

NFG VIETNAM

Code of Marketing Practice for Breast Milk Substitutes

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I. Introduction

The Nutritional Foods Group (“NFG”), a sector Committee under Eurocham, was established to promote science-based nutrition and to promote a high standard of quality acceptable to the government, medical and allied professions for its members’ products related to pediatric nutrition. In addition, the NFG encourages the self-regulation and compliance among its members.

This Code of Marketing Practice for Breast Milk Substitutes (“Code”) should serve as evidence of the commitment of NFG members to upholding and abiding by Vietnamese and international laws and regulations related to the marketing of infant nutrition, including but not limited to, the WHO Code, Decree 21/2006 and the Joint Implementing Circular. NFG thereby demonstrates its desire to work in partnership with all stakeholders and partners in achieving its goals of improved health and well being for all Vietnamese.

II. Key principles of the Code

The NFG voluntary Code applies to the marketing of any milk & food products for infants up to the age of 6 months and any milk products for infants up to the age of 12 months (“Breast milk substitutes”).

The NFG members agreed that the following key principles will be applied for the marketing of breast milk substitutes:

- NFG members encourages and supports breastfeeding as the best choice for babies;
- NFG members should not advertise or promote breast milk substitutes to consumers;

- NFG members should not either directly or indirectly contact with mothers, pregnant women or family members for the purpose of selling or promoting breast milk substitutes;
- NFG members should not, directly or indirectly, distribute free of charge samples of breast milk substitutes to pregnant women, mothers of infants, their families, health care professionals (“HCPs”) and health care institutions. However, this does not prevent the providing of samples to the health sector for the purpose of professional research based on approved protocol by authorities to improve the science-based nutrition of Vietnamese;
- NFG members should not give financial or material incentives/gift/donation to HCPs for the purpose of selling or promoting breast milk substitutes;
- NFG members should provide scientific and factual information on nutrition of infant and young child to HCPs.

Code of Marketing Practice for Breast Milk Substitutes

Article 1: Aim of the Code

The aim of the 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 it is necessary*, on the basis of adequate information and appropriate marketing.

** Note: for the purposes of this Article, ‘necessary’ includes mothers or carers who make the informed decision to provide breast milk substitutes to their infants.*

Article 2: Application

This Code applies to the marketing activities in member companies of NFG. In the event of any conflict between any of the provisions in this Code and the with laws and

regulations issued by the competent Vietnamese authorities, laws and regulations shall prevail to the extent of such conflict.

Any provision of the Code which is held by law to be illegal, void, or unenforceable, in whole or in part, shall to such extent be severed from and be deemed not to form part of the Code, but the validity and enforceability of the remainder of the Code shall not be affected or invalidated, and shall continue in force to the fullest extent permitted under applicable law.

Article 3: Definitions

For the purpose of this Code, the below terms should have meaning as follows:

<i>Advertising</i>	Introduction of breast milk substitutes to consumer in any form for marketing purpose. However, price information at point of sale, composition and usage information for consumers and HCPs, other information published by or under the control of Vietnamese authorities are excluded from this definition.
<i>Breast milk substitutes</i>	Any milk & food products for infants up to the age of 6 months and any milk products for infants up to the age of 12 months
<i>Health care institution</i>	Public or private institution engaged directly/indirectly in health care for mothers, infants & pregnant women; nurseries or child-care institutions. For the purpose of this Code, health care institution including hospital, medical examination institution, general clinic, specialized clinic, family doctor, traditional medicine clinic, delivery house, diagnostic institution, medical service institution, medical station at commune level and equivalent. Pharmacies or other established sales outlets are excluded from health care institution.
<i>Health Care Professional</i>	Personnel of health care institution engaged, directly or indirectly, in health care for mothers, infants and pregnant

	women and nurseries institutions. It includes doctor, intermediate-level physician, convalescence worker and midwives. HCP in private practice is also included.
<i>Infant</i>	A person under the age of 12 months
<i>Marketing</i>	Activities to promote the sales of product or service, including product promotion, distribution, selling, advertising, displaying, exhibition, trade fair, product public relations and information services for breast milk substitutes
<i>Marketer</i>	A person, corporation or any other entity engaged in the business of distributing and marketing breast milk substitutes to wholesale or retail level, whether directly or through an agent.
<i>Sampling</i>	Giving a free or low price sample of breast milk substitutes to consumer for trial use

Article 4: Information and education

4.1 Any informational and educational material provided by the marketers to HCPs, whether written, audio or visual, dealing with the feeding of infants with breast milk substitutes, should have a statement on the benefits and superiority of breast feeding.

4.2 Marketers should provide scientific and usage information of breast milk substitutes to HCPs and should limit the number of copies of such materials to 3 copies /HCP/time to avoid the dissemination to consumers.

