

BILL CODE RELATING TO THE SALE AND

DISTRIBUTION OF BREAST-MILK SUBSTITUTES IN THE COMOROS

PART I

PURPOSE AND SCOPE

CHAPTER I: General provisions

Article 1. The purpose of this Code is to contribute to providing infants with safe and adequate nutrition by protecting and promoting breastfeeding and ensuring proper use of breastmilk substitutes when these are required, on the basis of adequate information and at the time of marketing and distribution as appropriate.

This code is based on the International Code of Marketing of Breastmilk Substitutes developed by the World Health Organization.

Article 2. For the purposes of this Code, the breast-milk substitutes involve any food marketed or any other material as a substitute or partial breast milk, or not appropriate for this purpose.

For the purposes of this Code, are infant formula, food for the infant until the age of 6 months completed and presented themselves as meeting the nutritional needs of all these .

CHAPTER II: SCOPE

Article 3. This Code applies to the importation, marketing, distribution and practices related thereto, the following products:

- Breast milk substitutes, including infant formula;

- Any other milk product, food and beverages, including complementary foods from a bottle, when marketed or presented in any other manner as appropriate, with or without modification, to replace partially or totally breast milk;

- Bottles and teats.

It also applies to the quality and availability of these products and information regarding their use.

PART II

RESPONSIBILITIES AND CONDITIONS OF ORGANIZATION

CHAPTER I: RESPONSIBILITIES

Article 4. The protection, promotion and encouragement of breastfeeding is the responsibility of the state.

Prevention and fight against nutritional deficiencies affecting infants and young children are also his responsibility.

CHAPTER II: CONDITIONS OF ORGANIZATION

Article 5. A decree of the Council of Ministers of the Government of the Union proposal by the Minister for Health and after consultation with the Health Ministers of the autonomous islands, sets the conditions for organization of activities provided for in Article 4 above.

TITLE III

INFORMATION AND EDUCATION

CHAPTER I: THE RESPONSIBLE AUTHORITIES

Article 6. The health ministries of the Union and the autonomous islands, are responsible for ensuring that objective and consistent information on infant and young child is provided with the relevant social groups, including families and other actors in the field nutrition. This responsibility will apply primarily to the planning, distribution, design, information dissemination and monitoring of these activities.

CHAPTER II: TRAINING AND INFORMATION

Article 7. The School of Medicine and Public Health at the University of the Comoros or other institutions or health facilities may be requested to conduct training or information on the objectives of this Code.

Article 8. All documentation for informational purposes and education, both print and electronic, on infant feeding and established in pregnant women, mothers of infants, young children or people's attention dealing with nutritional problems of infants and young children should include information on:

- a) The benefits and superiority of breast feeding on other foods;
- b) maternal nutrition, and how to prepare mothers for breastfeeding and to prosecute;
- c) The possible negative effect on breastfeeding of introducing partial bottle feeding;
- d) The difficulty of reversing the decision not to breast feed;

e) If necessary, the proper use of infant formula whether manufactured industrially or home. In this case, the documentation must also state the implications, including financial, utilization, report hazards to the health of the use of food or inadequate feeding practices and, in particular, improper use of these preparations. This material shall not use any pictures to present the use of infant formula as the ideal solution.

CHAPTER III: MEDIA INFORMATION

MANUFACTURERS AND DISTRIBUTORS

Article 9. The information media are left to the Ministries and Directorates of Health of the autonomous islands. However, they will be selected and prepared in consultation with organizations of civil society and the media to cover the largest fraction of the population.

In addition, they must in any case include a picture, sound or text which may idealise the use of breastmilk substitutes.

Article 10. Manufacturers or distributors should not make donations of equipment or materials for informational or educational institutions upon request care or public interest organizations with a philanthropic, social or humanitarian or Ministry health of the island in question.

The material provided can include the name or the brand of the manufacturer, excluding any reference to products covered by this code and can be distributed through the health care system.

Article 11. For the purposes of this Code, manufacturers are private companies or public whose business purpose, the manufacture of a product under this Code section.

