

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3537

**Introduced by HONORABLE LANI MERCADO-REVILLA and
HONORABLE LUCY TORRES-GOMEZ**

EXPLANATORY NOTE

According to the World Health Organization, less than 40 percent of infants less than six (6) months of age are exclusively breastfed. (WHO Website Report July 2009). Considering that breastmilk is the best form of nutrition for infants, it is essential that more women exclusively breastfeed their infants so that children will grow up physically, emotionally and mentally healthy. Breastmilk provides infants with all the nutrients they need. It is likewise safe and contains antibodies that protect infants from common childhood illnesses.

Breastfeeding also promotes a stronger bond between the mother and the child. Further, women who exclusively breastfeed their infants also benefit from this practice because it prevents menstruation, which is a natural form of birth control, reduces the risk of breast and ovarian cancer, and helps them to return to their pre-pregnancy weight faster, and lowers cases of obesity.

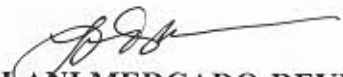
In a 2003 survey conducted in the Philippines, it was found out that for children below three (3) years of age, barely six (6) percent were exclusively breastfed and that exclusive breastfeeding occurred for an average of 24 days only. In fact, 3.4 million children or 49 percent were given liquid or food other than breastmilk within three (3) days after being born. The reasons cited why mothers did not breastfeed their infants are the following: they did not have enough milk (31%), they are working (17%), their nipples/breasts ache (17%), their child did not want to breastfeed (11%), their child is sick (11%), they are sick (9%), and other reasons (4%). (2003 National Demographic and Health Survey, National Statistics Office).

This bill aims to establish a comprehensive program for breastfeeding practices in the Philippines. It is hoped that by fostering an appropriate environment of awareness and support for breastfeeding, the rate of exclusive breastfeeding in the country will improve thereby improving the health of both the women and children. By providing education to pregnant and

lactating mothers on the advantage of breastfeeding as well as the proper care that would contribute to successful breastfeeding, prohibiting the advertisement for infant formula and other products for infants 0-12 months, adopting rooming-in in health institutions, establishing human milk banks, 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, women can continue to exclusively breastfeed their infants up to 12 months of age and even beyond.

By protecting, promoting and supporting breastfeeding in the Philippines, there will be more healthy, strong and intelligent Filipinos.

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


REP. LANI MERCADO-REVILLA
2nd District, Cavite


REP. LUCY TORRES-GOMEZ
4th District, Leyte

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12 Introduced by HONORABLE LANI MERCADO-REVILLA and
13 HONORABLE LUCY TORRES-GOMEZ
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17 **“AN ACT TO PROMOTE A COMPREHENSIVE PROGRAM FOR BREASTFEEDING**
18 **PRACTICES IN THE PHILIPPINES”**
19

20 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
21 *assembled:*
22

23 **ARTICLE I**
24 **TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS**
25

26 **Section 1. Title.** This Act shall be known as the "Breastfeeding Practices Act of 2010."
27

28 **Section 2. Declaration of State Policy and Principles** – The State shall promote breastfeeding
29 practices in the Philippines because it is the best form of nutrition for infants. Further, it provides
30 significant health benefits to both the mother and the child. A protective effect against various
31 types of cancer and greater emotional and physical health are found among breastfeeding
32 mothers while infants who are breastfed receive protection against infection, illness and allergies
33 and mentally, emotionally and physically grow up positively. Further, breastfeeding promotes
34 sufficient birth spacing, improved vaccine effectiveness and decreased food and medical
35 expenses.
36

37 **Section 3. Definition of Terms** – For purposes of this Act, the following definition of terms shall
38 govern:
39

- 40 (a) **“Advertising”** means the act of publishing in magazines, periodicals and newspapers,
41 and/or advertisements broadcasts, such as radio, television and telecommunication
42 systems (telephone, etc.), and advertisements published through digital/magnetic media
43 such as the internet, CD-ROMS or floppy disks.
44
45 (b) **“Age of gestation”** means the length of time the fetus is inside the mother's womb.
46
47 (c) **“BFAD”** refers to the Bureau of Food and Drugs of the Department of Health.
48
49 (d) **“Bottle-feeding”** is the method of feeding an infant using a bottle with artificial nipples,
50 the contents of which can be any type of liquid.
51
52 (e) **“Breastfeeding”** is the method of feeding an infant directly from the human breast.
53
54 (f) **“Breastmilk”** refers to the human milk from a mother.
55

