceding paragraphs, conform with the rules and
17 regulations of the Food and Drugs Administration not inconsistent with the provisions of this
18 Act.

19
20 **Section 42. *Quality* -**

21
22 (a) The quality of products is an essential element for the protection of the health of infants,
23 and therefore shall be of high recognized standard.

24
25 (b) Food products under Section 27 of this Act shall, when sold or otherwise distributed,
26 meet applicable standards recommended by the Codex Alimentarius Commission and also
27 the Codex Act of Hygienic Practice for Foods for Infants and Children.

28
29 (c) To prevent quality deterioration, adulteration or contamination of food products under
30 Section 27 of this Act, distribution outlets, including the smallest sari-sari store, shall not be
31 allowed to open cans and boxes for the purpose of retailing them by the cup, bag or in any
32 other form.

33
34 **CHAPTER X**
35 **DONATION**

36
37 **Section 43. *Donations.*** - Donations of products under Section 27 of this Act intended for
38 infants 0-12 months from manufacturers and distributors shall be allowed upon the approval of
39 the Inter-Agency Committee.

40
41 **CHAPTER XI**
42 **INCENTIVES**

43
44 **Section 44. *Incentives*** - The expenses incurred by private health, business, and other
45 institutions in complying with the provisions of this Act, shall be deductible expenses for income
46 tax purpose up to twice the actual incurred: *Provided*, That the deduction shall apply for the
47 taxable period when the expenses were incurred: *Provided, further*, That the health, business,
48 and institutions shall comply with the provisions of this Act within six (6) months after its
49 approval.

50
51 Government health institutions shall receive an additional appropriation equivalent to the
52 savings they may derive as a result of adopting rooming-in and breastfeeding. The additional
53 appropriation shall be included in their budget for the next fiscal year.

1 **Section 45. Advertisements** – Hospitals and health institutions may advertise themselves as
2 “Baby Friendly” if they comply with 80% of the requirements to become a “Baby Friendly”
3 health facility, and business and other work institutions may advertise themselves as “Mother
4 Friendly Employers” if they comply with all the requirements for such, as determined under the
5 program established in Section 4 of this Act.
6

7
8 **CHAPTER XII**
9 **IMPLEMENTATION AND MONITORING**
10

11 **Section 46. Inter-Agency Committee (IAC)**
12

13 The Inter-Agency Committee (IAC) composed of the following members is hereby created:

14	Secretary of Health	-----	Co-chair
15	Secretary of Trade & Industry	-----	Co-chair
16	Secretary of Justice	-----	Member
17	Secretary of Finance	-----	Member
18	Secretary of Social Welfare and Development	-----	Member

19

20 The members may designate their duly authorized representative to every meeting of the
21 Committee who shall render periodic reporting to their respective Secretaries.
22

23 The Committee shall be principally responsible for the implementation and enforcement of the
24 provisions of this Act. For this purpose, the Committee shall have the following powers and
25 function:

- 26 (1) To promulgate such rules and regulations as are necessary or proper for the
27 implementation of this Act and the accomplishment of its purposes and objectives.
28
29 (2) To call the assistance of government agencies and the private sector to ensure the
30 implementation and enforcement of, and strict compliance with, the provisions of this
31 Act and the rules and regulations promulgated in accordance herewith.
32
33 (3) To cause the prosecution of the violators of this Act.
34
35 (4) To exercise such other powers and functions as may be necessary for or incidental to
36 the attainment of the purposes and objectives of this Act.
37

38 In addition, the Committee shall have the following powers and functions relative to Article IX of
39 this Act :
40

- 41 (1) To review and examine all advertising, promotional or other marketing materials,
42 whether written, audio or visual, on products under Section 27. All such materials
43 must have been approved and consented to in writing by the Committee
44 before their first public or commercial exhibition;
45
46 (2) To approve or disapprove, delete objectionable portions from and prohibit the
47 printing, publication, distribution, exhibition and broadcast of, all advertising promotion
48 or other marketing materials, whether written, audio or visual, on products under
49 Section 27;
50
51 (3) To prescribe the internal and operational procedure for the exercise of its powers
52 and functions as well as the performance of its duties and responsibilities; and
53

1 (4) To promulgate such rules and regulations as are necessary or proper for the
2 implementation of section 28 and 29.
3

4 The Committee shall develop, update substantive and procedural guidelines for reviewing
5 advertising, promotional and marketing materials, including its screening when deemed
6 appropriate.
7

8 No advertising, promotion or other marketing materials as defined under sections 28 and 29,
9 whether written, audio, visual and audio-visual shall be printed, published, distributed,
10 exhibited and broadcasted or in any manner released to the public without the prior review and
11 approval by the IAC.
12

13 No blanket or general approval shall be allowed. Such written approval must be specific in
14 product and time bound.
15

16 **Section 47. Sanctions -** 17

18 (a) Any person who violates the provisions of this Act or the rules and regulations issued
19 pursuant to this Act shall, upon conviction, be punished by a penalty of two (2) months
20 to one (1) year imprisonment or a fine of not less than One Thousand Pesos (Php
21 1,000.00) nor more than Thirty Thousand (Php 30,000.00) or both. Should the offense
22 be committed by a juridical person, the Chairman of the Board of Directors, the
23 president, general manager, or the partners and/ or the persons directly responsible
24 therefore, shall be penalized.

25 (b) Any license, permit or authority issued by any government agency to any health
26 worker, distributor, manufacturer, or marketing firm or personnel for the practice of
27 their professional or occupation, or for the pursuit of their business, may, upon
28 recommendation of the Department of Health and the IAC, be suspended or revoked in
29 the event of repeated violations of this Act, or of the rules and regulations issued
30 pursuant to this Act.
31

32 **CHPATER XIII** 33 **MISCELLANEOUS PROVISIONS** 34

35 **Section 48. Repealing Clause.** - All laws, orders, issuances, and rules and regulations or parts
36 thereof inconsistent with this Act are hereby repealed or modified accordingly.
37

38 **Section 49. Separability Clause.** - The provisions of this Act are hereby deemed separable. If
39 any provision thereof be declared invalid or unconstitutional, such invalidity or
40 unconstitutionality shall not affect the other provisions which shall remain in full force and
41 effect.
42

43 **Section 50. Effectivity.** - This Act shall take effect thirty (30) days following its publication in
44 the Official Gazette.
45

46 **Approved,**
47