The Distributor is understood as any person or entity of public or private law who engages directly or indirectly to the marketing or distribution of at least one of the products covered by this Code at the wholesale or detail.

PART IV

PUBLIC RELATION

CHAPTER I: ADVERTISING AND MEDIA

Article 12. The products covered by this Code shall in no case be any advertising to the general public.

This applies to the support, to places such as special displays or marketing methods such as coupons, promotional sales, sales to loss or tie-in sales, bonuses, distribution of samples without this list being limiting.

Article 13. Dissemination of advertisements on products covered by this code, the media, public or private, national or regional is prohibited.

CHAPTER II: THE SALE, DELIVERY SAMPLE

AND GIFTS

Article 14. In accordance with Articles 12 and 13 above, it should be for products covered by this code, no advertising at point of sale or distribution of samples, or other promotional practice of direct selling to consumers at retailing such as special, coupons, premiums, special sales, selling at a loss and sales coupled.

This provision should not restrict the development of policies and practices on prices for the long term, provide better products to market.

Article 15. Manufacturers and distributors as defined in Article 11, can not provide directly or indirectly to pregnant women, mothers or their relatives samples of products covered by this code.

As used in this code, a sample is a single or small quantities of a product free of charge.

Article 16. Manufacturers and distributors can also provide gifts to the people mentioned in the preceding article, if such gifts are likely to promote the use of breastmilk substitutes or bottle feeding.

CHAPTER III: RELATIONS BETWEEN THE STAFF OF MERCHANTABILITY AND TARGET AUDIENCE

Article 17. The marketing staff must not seek to have, as a professional, direct or indirect contact with pregnant women or mothers of infants or young children. The solicitation is prohibited, as well as other techniques such as selling at home.

TITLE V

HEALTH CARE SYSTEMS

CHAPTER I: IMPLEMENTATION OF AUTHORITIES

Article 18. Ministries of Health of the Union and the autonomous islands and national guidelines and general health, are required as part of their normal activities to take all appropriate measures to encourage, facilitate and protect breastfeeding in and promote the principles of this Code.

They are also required to provide health workers with all the information and appropriate advice for the performance of their duties as defined by this Code.

Finally, they are required to take all necessary steps to reduce the risk of HIV transmission from mother to child through breastfeeding.

CHAPTER II: THE PROMOTION OF PRODUCTS AND DEMONSTRATIONS

Article 19. No facility of a health care system can be used to promote the products covered by this code without this provision may cause discomfort to the dissemination of information to health professionals.

The same facilities can not be used or the exposure of products covered by this Code or for the presentation of placards or posters concerning such products, nor for the distribution of material provided by a distributor except as provided by Article 10 above.

Article 20. Only health workers, professional associations in the protection of the child, mother or if necessary, other community workers should be able to

demonstrations of power by means of infant formula, manufactured industrially or at home. These demonstrations should be made as mothers or family members as part of nutrition education.

The information provided should include a clear explanation of the risks of misuse.

CHAPTER III: DONATIONS AND SALES AT LOW PRICES

Article 21: The gift or sale at low prices to institutions or organizations, stocks of the products covered by this Code, whether for use at the same institution or for distribution to outside is permitted subject to the following conditions:

1. Products must be used exclusively for feeding infants who can not be breastfed and therefore are obliged to be fed breast milk substitutes.
2. Only institutions or organizations concerned can proceed with the distribution.
3. Grants or low-price sales should not be made by manufacturers or distributors to promote sales.

If stock distribution outside the donee institution, it must take steps to ensure that supplies can be continued as long as the infants concerned need them. Donors and the institutions or organizations concerned should not lose sight of this responsibility.

TITLE VI

HEALTH WORKERS

CHAPTER I: THE DEFINABLE

Article 22. As used in this code a health worker is a person working in a service within a system of health care, in professional or nonprofessional, including a voluntary basis without compensation, but approved by the Ministry of Health .