- 1 (g) **"Breastmilk Substitute"** means any food intended for infants being marketed or
2 otherwise represented as a partial or total replacement for breastmilk, whether or not
3 suitable for that purpose.
4
- 5 (h) **"Committee"** shall refer to the Inter-Agency Committee composed of the Secretary of
6 Health and Secretary of Trade and Industry as co-chairs, and the Secretary of Justice, the
7 Secretary of Finance, and the Secretary of Social Welfare and Development, as members.
8
- 9 (i) **"Complementary Food or Breastmilk Supplement"** means any food whether
10 manufactured or locally prepared, suitable as a complement to breastmilk or infant
11 formula when either becomes insufficient to satisfy the nutritional requirements of the
12 infant. This can include products also commonly called as "weaning food".
13
- 14 (j) **"Container"** means any form of packaging of products for sale as a normal retail unit,
15 including wrappers.
16
- 17 (k) **"Distributor"** means a person, corporation or any other entity in the public or private
18 sector engaged in the business (whether directly or indirectly) of marketing at the
19 wholesale or retail level a product under Section 27 of this Act. A "primary distributor" is
20 a manufacturer's sales agent, representative, national distributor or broker.
21
- 22 (l) **"DoH"** refers to the Department of Health.
23
- 24 (m) **"Expressed Breastmilk"** refers to the human milk which was extracted from the breast
25 by hand or by pump. It can be fed to an infant using the dropper, a nasogastric tube, a
26 cup and spoon, or a bottle.
27
- 28 (n) **"FDA"** refers to the Food and Drug Administration (FDA) created pursuant to Republic
29 Act No. 9711, formerly known as the Bureau of Food and Drugs (BFAD).
30
- 31 (o) **"Formula Feeding"** is the feeding of an infant with an infant formula usually by bottle-
32 feeding. It is also called artificial feeding.
33
- 34 (p) **"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
36 and pregnant women; and nurseries or childcare institutions. It also includes health
37 workers in private practice engaged in health care for mothers of infants, infants and
38 pregnant women. For the purpose of this Act, the health care system does not include
39 pharmacies or other established sales outlets.
40
- 41 (q) **"Health Institutions"** are hospitals, health infirmaries, health centers, lying-in centers, or
42 puericulture centers with obstetrical and pediatric services.
43
- 44 (r) **"Health Worker"** means a person working in a component of the health care system,
45 whether professional or non-professional, including volunteer workers. It also includes
46 health workers in private practice engaged in health care for mothers of infants, infants
47 and pregnant women. Traditional birth attendants and their assistants shall likewise be
48 included.
49
- 50 (s) **"Infant"** means a person falling within the age bracket of 0-12 months.
51
- 52 (t) **"Infant Formula"** means a breastmilk substitute formulated industrially in accordance
53 with applicable Codex Alimentarius standards, to satisfy the normal nutritional
54 requirements of infants up to six (6) months of age, and adapted to their physiological
55 characteristics. Infant formula may also be prepared at home in which case it is described
56 as "home-prepared."
57

