

3 June 2012

President Benigno S. Aquino III  
Senate President, Juan Ponce Enrile  
Speaker of the House, Feliciano Belmonte Jr.  
Secretary of Health, Dr. Enrique T. Ona



Baby Milk Action is a non-profit organisation which aims to save lives and protect infant and young child health through independent controls on babyfood marketing.

We are a member of the International Baby Food Action Network (IBFAN), a network of over 200 citizens groups in more than 100 countries.

[www.babymilkaction.org](http://www.babymilkaction.org)

[www.ibfan.org](http://www.ibfan.org)

Your Excellency and Esteemed Sirs,

**Please oppose the baby food industry amendments to the RIRR and Milk Code**

I am writing to you on behalf of Baby Milk Action, a not-for-profit organisation in the UK, which aims to save lives and protect infant and young child health through independent controls on baby food marketing.

We were very pleased to see the action taken by the Philippines in introducing the *Revised Implementing Rules and Regulations* (RIRR) to Executive Order 51 (1986), known as the 'Milk Code'. The RIRR came into effect in 2007, following an unsuccessful challenge by baby milk manufacturers at the Philippines Supreme Court.

We are now alarmed to hear that the industry has not accepted this ruling, but is pressing for new legislation amending the Milk Code and the RIRR.

We wish to register our strong opposition to the so-called: '*Act Promoting a Comprehensive Program on Breastfeeding Practices and Regulating the Trade, Marketing and Promotion of Certain Foods for Infant and Children*'. Short title: '*The Breastfeeding and Milk Regulation Act*.'

The proposed legislation will open the floodgates to highly damaging promotion of breastmilk substitutes. It will allow companies to directly target women, disguised as 'education'. The only beneficiaries will be the baby milk companies. Irreparable damage will be caused to government efforts to reduce malnutrition and eliminate poverty.

The proposed act is backed by IPNAP, the Infant and Pediatric Nutrition Association of the Philippines, consisting of Nestlé, Mead Johnson, Abbott and Fonterra.

We support the mothers, civil society organisations, health worker bodies and international agencies in the Philippines that are opposing '*The Breastfeeding and Milk Regulation Act*'. We hope and expect policy makers will look to the public interest rather than business interests.

There is growing worldwide concern over the threat to the Milk Code and RIRR. Over 1,000 individuals from more than 40 countries have already signed a petition of solidarity with the people of the Philippines opposing the proposed legislation and calling on policy makers to protect mothers, babies and their families from the baby food industry (annexed). The petition continues to gain support.

The current Milk Code and RIRR are measures the Philippines can be proud of. They go some way towards protecting the rights of mothers to accurate, independent information on infant feeding in line with Article 24 of the *Convention on the Rights of the Child*. They are based on the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly, which aim to protect breastfeeding and to ensure breastmilk substitutes are used safely when necessary.

In line with the Code and Resolutions, the industry should be restricted to selling its products with appropriate labels and leave it to independent health workers to advise parents and carers. Companies can provide designated health workers with scientific and factual information about their products and nothing more.

The Code and Resolutions have been introduced in legislation in over 60 countries. The Philippines has played a leading role in this group, but this will come to a tragic end if *The Breastfeeding and Milk Regulation Act* is passed.

As the Supreme Court stated in its 2007 ruling upholding the RIRR and rejecting a challenge by the industry at that time:

*"The framers of the constitution were well aware that trade must be subjected to some form of regulation for the public good. Public interest must be upheld over business interests."*

Please be assured that you will have the support of many people and organisations around the world if you reject *The Breastfeeding and Milk Regulation Act* and uphold the public interest over business interests.

Yours sincerely,

[signed version sent by post]

Mike Brady  
Campaigns and Networking Coordinator  
Baby Milk Action

***Full title of the proposed legislation opposed by people and organisations inside and outside the Philippines:***

HOUSE BILL NO. \_\_\_\_\_  
(In substitution of HBs No. 3525, 3527, 3396, 3537)

Introduced by Reps : R. Rrodriguez, J. Lacson-Noel, M. Gunigundo, A. Bondoc, L. Mercado-Revilla and L. Torres

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AN ACT PROMOTING A COMPREHENSIVE PROGRAM ON BREASTFEEDING PRACTICES AND REGULATING THE TRADE, MARKETING AND PROMOTIONS OF CERTAIN FOODS FOR INFANTS AND CHILDREN

# **Petition of solidarity with the Philippines**

## **Protect mothers and babies in the Philippines from the baby food industry**

We, the undersigned, oppose plans in the Philippines, promoted by a baby food industry lobby, for new legislation amending the Executive Order 51 (1986) - known as the '*milk code*' - and its *Revised Implementing Rules and Regulations* (2007).

The industry wants to be allowed to advertise baby milks, to contact mothers for so-called educational purposes and to sponsor and train health workers. This is unacceptable and violates internationally agreed marketing standards.

The industry should be restricted to selling its products with appropriate labels and leave it to independent health workers to advise parents and carers. It should provide health workers with scientific and factual information about its products and nothing more.

According to the World Health Organisation 16,000 babies die every year in the Philippines due to inappropriate feeding. Companies make untrue claims implying that formula protects babies and boosts intelligence, while failing to provide adequate information on the risks to babies fed on formula or how to reduce the risks to babies who have to be fed on formula.

We call for the rights of mothers, babies and their families in the Philippines to be protected by strengthening the regulations, not weakening them. We call for legislators to fully implement the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant Resolutions of the World Health Assembly.

The proposed legislation passing through the legislature is being backed by IPNAP, the Infant and Pediatric Nutrition Association of the Philippines, consisting of Nestlé, Mead Johnson, Abbott and Fonterra.

We send a message of solidarity to the mothers, civil society organisations, health worker bodies and international agencies in the Philippines that are opposing the proposed industry legislation.

A film clip explaining more can be viewed at: <http://info.babymilkaction.org/philippines2012>

**1193 signatures from 41 countries as at 3 June 2012**

[http://www.avaaz.org/en/petition/  
Protect\\_mothers\\_and\\_babies\\_in\\_the\\_Philippines\\_from\\_the\\_baby\\_food\\_industry/](http://www.avaaz.org/en/petition/Protect_mothers_and_babies_in_the_Philippines_from_the_baby_food_industry/)