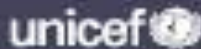
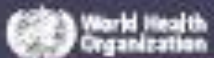


**Marketing of Breast-milk Substitutes:
National Implementation of
the International Code**

— STATUS REPORT 2020 —



IBFANA
enhancing health, nutrition and care

**Marketing of Breast-milk
Substitutes:
National Implementation of
the International Code**
— STATUS REPORT 2020 —

MALAWI



IBFAN



YEARS

PROTECTING BREASTFEEDING

1979 • 2019



IBFAN

protecting breastfeeding
International Baby Food Action Network

Objectives of the IBFAN Webinar in Malawi

To disseminate findings
of the 2020
WHO/UNICEF/IBFAN
Status Report on
National
Implementation of the
Code for Malawi –
SWOT Analysis

To present situational
analysis on nutrition
status for women and
<5 children (by Malawi)
– Role of BF in
addressing child
malnutrition

To explore key actions
on advocacy, technical
assistance, monitoring
and
enforcement, knowledg
e and skills building
including in the context
of COVID-19

Introduction:

Implementation of the International Code of Marketing of Breast-milk Substitutes and subsequent relevant WHA resolutions (the Code) through enactment and enforcement of robust national legal measures is essential to ensuring that parents and other caregivers are protected from inappropriate and misleading information.

Aim of the Code:

To contribute to the provision of safe & adequate nutrition for infants by protecting & promotion of breastfeeding and proper use of BMS when these are necessary, on the basis of adequate information and through appropriate marketing and distribution

LEGISLATIVE STATUS OF NATIONAL LAWS

Article 11.

IMPLEMENTATION AND MONITORING OF THE INTERNATIONAL CODE

Article 11.1 of the Code states that:

Governments SHOULD TAKE ACTIONS to give effects to the principles and aims of this Code, as appropriate to their social and legislative framework, including the adoption of national measures or other suitable measures

Methodology

Information Collected by WHO-UNICEF-IBFAN from regional/country offices



New or added Legal Measures adopted by countries since year 2018



A new scoring algorithm was used to classify countries' legislation



Documents were obtained through Ministries of Health and WHO-UNICEF-IBFAN



Documentation was also obtained from Lexis/Nexis and FAOLEX, national gazettes, internet search engines, and ICDC



Legal Measures for which documentation was available were analysed on scope and content by using expanded and std checklist of code provisions



National Legal measures were scored in terms of how well they reflect the recommendations from the code (incl. WHA 69.9)



The provisions were broken down into seven (7) groups, and allocated specific number of points that all add up to 100

Classification of Legislation (NLM) – Color-Coding:

Substantially aligned with the Code: countries have enacted legislation or adopted regulations, decrees or other legally binding measures encompassing a significant set of provisions of the Code **(score of 75 - 100)**;

Moderately aligned with the Code: countries have enacted legislation or adopted regulations, decrees or other legally binding measures encompassing a majority of provisions of the Code **(score of 50 - < 75)**;