- 1 (u) **“Label”** means any tag or other descriptive matter, written, printed, stenciled, marked,
2 embossed or impressed on, or attached to, a container of any product within the scope of
3 this Act.
4
- 5 (v) **“Lactation Management”** is the general care of a mother-infant nursing couple during
6 the mother's prenatal, immediate postpartum and postnatal periods. It deals with
7 educating and providing knowledge and information to pregnant and lactating mothers on
8 the advantages of breastfeeding, the physiology of lactation, the establishment and
9 maintenance of lactation, the proper care that would contribute to successful
10 breastfeeding.
11
- 12 (w) **“Low Birth Weight Infant”** is a newborn weighing less than two thousand five hundred
13 (2,500) grams at birth.
14
- 15 (x) **“Manufacturer”** means a corporation or other entity in the public or private sector
16 engaged in the business or function (whether directly or through an agent or an entity
17 controlled by or under contract with it) of manufacturing a product within the scope of
18 this Act.
19
- 20 (y) **“Marketing”** means product promotion and advertising services.
21
- 22 (z) **“Marketing firm”** refers to any entity that does marketing or provides marketing
23 services.
24
- 25 (aa) **“Marketing personnel”** means any person whose functions involve the
26 marketing of a product or products coming within the scope of this Act.
27
- 28 (bb) **“Mother's milk”** refers to the breastmilk from the newborn's own mother
29
30
- 31 (cc) **“Rooming-in”** is the practice of placing the newborn in the same room as the
32 mother right after delivery up to discharge to facilitate mother-infant bonding and to
33 initiate breastfeeding. The infant may either share the mother's bed or be placed in a crib
34 beside the mother.
35
- 36 (dd) **“Sample”** means single or small quantities of a product provided without cost.
37
- 38 (ee) **“Seriously-ill Mothers”** are those who are with severe infections; in shock; in
39 severe cardiac or respiratory distress; or dying or those with other conditions that may be
40 determined by the attending physician as serious.
41
- 42 (ff) **“Supplies”** means quantities of a product provided for use over an extended
43 period, free or at a low price, for social purposes, including those provided to families in
44 need.
45
- 46 (gg) **“Weaning”** means discontinuing the breastfeeding of an infant with substitution
47 of other feeding habits
48
- 49 (hh) **“Wet-nursing”** is the feeding of a newborn from another mother's breast when
50 his/her own mother cannot breast-feed.
51
- 52 (ii) **“Young child”** means a person from the age of more than twelve (12) months up
53 to the age of three (3) years or 36 months.
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ARTICLE II
PROGRAM ON THE PROMOTION OF BREASTFEEDING

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 and
16 industry concerned within six (6) months from the effectivity of this Act.
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ARTICLE III
RIGHTS OF NURSING MOTHERS

13 **Section 5. *Right of the Mother to Breastfeed*** - The mother's right to breastfeed her child shall
14 be promoted, protected and supported. In this connection, attending health personnel shall
15 encourage pregnant women and nursing mothers to breastfeed their child and inform them of the
16 advantages to the mother and the infant of breastfeeding her child and the hazards of the use and
17 misuse of breastmilk substitutes, including non-human milk and other products marketed as
18 infant or baby food. The decision whether to breastfeed or not shall be based on informed
19 choice. In health care facilities, bottle feeding shall be allowed only after the mother has been
20 informed by the attending health personnel of the advantages of breastfeeding and how to
21 encourage and maintain lactation. The proper techniques of infant formula feeding shall be
22 provided only after the mother has opted to adopt formula feeding for her infant.
23

24 **Section 7. *Breastfeeding is not Indecent Exposure*** - No provision of law or ordinance on
25 indecent exposure shall apply to breastfeeding an infant or a child. A mother may breastfeed her
26 baby in any location, public or private, where the mother is otherwise authorized to be, even if
27 not done discreetly, irrespective of whether the nipple of the mother's breast is uncovered during
28 or incidental to the breastfeeding.
29

30 **Section 8. *Breastfeeding and the workplace*** - Majority of women who continue to breastfeed
31 upon returning to work miss less time from work due to baby-related illnesses, and even if they
32 do miss work have shorter absences compared to women who do not breastfeed. Thus,
33

34 (a) Women shall have the right to breastfeed their babies in the workplace.
35

36 (b) Employers shall facilitate the continuation of breastfeeding when their women employees
37 return to work, to set up lactation facilities and support for them, including educational programs
38 on the benefits of breastfeeding, and assistance in handling breastfeeding problems, as well as
39 difficulties often experienced by breastfeeding mothers in the workplace.
40

41 (c) Employers shall develop written policies supporting breastfeeding practices for the workplace
42 that address issues including work schedule flexibility; scheduling breaks and work patterns to
43 provide time for milk expression and/or breastfeeding.
44

45 (d) Employers shall provide mothers with reasonable unpaid break time to express milk or
46 breastfeed.
47

48 **Section 9. *Breastfeeding in the Malls*** - Owners of malls and other large establishments shall set
49 up lactation facilities for women who breastfeed their children within the premises of the mall.
50 They shall also include changing tables for women who wish to change the clothes and/or
51 diapers of infants and young children.
52

53 **Section 10. *Lactation facilities*** - A woman's milk supply is directly related to how much
54 stimulation the breasts receive. Failure to breastfeed or pump sufficiently may result in the loss
55 of the mother's milk supply that can result in the baby weaning prematurely. Employers shall
56 provide a clean and private location in the workplace where mothers can express milk or
57 breastfeed in privacy. These lactation facilities shall have access to clean, safe water source and

1 sink for washing hands and rinsing out any needed breast-pumping equipment; and access to
2 hygienic storage facilities for the mother's breastmilk. These lactation facilities shall be open not
3 only to employees of the company but also to guests and visitors who are breastfeeding their
4 children.