Article 5: Marketing and promotion to the general public

5.1 It is strictly forbidden to advertise and or promote breast milk substitutes.

5.2 NFG members will inform its distributors of the provisions of this Code. Retailer marketing and the in-store activities of breast milk substitutes should be limited to product name, new formula and new price. In case the new price is lower than the previous price, such new price should be kept unchanged for more than 120 days.

5.3 NFG members should not directly or indirectly distribute samples of breast milk substitutes to pregnant women, mothers of infants and their families.

5.4 Gifts of utensils or other articles that may discourage a mother from breastfeeding her infant should not be distributed to pregnant women, mothers of infants and caregivers of infants. Gift should not bear any name, logo, picture or any information relating to the breast milk substitutes and should not be cash, cash equivalent of more than 500,000 VND, including shopping voucher, spa voucher, meal voucher or similar activity.

5.5 NFG member's personnel should not seek any direct or indirect contact with pregnant women, parents of infants and young children for the purpose of marketing or promoting breast milk substitutes. This does not prevent person assigned by companies from responding to complaints or requests for additional information. For medical related requests, parents should be referred to a HCP.

5.6 Breast milk substitutes and usage information thereof published by or under the local control of NFG members through the electronic media can be accessible to consumers who 1) understand the superiority of breast milk and; 2) wish for further information, and such information should be restricted in the product label, recommended price and/or any MOH approved information. Promotional language must be avoided.

Article 6: Contact with the health care institution

6.1 NFG members should not conduct any activity at the health care institution for the purpose of promoting breast milk substitutes. This does not, however, preclude the dissemination of information to HCPs as provided in Article 6.2.

6.2 Scientific, factual and relevant information regarding breast milk substitutes should be supplied to the health care institution, provided that only appropriately trained personnel are used for this purpose and in accordance with the Article 4 herein.

6.3 The distribution or display of breast milk substitutes information and educational materials which meet the requirements of Article 4 of this Code may be allowed in the facilities of the health care institution, but this will be at the discretion of the health care institution concerned, whose agreement must be obtained.

6.4 The demonstration of the correct preparation, storage and use of breast milk substitutes to all consumers who need this should be the responsibility of HCPs. Any assistance for this purpose may be given by personnel of NFG members, if requested by and used under the supervision of the health care authorities.

6.5 Any donation to a health care institution of equipment and/or supplies should not be linked to the promotion or sale of breast milk substitutes. The donation of breast milk substitutes to charitable or humanitarian organization should only for the humanitarian purpose to feed abandoned babies, orphans or when breast-feeding is not possible due to serious medical reasons as stipulated by laws, provided that such charitable or humanitarian organization should be a legal entity licensed to do so.

6.6 NFG members should not directly or indirectly distribute sample of breast milk substitutes to health care institutions and HCPs. The sample to HCPs or scientific institutions for research (or evaluation purpose) is subject to an approved protocol by relevant authorities.

Article 7: Contact with HCPs

7.1 Information provided by marketers to HCPs regarding breast milk substitutes should be restricted to scientific and factual matters and such information should not imply or create a belief that formula feeding is superior to breastfeeding. Such information should include the terms and conditions specified in Article 4 of this Code.

7.2 No financial or material inducement to promote breast milk substitutes should be offered to HCPs or members of their families. However, gift of non-material benefit (no cash, no cash equivalent of more than 500,000 VND, including no shopping voucher,

spa voucher, meal voucher or similar) may be distributed to HCPs, provided further that gift types should be:

- for professional practice (e.g. pen, stethoscope, laser pointer ...)
- Suitable with local custom practice (e.g. fruit basket, tea, coffee, cakes/ moon cakes etc).
- No gift with sign that bear the name, logo or picture of breast milk substitutes.

Article 8: Labeling

8.1 Labeling of breast milk substitutes should comply with the requirements of the Vietnamese laws.

8.2 Labeling of breast milk substitutes should be designed to provide the necessary information about the appropriate use of the product and to conform to the provisions of Article 8, Decree 21/2006 of Vietnamese Government.

Article 9: Implementation

9.1 NFG members should be responsible for monitoring the provisions of this Code. NFG members should also inform and train their staff and agents of the provisions of the Code and of their responsibilities under it.

9.2 All persons concerned in member companies should cooperate with the NFG in order to ensure that the provisions of the NFG Code of Marketing Practice for Breast Milk Substitutes are applied as effectively as possible.

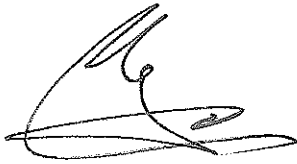
Article 10: Complaints Process

Any complaint about possible contraventions of this Code should follow the NFG Policy on Self-regulation dated March 6, 2009.

NFG Contact Details

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