

DECREE

On the trading in and use of nutritious products for infants

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the June 15, 2004 Law on Child Protection, Care and Education;

Pursuant to the June 14, 2005 Commercial Law;

Pursuant to the November 16, 2001 Ordinance on Advertisement;

Pursuant to the December 24, 1999 Ordinance on Goods Quality;

Pursuant to the July 26, 2003 Ordinance on Food Hygiene and Safety;

At the proposal of the Minister of Health,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. This Decree provides for information, education and communication on, advertisement for, trading in, and use of, nutritious products for infants, feeding bottles and dummies.
2. This Decree applies to Vietnamese and foreign organizations and individuals in Vietnam.

Article 2.- Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Nutritious products for infants include milk and food produced by industrial methods, which are up to the set standards and suitable to the special physiological conditions and each period of growth of infants, including:
 - a/ Milk and food of animal or plant origin, for under-6 month infants;
 - b/ Milk for infants aged between 6 months and 24 months.
2. Supplementary food means food processed for additional use together with breast milk, and milk for infants aged between 6 months and 24 months.
3. Infants mean children who are from newborn to 24 months old.
4. Labels of nutritious products for infants mean pictures, drawings or other illustrations; words, prints or embossed

images, affixed to or presented on packages of nutritious products for infants.

5. Giving of samples of nutritious products for infants means the free-of-charge supply of a small quantity of nutritious products for infants.

6. Advertisement for nutritious products for infants means the introduction of nutritious products for infants in any forms for profit-making purposes.

7. Medical examination and treatment establishments include general hospitals, obstetric or pediatric hospitals, maternity homes; general clinics, obstetric or pediatric clinics; regional general clinics, and commune, ward and township health stations.

8. Physicians and medical workers mean those who have medical professional qualifications, including doctors, intermediate-level physicians, convalescence workers and midwives working at medical examination and treatment establishments.

Chapter II

INFORMATION, EDUCATION, COMMUNICATION AND ADVERTISEMENT

Article 3.- Information, education and communication on the benefits of breast-feeding

1. Information, education and communication on the benefits of breast-feeding and on methods of nurturing infants must be given priority in programs on information, education and communication on the protection of mothers' and children's health, and on child malnutrition prevention and control.

2. The Ministry of Health shall coordinate with the Ministry of Culture and Information, the Ministry of Trade, the Ministry of Education and Training, the Committee for Population, Family and Children, the Central Committee of the Vietnam Fatherland Front, the Central Committee of the Vietnam Women's Union, the Central Committee of the Ho Chi Minh Communist Youth Union, the Central Committee of the Vietnam Peasants' Association, the Vietnam Labor Confederation, and other agencies and social organizations in communicating and educating about the superiority of breast milk, the importance of breast-feeding and the continuation of breast-feeding.

Article 4.- Information, education and communication documents on nurturing infants

1. Contents of information, education and communication documents on nurturing infants must be clear, easy-to-read, easy-to-understand, objective and scientific.

2. Information, education and communication documents on nurturing infants must cover the following contents:

a/ Benefits and superiority of breast-feeding, affirming that breast milk is the best food for the health and all-sided growth of infants;

b/ Instructions on exclusively breast-feeding infants until they are 6 months old and continuation of breast-feeding until they are 24 months or older, rationally feeding them with supplementary food from the time they are 6 months old;

c/ Antibacterial elements, especially antibodies, available in breast milk only, which help prevent and control diarrhea, respiratory infections and other infectious diseases for infants;

d/ Disadvantages of non-breast-feeding;

e/ Adverse impacts of bottle-feeding, dummies, and supplementary food on infants of under 6 months old;

f/ Instructions on at-home processing, preservation and use of supplementary food for infants by simple methods,

ensuring hygiene, safety and proper nutrition with ordinary food.

3. Information, education and communication documents on nurturing infants which have the following contents are prohibited:

- a/ Pictures or words to encourage bottle-feeding or discourage breast-feeding of infants;
- b/ Comparing nutritious products for infants as being equivalent or better than breast milk;
- c/ Names or logos of nutritious products for infants, feeding bottles or dummies.

