

Breaking the Law and undermining Breastfeeding

Series 3 (2006)

Nestlé Short Circuited in RANCHI

It all started with a telephone call from Nestlé, the infant milk substitutes company asking for an appointment. Following this I was informed by Secretary of the Indian Academy of Pediatrics (IAP) Ranchi chapter, Dr S.S. Sidana that the Nestlé was planning to sponsor a presentation on Liver Diseases by Dr. A. Sibbal, a Pediatric Gastroenterologist of Apollo Hospital, Delhi at Ranchi in a three star hotel on the 6th of April 2006. The invitations had already been sent. (see below)



Dr. Sunita Katyayan
Member, BPNI Central
Coordination Committee



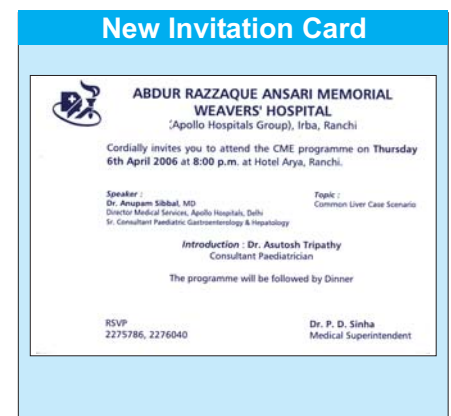
Dr. S.S. Sidana
Secretary, IAP
Ranchi, Jharkhand

central body of our IAP and our own brethren and brought to their notice that "The Infant milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992 as amended in 2003" (IMS Act) exists. Many did not know about it.

All efforts by the errant doctors were concentrated on the Secretary of the local IAP, and many senior and well-known pediatricians of Ranchi, spared no effort or time in convincing him. Having given him a spreadsheet about the IMS Act (the year planner of BPNI), all I did was to give moral support. We informed the central committee of the IAP and the General Secretary of IAP took a very strong view. He sent a note that any form of illegal activity such as sponsorship of a meeting by a baby food industry is illegal and which the central committee of Indian Academy of Pediatrics conveyed to both local branch as well as to the speaker who was to be sponsored.

At the same time a meeting was called

with the medical director of the medical college and BPNI Jharkhand explained to him how the IMS Act forbids any kind of sponsorship of meetings and seminars. BPNI publications, like the law books and other pamphlets were also given to him



The whole conference was then sponsored by Abdur Razzaque Ansari Memorial Weavers' (ARAM) Hospital, Apollo hospitals, Irba, Ranchi. As a result, a meeting was held with the Medical Superintendent of the hospital informing him of the delicacy of the situation and it resulted in cancellation of sponsorship by Nestlé. The meeting happened with new invitation card issued by ARAM, Apollo Hospital (see above). Battle won, the war remains.

Dr. Sunita Katyayan



We were firmly opposing the issue.

After having discussed the issue threadbare with doctors of our own fraternity we decided to take the bull by its horns. Together with Dr. Sidana, we chalked out a strategy in which we appealed to both the

In this Series-3, we bring you a success story from Ranchi, where BPNI's Dr. (Mrs.) Sunita Katyayan put up a brave front. She was able to stop Nestlé sponsorship. This is what all health professionals can do in order to fulfill our responsibilities towards effectively implementing the IMS Act. The theme of 2006 World Breastfeeding Week "The IMS Act: Making it Known to People" provides sufficient reasons for action.

Stop Nestlé's games to undermine breastfeeding!

Bravo Sunita and Dr. Sidana! You have shown the courage and conviction, how a well informed and concerned person can bring a change in the health care system.

Dr. Arun Gupta, MD, FIAP
National Coordinator, BPNI

Sponsorship

The IMS Act Bans it !

“Section 9(2): No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship.”

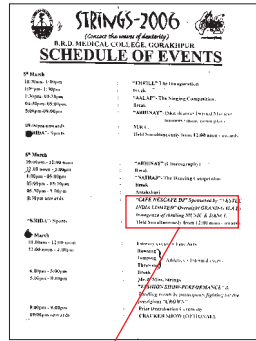
The World Health Assembly resolution recommends it !

WHA 58.32 further urges Member States ‘to ensure that financial support and other incentives for programmes and health professionals working in infant and young child health do not create conflict of interest’.