ARTICLE IV ROOMING-IN AND BREASTFEEDING OF INFANTS

11 **Section 11. *Applicability*** - The provisions in this Article shall apply to all private and
12 government health institutions adopting rooming-in and breastfeeding as defined in this Act.

14 **Section 12. *Normal Spontaneous Deliveries*** - The following newborn infants be put to the
15 breast of the mother immediately after birth and forthwith roomed-in within thirty (30) minutes:
16 (a) well infants regardless of age of gestation; and
17 (b) infants with low birth weights but who can suck.

19 **Section 13. *Deliveries by Caesarian*** - Infants delivered by caesarian section shall be roomed-in
20 and breastfed within three (3) to four (4) hours after birth.

22 **Section 14. *Deliveries Outside Health Institutions*** - Newborns delivered outside health
23 institutions whose mothers have been admitted to the obstetrics department/unit and who both
24 meet the general conditions stated in Section 11 of this Act, shall be roomed-in and breastfed
25 immediately.

27 **Section 15. *Exemptions*** - Infants whose conditions do not permit rooming-in or breast-feeding
28 as determined by the attending physician, and infants whose mothers are either:
29 (a) seriously ill;
30 (b) taking medications contraindicated to breastfeeding;
31 (c) violent psychotics; or
32 (d) whose conditions do not permit breastfeeding and rooming-in as determined
33 by the physician shall be exempted from the provisions of Sections 11, 12, and
34 13: *Provided*, That these infants shall be fed expressed breastmilk or wet-nursed
35 as may be determined by the attending physician.

ARTICLE V EXTENDED BREASTFEEDING AND WEANING

41 **Section 16. *Benefits*** - Extended breastfeeding should be encouraged. Toddlers and young
42 children are benefitted nutritionally and psychologically. Prolonged nursing is associated with
43 better social adjustment

45 **Section 17. *Weaning*** - Mothers shall be responsive to needs of the child and shall allow their
46 child to wean naturally. Weaning, as a personal decision to be made by each mother based on her
47 particular family situation and individual circumstances, is recognized. Young children who
48 nurse past their infancy have their own developmental timetables.

ARTICLE VI HUMAN MILK BANK

55 **Section 18. *Provision of Facilities for Breastmilk Collection and Storage.*** Health
56 institutions adopting rooming-in and promoting breastfeeding shall provide equipment,
57 facilities, and supplies for breastmilk collection, storage and utilization, the standards of

1 which shall be defined by the Department of Health.

2 3 4 **ARTICLE VII** 5 **RESEARCH** 6

7 **Section. 19. *Research, Ethics Committee, Purpose*** - The DOH shall ensure that research
8 conducted for public policy purposes, related to infant and young child feeding, should, at all
9 times, be free from any commercial influence/bias; accordingly, the health worker or researcher
10 involved in such must disclose any actual or potential conflict of interest with the
11 company/person funding the research. In any event, such research and its funding shall be
12 subjected to independent peer review. Towards accomplishing these ends;

13
14 (a) Assistance for research and clinical trials given by manufacturers and distributors are allowed
15 only upon approval by an Ethics Committee and the DOH. The same committee shall
16 monitor said researches.

17
18 (b) The researches shall be conducted in accordance with an approved protocol. Any changes in
19 the protocol after it has been approved will be subject to a new review and approval by the
20 Ethics Committee.