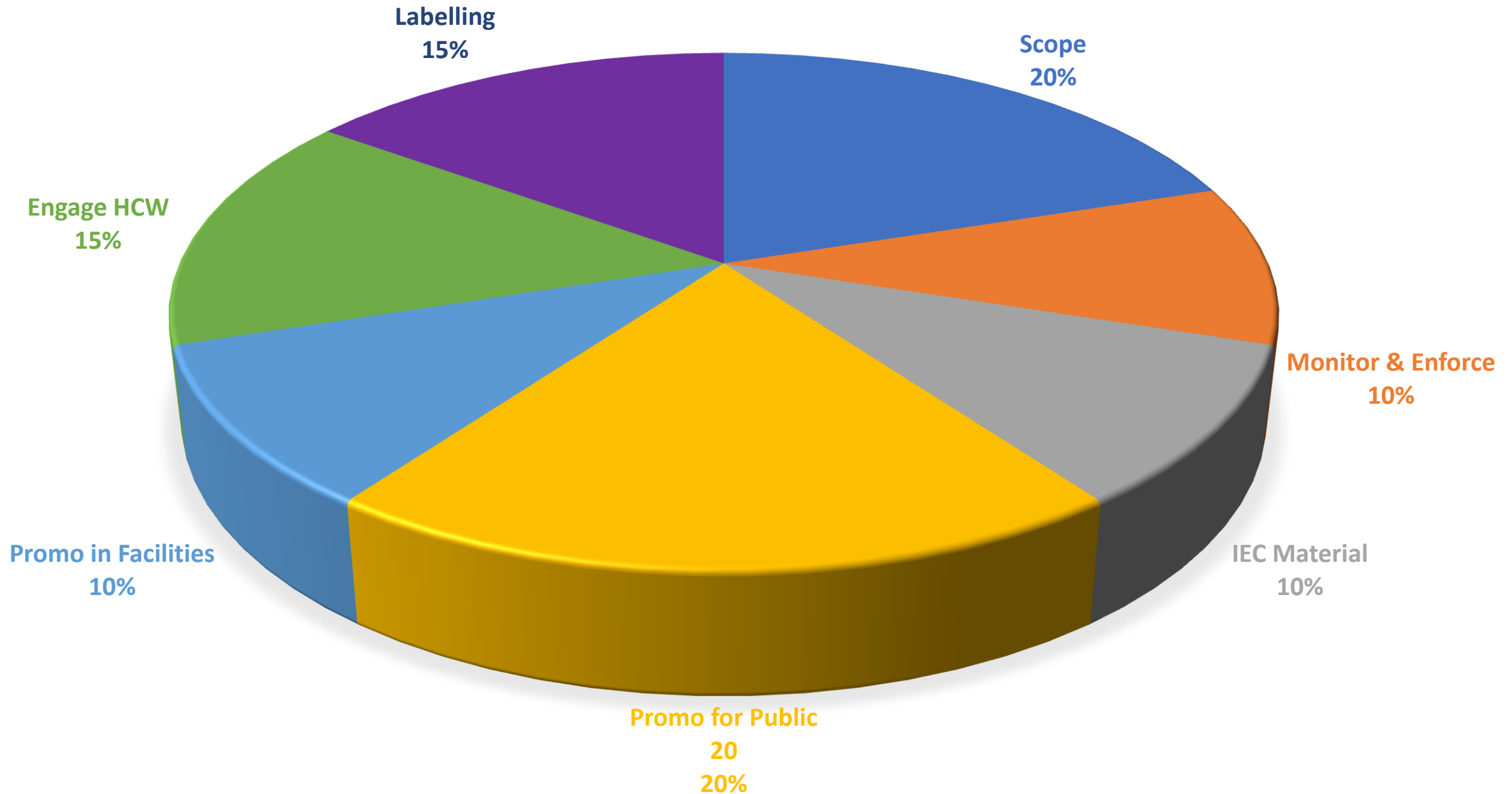
Some provisions of the Code included: countries have enacted legislation or adopted regulations, decrees or other legally binding measures covering less than half of the provisions of the Code **(score of < 50)**;

No legal measures: countries have taken no action or have implemented the Code only through voluntary agreements or other non-legal measures (includes countries that have drafted legislation but not enacted it).

Seven Categories of National Legal Measures (NLM)



Weightings of the National Legal Measures Categories



Legal Status of Code, enacted in 194 countries:

As of April 2020, A total of 136 (70%) of 194 countries have adopted legal measures to implement the Code.

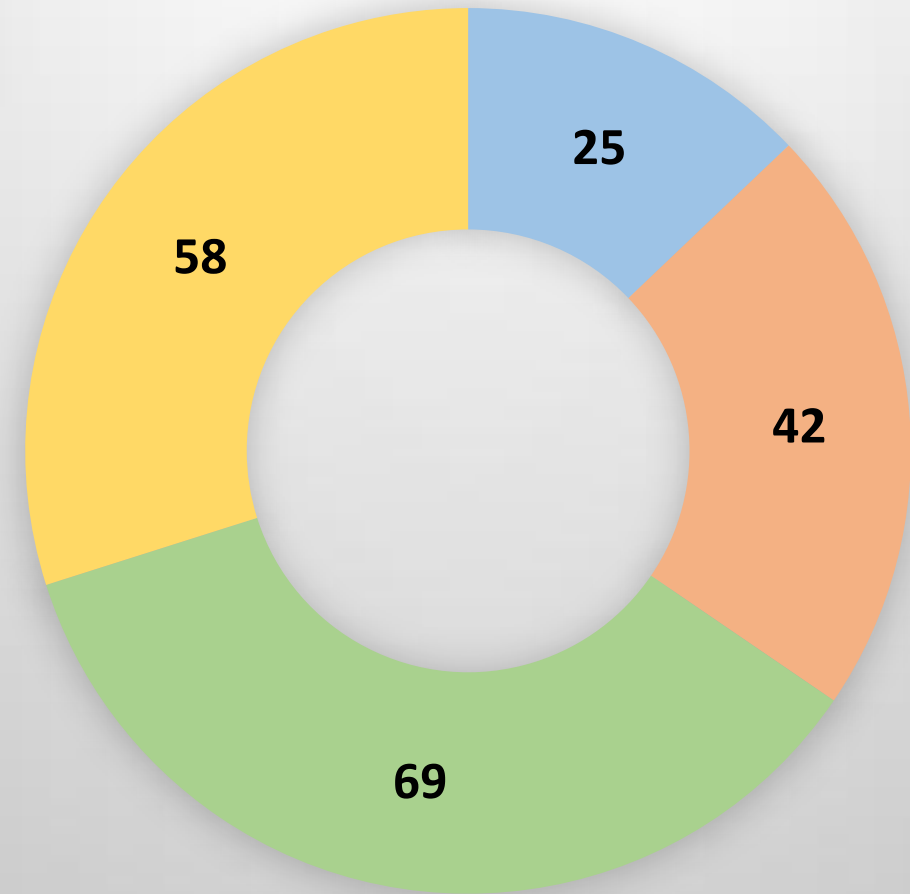
- **25 countries** have measures in place that are substantially aligned with the Code;

