

The Khyber Pakhtunkhwa Protection of Breast-Feeding and Child Nutrition Act,2015

(passed on 9.1.2015)

'KP frames laws to promote, protect breastfeeding'

RECORDER REPORT

PESHAWAR: The provincial government of Khyber Pakhtunkhwa has given legal cover for promotion and protecting breastfeeding to ensure safe and adequate nutrition for infants and young children has framed laws for regulating of the marketing and promotion of designated products including breast milk substitutes, and of feeding bottles, valves for feeding bottles, nipple shields, teats and pacifier.

In this connection the Act namely Khyber Pakhtunkhwa Protection of Breast-Feeding and Child Nutrition Act-2015 has already been passed by the provincial assembly and after getting assent of Khyber Pakhtunkhwa Governor it would come into force at once in the province.

Under the legislation, the provincial government would constitute Khyber Pakhtunkhwa Infant Feeding Board with provincial minister for health as chairman. Other members would be included Additional Secretary Health, president, Pakistan Paediatric Association KP, profession of Gyne and Obstetrics, Director, KP health services academy, representative of Khyber Medical College, Secretary, Health Regulatory Authority (HRA), Additional Secretary Home, representative of Food Safety Authority, a representative of the private sector stakeholders, Director, Health Services KP.

The powers and functions of the board would include receiving reports of violations of the provisions of the Act or the rules, recommend investigation of cases against manufacturers, distributors or health workers found to be violating the provisions of the Act or the rules, plan for co-ordinate the dissemination of informational and educational materials on the topic of infant feeding and recommend continuing education courses for health workers on topics related to this Act and advise government, on policies or guidelines for the promotion and protection of breast-feeding, and matters relating to designated products especially infant and young child nutrition, particularly through education campaigns, and to organize health education on the same for health workers and general public.

For carrying out the activities under the Act, the provincial government through another notification in the official Gazette constitute District Infant Feeding Committee, at district level. The district committee would be consist of Nazim, district council, Deputy Commissioner, Coordinator Public Health, two female members of the district council, district Khateeb, three representatives of various NGOs, two social workers, district health officers of the districts concerned.

The powers and functions of the District Breast Feeding Promotion Committee would be the planning and promotion of breast feeding in the district through dissemination of informational and educational materials and organize health education sessions on breast feeding for general public; arranging continuing educational courses for health workers on topic related to promotion and protection of breast feeding; report to the Board, violations of the provisions of the Act or the rules made there under, in their respective district; and perform any function assigned by the board.

Under the legislation, no person would, in any form whatsoever, promote any designated product except as provided for under the Act, no person would assert that any designated product is a substitute for mother's milk, or that it is equivalent to or comparable with or superior to mother's milk, no manufacturer or distributor would offer, or make gift or contributions of any kind, or pay any extent for any reason whatsoever, or give any kind of benefit, to a health worker or his family, or any personnel employed directly or indirectly in a health care facility, or any member of the board or the committee or the employees thereof.

Similarly, no manufacturer or distributor would donate any designated product and equipment or services related to a designated product free of charge or at low cost to health care facility, or offer any benefit to a professional association of medical practitioners for this purpose, no person other than a health worker, who is not engaged by a manufacturer or distributor may instruct any user on the need and proper preparation and use of any designated product: provided that a manufacturer or distributor may instruct any user or the need and proper preparation and use of any designated product in accordance with the provisions of the act.

The label of designated produce may be designed so as not to discourage breast feeding and may provide the necessary information in Urdu about the appropriate use of such product and the age before which a designated product should not be used.

Every container may have a clear, conspicuous and easily understood message

printed on it, or on a label that cannot become separated from it, which may be written in Urdu, and if so desired by the manufacturers, in English as well. The label may not contain anything that may discourage breast-feeding; contain a conspicuous notice in bold characters in the prescribed height stating "MOTHER'S MILK IS BEST FOR YOUR BABY AND HELPS IN PREVENING DIARRHOEA AND OTHER ILLNESSES"; not show photographs, drawings or graphics except that graphics may be used to illustrate the correct method of preparation; contain the name and address of manufacturer and of wholesale distributor if a designated product is an imported item; and except for bottles, teats, pacifiers and nipple shields, contain appropriate instructions in Urdu for the correct preparation in words and easily understood graphics, and indicate the ingredients, composition and analysis of a designated product, required storage conditions, batch number and expiry date, and contain any warning as may be prescribed for the implementation of this Act in a manner for the prescribed height in Urdu or regional language. Any person who produces or distributes any informational and educational materials referred in this section may before dissemination submit copies thereof to the board.

The health workers may encourage, support and protect breast-feeding. They may be expected to know the provisions of this Act, in particular, any instructions, guidelines or policies published under Section 11, and to implement the same whenever possible. The health workers may not accept, or give samples of any designated product to any person, particularly pregnant women, mothers or infants and young children, or members of their families. Disciplinary action against the violators may be initiated by the government, on the recommendation of the board.

To regulate the quality of the designated products, no product may be manufactured, sold or otherwise distributed in the province unless it is formulated industrially in accordance with the standards recommended by the Codex, Alimentarius Commission and the Codex Code of Hygienic Practice for foods for infants and children, and in addition, may meet such applicable standards specified in the Act.

The board may require an Inspector or any other person invested with powers under this Act to test any designated product sold in the province in order to determine whether it is fit for human consumption. The government may designate any number of persons professionally qualified with respect to infant and youth child nutrition as Inspectors to conduct inspection investigation and prosecution for the purposes of this Act and to monitor compliance with the provisions of this Act.

Upon completion of an investigation a receipt of a complete report and after giving the concerned party an opportunity of being heard, the board may recommend to government whether or not to institute prosecution under the Act. No court inferior to the court of Magistrate of the 1st class may take cognizance of any offence punishable under this Act, except on a report in writing by an officer authorized by government, or any other person as government may by notification in the official Gazette, authorize in this behalf. An offence punishable under this Act may be non-cognizable and any person sentenced by a court under this Act may prefer an Appeal to the Session Court within thirty days of the order.

Under the penalties and procedures chapter of the Act, any person, except a medical practitioner, has been found to have contravened of the provisions of this Act or the rules, the concerned authority upon written recommendation of the Board and after giving such person an opportunity of being heard, may recommend to government to suspend or cancel, his license for the practice of his professional occupation or for the pursuit of his business. In case of a contravention involving a medical practitioner registered under the Medical and Dental Council Act, 1962 (XXXII) of 1962), the matter would be referred to the Pakistan Medical and Dental Council for further action.

Any manufacturer or distributor who contravenes any of the provisions of the provisions of section 9 and 10, sub-sections (1), (3), (4) and (5) of Section 13 may be punishable with imprisonment for a term which may extend to two years, or with fine which may not be less than fifty thousand rupees or more than five hundred thousand rupees, or both, while any other person, who contravenes any of the provision of this Act, or the rules made there under, may be punishable with a fine, which may extend to five hundred thousands rupees.