



# CODE MONITORING KIT

Revised and updated 2019

This kit contains a manual and a set of 9 forms for NGOs and government authorities to monitor the International Code of Marketing of Breastmilk Substitutes, relevant WHA resolutions and the **Guidance on ending the inappropriate promotion of foods for infants and young children**.



INTERNATIONAL  
**CODE**  
DOCUMENTATION CENTRE

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# Preface

The International Baby Food Action Network (IBFAN) began monitoring the marketing practices of baby feeding companies several years before the International Code of Marketing of Breastmilk Substitutes (Code) was adopted.

In fact, many provisions in the Code relied on evidence provided by IBFAN reports back in 1979 and 1980-81. Later, IBFAN Code monitoring led to the adoption of several WHA Resolutions (e.g. on supplies). Over the years, IBFAN monitoring has brought about some changes to company practices, in particular on labelling. It has initiated Code implementation in a number of countries. The monitoring system used by IBFAN groups has also been used as a blueprint by national governments to monitor marketing practices.

While the monitoring capacity of IBFAN groups may never match the relentless ways in which companies undermine breastfeeding for the sake of profit, whistle-blowing resulting from monitoring means that companies have to pay attention. Experience shows that companies behave better when they know they are being watched.

The importance of Code monitoring is underscored by the way international organisations, UN and donor agencies are gradually involving themselves in this work. Even baby feeding companies and their affiliates are making a show of their monitoring mechanisms in their public relations exercises. Since monitoring methods by other entities are different and not always compatible with the aim and objectives of the Code, it is important for the IBFAN network to keep its monitoring system ongoing and ensuring at all times that it is reliable, independent and sustainable.

To this end, the International Code Documentation Centre (ICDC), which has the responsibility of coordinating Code monitoring for the IBFAN network, has reviewed its monitoring protocols. This edition of the Code Monitoring Kit has been revised and updated to take into account all relevant subsequent World Health Assembly resolutions on infant and young child feeding and in particular the 2016 WHO Guidance on ending the inappropriate promotion of foods for infants and young children.

The tools in this Code Monitoring Kit now incorporate features to capture new promotion tactics and strategies on the Internet and social media platforms. Due to increasing conflicts of interest situations, the revisions introduced also allow for activities involving public-private partnerships and company sponsored events to be captured.

A standard approach is advocated to obtain information that can be fed into a common collection point for processing. Vetted reports are posted on-line allowing evidence to be shared between national and international IBFAN offices. Reports, big and small, can be built from this exercise for the common goal of protecting infant health.

Most importantly, ICDC has tried to keep this Code Monitoring Kit user friendly and we hope the Kit will help IBFAN groups and supporters to gather accurate information which can be used to hold companies to account.

IBFAN-ICDC  
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# CODE MONITORING KIT

## Chapter 1

### Overview

The Why, What, Who, When, Where, and How of Monitoring



### 1.1 Introduction

In 1981, the World Health Assembly (WHA), the forum where Member States set the policies of the World Health Organization (WHO), adopted the International Code of Marketing of Breastmilk Substitutes (the Code).

The preamble to the Code highlights:

- a. that inappropriate feeding practices lead to infant malnutrition, morbidity and mortality in all countries;
- b. that improper marketing of breastmilk substitutes and related products contributes to these major public health problems; and
- c. that the vulnerability of infants and the risks involved in the unnecessary and improper use of breastmilk substitutes mean that the marketing of breastmilk substitutes requires **special treatment**.

These statements became the foundation for provisions in the Code which are designed to reduce competition from commercial baby feeding products so that breastfeeding may thrive. The Code does not prohibit the **availability of products** but it bans advertising and restricts other promotional practices. It also directs health authorities to encourage and promote breastfeeding. It empowers parents to make informed decisions on infant and young child feeding free from commercial influence.

For infants and young children who are formula fed, the Code seeks to **minimise health risks** by requiring **appropriate labelling** of products and **warnings** on information materials. To prevent unsuitable and inappropriate products from being used to feed infants and young children, the International Code also contains provisions on the labelling of such products.

The Code is a **minimum requirement** – countries can and should introduce stronger measures. The danger posed by inappropriate marketing to breastfeeding is so real that the WHA debates on the progress of the Code every alternate year. When necessary, it adopts a new resolution to clarify and extend certain provisions of the Code, taking into account **new products**, **new marketing tactics** and **new scientific evidence**. Member States have, for many years, unanimously endorsed most of the subsequent resolutions and many have incorporated them into their national measures.

Always remember that:

- the Code was adopted by Resolution WHA 34.22 [1981] as a **minimum** requirement.
- the Code should be **read together** with subsequent WHA Resolutions which further **clarify and extend certain provisions of the Code**.

**Annexes 1 and 2** contain summaries of the Code and subsequent WHA Resolutions. For the full text of the Code and WHA Resolutions (hereinafter referred to collectively in this Chapter as the '**International Code**'), go to: [www.who.int/nutrition/topics/wha\\_nutrition\\_iycn/en/index.html](http://www.who.int/nutrition/topics/wha_nutrition_iycn/en/index.html).

In 2016, the WHA welcomed in Resolution 69.9, the **Guidance on ending the inappropriate promotion of foods for infants and young children** [A69/7 Add. 1] ('the 2016 Guidance').

Among other things, the 2016 Guidance states that:

- breastmilk substitutes should be understood to include **any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk**.
- there should be **no cross-promotion** to promote breastmilk substitutes indirectly via the promotion of foods for infants and young children.

The 2016 Guidance ends a long standing controversy regarding the scope of the International Code and stops the direct and indirect promotion of breastmilk substitutes through the promotion of other foods for infants and young children.

See Chapters 2 and 3 for further discussion on scope of the International Code and the 2016 Guidance.

## **1.2 Why monitor?**

Companies behave better when they know they are being watched. Monitoring is therefore essential to ensure that companies who market baby feeding products adhere to the International Code. It should be carried out in every country whether or not there is a national measure which implements the International Code.

For countries which have yet to implement the International Code, it is essential to know what companies are doing to promote their products. Information obtained from monitoring can then be used to advocate for Code implementation. If a national measure is already in existence, it is important to determine if there are loopholes and basis for amendments or a new law. Monitoring will reveal if a national measure is being complied with, and what necessary steps can be taken to strengthen the measure or bolster weak monitoring and enforcement systems.

Factual information obtained from monitoring can assist **policy making** at the national level. It can also form the **basis for policies and programmes** of international agencies and NGOs working on infant and young child health. Increasingly, information obtained from monitoring is being relied on by **ethical investment funds** that wish to apply some social criteria to their investment decisions. These funds use monitoring results to help them decide whether or not to invest in a company and the pressure exerted can influence companies to improve their marketing behaviour.

Within the existing human rights framework, information obtained from monitoring is regularly reported to the **Committee on the Rights of the Child**. When countries report on their implementation of the Convention on the Rights of the Child, the Committee can recommend that they implement the International Code or strengthen the enforcement of their national measures.