- **42 countries** have measures that are moderately aligned with the Code;
Malawi is among the 42 Countries

- **69 countries** have included some provisions of the Code;

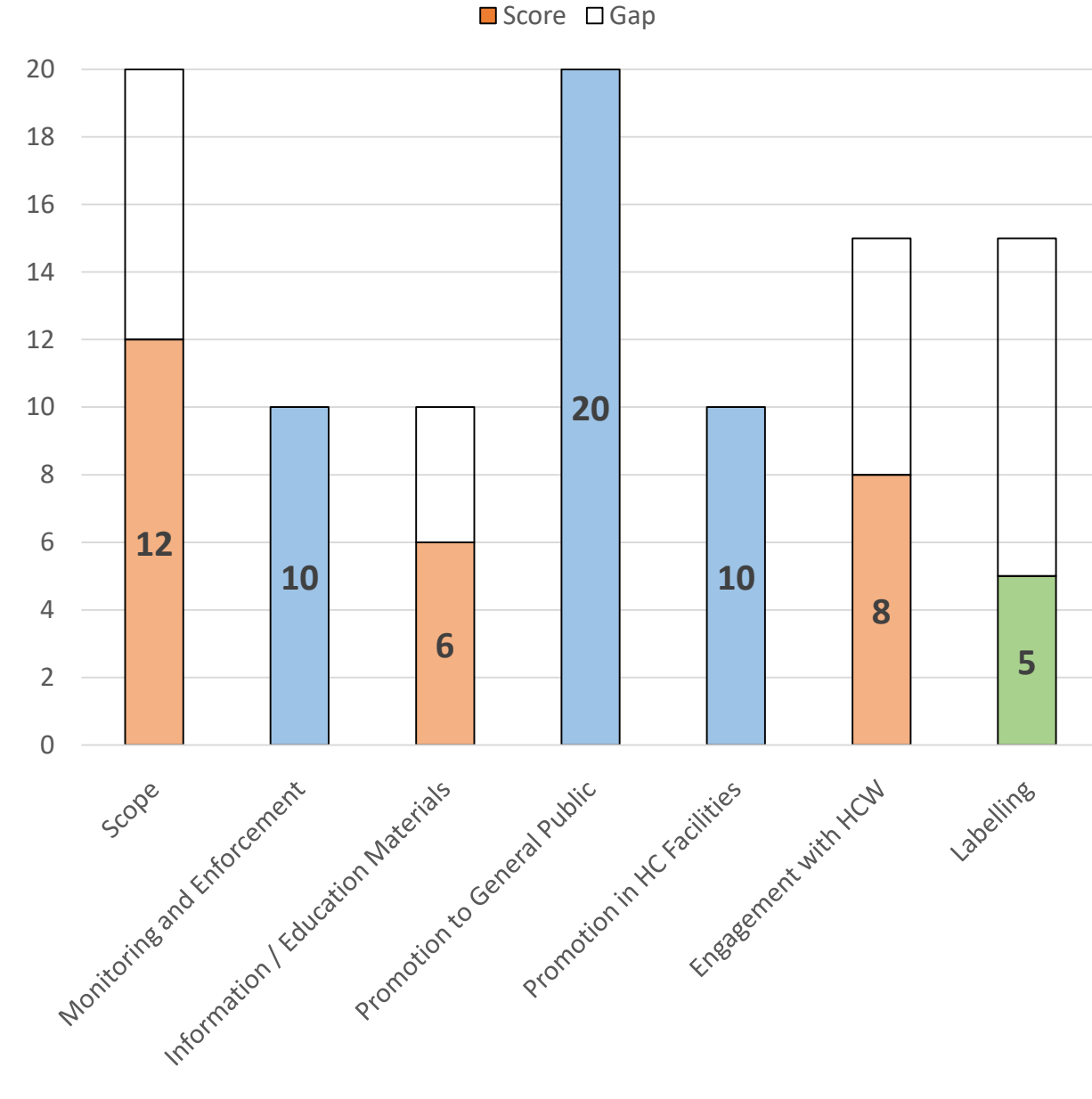
- **58 countries** have no legal measures at all

