



OFFICE OF THE MUNICIPAL MAYOR

EXECUTIVE ORDER NO. 2019 - 03 Series of 2019

"AN ORDER ADOPTING THE MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND OTHER RELATED PRODUCTS"

WHEREAS, one of the People's Agenda 10 of the present administration is the access to Universal Health Care which aims to develop a productive, efficient and people-centered health delivery system that promotes rights to health care of all Bulakenyos, thus, allowing them to enjoy the highest attainable standard of health without distinction of race, religion, political belief, economic or social; condition;

WHEREAS, the Municipal Government of Bulakan aspires to provide safe and adequate nutrition for infants through protection and promotion of breastfeeding and information about the proper use of breastmilk substitutes and supplements and related products;

WHEREAS, consistent with Article II of the International Code of marketing of Breastmilk substitutes, the Municipal Government of Bulakan shall adopt appropriate legislation to give effect to the principles and aim of the foresaid International Code;

WHEREAS, pursuant to Section 465 (b) (2) (iii) of the Local Government Code, the Municipal Government may issue executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

NOW, THEREFORE, I, VERGEL C. MENESES as the Municipal Mayor of the Municipality of Bulakan, by the powers vested in me by law do hereby order to adopt the National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products with the following provisions:

SECTION 1. Title. This EO shall be known and cited as the **"The Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products"**.

SECTION 2. Aim of the Executive Order. The aim of the EO is to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding and by ensuring the proper use of breastmilk substitutes and breastmilk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

SECTION 3. Scope of the Executive Order. The EO applies to the marketing, and practices related thereto, of the following products: breastmilk substitutes, including infant formula; other milk products, foods and beverages, including bottle-fed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

SECTION 4. Definition of Terms. For the purposes of this EO, the following definition of terms shall govern:

- (a) **"Breastmilk Substitute"** means any food being marketed or otherwise represented as a partial or total replacement for breastmilk, whether or not suitable for that purpose.

- (b) **"Complementary Food"** means any food, whether manufactured or locally prepared, suitable as a complement to breastmilk or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called "weaning food" or "breastmilk supplement."
- (c) **"Container"** means any form of packaging of products for sale as a normal retail unit, including wrappers.
- (d) **"Distributor"** means a person, corporation or any other entity in the public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level a product within the scope of this EO. A "primary distributor" is a manufacturer's sales agent, representative, national distributor or broker.
- (e) **"Infant"** means a person falling within the age bracket of 0-12 months.
- (f) **"Health Care system"** means governmental, non-governmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child care institutions. It also includes health workers in private practice. For the purpose of this EO, the health care system does not include pharmacies or other established sales outlets.
- (g) **"Health Worker"** means a person working in a component of such health care system, whether professional or non-professional, including volunteer workers.
- (h) **"Infant Formula"** means a breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards to satisfy the normal nutritional requirements of infants up to between four to six months of age, and adapted to their physiological characteristics. Infant formula may also be prepared at home in which case it is described as "home prepared".
- (i) **"Label"** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of any product within the scope of this EO.
- (j) **"Manufacturer"** means a corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or an entity controlled by or under contract with it) of manufacturing a product within the scope of this EO.
- (k) **"Marketing"** means product promotion, distribution, selling, advertising, product public relations, and information services.
- (l) **"Marketing Personnel"** means any person whose functions involve the marketing of a product or products coming within the scope of this EO.
- (m) **"Sample"** means single or small quantities of a product provided without costs.
- (n) **"Supplies"** means quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided to families in need.

SECTION 5. Information and Education.

- (a) The government shall ensure that objective and consistent information is provided on infant feeding, for use by families and those involved in the field of infant nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant nutrition.
- (b) Information and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to teach pregnant women and mothers of infants, shall include clear information on all the following points:
 - a. The benefits and superiority of breastfeeding;
 - b. Maternal nutrition, and the preparation for and maintenance of breastfeeding;
 - c. The negative effect on breastfeeding of introducing partial bottle feeding;
 - d. The difficulty of reversing the decision not to breastfeed; and
 - e. Where needed, the proper use of infant formula, whether manufactured industrially or home prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

SECTION 6. The General Public and Mothers.

- (a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products, within the scope of this EO shall be printed, published, distributed, exhibited and broadcast unless such materials are duly authorized and approved by an inter-agency committee created herein pursuant to the applicable standards provided for in this EO.
- (b) Manufacturers and distributors shall not be permitted to give, directly, or indirectly, samples and supplies of products within the scope of this EO or gifts of any sort to any member of the general public, including members of their families, to hospitals and other health institutions, as well as to personnel within the health care system, save as otherwise provided in this EO.
- (c) There shall be no point of sales advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie in sales for the products within the scope of this EO. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.
- (d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding, nor shall any other groups, institutions or individuals distribute such gifts, utensils or products provided by this EO.
- (e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this EO, either directly or indirectly, to pregnant women or with mother of infants, except as otherwise provided by this EO.
- (f) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this EO upon request by or with the approval of the RHU.

SECTION 7. Health Care System.