21
22 (c) Assistance for research may be allowed subject to the following conditions:

- 23 1. Researches involving well or ill infants and children as subjects shall be
24 limited to physiological factors and therapeutic studies
25 2. These studies should in no case be harmful to the subject
26 3. Should be limited to those with potential benefits for the particular subject.
27

28 (d) Recipients of research awards shall not allow themselves, their organizations or their
29 subjects, to be used directly or indirectly for any promotional activity related to products
30 within the scope of this Code. These may be by way of display of posters and streamers
31 patronizing the Company, their products and/or as lecturers/speakers or testimonials in the
32 promotion of the products that undermine breastfeeding.
33

34 (e) Assistance for support of laboratory costs, reagents and other materials shall be allowed only
35 upon approval and review by the Ethics Committee regarding the used based on submitted
36 protocol.
37

38 **Section. 20. - *Public Disclosure*** - For transparency purposes, a disclosure and/or disclaimer of
39 the sponsoring company should be done by the company itself, health worker, researcher
40 involved through verbal declaration during public presentation of the research and in print upon
41 publication.
42

43 **ARTICLE VIII** 44 **INFORMATION AND EDUCATION** 45

46 **Section 21. *Information and Education.***
47

48 (a) The Department of Health shall ensure that objective and consistent information is
49 provided on infant and young child feeding for use by families and those involved in the
50 field of infant and young child nutrition. This responsibility shall cover the planning,
51 provision, design and dissemination of information, and the control thereof, on infant and
52 young child nutrition.
53

54 (b) The Department of Health should take appropriate measures to encourage and
55 protect breastfeeding, and promote the principles of this Act. It should give appropriate
56 information, training and advice to health workers with regard to their responsibilities.
57

Section 22. 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 23. 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.

Section 24. 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:

- (a) benefits and superiority of breastfeeding;
- (b) maternal nutrition, and the preparation for and maintenance of breastfeeding;
- (c) negative effect on breast feeding of introducing partial bottle-feeding;
- (d) difficulty of reversing the decision not to breastfeed; and
- (e) 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 25. 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.

Section 26. 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.

ARTICLE 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 26 intended for infants *0 to 12 months shall not*

1 *be allowed.*

2
3 (b) Advertising for products under Section 26 intended for *a young child one (1) year of age*
4 *up to three (3) years of age shall be allowed upon review and approval of the IAC.*

5
6 **Section 29. *Promotions -***

7
8 (a) The General Public and Mothers

- 9 1. Promotion for products under Section 26 of this Act intended for infants 0-12
10 months shall not be allowed.
11 2. Promotion for products under Section 26 of this Act intended for a young child
12 one (1) year of age up to three (3) years of age shall be allowed upon review and
13 approval of the IAC.
14

15
16 **Section 30. *Contents of Materials*** – The following are deemed to undermine breastfeeding,
17 hence, shall not be allowed to be included in advertising, promotional and marketing materials of
18 products under Section 27 hereof:
19

20 (a) Texts, pictures, illustrations or information which discourage or tend to undermine the
21 benefits or superiority of breastfeeding or which idealize the use of products under Section 26
22 hereof. In this connection, no pictures of infants, person holding a feeding bottle, feeding
23 bottles and infant with product shots shall be used in any advertisements of products under
24 Section 27 hereof.
25

26 (b) The term “humanized”, “maternalized”, “close to mother’s milk” or similar words
27 describing infant formula or breastmilk substitutes;
28

29 (c) Pictures or texts that idealize the use of infant formula.
30

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

32
33 (a) Health and nutritional claims for products within the scope of the Act are allowed as
34 long as it is based on scientific and factual information upon review and approval by the
35 IAC.
36

37 (b) False or misleading information or claims of products within the scope of the Act are
38 prohibited.
39

40 (c) Promotion of products under Section 26 must be objective and should not equate or
41 make the product appear to be as good or equal to breastmilk or breastfeeding in the
42 advertising concept. It must not in any case undermine breastmilk or breastfeeding.
43

44 **Section 32. *Information to Health Workers.*** - Information provided by manufacturers and
45 distributors to health professionals regarding products under Section 26 shall be restricted to
46 scientific and factual information, and such information shall not imply or create a belief that
47 bottle-feeding is equivalent or superior to breastfeeding.
48

49 **Section 33. *Promotions in Healthcare System. -***

50
51 (a) No facility of the health care system shall be used for the purpose of promoting
52 products intended for infants 0-12 months under Section 26. This Act does not, however,
53 preclude the dissemination of scientific and factual information to health professionals as
54 provided in Section 31.
55

56 (b) Facilities of the health care system shall not be used for the display of products, posters

1 and materials intended for infants 0-12 months under Section 26 as provided by a manufacturer
2 or distributor.

