



## Defend E.O. 51! Prevent Regressive Amendments to the Milk Code!

The Makabayan Coalition recognizes Executive Order 51, which adopts a *National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products*, as a milestone policy in promoting the wellbeing of infants. The National Milk Code (EO 51), which is a victory for child rights advocates and breastfeeding advocates, rightfully recognizes the responsibility of the state to promote breastfeeding as a significant measure in upholding children's rights to survival and development.

Amid increasing poverty and unemployment levels in the Philippines, breast milk is the cheapest, healthiest and safest food that poor mothers can offer their infants and young children. Breastfeeding is the most powerful weapon mothers can use in conditions of economic deprivation to continue feeding their infants, including at times of calamity or disasters.

It allows mothers to save at least P30,000 annually from having to buy infant formula.<sup>1</sup> It is convenient as it allows working mothers to save time from having to sterilize and wash bottles used in alternative feeding methods. It is so many times more hygienic for infants and young children coming from poor families, especially if access to clean and safe water is a problem.

Even among poor mothers, maternal nutritional status is indicated to affect breastfeeding only in cases of severe malnutrition. Studies showed that "poor rural women in the Philippines produced no less milk than their well-to-do urban counterparts," and that "they maintained milk production well beyond the first year of their young children's lives." Decreased breast milk secretion is associated more with the introduction of other foods into the infant's diet, as the practice causes the child to suckle less from the mother's breast.

Decreased exclusive breastfeeding for infants from birth to 6 months old as well as decreased practice of breastfeeding among young children has also been shown to cause a 10-fold increase in diarrheal mortality. Conversely, increased breastfeeding rate is directly correlated with decreased mortality rate among infants and young children.

The MAKABAYAN Coalition will therefore support any amendment to EO 51 or the National Milk Code that further strengthens the promotion of and support for breastfeeding as a right of women, especially the marginalized, to nourish their infants and young children. It will equally support policy initiatives that further promote the right of each infant and young child to receive the best nourishment that his/her mother can provide. In the same breath, it will oppose any legislative measure that undermines natural breastfeeding, in favor of the interest of big local and foreign multinationals that manufacture and market breastmilk substitutes or supplements.

To this end, MAKABAYAN values advances in the promotion of breastfeeding when the Revised Implementing Rules and Regulations of EO 51 were upheld to a large extent by the Supreme Court in 2007. The EO51 RIRR prohibited the marketing and promotion of breast milk substitutes for newborns and children up to three years of age. It further disallowed the promulgation of health and nutrition claims of breast milk substitutes, and required the labeling of containers of breast milk substitutes with a warning that inappropriate preparation and improper use may have health hazards. While still not as substantial as many advocates would want, penalties for violations to the Milk Code were likewise increased.

Such a strengthened implementation of EO51 following the Supreme Court ruling as well as increased education and advocacy on the benefits of breastfeeding (especially exclusive breastfeeding for infants from birth to 6 months) are cited as the main reasons behind substantial improvement in the exclusive breastfeeding rate. An FNRI report exhibited a rise in exclusive breastfeeding rates from 36 percent in 2008 to 47 percent in 2011. The initiation of breastfeeding within an hour of delivery also increased from 32 percent in 2008 to 52 percent in 2011.

***Now however, this triumph for children's rights to survival and development is under attack by multinational companies engaged in the manufacture and marketing of breastmilk substitutes and supplements.*** Strong lobbying by the much-organized and heavily-oiled milk and baby foods industry in the Philippines are about to succeed in reversing the gains for children's rights and welfare pushed by EO 51.

If the consolidated substitute bill for HBs 3525, 3527, 3396, 3537 is approved at committee level and passes 2<sup>nd</sup> and 3<sup>rd</sup> reading, the House of Representatives would have committed a major disservice to the future generations of Filipino infants and young children. As the legislative mill of the 15<sup>th</sup> Congress grinds to high gear for the remaining eleven months of the 3<sup>rd</sup> Regular Session, these multinationals are waiting in the wings for Congress to give them the go-ahead to gain bigger profits from a broadened market at the expense of the nutritional and health status of Filipino infants.

More concretely, if passed, the current amendments would:

1. Confine the regulatory and penal functions of the Milk Code to artificial feeding products for the age group of 0 to 6 months, providing the milk industry with 10001% headway in marketing breast milk substitutes to children from beyond 6 months to 36 months old;
2. Promote the misconception that the introduction of complementary foods for infants beyond six months would make continued breast feeding unnecessary;
3. Open the door wide for multinational industries manufacturing and marketing breast milk substitute to interfere in the government function of formulation a comprehensive program in the promotion of breastfeeding;
4. Make the seemingly innocuous act of donating powdered milk and other breast milk substitutes, whether under normal or emergency conditions, a powerful avenue for multinational companies to market and advertise their products, allowing them to skirt the prohibition against marketing breast milk substitutes for newborn infants to young children 36 months old;
5. Excuse employers from paying working mothers' lactation breaks (to breast feed or express breast milk);

6. Allow the multinational milk industry to unduly influence the public health care system via funded researches and publication of information and education materials, on the matter of breast feeding;
7. Insidiously allow samples of breastmilk substitutes to be distributed in the health care system and access to health workers, by sales and marketing staff of milk companies;
8. Remove the mandatory use of Filipino on packaging of breast milk substitutes to explain the superiority of breastfeeding for up to 2 years and beyond;
9. Allow representatives of multinational milk companies to sit in the InterAgency Committee which has substantive powers in the implementation of the Milk Code, among which are the sanctions to be levied against companies manufacturing and marketing breast milk substitutes for violations of the Milk Code; and
10. Lower the sanctions of individuals or representatives of companies that manufacture or market breast milk substitutes who are to be penalized under the bill.

It is only right for the Makabayan Coalition to actively participate in the House of Representatives deliberations to prevent this potential health disaster for infants and young children from happening, even as the baby food industry is salivating at the prospects of billions of dollars gained from the weakening of the Milk Code via the legislative mill. It is just for the Makabayan Coalition to call on its colleagues and allies in Congress as well as its equally esteemed counterparts at the Philippine Senate to be wary of this seemingly innocuous legislative proposal to amend EO 51.

The Makabayan Coalition calls on the membership base of its member party list groups, majority of whom are families from urban and rural poor communities, breastfeeding advocates, advocates of children's rights and the progressive people's movement, to ***protect our future, protect our children.***

All local and international stakeholders in the promotion of the rights and welfare of children need to work together to Defend EO51 and its Revised Implementing Rules and Regulations. This daunting task that pits child rights advocates against the might and money of multinational manufacturers of breastmilk substitutes and supplements cannot be done by the Makabayan Coalition alone. Together, we need to consolidate our ranks and gear up our education and advocacy capacities to fight for the best interest of the Filipino children.###

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<sup>1</sup> Association for the Rights of Children in Southeast Asia