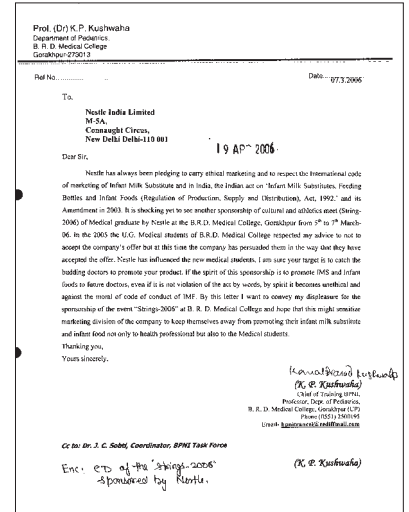
Nestlé Sponsors 'Strings 2006' in Gorakhpur Medical College

Nestlé sponsored cultural and athletics meet, 'Strings 2006', of medical graduates at BRD Medical College, Gorakhpur from 5th to 7th March 2006. In 2005 also they tried similar sponsorship with undergraduate medical students but they failed but this time they

were successful. It looks to be the target of the company to influence the building doctors to promote their products in future. But let us see to it that these companies are not able to achieve their desired goals. We report a letter written by Dr. K.P. Kushwaha.



“CAFÉ NESCAFÉ DJ” Sponsored by “NESTLE INDIA LIMITED” Overnight GRAND-GALA Extravaganza of thrilling MUSIC & DANCE Held Simultaneously from 12:00 noon onwards



“Section 9(2): No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship.”

Nestlé's direct promotion to public in Srinagar

This is a case of direct promotion to public, whether banned by the IMS Act in Srinagar. Who wrote us (copy letter in box), Dr. Niyaz

seized hundreds of pamphlets promoting Lactogen (IMS) and Cerelac (IF) from Mr. Soruve, Sales Representative of Nestlé, who

was distributing them to parents attending immunization clinic of SKIMS Medical College, J&K on 18th March 2006.

Dear Dr. Niyaz Ahmad Buch
LM 2816/05 BPN Children's Clinic
Rainawari Sgr.
Kashmir 190003.
Mobile 9419478800 E-mail niyaz_buch@yahoo.co.in
Dated: 19/3/06

Dear Dr. Kuldeep Khanna.

I want to inform you about the continuous violation of Nestlé. Only yesterday I seized about hundreds of pamphlets from one Mr. Soruve sales representative of Nestle, who was distributing them to parents attending our immunization clinic of SKIMS Medical college on 18/3/06. Fortunately I happened to enter the clinic when I witnessed this thing happening against the IMS act. The samples of these pamphlets I am forwarding to your good self through post for necessary action against Nestle people. I think this is our moral duty to fight against their unethical and illegal designs and in this fight you will always find us shoulder to shoulder with you.

With regards from
Dr. Niyaz.



Nestlé continues to mislead pediatricians

The IMS Act specifically bans baby food manufacturers from sponsoring events including meetings of health professionals. However, Nestle continues to host and sponsor events for doctors through its well known arm 'Nestle Nutrition' in order to woo

them into recommending their products to parents. Below are some examples of invitation cards given to pediatricians in Delhi and Kolkata. These attract section 9 of the IMS Act.



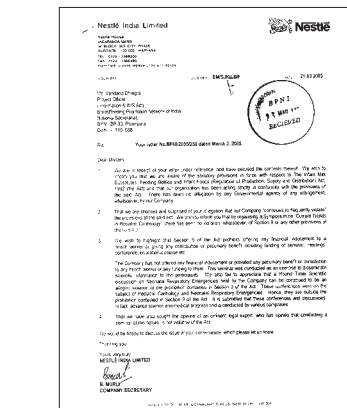
Nestlé in denial mode!

When BPNi complained to Nestle regarding such a violation' they denied and in their letter said,

"...We wish to inform you that by organising a Symposium on "Current Trends in Pediatric Cardiology", there has been no violation, whatsoever, of Section 9 or any other provisions of the said Act..."

"...That we have also sought the opinion of an eminent legal expert, who has opined that conducting a seminar of this nature, is not violative of the Act..."

Can Nestlé read section 9(2) carefully? It says, "...No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship."



Dear Madam,

- We are in receipt of your letter under reference, and have perused the contents thereof. We wish to inform you that we are aware of the statutory provisions in force with respect to The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (the Act) and that our organisation has been acting strictly in conformity with the provisions of the said Act. There has been no allegation by any Governmental agency of any infringement, whatsoever, by our Company.
- We are shocked and surprised at your allegation that our Company "continues to frequently violate" the provisions of the said Act. We wish to inform you that by organising a Symposium on "Current Trends in Pediatric Cardiology" in New Delhi, we have not violated the provisions of the said Act. The said Act is not applicable to the said event as it is not a health worker or any association of health workers. The said Act is not applicable to the said event as it is not a health worker or any association of health workers. The said Act is not applicable to the said event as it is not a health worker or any association of health workers.
- We have also sought the opinion of an eminent legal expert, who has opined that conducting a seminar of this nature, is not violative of the Act.

