ANNEX 1


Introduction

The number of infants born with HIV infection is growing every day. The AIDS pandemic represents a tragic setback in the progress made on child welfare and survival.

Given the vital importance of breast milk and breastfeeding for child health, the increasing prevalence of HIV infection around the world, and the evidence of a risk of HIV transmission through breastfeeding, it is now crucial that policies be developed on HIV infection and infant feeding.

The following statement provides policy-makers with a number of key elements for the formulation of such policies.

The human rights perspective

All women and men, irrespective of their HIV status, have the right to determine the course of their reproductive life and health, and to have access to information and services that allow them to protect their own and their family's health. Where the welfare of children is concerned, decisions should be made that are in keeping with children's best interests.

These principles are derived from international human rights instruments, including the Universal Declaration of Human Rights (1948), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), and the Convention on the Rights of the Child (1989), and they are consistent with the Cairo Declaration (1994) and the Beijing Platform for Action (1995).
Preventing HIV infection in women

The vast majority of HIV-infected children have been infected through their mothers, most of whom have been infected through unprotected heterosexual intercourse. High priority therefore, now and in the long term, should be given to policies and programmes aimed at reducing women's vulnerability to HIV infection, especially their social and economic vulnerability —through improving their status in society. Immediate practical measures should include ensuring access to information about HIV/AIDS and its prevention, promotion of safer sex including the use of condoms, and adequate treatment of sexually transmitted diseases which significantly increase the risk of HIV transmission.

The health of mothers and children

Overall, breastfeeding provides substantial benefits to both children and mothers. It significantly improves child survival by protecting against diarrhoeal diseases, pneumonia and other potentially fatal infections, while it enhances quality of life through its nutritional and psychosocial benefits. In contrast, artificial feeding increases risks to child health and contributes to child mortality. Breastfeeding contributes to maternal health in various ways including prolonging the interval between births, and helping to protect against ovarian and breast cancers.

However, there is evidence that HIV —the virus that causes AIDS— can be transmitted through breastfeeding. Various studies conducted to date indicate that between one-quarter and one-third of infants born worldwide to women infected with HIV become infected with the virus themselves. While in most cases transmission occurs during late pregnancy and delivery, preliminary studies indicate that more than one-third of these infected infants are infected through breastfeeding. These studies suggest an average risk for HIV transmission through breastfeeding of one in seven children born to, and breastfed by, a woman living with HIV (i.e. infected with HIV). Additional data are needed to identify precisely the timing of transmission through breastfeeding (in order to provide mothers living with HIV with better information about the risks and benefits of early weaning), to quantify the risk attributable to breastfeeding, and to determine the associated risk factors. Studies are also needed to access other interventions for reducing mother-to-child transmission of HIV infection.

Elements for establishing a policy on HIV and infant feeding

1. Supporting breastfeeding

As a general principle, in all populations, irrespective of HIV infection rates, breastfeeding should continue to be protected, promoted and supported.

2. Improving access to HIV: counselling and testing
Access to voluntary and confidential HIV counselling and testing should be facilitated for women and men of reproductive age, in part by ensuring a supportive environment that encourages individuals to be informed and counselled about their HIV status rather than one that discourages them out of fear of discrimination or stigmatization.

As part of the counselling process, women and men of reproductive age should be informed of the implications of their HIV status for the health and welfare of their children. Counselling for women who are aware of their HIV status should include the best available information on the benefits of breastfeeding, on the risk of HIV transmission through breastfeeding, and on the risks and possible advantages associated with other methods of infant feeding.

3. Ensuring informed choice

Because both parents have a responsibility for the health and welfare of their children, and because the infant feeding method chosen has health and financial implications for the entire family, mothers and fathers should be encouraged to reach a decision together on this matter. However, it is mothers who are in the best position to decide whether to breastfeed, particularly when they alone may know their HIV status and wish to exercise their right to keep that information confidential. It is therefore important that women be empowered to make fully informed decisions about infant feeding, and that they be suitably supported in carrying them out. This should include efforts to promote a hygienic environment, essentially clean water and sanitation, that will minimize health risks when a breast-milk substitute is used. When children born to women living with HIV can be ensured uninterrupted access to nutritionally adequate breast-milk substitutes that are safely prepared and fed to them, they are at less risk of illness and death if they are not breast-fed. However, when these conditions are not fulfilled, in particular in an environment where infectious diseases and malnutrition are the primary causes of death during infancy, artificial feeding substantially increases children's risk of illness and death.