Article 5.- Information, education and communication documents on the use of nutritious products for infants

Contents of information, education and communication documents on the use of nutritious products for infants must meet the following requirements:

- 1. Guiding proper ways of using nutritious products for infants.
- 2. Guiding ways of cleaning and sterilizing utensils used for feeding infants.
- 3. Guiding ways of feeding infants with clean cups and spoons.
- 4. Giving cautions about possible harms to infants' health caused by bottle-feeding.
- 5. Expenses of feeding infants with nutritious products.

Article 6.- Advertisement for nutritious products for infants

1. To strictly prohibit the advertisement for milk for under-12 month infants, food for under-6 month infants, feeding bottles or dummies in any forms.

2. The advertisement for milk for infants aged between 12 months and 24 months must meet the following requirements:

a/ The first part of the advertisement must have the content: "Breast milk is the best food for the health and all-sided growth of infants";

b/ Advertisement contents must comply with the provisions of Articles 4 and 5 of this Decree and other provisions of law on advertisement.

3. Before putting advertisement for milk for infants aged between 12 months and 24 months, organizations or individuals must send advertisement registration dossiers to the Ministry of Health according to the provisions of law on advertisement.

Chapter III

TRADING IN NUTRITIOUS PRODUCTS FOR INFANTS

Article 7.- Publication of food quality, hygiene and safety standards

Nutritious products for infants, before being marketed, must have their quality, hygiene and safety standards published according to the provisions of law on goods quality and food hygiene and safety.

Article 8.- Regulations on labels of nutritious products for infants

1. Labels of nutritious products for infants must meet the following requirements:

a/ There must be the words "CHU Y" (attention) (in upper case), followed by the words (in lower case) with the following contents: "Breast milk is the best food for the health and all-sided growth of infants. Antibacterial elements, especially antibodies, available in breast milk only, help prevent and control diarrhea, respiratory infections and several other infectious diseases for infants." The height of letters must not be under 2 mm;

b/ There must be the words (in lower case): "Use this product only under physicians' instructions. Strictly follow preparation instructions. Feed children by clean cups and spoons." The height of letters must not be under 1.5 mm;

c/ Infants' age groups suitable for use of the product must be clearly written;

d/ Product labels must be printed with the number of the certificate of published food quality, hygiene and safety standards.

2. Other contents of labels of nutritious products for infants shall comply with the provisions of law on labeling of domestically circulated, imported or exported goods, and must meet the following requirements:

a/ Guiding proper ways of preparation, illustrated with simple and easy-to-understand tables in Vietnamese;

b/ Giving full and accurate introduction of origin, date of production, expiry date, ingredients, serial number of the certificate of published food quality, hygiene and safety standards, and information on nutritious value of the product;

c/ Product labels must not contain pictures or drawings of infants of under 12 months old, feeding bottles or dummies; words or pictures implying that the product is equivalent or better than breast milk in quality.

Article 9.- Labels of feeding bottles and dummies

1. Labels of feeding bottles must meet the following requirements:

a/ There must be the words (in lower case): "Strictly follow the instructions on hygiene and sterilization. The use of feeding-bottles may make children refuse breast-feeding, or cause diarrhea." The height of lower-case letters must not be under 2 mm.

b/ Guiding proper ways of hygiene-keeping and sterilization.

c/ Accurate names and addresses of producers and distributors.

2. Packages of or labels stuck on dummies must display the words (in lower case): "Using dummies shall negatively affect breast-feeding." The height of lower-case letters must not be under 2 mm.

3. The provisions on labels of feeding bottles and dummies specified in Clauses 1 and 2 of this Article shall apply also to imported feeding bottles and dummies.

Article 10.- Responsibilities of heads of establishments producing and trading in nutritious products for infants or of their representatives at law

1. Heads of production and business establishments or their representatives at law shall have the responsibilities to:

a/ Sell nutritious products for infants which meet the published food quality, hygiene and safety standards;

b/ Provide scientific information and proper ways of using nutritious products for infants to physicians and medical

workers.