We would be happy to discuss the issue at your convenience, which please let us know.

Thanking you,
Yours very truly,
NESTLE INDIA LIMITED
BPNi

Opinion of expert lawyers on section 9 of IMS Act 1992, related to 'Sponsorship'

".....It would be futile for industry or pediatric associations to contend that such financial assistance was not an inducement of gift for the purposes of promoting the use of such substitutes. Apart from the acknowledged past record of the infant food industry, in any event no manufacturer or distributor doles out money to pediatrics associations out of motives of pure altruism or philanthropy. Indeed, if their intentions were only charitable, they would have been contributing to the cure of some life threatening disease or to the establishment of museums or institutions of higher learning, and not to professional bodies of doctors who belong to the highest strata of Indian society, and can certainly afford to pay for their own conferences...."

Mr. Chander Uday Singh
Advocate, Mumbai High Court
16-04-1994

".....The next question to be considered is whether the existence of such a purpose (promotion of milk food etc.) can be said to be established. Obviously, such a proposition would not normally be done in express words. It would be done, in most cases, in a silent manner. I would take the view that in the large run of cases, the acceptance of such hospitality by members of the medical profession would, as a matter of ordinary common sense, be constructed as linked with the implicit object of promoting the product of the manufacturer who bears the expenses. It would, therefore, be punishable as an abatement of that offence. It is sure that section (9)1 concentrates on the producer, supplier etc. and does not make a mention of the person or organisation which receives the product, supply, the distributed substance or who received any financial inducement or gift from such producer etc. But it is a plausible view to take that he assists in the commission of such an offence by the producer etc...."

Late Sh. P.M. Bakshi
08-04-94

Resolution of IAP and Directions of IMA

All doctors including pediatricians, we need to respect our own resolutions!

IAP Resolution adopted at the AGM 1997

"The IAP shall not accept the sponsorship in any form from any industry connected directly or indirectly with the products covered by the Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production and Distribution) Act 1992."

Passed on 6th January 1997 in the AGM at Ahmedabad

Directions from IMA HQrs

To, The Hony. Secretaries

All State Terr. and Local Branches of IMA

".....You are, therefore, requested not to accept any sponsorship of seminars by any aid or assistance from the manufacturers of Infant Milk Substitutes and Infant Foods which may violate the provisions of the Act...."

Hony. Gen. Secretary

August 1, 1995

*'If we don't stand up for children,
then we don't stand for much'*

Marian W Edelman

*'Never doubt that a small group of thoughtful
committed citizens can change the world.
Indeed, it's the only thing that ever has.'*

Margaret Mead

Resources

Following resources are useful to assist you in effectively implementing the IMS Act.

- Protecting Mothers and Children- Law to Protect, Promote and Support Breastfeeding - Information Sheet No. 2 (<http://www.bpni.org/cgi/protectingsheet2.pdf>)
- Breaking the Law and Undermining Breastfeeding 1 - Information Sheet No. 10 (http://www.bpni.org/cgi/information_sheets/information-sheet10.pdf)
- Nestle Breaks the Law by Sponsoring Hoemopaths: Breaking the Law and Undermining Breastfeeding Series 2-Information Sheet No. 12 (http://bpni.org/cgi/information_sheets/information-sheet12.pdf)
- Say no to Sponsorships - IBFAN Asia Pacific (<http://www.ibfan-asiapacific.org/say-no-to-sponsorship.pdf>)
- Protecting Breastfeeding from Commercial Influence YCF Update 7 (<http://www.bpni.org/cgi/update7.pdf>)
- India Protects Breastfeeding - Raising the bar : India sets even higher standard for breastfeeding protection (<http://www.bpni.org/cgi/india-protects-breastfeeding.pdf>)
- The Law to protect, promote and support breastfeeding (Updated edition, 2004) - This book explains the detail of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003. **Rs. 60.00**
- Government of India Puts Health Before Profits - A Press Release (<http://www.bpni.org/cgi/news.asp?id=724>)

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BPNI is a registered, independent, non-profit, national organisation that works towards protecting, promoting and supporting breastfeeding and appropriate complementary feeding of infants and young children. BPNI works through advocacy, social mobilization, information sharing, education, research, training and monitoring the company compliance with the IMS Act. BPNI does not accept funds or sponsorship of any kind from the companies producing infant milk substitutes, feeding bottles, related equipments, or infant foods (cereal foods).

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