

**GOVERNMENT OF INDIA  
HUMAN RESOURCE DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:2260  
ANSWERED ON:14.12.2004  
SCHEMES FOR CHILDREN  
Shukla Smt. Karuna

**Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:**

- (a) whether the amendments introduced in IMS, Act, 2003 regarding Production, Supply and Marketing of substitutes of infant milk, feeding bottles and infant food are being complied with strictly;
- (b) if not, the reasons therefore;
- (c) the details of incidents of violation of this Act noticed so far; and
- (d) the corrective measures and the penal action taken in this regard?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KANTI SINGH)

(a),(b),(c)&(d) Between January to August 2004 twenty incidents of violation of IMS Act, 1992 have been noticed by the Breastfeeding Promotion Network of India, an organization authorized in this behalf, which are at preliminary stages of investigation. Details of these cases are given in the statement enclosed,

Statement referred to in reply to Lok Sabha Unstarred Question No. 2260 for 14.12.2004 by Shrimati Karuna Shukla regarding Schemes for Children.

Details of the Action Taken regarding Violations of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, as amended in 2003 (IMS Act) by The Breastfeeding Promotion Network of India January 2004 to September 2004 (1st , 2nd and 3rd Quarter)

**January 2004**

S.No	Details	Action taken	Legal	Comments
	Analysis			
1.	Bombay Dyeing had published an advertisement in their magazine for women "Gladrags" presenting Gladrags Mrs India in which a feeding bottle had been shown in the, Oct-Nov issue 2003	An in-house analysis was done in the light of IMS Act, 1992. A consultation with experts was also sought. After analysis it was concluded that this advertisement violates Section 3 of IMS Act. A		Advertising Council of India, responded by a letter stating that that the advertisement was in the breach of the law, but as the advertisement was one-time and the advertiser had not advertised again, the file was closed.
	(Annex-1) written to editor of the magazine "Gladrags" Mr. Rituraj Sharma and to advertising Council of India.	Letter was		

<p>2. Dr. J P Dadhich from Delhi received invitation card from Nestle to attend a symposium. The invitation of the same event was advertised in DMA Bulletin</p>	<p>All the evidences were gathered and analysed in light of the Amended IMS Act. Opinion was also sought from experts on the issue.</p>	<p>Legal After legal and in-opinion house analysis it sought was concluded that this is violation of Section 9 (2) of the IMS Act.</p>
--	---	--

(Annex-2)

## February 2004

S.No	Details	Action taken	Legal	Comments
------	---------	--------------	-------	----------

<p>3. Dr. Ajay Gaur from Gwalior reported a complaint, regarding educational material and poster distributed by Reptakos, Brett and Company, a company manufacturing infant milk substitutes and infant foods.</p>	<p>The originals of the materials distributed by the company were traced. The materials were analysed in the light of the IMS Act 1992, as amended in 2003. After analysis it was concluded</p>	<p>Legal After legal and in-opinion house analysis it sought was concluded that this is violation of Section 7 (1) a to b of the IMS Act and Rule 9 of the IMS Rules.</p>
--	---	---

(Annex-3) that these materials are violating the IMS Act in letter and spirit and it was forwarded to the legal experts for his comments.

## April 2004

S.No	Details	Action taken	Legal	Comments
------	---------	--------------	-------	----------

<p>4. The Magazine "Femina Book of Good Parenting" had a picture of an infant feeding a bottle on the cover page as well as inside pages</p>	<p>During an ongoing activity of BPNI to monitor violations in newspaper and magazines, it as found that the magazine</p>	<p>Received a letter from Femina, stating that they will carry errata in their July edition.</p>
--	---	--

(Annex-4) "Femina Book of Good

Parenting" bared a picture of a infant feeding on a bottle. The photograph was examined and it was concluded that this photograph violates the spirit of the IMS Act. A letter was written to editor of editor of Femina, Sathya Saran, and to Advertising Council of India.

5. Complaint was received from Dr. A Muthuswami from Chidambaram regarding distribution of pamphlets and persuasion of doctors by representatives of Nestle India Ltd.	After receiving complaint in written from our member, the evidences were analysed in respect to IMS Act. It was concluded that this action is a violation of	Legal opinion sought concluded that this is violation of Section 3 (c) and 8(1) of the IMS Act.	After legal analysis it was concluded that
--	--	---	--

(Annex-5) and the evidences were forwarded to our legal expert for analysis the IMS Act

## May 2004

S.No	Details	Action taken	Legal	Comments
------	---------	--------------	-------	----------

6. It was noticed that on the channel DD News on 6th May at 6.10 PM in the programme "Health" popular version "Haal Chaal Theek Thak Hai", there were comments on "use of cup & spoon while feeding a small baby" damage done by that programme.	Letter written to Director, Dordarshan, Akashwani Bhawan for stop showing such programmes that promote artificial feeding in the country and also take action to reverse			No response
--	--	--	--	-------------

## June 2004

S.No	Details	Action taken	Comments
7.	Advertisement of Mortein Rat Kill aired on Zee TV in between the programme Sa Re Ga Ma depicted an infant feeding on a baby soother.	Letter was written to Manager of Kitchen Appliances India Limited for stop showing such images that promote	No response

(Annex-6) feeding in the country. This was also brought in notice of advertising Council of India.

artificial

8.	Complaint was received from Dr. Rajinder Gulati, Ludhiana for distribution of Immunisation record cards and other printed materials by Nestle India Ltd.	The evidences were gathered and analysed in the light of the IMS Act. After detailed analysis it was concluded that this is a violation of the IMS Act. The	Legal opinion sought concluded that this is violation of Section 3 (c) and 8(1) of the IMS Act.	After legal analysis it was concluded that
----	--	---	---	--

