

Executive Summary: A Review of the Status of Implementation of Decree 21 and the International Code of Marketing of Breastmilk Substitutes in Vietnam

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EXECUTIVE SUMMARY

Purpose

Adopted in 2006, *Decree 21 on the Trade and Use of Nutrition Products for Young Children* aims to promote optimal breastfeeding practices by limiting how and where breastmilk substitutes and other nutrition products for young children can be promoted.

Alive & Thrive (A&T) is a 6-year initiative (2009-2014) to improve infant and young child nutrition by increasing rates of exclusive breastfeeding and improving complementary feeding practices. A&T aims to reach more than 16 million children under 2 years old in Bangladesh, Ethiopia, and Vietnam. A&T is working closely with the Vietnam Ministry of Health (MOH) and the United Nations Children's Fund (UNICEF) to strengthen monitoring and compliance of Decree 21. Decree 21 is slated to be revised in 2011. This joint report provides recommendations for revision of Decree 21 based on findings from an analysis of the Decree's provisions and implementation processes as well as evidence of compliance with and violations of the Decree and the *International Code of Marketing of Breastmilk Substitutes* (International Code) and subsequent World Health Assembly (WHA) resolutions.

Findings were compiled from:

1. Reports generated by 63 Provincial and City Departments of Health and National Pediatrics and Obstetrics and Gynecology (Ob/Gyn) hospitals and compiled by the Legislative Department;
2. UNICEF-supported inspections conducted by the Department of Health Inspection (DHI) in 8 provinces; and
3. Monitoring data collected by A&T-trained health staff in health facilities, pharmacies and retailers in 10 provinces.

Findings: Strengths and Achievements

Decree 21 represents an important step to implementing the International Code in Vietnam. The Decree covers a broad range of products, including nutrition products for children from birth to 24 months old, feeding bottles, teats and dummies. Many sections of the current Decree are more comprehensive than previous versions, and the recommendations for infant and young child feeding (IYCF) are up-to-date with current scientific knowledge and international recommendations.

Since its adoption in 2006, the Decree has contributed to important gains in promoting optimal IYCF practices in Vietnam:

- a. **Information, Education and Communication (IEC) activities that promote breastfeeding and disseminate information on Decree 21 have increased substantially in recent years.** IYCF-related training for health staff and IEC activities for the public, such as Breastfeeding Week, have helped spread the message about the benefits of breastfeeding.
- b. **Systems and structures for monitoring and supervision of Decree 21 are in place,** and the Department of Health Inspection of MOH and provincial and city departments conduct periodic inspections on Decree compliance.
- c. Heads of health facilities are generally aware of Decree 21, and **compliance with the Decree has been found to be relatively high in health facilities.** Most of the reviewed hospitals meet or are working to meet the 10 conditions for successful breastfeeding. In addition, more and more health workers are reported to support breastfeeding and provide breastfeeding counseling to women.
- d. Some provinces -such as Phu Tho, Yen Bai, Bac Kan and Lao Cai -report **high prevalence levels of initiation of breastfeeding within an hour of birth** among mothers in hospitals compared to the national average of 62% (A&T, 2010).

Findings: Weaknesses and Limitations

Although it has many strengths, the Decree has yet to meet the minimum standard set by the International Code and subsequent WHA Resolutions and is therefore categorized as a second level “many provisions law” by the International Code Documentation Center (ICDC), an organization dedicated to keeping track of International Code implementation and compliance worldwide. Wording in the Decree’s provisions opens up numerous loopholes and gaps which companies exploit to promote breastmilk substitutes and other nutrition products for young children within the scope of the Decree. In addition, Vietnam still faces obstacles to implementation of Decree 21, including weak monitoring of Decree compliance and enforcement of its sanctions.

❖ Key weaknesses in the provisions of Decree 21

- a. **Scope and definitions: Feeding bottles, teats and dummies are left out** of many provisions of Decree 21.

Decree 21 **does not provide clear definitions for nutrition product companies** such as those found in the International Code, an omission which may lead to confusion over who is responsible for compliance with the Decree.

- b. **Contact with mothers:** Unlike the International Code, Decree 21 **does not restrict contact with individuals outside of health facilities.** These contacts serve to discourage breastfeeding as company representatives promote their products, offer incentives to use their products such as gifts or samples, or advise mothers on IYCF practices.

Decree 21 **allows for companies to contact mothers within health facilities to promote or sell nutrition products for children older than 12 months,** many of which greatly resemble the products restricted by the Decree (milk products for children under 12 months of age and food products for infants under 6 months of age). This age specification creates confusion about Decree violations and creates a loophole for companies to work around the Decree provisions. The International Code does not include similar age specifications.

