



30 October 2012

Hon. ALFREDO D. MARAÑON III
Chairman
Committee on Health
House of Representatives
Batasan Pambansa Complex
Quezon City

Dear Congressman Maranon:

We are pleased to submit the Department's position on the draft substitute bill to House Bill Nos. 3527, 3537, 3525, and 3396, entitled,

"An Act

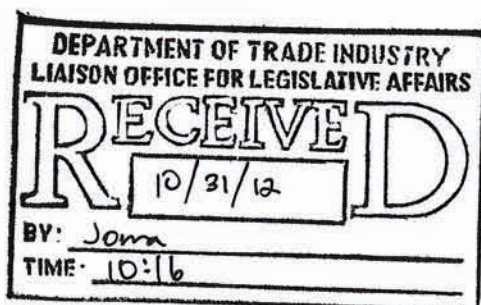
**Promoting a Comprehensive Program on Breastfeeding Practices and
Regulating the Trade, Marketing, and Promotion of Certain Foods for Infant
and Young Children."**

With my best regards.

Sincerely,

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for security reasons**

Gregory L. Domingo
Secretary



Enabling Business, Empowering Consumers

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DTI Position on Breastfeeding / Milk Code
(Draft Substitute Bill to House Bill Nos. 3527, 3537, 3525, and 3396)

An Act

**Promoting a Comprehensive Program on Breastfeeding Practices and
Regulating the Trade, Marketing, and Promotion of Certain Foods for Infant
and Young Children**

The Department is reiterating its support to the objective of the proposed measure to promote and support breastfeeding as the best means of providing safe and adequate nutrition for infants and young children, as well as to ensure the proper use of complementary foods and other related products.

While we agree to the superior benefits of breastfeeding to infants and young children, we are against the prohibition on the advertising, promotion, marketing and sponsorship of breastmilk substitutes or infant formula and other similar products. Such prohibition may result to infringement of the fundamental right of consumers, particularly lactating mothers, to information and freedom of choice.

Freedom of choice is a basic right, not just as being a consumer but as an individual. The Department closely adheres to the objective of the Consumer Act to "provide information and education to facilitate sound choice and the proper exercise of the rights of the consumer." While general studies show that breastmilk is better for most infants, there are some factual considerations that lactating mothers need to consider in providing breastmilk for their young. There are mothers that cannot produce sufficient breastmilk, or due to their work or some personal circumstances cannot readily perform breastfeeding. It is imperative, therefore, for these mothers to be properly presented with adequate and truthful information on alternative products based on quality, price and other relevant facts to help them make an informed choice.

Under the World Health Organization's (WHO) International Code of Marketing of Breast Milk Substitutes as well as the National Milk Code of 1986, promoting breastfeeding and ensuring proper use of breast milk substitutes through adequate information and appropriate marketing and distribution will help provide safe and adequate nutrition for infants.

At the same time, state policies must be liberalized to give industry players, local or foreign, the right to promote their products within the scope of the law. In its October 2007 decision on the constitutionality of the Revised Implementing Rules of Executive Order No. 51, otherwise known as the Milk Code, the Supreme Court declared the same prohibition on advertising and

marketing of breastmilk substitutes null and void being in contravention of the law. The Court pointed out that the national policy of protection, promotion, and support of breastfeeding cannot automatically be equated with a total ban on advertising for breastmilk substitutes.

Moreover, the benefits derived from the performance of the infant formula industry in terms of government revenues and employment opportunities cannot be overemphasized. The proposed restrictions may impact on the sector which employs a substantial number of Filipino workers.

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for security reasons**

*Office of Policy Research
30 October 2012*