3
4 (c) Manufacturers, distributors and marketing firms or their representatives are prohibited
5 from using the health workers in the dissemination, distribution and promotion of products
6 intended for infants 0-12 months under Section 26.

7
8 (d) The use by the health care system of "professional service representatives",
9 "mothercraft nurses" or similar personnel provided or paid for by manufacturers or
10 distributors, shall not be permitted.

11
12 **Section 34. *Classes, Seminars for Women.*** – Manufacturers, distributors and representatives of
13 products covered by Section 26 of this Act shall not be allowed to hold activities, classes, and
14 seminars, related to the promotion of products intended for infants 0-12 months, for pregnant
15 women and mother of infants.

16
17 **Section 35. *Inducements.*** –Financial or material inducements to promote products under
18 Section 26 of this Act, shall not be given by manufacturers, distributors and representatives of
19 such products, nor shall this be accepted by mothers of infants, pregnant women, health workers,
20 hospital and other health institutions, as well as to personnel within the health care system
21 including members of their families.

22
23 **Section 36. *Samples and Supplies.*** - Samples and supplies of products under Section 26
24 intended for infants 0-12 months or equipment/utensils for the preparation or use of these
25 products from manufacturers, distributors and representatives shall not be allowed to be given to
26 any member of the general public, mothers of infants, pregnant women, health workers, hospitals
27 and other health institutions, as well as personnel within the healthcare system, including
28 members of their families.

29
30 **Section 37. *Gifts of any sort.*** - Gifts of any sort to promote products covered under Section 26
31 of this Act intended for infants 0-12 months, from manufacturers, distributors, and
32 representatives shall not be allowed to be given to, mothers of infants, pregnant women, health
33 workers, hospitals and other health institutions, as well as personnel within the healthcare
34 system, including members of their families.

35
36 **Section 38. *Point of Sale.*** - There shall be no point of sale advertising, giving of samples or any
37 promotion devices to induce sales directly to the consumers at the retail level, such as special
38 displays, discount coupons, premiums, rebates, special sales, bonus and tie-in sales, loss-leaders,
39 prizes or gifts, for products intended for infants 0-12 months under Section 26 of this Act. This
40 provision shall not restrict the establishment of pricing policies and practices intended to provide
41 products at lower prices on a long-term basis.

42
43 **Section 39. *Containers / Labels.*** -

44
45 (a) Containers and/or labels shall be designed to provide the necessary information about
46 the appropriate use of products under Section 26 of this Act, and in such a way as
47 not to discourage breastfeeding.

48
49 (b) Each container shall have a clear, conspicuous and easily readable and understandable
50 message in Filipino or English printed on it, or on a label, which message can not readily
51 become separated from it, and which shall include the following points:

- 52
53 1. The words "Important Notice" or their equivalent;
54 2. A statement of the superiority of breastfeeding;
55 3. A statement that the product shall be used only on the advice of a health worker as to
56 the need for its use and the proper methods of use; and

1 4. Instructions for appropriate preparation, and a warning against the health hazards of
2 inappropriate preparation.
3

4 (c) Neither the container nor the label shall have pictures or texts which may idealize the use of
5 infant formula. They may, however, have graphics for easy identification of the product and for
6 illustrating methods of preparation.
7

8 (d) The term "humanized", "maternalized" or similar terms shall not be used.
9

10 (e) Neither the container nor the label of milk products intended for infants 0-12 months under
11 Section 26 of this Act shall have pictures of babies and children together with their mothers,
12 fathers, siblings, grandparents, other relatives or caregivers (or yayas).
13

14 **Section 40. Infant Feeding Warning.** - Food products under Section 26 of this Act marketed for
15 infant feeding, which do not meet all the requirements of an infant formula but which can be
16 modified to do so, shall carry on the label a warning that the unmodified product should not be
17 the sole source of nourishment of an infant.
18

19 **Section 41. Authority of the FDA.** - The labels of food products under Section 26 of this Act
20 shall, in addition to the requirements in the preceding paragraphs, conform with the rules and
21 regulations of the Food and Drugs Administration not inconsistent with the provisions of this
22 Act.
23