- (a) The RHU shall take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers on infant nutrition, and on their obligations under this EO.
- (b) No facility of the health care system shall be used for the purpose of promoting infant formula or other products within the scope of this EO. This EO does not, however, preclude the dissemination of information to health professionals as provided in Section 8(b).
- (c) Facilities of the health care system shall not be used for the display of products within the scope of this EO, or for placards or posters concerning such products.
- (d) The use by the health care system of "professional service" representatives, "mothercraft nurses" or similar personnel, provided or paid for by manufacturers or distributors, shall not be permitted.
- (e) In health education classes for mothers and the general public, health workers and community workers shall emphasize the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

SECTION 8. Health Workers.

- (a) Health workers shall encourage and promote breastfeeding and shall make themselves familiar with objectives and consistent information on maternal and infant nutrition, and with their responsibilities under this EO.
- (b) Information provided by manufacturers and distributors to health professionals regarding products within the scope of this EO shall be restricted to scientific and factual matters and such information shall not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding. It shall also include the information specified in Section 5(b).

- (c) No financial or material inducements to promote products within the scope of this EO shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Section 8(e).
- (d) Samples of infant formulas or other products within the scope of this EO, or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the RHU. No health workers shall give samples of infant formula to pregnant women and mothers of infants or members of their families.
- (e) Manufacturers and distributors of products within the scope of this EO may assist in the research, scholarships and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the RHU.

SECTION 9. Persons Employed by Manufacturers and Distributors Personnel employed in marketing products within the scope of this EO shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants.

SECTION 10. Containers/Label.

- (a) Containers and/or labels shall be designed to provide the necessary information about the appropriate use of the products, and in such a way as not to discourage breastfeeding.
- (b) Each container shall have a clear, conspicuous and easily readable and understandable message in Pilipino or English printed on it, or on a label, which message cannot readily become separated from it, and which shall include the following points:
 - (i.) the words "Important Notice" or their equivalent;
 - (ii.) a statement of the superiority of breastfeeding;
 - (iii.) a statement that the product shall be used only on the advice of a health worker as to the need for its use and the proper methods of use; and
 - (iv.) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation.
- (c) Neither the container nor the label shall have pictures or texts which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product and for illustrating methods of preparation.
- (d) The term "humanized", "maternalized" or similar terms shall not be used.
- (e) Food products within the scope of this EO marketed for infant feeding, which do not meet all the requirements of an infant formula but which can be modified to do so, shall carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant.
- (f) The labels of food products within the scope of this EO shall, in addition to the requirements in the preceding paragraphs, conform with the rules and regulations of the Bureau of Food and Drugs.

SECTION 11. Quality.

- (a) The quality of products is an essential element for the protection of the health of infants, and therefore shall be of high recognized standard.
- (b) Food products within the scope of this EO shall, when sold or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.
- (c) To prevent quality deterioration, adulteration or contamination of food products within the scope of this EO, distribution outlets, including the smallest sari-sari store, shall not be allowed to open cans and boxes for the purpose of retailing them by the cup, bag or in any other form.

SECTION 12. Implementation and Monitoring

- (a) For purposes of Section 6 (a) of this EO, an inter-agency committee composed of the following members is hereby created:

Chairman	HON. VERGEL C. MENESES Municipal Mayor
Vice-Chairman	HON. MARILYN F. SAN PEDRO Committee on Health and Nutrition and Population DR. REYNALDO P. GLORIA Municipal Administrator
Members	MS. MA. VICTORIA MORELOS Municipal Social Welfare and Development Officer DR. MA. ELISA VILLANUEVA Municipal Health Office
Secretariat	MRS. MA. ROSALIE SALITA Municipal Nutrition and Population Officer MS. KALRA JESUSA LUCAS Municipal Population Program Worker

The members may designate their duly authorized representative to every meeting of the Committee.

The Committee shall have the following powers and functions:

- (1) To review and examine all advertising, promotion or other marketing materials, whether written, audio or visual, on products within the scope of this EO;
 - (2) To approve or disapprove, delete objectionable portions from and prohibit the printing, publication, distribution, exhibition and broadcast of, all advertising promotion or other marketing materials, whether written, audio or visual, on products within the scope of this EO;
 - (3) To prescribe the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities; and
 - (4) To promulgate such rules and regulations as are necessary or proper for the implementation of Section 6(a) of this EO.
- (a) The RHU shall be principally responsible for the implementation and enforcement of the provisions of this EO. For this purpose, the RHU shall have the following powers and functions:
- (1) To promulgate such rules and regulations as are necessary or proper for the implementation of this EO and the accomplishment of its purposes and objectives.
 - (2) To call the assistance of government agencies and the private sector to ensure the implementation and enforcement of, and strict compliance with, the provisions of this EO and the rules and regulations promulgated in accordance herewith.
 - (3) To cause the prosecution of the violators of this EO and other pertinent laws on products covered by this EO.
 - (4) To exercise such other powers and functions as may be necessary for or incidental to the attainment of the purposes and objectives of this EO.

SECTION 13. Penalty Clause. All penalties and section are based on the national law and approved Municipal Ordinances.

SECTION 14. Repealing Clause. All laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 15. Separability Clause. The provisions of this Executive Order are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

SECTION 16. Effectivity. This Executive Order shall take effect upon signing.

Done in the Municipality of Bulakan, this 5th day of August, 2019.


VERGEL C. MENESES
Municipal Mayor