2. Heads of production and business establishments or their representatives at law must not:

a/ Produce or trade in nutritious products for infants which have their quality, hygiene and safety standards not yet published or which fail to meet the published food quality, hygiene and safety standards, or products with expired use duration or without labels or packages;

b/ Appoint their employees to directly or indirectly contact mothers, pregnant women or members of their families at medical examination and treatment establishments in order to promote or sell milk for under-12 month infants or food for under-6 month infants;

c/ Give physicians, medical workers or medical examination and treatment establishments milk for under-12 month infants or food for under-6 month infants, material benefits or products in other forms of expression displaying names or logos of milk for under-12 month infants or food for under-6 infants;

d/ Display milk for under-12 month infants or food for under-6 month infants at medical examination and treatment establishments, except hospital drugstores; or apply forms of sale promotion to milk for under-12 month infants or food for under-6 month infants;

e/ Grant scholarships, provide funds for scientific research, training courses, conferences, workshops, concerts, telephone counseling services or other forms in order to directly or indirectly introduce products, aiming to promote the trading in or use of milk for under-12 month infants or food for under-6 month infants.

Chapter IV

USE OF NUTRITIOUS PRODUCTS FOR INFANTS

Article 11.- Responsibilities of heads of medical examination and treatment establishments

1. Heads of medical examination and treatment establishments shall have the responsibilities to:

a/ Organize communication on and encourage breast-feeding;

b/ Create conditions for mothers to breast-feed their newborns within one hour after birth.

2. Heads of medical examination and treatment establishments must not:

a/ Sell, or permit the sale of, milk for under-12 month infants or food for under-6 month infants at medical examination and treatment establishments, except hospital drugstores;

b/ Permit establishments producing or trading in nutritious products for infants to display, or post up names of nutritious products for infants, feeding-bottles or dummies at medical examination and treatment establishments, except hospital drugstores.

Article 12.- Responsibilities of physicians and medical workers in medical examination and treatment establishments

1. Physicians and medical workers in examination and treatment establishments shall have the responsibilities to:

a/ Organize communication on and encourage breast-feeding;

b/ Provide guidance on proper ways of using nutritious products for infants for mothers or members of their families in special cases where it is necessary to use such products.

2. Physicians and medical workers in examination and treatment establishments must not:

a/ Receive directly or indirectly milk for under-12 month infants or food for under-6 month infants, other material benefits or products in other forms of expression displaying names or logos of milk for under-12 month infants, which are given by establishments producing or trading in nutritious products for infants or their representatives;

b/ Help production and business establishments give sample products or gifts related to nutritious products for infants;

c/ Provide guidance or advice or make prescriptions for pregnant women to use nutritious products for infants in cases where it is unnecessary to use such products.

Chapter V

IMPLEMENTATION PROVISIONS

Article 13.- Management responsibilities

1. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Trade, the Ministry of Culture and Information, the Committee for Population, Family and Children, and concerned ministries and branches in, managing the use of nutritious products for infants; manage quality, hygiene and safety of nutritious products for infants; inspect and examine the implementation of the provisions of law on trading in and use of nutritious products for infants.

2. The Ministry of Culture and Information shall assume the prime responsibility for, and coordinate with the Ministry of Trade and the Ministry of Health in, managing communication on and advertisement for nutritious products for infants according to their assigned competence.

Article 14.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

To annul the Government's Decree No. 74/2000/ND-CP of December 6, 2000, on the trading in and use of breast milk substitutes to protect and encourage breast-feeding.

Article 15.- Implementation responsibilities

1. The Minister of Health shall assume the prime responsibility for, and coordinate with the Minister of Trade, the Minister of Culture and Information and the Minister-Director of the Committee for Population, Family and Children in, guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of Government-attached agencies, and presidents of provincial/municipal People's Committees shall have to implement this Decree.

**THE PRIME MINISTER OF
GOVERNMENT
PRIME MINISTER
(Đã ký)**

Phan Van Khai