Legal Measures aligned with the Code

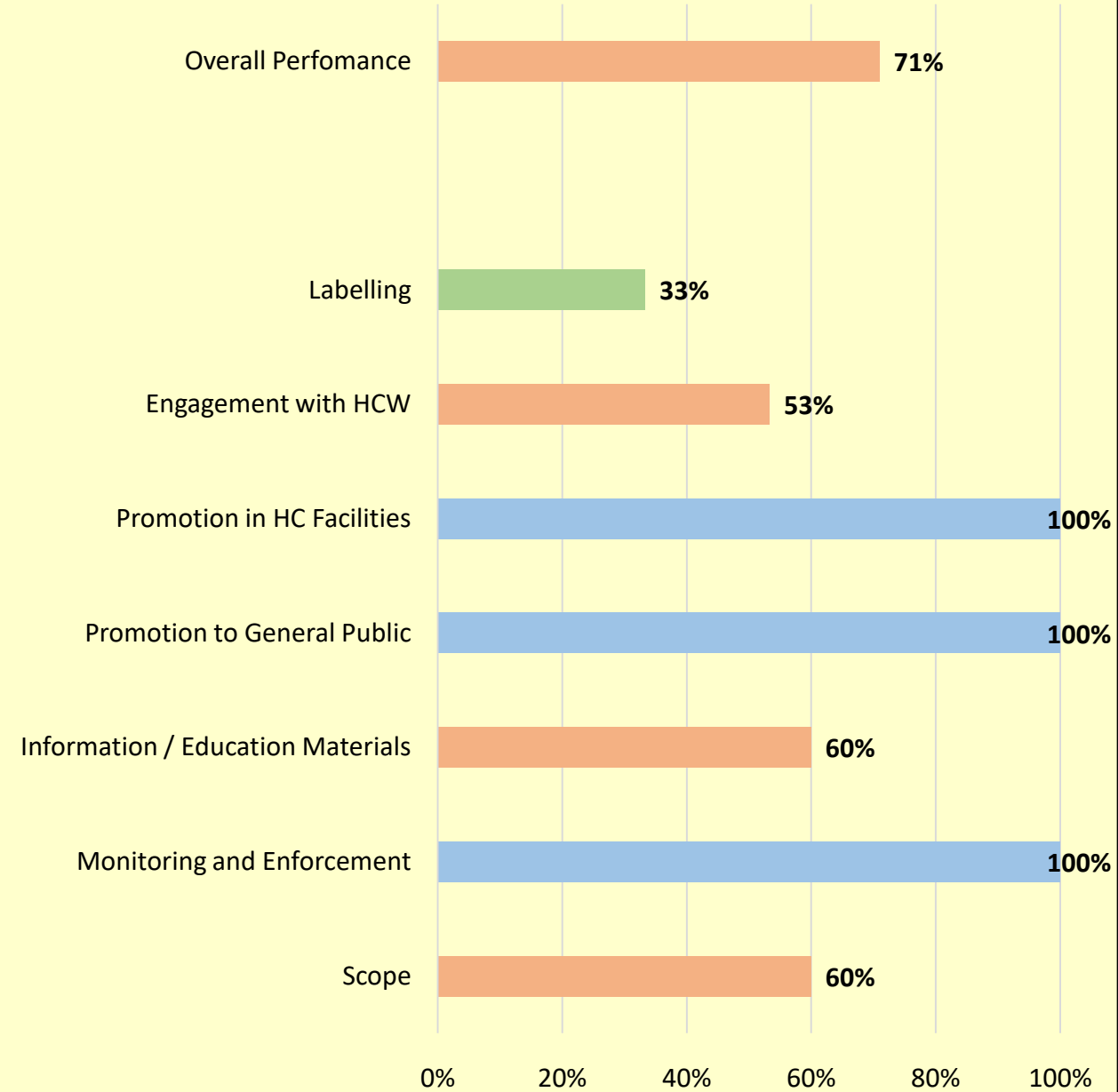


Substantial Moderate Some None

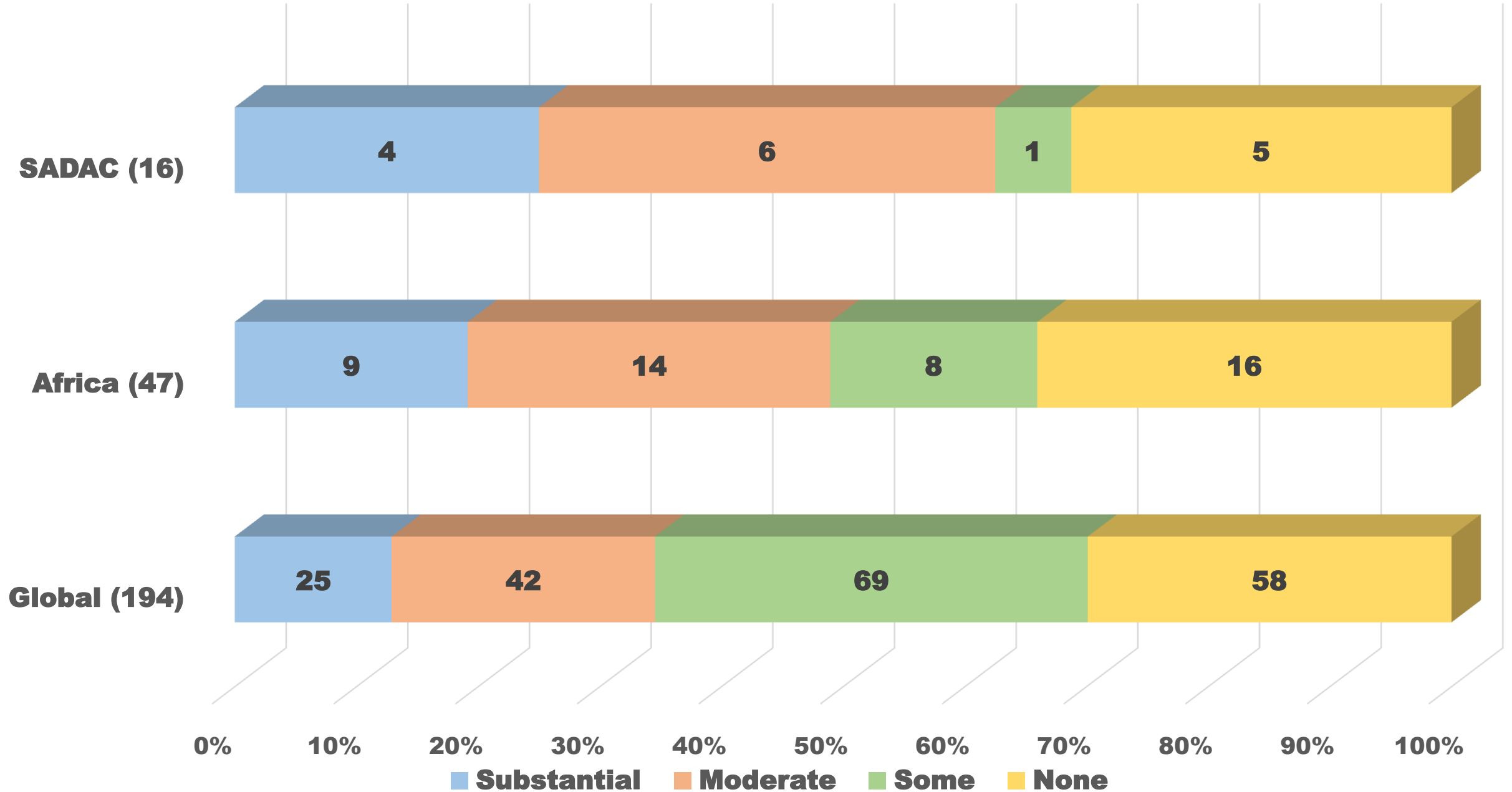
Performance (no.) in Code Legal Measures, Malawi 2020



Performance (%) in Code Legal Measures (Malawi, 2020)



Code Legal Status of the Countries at Various Levels of the Globe



Category	Areas of Malawi Law aligned to the Code
1. Scope	<ul style="list-style-type: none"> - Covers BMS products up to the age of 6 months - Covers complementary foods - Covers prohibition of bottles and teats
2. Monitoring and Enforcement	<ul style="list-style-type: none"> - Identifies a responsible person for monitoring compliance - Defines sanctions for violations - Requires that monitoring & enforcement should be independent, transparent and free from commercial influence
3. IEC Material	<ul style="list-style-type: none"> - IEC Material covers 8 of the 9 topics - Prohibits reference to propriety products - Prohibits pictures or text idealizing BMS
4. Promotion to General Public	<ul style="list-style-type: none"> - Prohibits Advertising - Samples to the public - Promotional Devices at point of sale - Gifts to pregnant women and mothers - Contact with mothers and pregnant women