4. Preventing commercial pressures for artificial feeding

Manufacturers and distributors of products which fall within the scope of the International Code of Marketing of Breast-milk Substitutes (1981) should be reminded of their responsibilities under the Code and continue to take the necessary action to ensure that their conduct at every level conforms to the principles and aim of the Code.

ANNEX 2

*International Code of Marketing of Breast-milk Substitutes*

Preamble

The Member States of the World Health Organization:
AFFIRMING the right of every child and every lactating woman to be adequately nourished as a means of attaining and maintaining health;

RECOGNIZING that infant malnutrition is part of the wider problems of lack of education, poverty and social injustice;

RECOGNIZING that the health of infants and young children cannot be isolated from the health and nutrition of women, their socio-economic status and their roles as mothers;

CONSCIOUS that breastfeeding is an unequalled way of providing ideal food, for the healthy growth and development of infants; that it forms a unique, biological and emotional basis for the health of both mother and child; that the anti-infective properties of breast milk, help to protect infants against disease; and that there is an important relationship between breastfeeding and child-spacing;

RECOGNIZING that the encouragement and protection of breastfeeding is an important part of the health, nutrition and other social measures required to promote healthy growth and development of infants and young children; and that breastfeeding is an important aspect of primary health care;

CONSIDERING that when mothers do not breastfeed, or only do so partially, there is a legitimate market, for infant formula and for suitable ingredients from which to prepare it; that all these products should accordingly be made accessible to those who need them, through commercial or non-commercial distribution systems; and that they should not be marketed or distributed in ways that interfere with the protection and promotion of breastfeeding;

RECOGNIZING further that inappropriate infant feeding practices, lead to infant malnutrition, morbidity and mortality in all countries, and that improper practices in the marketing of breast-milk substitutes and related products, can contribute to these major public health problems;

CONVINCED that it is important, for infants to receive appropriate complementary foods, usually when the infant reaches four to six months of age, and that every effort should be made to use locally, available foods; and convinced, nevertheless, that such complementary foods should not be used as breast-milk substitutes;

APPRECIATING that there are a number of social and economic factors, affecting breastfeeding, and that, accordingly, governments should develop social support systems, to protect, facilitate and encourage it, and that they should create an environment that fosters breastfeeding, provides appropriate family and community support, and protects mothers, from factors that inhibit breastfeeding;

AFFIRMING that health care systems, and the health professionals and other health workers serving in them, have an essential role, to play in guiding infant feeding practices, encouraging and facilitating breastfeeding, and providing objective and consistent advice, to mothers and families about the superior value of breastfeeding, or, where needed, on the proper use of infant formula, whether manufactured industrially or home-prepared;
AFFIRMING further that educational systems and other social services should be involved in the protection and promotion of breastfeeding, and in the appropriate use of complementary foods;

AWARE that families, communities, women's organizations and other non-governmental organizations have a special role to play in the protection and promotion of breastfeeding and in ensuring the support needed by pregnant women and mothers of infants and young children, whether breastfeeding or not;

AFFIRMING the need for governments, organizations of the United Nations system, non-governmental organizations, experts in various related disciplines, consumer groups and industry to cooperate in activities aimed at the improvement of maternal, infant and young child health and nutrition;

RECOGNIZING that governments should undertake a variety of health, nutrition and other social measures to promote healthy growth and development of infants and young children, and that this Code concerns only one aspect of these measures;

CONSIDERING that manufacturers and distributors of breast-milk substitutes have an important and constructive role to play in relation to breast feeding, and in the promotion of the aim of this Code and its proper implementation;

AFFIRMING that governments are called upon to take action appropriate to their social and legislative framework and their overall development objectives to give effect to the principles and aim of this Code, including the enactment of legislation, regulations or other suitable measures;

BELIEVING that, in the light of the foregoing considerations, and in view of the vulnerability of infants in the early months of life and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of breast-milk substitutes, the marketing of breast-milk substitutes requires special treatment, which makes usual marketing practices unsuitable, for these products;

THEREFORE:

The Member States hereby agree the following articles which are recommended as a basis for action.

**Article 1: Aim of the Code**

The aim of this Code 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 breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

**Article 2: Scope of the Code**

The Code applies to the marketing, and practices related thereto, of the following products: breast-milk 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 breast milk; feeding bottles, and teats. It also applies to their quality and availability, and to information concerning their use.

**Article 3: Definitions**

For the purposes of this Code:

**Breast-milk substitute** means any food being marketed or otherwise represented as a partial or total replacement for breast milk, whether or not suitable for that purpose.

**Complementary food** means any food, whether manufactured or locally prepared, suitable as a complement to breast milk 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 "breast-milk supplement".