CHAPTER II: OBLIGATIONS OF AGENTS AND MANUFACTURERS

Article 23. Health workers should encourage and protect breastfeeding and promote the proper use of breastmilk substitutes. Especially those involved in nutrition of mothers and infants should be familiar with their responsibilities under this Code, including with respect to the information listed in Article 8. This implies an obligation on their part to inform and educate.

In addition they are required duties to any officer of the State, as provided by the general public service or other special text.

Article 24. Manufacturers and distributors are required to provide health workers with limited scientific information. This information should not imply or give the impression that bottle feeding is equivalent or superior to breastfeeding. Such information should include the information listed in Article 8 of this code.

They can not provide benefits in kind or in cash to health workers or family members for the purpose of promoting the products covered by this code.

The manufacturers can not provide health workers with samples of products covered by this code, or preparation equipment or utensils, except for strictly professional

purposes such as research at the institutional level or evaluation.

Health workers for their part, can not deliver the products referred to in the preceding paragraph to mothers of infants and young children, or members of their families.

If a health worker member of an institution, has a scholarship, research, participation in professional conferences or any benefit of this kind funded by the manufacturer or distributor of products covered , they must always notify the institution. The staff member concerned is also required from that requirement.

TITLE VII

MARKETING STAFF

CHAPTER I: THE DEFINITION

Article 25. Qualified personnel marketing under this code, any person whose duties include the marketing of a product or products covered by this code.

CHAPTER II: bonuses and gratuities

Articles 26. In systems where the marketing staff receives bonuses for sale as those provided by Article 102 of the Labour Code or other, the volume of sales of products covered by this code, should not be taken into account for the granting of these premiums and must not be set sales quotas for these products. This provision should not be construed as preventing the payment of bonuses based on sales of other

products marketed by the companies concerned.

CHAPTER III: THE SHARES OF PARTICIPATION IN EDUCATION

Article 27. Personnel employed in the marketing of products covered by this code can not directly or indirectly in the workplace fulfill educational functions in relation to pregnant women or mothers of infants or young children.

This educational role is assigned to ministries of health of the autonomous islands as specified in Article 6 of this code and health professionals such as, dieticians, doctors, pharmacists and other health workers working with mothers of infants and young children as part of their mission.

TITLE VIII

LABEL AND PACKAGING

CHAPTER I: THE DEFINITION

Article 28. The label includes any label, trademark, figurative or any other descriptive matter, written, printed, stencilled, fixed on the packaging of a product described by this code.

The packaging is any form of packaging products for retail sale.

CHAPTER II: CHARACTERISTICS AND

TERMS OF THE LABEL

Article 29. Manufacturers and distributors must use labels that are difficult to tear the packaging and are clearly legible.

Labels should be designed to provide the necessary information for proper use of the

product and not to discourage breast-feeding

Entries will be made in French, Arabic, English or Comorian and written in simple and concise.

Article 30: Labels must imperatively understand that:

1. the words "Important Notice" or their equivalent
2. a statement of the superiority of breastfeeding
3. the statement that the product should be used only on the advice of a health worker who has indicated the need and explained the proper method of use;
4. instructions for appropriate preparation, and a warning against the risks to health resulting from inadequate preparation.
5. The ingredients used
6. analysis (composition) of the product;
7. storage conditions required
8. the lot number and date of consumption.

Food products covered by this Code, marketed for infant feeding, which do not meet all the conditions to be satisfied infant formula but can be modified to respond, should address the label a warning warning that the unmodified product should not be the sole food of infants.

The packaging and the label must not contain representations of infants or other writing or graphics which may idealize the use of substitutes. They can, however, present graphics for easy identification of the product as a breastmilk substitute and for illustrating methods of preparation.

CHAPTER I: HEALTH REGULATIONS

AND FOOD HYGIENE

Article 31. Health regulations will determine in accordance with current legislation, the measures to ensure the quality and protection of breast milk substitutes.

Article 32. Food hygiene consists of all measures to ensure the safety and condition of the products covered by this Code to all stages of production to consumption.