Category	Areas of Malawi Law aligned to the Code
5. Promotion in Health Facilities	<ul style="list-style-type: none"> - Prohibits Product display - Posters display - Material distribution - Events hosting - Personnel reward
6. Engagement with HCW n Systems	<ul style="list-style-type: none"> - Prohibits gifts and incentives to HCW - Prohibits low-cost and samples, but not donations - Allows non-scientific product information - Sponsorship of meetings is allowed
7. Labelling	<ul style="list-style-type: none"> - Allows Nutrition and Health Claims - Prohibits 3 of the 6 listed labelling words and statements - Prohibits pictures that may idealize the use of formula - Covers none of the 3 topics of recommended IYCF (recommended age for product intro; cont. BF >2y; EBF) - Allows images / text suggesting use < 6months - Allows bottle-feeding promo; professional endorsement

Category	Areas not covered by Malawi Law)
1. Scope	<ul style="list-style-type: none"> - Does not cover BMS products up to 36 months
2. Monitoring and Enforcement	<ul style="list-style-type: none"> - Update the sanctions as per age 36 months
3. IEC Material	<ul style="list-style-type: none"> - IEC material of industry should be prohibited - IEC material should cover risks of intrinsic contamination of formula
4. Promotion to General Public	<ul style="list-style-type: none"> - Malawi law fully aligned to the Code

Category	Areas not covered by Malawi Law
5. Promotion in Health Facilities	<ul style="list-style-type: none"> - Malawi law fully aligned to the Code
6. Engagement with HCW n Systems	<ul style="list-style-type: none"> - Fellowships are not disclosed to the institution - Does not prohibit donations of equipment and services - Does not restrict product information to scientific and factual matter - Does not prohibit sponsorship of meetings for health professionals
7. Labelling	<ul style="list-style-type: none"> - Does not prohibit all Nutrition and Health Claims - Does not prohibit the phrase “important notice” - Does not warn that formula may contain pathogens - No recommended age for introduction of the product - Does not include importance of continued BF for 2yrs and beyond - Does not include importance of no complementary food < 6months - Does not prohibit images / texts suggesting use < 6months - Does not prohibit images / texts that undermine or discourage BF or BM - Does not discourage messages that recommend or promote bottle-feeding - Does not prohibit professional endorsement

Recommendations for Next Steps...

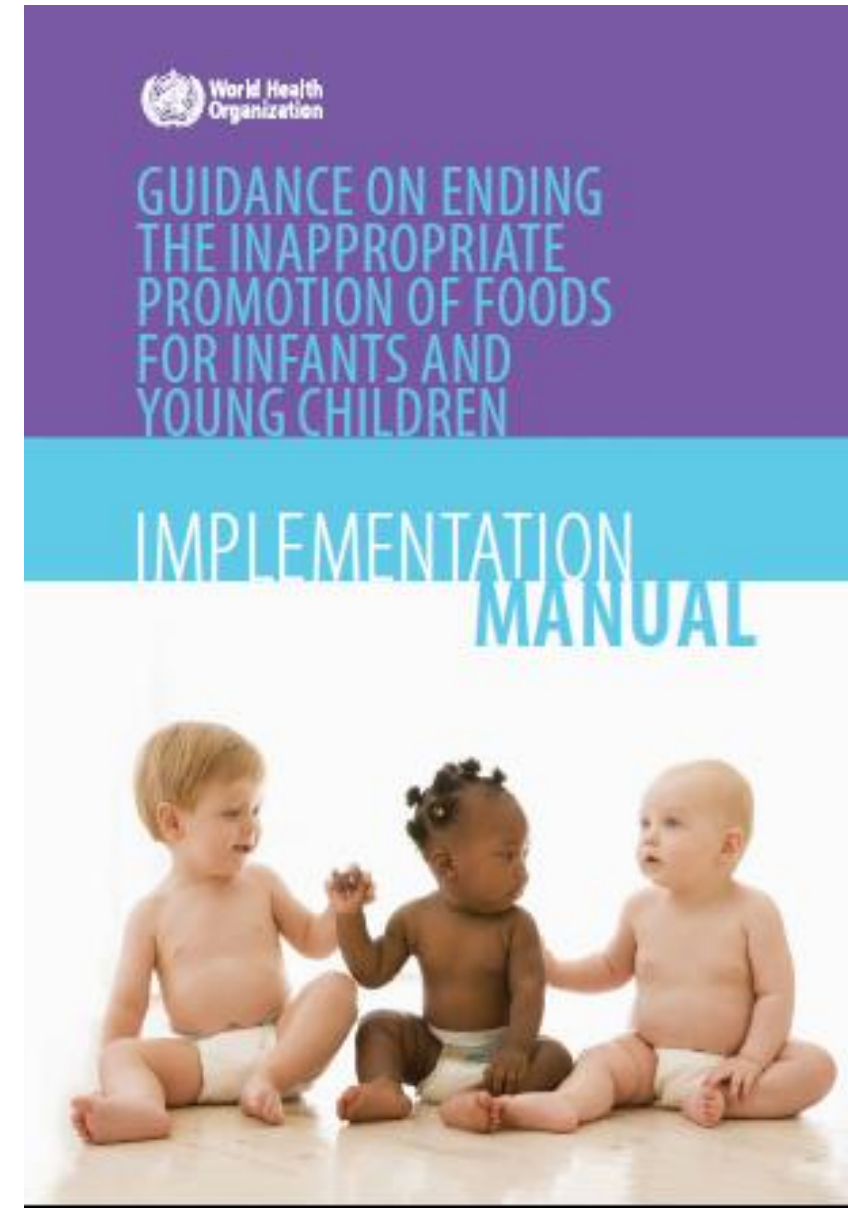
- 1. Malawi Law under the scope must cover BMS products up to 36 months**
- 2. Monitoring & Enforcement:**
 - Update the sanctions to cover BMS up to 36 months*
 - Establish / Strengthen a robust & sustainable monitoring and enforcement mechanism that is inclusive of relevant government enforcement authorities (e.g. Justice, Trade, Customs, Bureau of standards etc.)*
 - Conduct on-going and periodic monitoring free from commercial pressure*
 - Penalize violations to deter future violations of the Code*
- 3. Malawi law must include IEC materials that are free of industry influence.**
- 4. Review** all areas of IEC materials to ensure that it covers intrinsic contamination of powdered infant formula information conveyed through label WARNING [WHA Res. 58.32 (2005)]

