

THE MINISTRIES

INTER-MINISTERIAL

**THE MINISTRY OF HEALTH - THE MINISTRY
OF TRADE - THE MINISTRY OF CULTURE AND
INFORMATION - VIETNAM COMMITTEE FOR
CHILD PROTECTION AND CARE**

**JOINT CIRCULAR No. 04/2001/TTLT/YT-TM-
VHTT-UBBVCSTEVN OF MARCH 14, 2001
GUIDING THE IMPLEMENTATION OF
DECREE No. 74/2000/ND-CP OF DECEMBER
6, 2000 OF THE GOVERNMENT ON TRADING
IN AND USE OF MOTHER MILK
SUBSTITUTES TO PROTECT AND
ENCOURAGE BREAST - FEEDING**

*Pursuant to Decree No. 74/2000/ND-CP of December
6, 2000 of the Government on trading in and use of mother
milk substitutes to protect and encourage breast feeding,
pursuant to Directive No. 28/2000/CT-TTg of December*

27, 2000 of the Prime Minister on the enforcement of the Regulation on goods labeling issued together with Decision No. 178/1999/QĐ-TTg of August 30, 1999 of the Prime Minister, the Ministry of Health, the Ministry of Trade, the Ministry of Culture and Information, and the Vietnam Committee for Child Protection and Care jointly give the following guidance on their implementation:

I. GENERAL PROVISIONS

1. The trading in and use of mother milk substitutes must comply with the regulations on information, education, communications, advertisement, trading in and use of mother milk substitutes, feeding bottle, dummies and measures to encourage breast feeding stipulated in Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast feeding, as well as the legal documents on trading, advertisement, goods quality, goods labels and other relevant legal and regulatory documents.

2. This Circular applies to:

a/ The enterprises producing and/or trading in mother milk substitutes including their representative offices and individuals operating in the name of these enterprises;

b/ Private business households, individuals dealing in mother milk substitutes;

c/ Organizations and individuals providing advertisement service;

d/ Obstetric and pediatric establishments (including hospitals specializing in obstetrics and pediatrics, obstetric and pediatric wards in a polyclinic, medical center of districts, maternity homes, and medical stations of communes, wards and townships) of the State, or people-funded, semi-public and private establishments, including those with foreign investment capital;

e/ State management agencies, State agencies related to the management of mother milk substitutes.

II. INFORMATION, EDUCATION, COMMUNICATIONS:

1. The content of the documents on information, education and communications on the benefits of breast-feeding, of nourishing newborns and infants, documents on information and education on the use of mother milk substitutes must strictly comply with the provisions of Articles 5, 6 and 7 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast-feeding.

2. Organizations and individuals producing and/or

trading in mother milk substitutes are allowed to supply scientific information documents and the proper method of use of mother milk substitutes to the obstetric and pediatric establishments, medical cadres and personnel working in these establishments.

3. The medical cadres and personnel in the obstetric and pediatric establishments are entitled to guide the use of mother milk substitutes for mothers or members of their families as stipulated in Clause 1, Article 14 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast-feeding in the following cases:

a/ Children heavily affected by difficulty in swallowing, by hypotension or who need alternative methods to treat hypotension which cannot improve by intensive breast-feeding.

b/ Children of seriously ill mothers (mental diseases, epilepsy, strokes...)

c/ Children affected by metabolic diseases of.

d/ Children suffering serious dehydration (for instance due to diarrhea) for which intensive breast-feeding cannot make up for the loss of water.

e/ Children of mothers under treatment who are not allowed to suckle their children as a contra-indication (for instance, medicaments against cancer, X-Ray, anti-thyroid hormone medicaments...), or of mothers affected by HIV/AIDS (consultancy with medical cadres is necessary for each specific case).

III. ADVERTISEMENT

1. It is strictly forbidden to advertise in all forms for mother milk substitutes for children from their birth to 6 months old (forbidden to advertise such products for children from under 6 months to 6 months old if these products are used for both children under 6 months to 24 months old), feeding bottles and dummies as stipulated in Clause 1, Article 8 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast feeding.

2. Advertisement for various types of milk used for children from more than 6 months to 24 months old must strictly abide by the conditions stipulated in Clause 2, Article 8 of the Government's Decree No. 74/2000/ND-CP of December 6, 2000 on trading in and use of mother milk substitutes to protect and encourage breast-feeding. In the first part of the advertisement, the following inscriptions are compulsory: "Mother milk is best for the health and development of newborns and infants". More concretely:

a/ For the advertisement on TV with only images and

without sound, the sentence "Mother milk is best for the health and development of newborns and infants" must be written in clear and readable letters. If the advertisement uses both images and voice, the sentence "Mother milk is best for the health and development of newborns and infants" must be clearly written and spoken so that the viewers can read and hear.

b/ The advertisement over the radio must clearly say: "Mother milk is best for the health and development of newborns and infants" so that the listeners can hear.

c/ Advertisement in the press and other publications, boards, billboards or other forms must clearly write: "Mother milk is best for the health and development of newborns and infants" so that the readers can read.