**Container** means any form of packaging of products for sale as a normal retail unit, including wrappers.

**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 Code. A "primary distributor" is a manufacturer's sales agent, representative, national distributor or broker.

**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 purposes of this Code, the health care system does not include pharmacies or other established sales outlets.

**Health worker** means a person working in a component of such a health care system, whether professional or non-professional, including voluntary, unpaid workers.

**Infant formula** means a breast-milk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to between four and 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".

**Label** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container (see above) of any products within the scope of this Code.

**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 through an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.
**Marketing** means product promotion, distribution, selling, advertising, product public relations, and information services.

**Marketing personnel** means any persons whose functions involve the marketing of a product or products coming within the scope of this Code.

**Samples** means single or small quantities of a product provided without cost.

**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.

**Article 4: Information and education**

4.1 Governments should have the responsibility to ensure that objective and consistent information, is provided on infant and young child feeding for use by families and those involved in the field of infant and young child nutrition. This responsibility should cover either the planning, provision, design and dissemination of information or their control.

4.2 Informational and educational materials, whether written, audio or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants and young children, should 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 should 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 breast-milk substitutes. Such materials should not use any pictures or text which may idealize, the use of breast-milk substitutes.

4.3 Donations of informational or educational equipment or materials by manufacturers or distributors should be made only at the request and with the written approval, of the appropriate government authority or within guidelines given by governments for this purpose. Such equipment or materials may bear the donating company's name or logo, but should not refer to a proprietary product that is within the scope of this Code, and should be distributed only through the health care system.

**Article 5: The general public and mothers**
5.1 There should be no advertising or other form of promotion to the general public of products within the scope of this Code.

5.2 Manufacturers and distributors should not provide, directly or indirectly, to pregnant women, mothers or members of their families, samples of products within the scope of this Code.

5.3 In conformity with paragraphs 1 and 2 of this Article, there should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales, for products within the scope of this Code. This provision should not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.

5.4 Manufacturers and distributors should not distribute, to pregnant women or mothers of infants and young children any gifts of articles or utensils which may promote the use of breast-milk substitutes or bottle-feeding.

5.5 Marketing personnel, in their business capacity, should not seek direct or indirect contact, of any kind with pregnant women or with mothers, of infants and young children.

**Article 6: Health care systems**

6.1 The health authorities in Member States should take appropriate measures to encourage and protect breastfeeding and promote the principles of this Code, and should give appropriate information and advice to health workers, in regard to their responsibilities, including the information specified in Article 4.2.

6.2 No facility of a health care system should be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in

6.3 Facilities of health care systems should not be used for the display of products, within the scope of this Code, for placards or posters, concerning such products, or for the distribution of material, provided by a manufacturer or distributor other than that specified in Article 4.3.

6.4 The use by the health care system of "professional service representatives", "mothercraft nurses" or similar personnel, provided or paid for by manufacturers or distributors, should not be permitted.

6.5 Feeding with infant formula, whether manufactured or home-prepared, should be demonstrated only by health workers, or other community workers if necessary; and only to the mothers or family members who need to use it; and the information given should include a clear explanation of the hazards of improper use.

6.6 Donations or low-price sales to institutions or organizations of supplies of infant formula or other products within the scope of this Code, whether for use in the
institution or for distribution outside them, may be made. Such supplies should only be used or distributed for infants who have to be fed on breast-milk substitutes. If these supplies are distributed for use outside the institutions, this should be done only by the institutions or organizations concerned. Such donations or low-priced sales should not be used by manufacturers or distributors as a sales inducement.

6.7 Where donated supplies of infant formula or other products within the scope of this Code are distributed outside an institution, the institution or organization should take steps to ensure that supplies can be continued as long as the infants concerned need them. Donors, as well as institutions or organizations concerned, should bear in mind this responsibility.

6.8 Equipment and materials, in addition to those referred to in Article 4.3, donated to a health care system may bear a company's name or logo, but should not refer to any proprietary product, within the scope of this Code.

**Article 7: Health workers**

7.1 Health workers should encourage and protect breastfeeding; and those who are concerned in particular with maternal and infant nutrition should make themselves familiar with their responsibilities under this Code, including the information specified in Article 4.2.

7.2 Information provided, by manufacturers and distributors to health professionals, regarding products within the scope of this Code should be restricted to scientific and factual matters, and such information should not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding. It should also include the information specified in Article 4.2.

7.3 No financial or material inducements, to promote products within the scope of this Code should be offered by manufacturers or distributors to health workers or members of their families, nor should these be accepted by health workers or members of their families.

7.4 Samples, of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, should not be provided to health workers except when necessary for the purpose of professional evaluation or research, at the institutional level. Health workers should not give samples, of infant formula to pregnant women, mothers of infants and young children, or members of their families.