24 **Section 42. Quality –**
25

26 (a) The quality of products is an essential element for the protection of the health of infants,
27 and therefore shall be of high recognized standard.
28

29 (b) Food products under Section 26 of this Act shall, when sold or otherwise distributed,
30 meet applicable standards recommended by the Codex Alimentarius Commission and also
31 the Codex Act of Hygienic Practice for Foods for Infants and Children.
32

33 (c) To prevent quality deterioration, adulteration or contamination of food products under
34 Section 26 of this Act, distribution outlets, including the smallest sari-sari store, shall not be
35 allowed to open cans and boxes for the purpose of retailing them by the cup, bag or in any
36 other form.
37

38 **ARTICLE X**
39 **DONATION**
40

41 **Section 43. Donations.** - Donations of products under Section 26 of this Act intended for
42 infants 0-12 months from manufacturers and distributors shall be allowed upon the approval of
43 the Inter-Agency Committee.
44

45 **ARTICLE XI**
46 **IMPLEMENTATION AND MONITORING**
47

48 **Section 44. Inter-Agency Committee (IAC)**
49

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

51	Secretary of Health -----	Co-chair
52	Secretary of Trade & Industry -----	Co-chair
53	Secretary of Justice -----	Member
54	Secretary of Finance -----	Member
55	Secretary of Social Welfare and Development -----	Member

56
57

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

3
4 The Committee shall be principally responsible for the implementation and enforcement of the
5 provisions of this Act. For this purpose, the Committee shall have the following powers and
6 function:

7 (1) To promulgate such rules and regulations as are necessary or proper for the
8 implementation of this Act and the accomplishment of its purposes and objectives.

9
10 (2) To call the assistance of government agencies and the private sector to
11 ensure the implementation and enforcement of, and strict compliance with, the
12 provisions of this Act and the rules and regulations promulgated in accordance
13 herewith.

14
15 (3) To cause the prosecution of the violators of this Act.

16
17 (4) To exercise such other powers and functions as may be necessary for
18 or incidental to the attainment of the purposes and objectives of this Act.

19
20 In addition, the Committee shall have the following powers and functions relative to Article IX
21 of this Act:

22
23 (1) To review and examine all advertising, promotional or other marketing materials,
24 whether written, audio or visual, on products under Section 26. All such materials
25 must have been approved and consented to in writing by the Committee before their
26 first public or commercial exhibition;

27
28 (2) To approve or disapprove, delete objectionable portions from and prohibit the
29 printing, publication, distribution, exhibition and broadcast of, all advertising
30 promotion or other marketing materials, whether written, audio or visual, on products
31 under Section 26;

32
33 (3) To prescribe the internal and operational procedure for the exercise of its powers
34 and functions as well as the performance of its duties and responsibilities; and

35
36 (4) To promulgate such rules and regulations as are necessary or proper for the
37 implementation of Article IX.

38
39 The Committee shall develop, update substantive and procedural guidelines for reviewing
40 advertising, promotional and marketing materials, including its screening when deemed
41 appropriate.

42
43 No advertising, promotion or other marketing materials as under Article IX whether written,
44 audio, visual and audio-visual shall be printed, published, distributed, exhibited and broadcasted
45 or in any manner released to the public without the prior review and approval by the IAC.

46
47 No blanket or general approval shall be allowed. Such written approval must be specific in
48 product and time bound.

49
50 **Section 45. Sanctions –**

51
52 (a) Any person who violates the provisions of this Act or the rules and regulations issued
53 pursuant to this Act shall, upon conviction, be punished by a fine of not less than One
54 Hundred Thousand Pesos (Php 100,000.00) nor more than Three Hundred Thousand (Php
55 300,000.00). Should the offense be committed by a juridical person, the Chairman of the
56 Board of Directors, the president, general manager, or the partners and/ or the persons
57 directly responsible therefore, shall be penalized.

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

ARTICLE XII FINAL PROVISIONS

Section 46. *Repealing Clause.* – Executive Order No. 51 otherwise known as the “National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products” and all laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 47. *Separability Clause.* - The provisions of this Act are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

Section 48. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in any newspaper of general circulation.

Approved,