3. The advertisement owners, the organizations and individuals conducting the advertisement, besides complying with the provisions of Points 1 and 2 of this Clause must also follow other provisions of the legislation on advertisement.

IV. TRADING IN MOTHER MILK SUBSTITUTES

1. Before being marketed, all mother milk substitutes must have their quality, food hygiene and safety registered with the Ministry of Health (Department for Management of Food Quality, Hygiene and Safety).

2. The labels of mother milk substitutes, feeding bottles, dummies, besides complying with the provisions in Articles 10 and 11 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast-feeding, must strictly comply with Decision No. 178/1999/QĐ-TTg of August 30, 1999 of the Prime Minister issuing the Regulations on labeling of goods circulated domestically and imports and exports, Decision No. 95/2000/QĐ-TTg of August 15, 2000 of the Prime Minister amending and supplementing a number of contents of the above Regulation, Directive No. 28/2000/CT-TTg of December 27, 2000 of the Prime Minister on the implementation of the Regulation on goods labeling issued together with Decision No. 178/1999/QĐ-TTg of August 30, 1999 of the Prime Minister, Circular No. 34/1999/TT-BTM of December 15, 1999 of the Ministry of Trade guiding the implementation of the Regulation on labeling of goods circulated domestically and exports and imports, Circular No. 15/2000/TT-BYT of June 30, 2000 of the Ministry of Health guiding the labeling of foodstuffs.

3. The establishments producing and/or trading in mother milk substitutes or their representatives shall have to strictly implement Clauses 1 and 2 (Point a, Point c) of Article 12 of Decree No. 74/2000/ND-CP of December

6,2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast-feeding. Besides complying with the said provisions, the establishments producing and/or trading in mother milk substitutes are not allowed:

a/ To present as gift mother milk substitutes to mothers and members of their families at the obstetric and pediatric establishments, private homes, public places and any other places.

b/ To grant scholarships for education and scientific research, allocations for training, conferences, seminars, training courses, concerts, via-telephone consultancy service or other forms, such as presentation of products, labels of products, names of establishments producing and/or trading in products or use the results of scientific research to campaign and advertise for their products aimed at encouraging the use of mother milk substitutes.

V. RESPONSIBILITY OF THE OBSTETRIC AND PEDIATRIC DEPARTMENTS AND MEDICAL CADRES AND PERSONNEL AT THESE ESTABLISHMENTS

1. The obstetric and pediatric establishments have the responsibility to create conditions for mothers to suckle their babies within half an hour after delivery, strictly observe the provisions of this Circular and implement the 10 conditions to become "Children friendly hospitals" (see Appendix to this Circular).

2. The Ministry of Health shall conduct inspection and issue certificates of the title "Children friendly hospital". During the inspection and control, if the obstetric and pediatric establishments which have been awarded this title but have not correctly implemented the conditions stipulated at Clause 1, Section V above shall be sanctioned according to law or shall have their certificates withdrawn by the Ministry of Health. At the same time, the sanction shall be notified to the provincial People's Committee if the hospital is under the management of the locality.

3. The obstetric and pediatric establishments, the physicians and personnel of these establishments are allowed to receive mother milk substitute through charity organizations to feed abandoned children, or in special cases where it is necessary to use mother milk substitutes as stipulated at Point 3, Section II of this Circular. In case the obstetric and pediatric establishments do not have enough mother milk substitutes to feed the abandoned children, they may buy mother milk substitutes for the actual need.

4. The obstetric and pediatric establishments and the physicians and personnel at these establishments are not allowed to directly receive gifts being mother milk substitutes, are not allowed to receive financial contributions

to conferences and workshops or scholarships aimed at encouraging the use of mother milk substitutes as stipulated at Point 3, Section IV of this Circular. They are also not allowed to supply the results of scientific research for the propagation or advertisement for mother milk substitutes or to assist production and business establishments in offering presents or gifts or documents to propagate, introduce or advertise for mother milk substitutes.