(Annex-7) with our opinion was forwarded for legal analysis

evidences

9.	Complaint in respect to letters dated April 2004 sent to doctors by Reptakos, Brett and Company.	The evidences were gathered and analysed in the light of the IMS Act. After detailed	Legal opinion sought concluded that this is violation of Section 3 (c) and 8(1) of the IMS Act.	After legal analysis it was concluded that
----	--	--	---	--

(Annex-8) was concluded that this is a violation of the IMS Act. The evidences with our opinion was forwarded for legal analysis

analysis it

## July 2004

S.No	Details	In house Analysis and Comments	Legal	Action taken
10.	The company "Hello Baby"	An in-house analysis was	After legal and in-house	No action was taken

who are manufacturers of infant products including feeding bottles and related products, published a booklet "Growth Record Book" containing messages on various issues related to infants

done in the light of IMS Act, 1992 as amended in 2003. A consultation with experts was also sought. The said booklet was then send for legal opinion.

analysis it was concluded that this booklet by passed the provisions of the IMS Act

11. Container of "Farex" an infant milk substitute and infant food manufactured by Heinz bearing packing date of September 2003 bought bearing the manufacturing date of September 2003. The container was analysed with respect to the provisions of IMS Act and legal opinion was sought

BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A carton of Farex was bought

Legal opinion was sought After legal and in-house analysis it was concluded that the container violates the provisions of Section 6 and Rule 7 of the IMS Act.

12. Carton of "Amul Spray" an infant food manufactured by Mehsana Distt. Co-operative Milk Producers Union Ltd." bearing packing date of September 2003 date of September 2003. The container was analysed with respect to the provisions of IMS Act and legal opinion was sought

BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A container of "Amul Spray" was bought bearing the manufacturing

Legal opinion was sought. After legal and in-house analysis it was concluded that the container violates the provisions of Section 6 and Rule 7 of the IMS Act.

13. Container of "Lactogen 1" an infant milk substitute manufactured by Nestle bearing packing date of March 2004 carton of Lactogen was bought bearing the

BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A Rule 7 of the IMS Act.

Legal opinion was sought. After legal and in-house analysis it was concluded that the container violates the provisions of

manufacturing date of March 2004. The container was analysed with respect to the

provisions of IMS Act and legal opinion was sought

14. Container of "Lactogen 3" an infant milk substitute manufactured by Nestle bearing packing date of February 2004	BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A carton of Lactogen 3	Legal opinion was sought. After legal and in-house analysis it was concluded that the container violates the provisions of Rule 7 of the IMS Act.
--	---	---

was bought bearing the manufacturing date of September 2003. The container was analysed with respect to the

provisions of IMS Act and legal opinion was sought

15. Carton of "Cerelac" an infant food manufactured by Nestle bearing packing date of February 2004	BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A carton of "Cerelac" was	Legal opinion was sought. After legal and in-house analysis it was concluded that the carton violates the provisions of Rule 7 of the IMS Act.
---	--	--

bought bearing the manufacturing date of January 2004. The container was analysed with respect to the

provisions of IMS Act and legal opinion was sought

16. Carton of "Nestum" an infant food manufactured by Nestle bearing packing date of February 2004	BPNI did a market survey to analyse labels of infant milk substitute and infant foods available in the market. A carton of "Nestum" was	Legal opinion was sought. After legal and in-house analysis it was concluded that the carton violates the provisions of Rule 7 of the IMS Act.
--	---	--

bought bearing the manufacturing date of January 2004. The container was analysed with respect to the provisions of IMS Act and

legal opinion was sought.

17. Advertisement of "Nipcare" ointment to prevent dry, sore and cracked nipples published in Indian Pediatrics Volume 41, Number 7, July 2004. violates IMS Act. No Response has been received till yet.

Letter was written to Editor of Indian Pediatrics to stop publishing advertisements, which undermines women confidence in breastfeeding as well as

### August 2004

S.No	Details	In house Analysis And Comments	Legal	Action taken
18.	Symposium on "Approach to a child with chronic cough and infections & introduction to integrated management of Neonatal and Childhood Illness" organised by Nestle for medical professionals on 7th August 2004 at Ram Manohar Lohia Hospital (R.M.L. Hospital), New Delhi.	BPNI came across an invitation card send to professional to attend the said symposium as well as a invitation letter issued by Department of Pediatrics & Neonatology, Dr. Ram Manohar Lohia Hospital, New Delhi for faculty members, residents and post graduates to attend the symposium. An in-house analysis was done and it was concluded this Act is a clear violation of Section 9 of IMS Act.	Legal opinion sought and letters were written Secretary, Commissioner, Assistant Commissioner of Family Welfare, bringing this notice	A letter was issued by Dr. D K Dewan, state MCH Officer, Directorate of Family Welfare to The medical Superintendent of R.M.L Hospital, stating that by organising a symposium under the aegis of "Nestle Nutrition" the Department have violated the
19.	Article on Infant Feeding published in Punjab Kesri, Delhi on 7th August 2004 & Rashtiya Sahara on 12th August 2004. the provisions of the IMS Act, it was found that the articles miss on certain particulars	BPNI noticed two said articles on infant feeding. After analysing the contents of the articles in respect to Section 7 and Rule 9 of the IMS Act.	Legal opinion was sought. After legal and in-house analysis it was concluded that the articles violates the provisions of	

as prescribed  
in the  
Section 7 and  
Rule 9 of the  
Act.

20. Health and Nutrition Programme organised by Nestle in play school of Delhi a preschool on 7th August.

BPNI noticed	Legal Opinion	Opinion
banners in	was sought	awaited
Mayur Vihar,		
New Delhi put		
by Nestle for		
organising		
programme in		