Recommendations continued...(1)

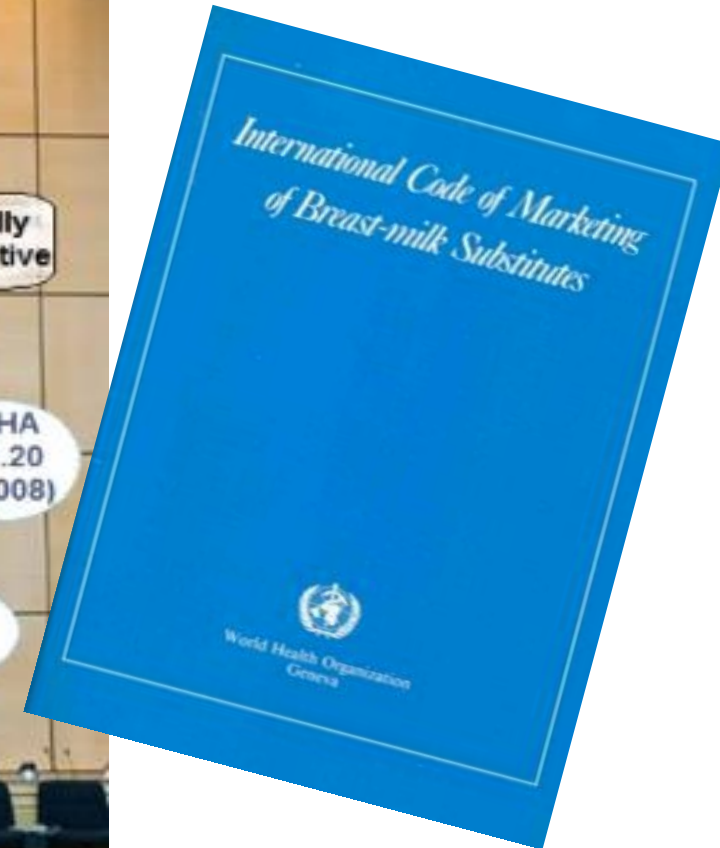
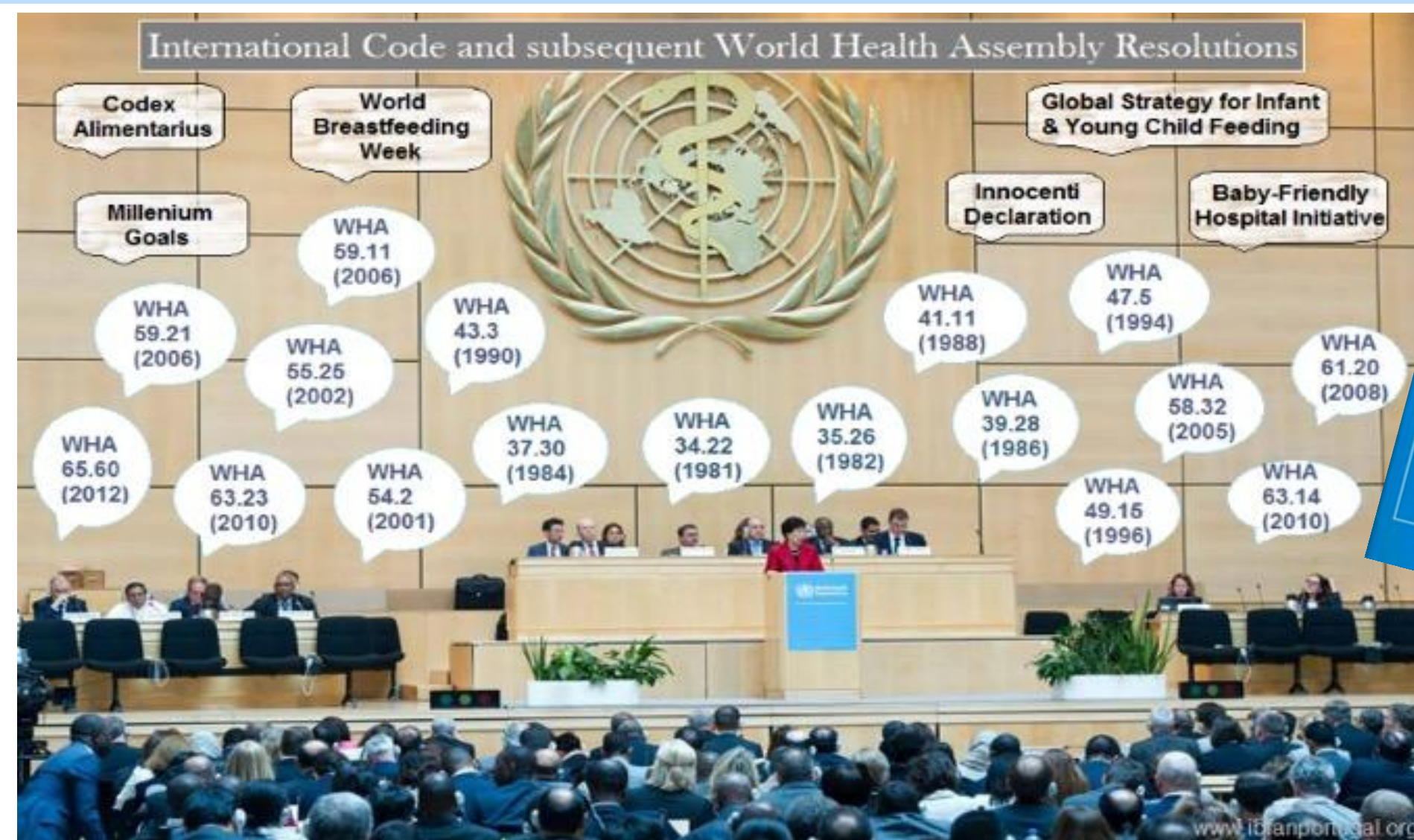
- 5. Engagement with Health Care Workers (HCW):**
 - Build knowledge and skills on Code implementation & monitoring based on HCW Guide to the International Code of Marketing of BMS*
 - Areas related to Conflict of Interest (COI), all aspects of IYCF & BFHI*
- 6. Review and update labelling gaps in accordance to WHO Guidance & WHA resolution 63.23 (2010) & WHA 69.9 (2016)**
- 7. Advocate to policy-makers to recognize their int'l legal commitments based on the human rights**
- 8. Prioritize and provide adequate resources & oversight for IYCF**
- 9. In addition Use Findings of WHO/UNICEF/IBFAN state of the Code report 2020**

Recommendations continued... (2)

- 10. Malawi law must cover all aspects of complementary foods including that they should be suitable, nutrient-rich, home prepared, and local available foods.**
- 11. Malawi should make good use of (WHO Guidance Implementation Manual) following adoption of WHA Resolution 69.90 (2016)**



Nineteen (19) Resolutions that strengthen and clarify the Code: Malawi to ensure that the national law covers all the WHA Res.



A photograph of a woman with dark curly hair breastfeeding her young child on a wooden dock. The child is wearing a dark top and a patterned cloth is draped over them. The background shows a calm body of water, green grass, and trees under a bright sky.

THANK YOU

ZIKOMO KWAMBIRI