5. Apart from the provisions at Points 3 and 4 above, the obstetric and pediatric establishments shall be sanctioned as violating the provisions at Article 14 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on trading in and use of mother milk substitutes to protect and encourage breast feeding if products or presents bearing the names and logos of mother milk substitutes or the names and/or logos of the establishments producing or trading in mother milk substitutes are found in the hospital.

VI. STATE MANAGEMENT RESPONSIBILITIES

1. The Ministry of Health shall assume the prime responsibility and coordinate with the Ministry of Trade, the Ministry of Culture and Information, the Vietnam Committee for Child Protection and Care and the related agencies in managing the trade in and use of the mother milk substitutes, managing the quality, food hygiene and safety of the mother milk substitutes, organizing the inspection and control of the observance of the prescriptions of law on the trade in and use of mother milk substitutes in the whole country.

2. The Health Services shall assume the prime responsibility and coordinate with the Trade Services, the Culture and Information Services, the Child Protection and Care Committees of the provinces and centrally run cities and the related agencies in managing the trade in and use of mother milk substitutes, manage the quality, food hygiene and safety of the mother milk substitutes, organize the inspection and control of the observance of the prescriptions of law on the trade in and use of mother milk substitutes in the provinces and centrally-run cities according to their competence.

VII. IMPLEMENTATION PROVISIONS

1. This Circular takes implementation effect 15 days after its signing for promulgation. Joint Circular No. 18/TTLB of November 3, 1994 of the Ministry of Health, the Ministry of Trade, the Ministry of Culture and Information and the Vietnam Committee for Child Protection and Care guiding the implementation of Decision No. 307/TTg of June 10, 1994 of the Prime Minister stipulating a number

of questions on the trade in and use of mother milk substitutes in support of breast-feeding, and Circular No. 07/BYT-TT of April 18, 1995 of the Ministry of Health guiding the import of mother milk substitutes are now annulled.

2. With regard to mother milk substitutes, feeding bottles and dummies including those domestically produced and imported, if their labels are printed before the effective date of this Circular and are still in stock without violating the prescriptions of Decision No. 307/TTg of June 10, 1994 of the Prime Minister providing for a number of questions on the trade in and use of mother milk substitutes in support of breast-feeding, Joint-Circular No. 18/TTLB of November 3, 1994 of the Ministry of Health, the Ministry of Trade, Ministry of Culture and Information and the Vietnam Committee for Child Protection and Care guiding the implementation of Decision No. 307/TTg, Decision No. 178/1999/QĐ-TTg of August 30, 1999 of the Prime Minister issuing the Regulation on labeling of goods circulated domestically and exports and imports, Decision No. 95/2000/QĐ-TTg of August 15, 2000 of the Prime Minister on readjusting and supplementing a number of contents of the said Regulation, Directive No. 28/2000/TTg of December 27, 2000 on the implementation of the Regulation on goods labelling issued together with Decision No. 178/1999/QĐ-TTg of August 30, 1999 of the Prime Minister and the legal documents guiding the implementation thereof, the production and/or business establishments shall have to report the quantity of labels still in stock to the Health Ministry (Department for Food Quality Hygiene and Safety Control) before May 30, 2001 for inspection and confirmation before they can be circulated, but they must be stuck with supplementary labels in Vietnamese with information which are lacking in the old labels compared to the provisions of in Articles 10 and 11 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on the trading in and use of mother milk substitutes to protect and encourage breast-feeding.

3. With regard to mother milk substitutes inscribed with the use expiration date prior to the effective date of this Circular, and packed in commercial packing made of materials such as metal, glass, earthenware and with old labels printed directly on the goods or commercial packing and which cannot be replaced by packing with new labels, if the use expiration date is still effective they can be circulated until the end of the use expiration date. However, the producing and/or business establishments must supplement the information contents which are lacking on the old label compared to the provisions of Articles 10 and 11 of Decree No. 74/2000/ND-CP of December 6, 2000 of the Government on the trading in and use of mother milk substitutes to protect and encourage breast-feeding.

4. In cases where the legal documents mentioned in

this Circular are replaced, supplemented or amended, the newly issued legal documents shall automatically apply.

5. In the course of implementation, should any difficult or problem arise, the units and localities are requested to report in time to the Ministry of Health, the Ministry of Trade, the Ministry of Culture and Information, and the Vietnam Committee for Child Protection and Care for consideration and appropriate amendments.

For the Minister of Health

Vice Minister

TRAN CHI LIEM

For the Minister of Trade

Vice Minister

LE DANH VINH

For the Minister of Culture and

Information

Vice Minister

TRAN CHIEN THANG

*For the Minister-Chairman
of the Vietnam Committee for Child*

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Vice Chairman

PHUNG NGOC HUNG