7.5 Manufacturers and distributors of products within the scope of this Code should disclose, to the institution to which a recipient health worker is affiliated any contribution, made to him or on his behalf for fellowships, study tours, research grants, attendance at professional conferences, or the like. Similar disclosures should be made by the recipient.

**Article 8: Persons employed by manufacturers and distributors**

8.1 In systems of sales incentives for sales personnel, the volume of sales, of products within the scope of this Code should not be included in the calculation of bonuses, nor
should quotas be set specifically for sales, of these products. This should not be understood to prevent the payment of bonuses based on the overall sales by a company of other products marketed by it.

8.2 Personnel employed in marketing, products within the scope of this Code should not, as part of their job responsibilities, perform education functions in relation to pregnant women or mothers of infant and young children. This should not be understood as preventing such personnel from being used for other functions by the health care system at the request and with the written approval of the appropriate authority of the government concerned.

*Article 9: Labelling*

9.1 Labels should be designed to provide the necessary information about the appropriate use of the product, and so as not to discourage breastfeeding.

9.2 Manufacturers and distributors of infant formula should ensure that each container has a clear, conspicuous, and easily readable and understandable message, printed on it, or on a label which cannot readily become separated from it, in an appropriate language, which includes all the following points:

   a) the words "Important Notice" or their equivalent;

   b) a statement of the superiority of breastfeeding;

   c) a statement that the product should be used only on the advice of a health worker as to the need for its use and the proper method of use;

   d) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation.

Neither the container nor the label should have pictures of infants, nor, should they have other pictures or text which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product as a breast-milk substitute and for illustrating methods of preparation. The terms "humanized", "maternalized" or similar terms should not be used. Inserts giving additional information about the product and its proper use, subject to the above conditions, may be included in the package or retail unit. When labels give instructions for modifying a product into infant formula, the above should apply.

9.3 Food products, within the scope of this Code, marketed for infant feeding, which do not meet all the requirements of an infant formula, but which can be modified to do so, should carry on the label a warning, that the unmodified product should not be the sole source of nourishment of an infant. Since sweetened condensed milk is not suitable for infant feeding, nor for use as a main ingredient of infant formula, its label should not contain purported instructions on how to modify it for that purpose.

9.4 The label of food products within the scope of this Code should also state all the following points:
a) the ingredients used;

b) the composition/analysis of the product;

c) the storage conditions required; and

d) the batch number, and the date before which the product is to be consumed, taking into account the climatic and storage conditions of the country concerned.

**Article 10: Quality**

10.1 The quality of products is an essential element for the protection of the health of infants and therefore should be of a high recognized standard.

10.2 Food products within the scope of this Code should, 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.

**Article 11: Implementation and monitoring**

11.1 Governments should take action, to give effect to the principles and aim of this Code, as appropriate to their social and legislative framework, including the adoption of national legislation, regulations or other suitable measures. For this purpose, governments should seek, when necessary, the cooperation of WHO, UNICEF and other agencies of the United Nations system. National policies and measures, including laws and regulations, which are adopted to give effect to the principles and aim of this Code should be publicly stated, and should apply on the same basis to all those involved in the manufacture and marketing of products within the scope of this Code.

11.2 Monitoring the application of this Code lies with governments, acting individually, and collectively through the World Health Organization as provided in paragraphs 6 and 7 of this Article. The manufacturers and distributors, of products within the scope of this Code, and appropriate non-governmental organizations, professional groups, and consumer organizations should collaborate with governments to this end.

11.3 Independently of any other measures taken for implementation of this Code, manufacturers and distributors, of products within the scope of this Code should regard themselves as responsible for monitoring their marketing practices, according to the principles and aim of this Code, and for taking steps to ensure that their conduct at every level conforms to them.

11.4 Non-governmental organizations, professional groups, institutions and individuals concerned should have the responsibility of drawing the attention of manufacturers or distributors to activities which are incompatible, with the principles and aim of this Code, so that appropriate action can be taken. The appropriate governmental authority should also be informed.
11.5 Manufacturers and primary distributors of products within the scope of this Code should apprise each member of their marketing personnel of the Code and of their responsibilities under it.

11.6 In accordance with Article 62 of the Constitution of the World Health Organization, Member States shall communicate annually to the Director-General information on action taken, to give effect to the principles and aim of this Code.

11.7 The Director-General shall report in even years to the World Health Assembly on the status of implementation of the Code; and shall, on request, provide technical support to Member States preparing national legislation or regulations, or taking other appropriate measures in implementation and furtherance of the principles and aim of this Code.