CHAPTER II: PLACES OF PREPARATION AND PACKAGING

Article 33. The locations used for the preparation, packaging, sale or storage of products covered by this code must comply with the highest standards in cleanliness, hygiene, lighting and ventilation. They must be designed to facilitate maintenance, cleaning and disinfection.

CHAPTER III: CONTENT, TERMS OF REGULATIONS AND HEALTH

STANDARDS

Article 34. The decree of the Council of Ministers of the autonomous islands set and specify the contents and modalities of implementation of health regulations and all measures of surveillance and control in food hygiene.

Article 35. The products covered by this Code must be of the highest quality recognized. They must meet the international standards as well as with national

recognition for food for infants as well as with national hygiene for food for infants and young children.

Article 36. The manufacture, storage and distribution of products covered by this Code are prohibited when unhealthy, damaged or containing toxic substances that can harm the health of man or unfit for infants and young children.

TITLE X

IMPLEMENTATION AND CONTROL

CHAPTER I: THE SUPERVISORY AUTHORITIES

Article 37. The Ministries of Health of the Union and the autonomous islands and the National Office for the sanitary control of food products for human consumption, live animals and plants imported or for export (ONACSA) are required to take all the monitoring and control in food hygiene.

They must also take steps to strict enforcement of the provisions of this Code.

Finally they decide the means of control to meet these provisions.

Article 38. Manufacturers and distributors of products covered by this code, regardless of any other measures taken to implement the provisions of this Code should regard themselves as responsible for monitoring their marketing practices according to the principles and purpose of this code, and ensure that their conduct at every level conforms to these principles and for this purpose.

They must also bring to the attention of all members of their marketing personnel of

the code that the resulting responsibilities for them.

The National Medical Association, non-governmental organizations, trade associations, consumer associations, institutions and individuals and experts from various disciplines should be responsible to call the attention of manufacturers or distributors to activities which would be inconsistent with the principles and purpose of this Code, so that appropriate action can be taken.

CHAPTER II: CONTROL OF THE PRELIMINARY STATEMENT

AND TRANSCIBILITE

Article 39. The structures mentioned in the previous section are required to provide verification of quality, materials and health standards at the borders of breast milk substitutes imported.

They also have to undergo a medical examination to individuals who are involved in the production, packaging, storage and distribution of products in the Comoros under this code.

Following this review, it will be issued a medical certificate certifying they are free of all infectious diseases.

In case of violations, it shall prepare a report and send it promptly to the judicial authority for appropriate action.

Article 40. Anyone wishing to market, distribute or provide a free or paid products covered by this code, must first make a declaration to the Ministry for Health of the island where he plans to operate its business.

These provisions also apply to people at the entry into force of this code is already engaged in the activities specified above.

Article 41. The big distributors must provide health authorities with a list of their suppliers and the distributors to whom they sell products. The list should also include features such products as described by the labeling provisions and the amount of products sold or donated.

They are also required to maintain the information described above in their relationships with retailers.

Article 42. An order of the Ministry of Health of each autonomous island

- Determines the terms of this statement
- Fix the time within which companies or institutions involved will have to make that statement.

Article 43. Businesses and structures are required to provide under the Ministry of Health concerned, or any agency designated by him, all the information and intelligence on their activities.

An order of the Ministry of Health of each island independently specify the consistency and frequency of the obligation under the preceding paragraph

TITLE XI

PENAL AND MISCELLANEOUS PROVISIONS

CHAPTER I: Penalties

Article 44. Violators of the Articles 10, 12, 13, 17, 21, 24 notwithstanding the provisions of Article 158 of the Criminal Code, 26, 29, 30, 33, 35 and 36 are punishable by a fine of 250 000 to 1 000 000 fc.

The court may also order confiscation of objects used in the commission of the offense.

Imprisonment of 1 to 15 days and a fine of 500 000 to 2 000 000 fc or one of two penalties will be imposed for any subsequent offenses handled by the preceding article.

CHAPTER II: disposition MISCELLANEOUS

Article 45. A decree of the Government of the Union shall determine the measures necessary for the purposes of this code.

Article 46. The provisions of the Health Code that are not inconsistent with this Code shall apply.