- c. **Information, education and communication:** Some important **informational points specified in the International Code are missing** from the Decree's provisions on IEC, including: the negative effects of partial bottle-feeding on breastfeeding; the difficulty of reversing the decision not to breastfeed; and maternal nutrition as it relates to the preparation for and maintenance of breastfeeding.

Unlike the International Code, Decree 21 **does not regulate donations of informational and educational materials or equipment** from nutrition product companies.

- d. **Advertising:** Decree 21 **allows for advertising of milk products for children from 12 to 24 months of age,** with some restrictions. This provision is not in line with the International Code, which states that there should be no advertising of products within the scope of the Code. This provision is also at odds with the internationally recognized recommendation that breastfeeding to be maintained for up to 24 months or beyond. Moreover, allowing for advertising or promotion of products for children over 12 months old enables companies to indirectly promote nutrition products for children under 12 months old that closely resemble these products.

- e. **Promotion in retail shops:** **Many promotional tactics employed by nutrition product companies outside of health facilities are not covered** by Decree 21 even though the International Code recommends that there should be no promotion to the general public of products within the scope of the Code. These include the use of displays, special showcases, discounts, special offers, samples, gifts, and incentives for retail staff. Companies also work around the advertising restrictions by prominently displaying their names and logos on banners, posters and other promotional materials within retail shops and health facilities.

- f. **Promotion in health facilities:** A weak point in Decree 21 is the inclusion of **an exception for hospital pharmacies** in its provisions regulating the sale, display and promotion of nutrition products for young children in health facilities. In addition, the Decree contains a **loophole by failing to prohibit the display of company names on advertisements or promotional materials within health facilities.** Only the names of the nutrition products are banned from these materials. Allowing this practice implies that the health facilities endorse the products of that company.

Decree 21 is weakened by the **inclusion of age limits** for products that fall under the scope of some of its provisions. These articles only restrict practices related to milk products for children under 12 months of age and food products for infants under 6 months of age. By failing to include milk products for children older than 12 months and food products for children older than 6 months, these provisions **create confusion among health staff as to what is or is not prohibited and allows companies to work around the Decree** and promote their products in health facilities. The International Code does not include similar age specifications in its provisions.

- g. **Labeling:** Although extensive, the Decree's provisions on the labeling of nutrition products for young children **do not fully meet the minimum requirements set by the International Code.**

In addition, only images or photos of infants less than 12 months old are prohibited under Decree 21. This age limit makes it more difficult to determine true violations of the Decree and creates a potential loophole for companies. This weakness is also found within the International Code.

Decree 21 goes beyond the International Code by including labeling provisions for feeding bottles and teats. **However, the labeling provisions for feeding bottles and teats should be strengthened** as they do not include any prohibitions against the use of: a) images or photos of infants and young children; b) images or text idealizing use of the product; c) images or text that encourage the use of breastmilk substitutes; or d) text that implies that the product is similar to a mother's nipple.

- h. **Sponsorship:** The Article of Decree 21 that restricts the granting of scholarships or funds provided by nutrition product companies contains a weakness by including the phrase: "for the purpose of promoting the sale or use of milk products for children under 12 months of age and food products for children under 6 months of age." The phrase compromises the provision by: a) including an age limit on the regulated products and b) **providing a ready-made defense for companies as they can claim that their financial support is for purposes other than promotion or sale of their products.**

- i. **Sanctions:** Decree 21 does not contain any provisions for sanctioning violations. **Sanctions are stipulated in Decree 45, and not all provisions of Decree 21 are covered by Decree 45.**

❖ **Key weaknesses in the implementation of Decree 21**

- a. **Cohesiveness, coordination and consultation:** There is a lack of cohesiveness, coordination and consultation between the multiple sectors involved in the implementation of Decree 21. This problem is due in part to an **absence of direction documents and guidelines** provided to or created by provincial agencies. The problem is exacerbated by the **low level of priority** placed on Decree 21 in many provinces and the resultant lack of funding available for implementation. Consequently, agencies and organizations that are responsible for implementation **do not clearly understand their roles and responsibilities** in the implementation process.
- b. **Inspections:** While systems and structures are in place to monitor and enforce Decree 21, inspections are **infrequent and inconsistent**. Monitoring and supervision of the Decree is a low political priority and not considered important enough to warrant rigorous inspections. Decree 21 inspections are often conducted as part of broader food safety and hygiene inspections, which interferes with the thoroughness of the inspections. When inspections are carried out, **limited numbers of inspectors are expected to handle a huge volume of work**.
- c. **Uncovering violations:** Violations to Decree 21 are not always easy to uncover. **Confusion remains as to what is or is not a violation**, and some of the provisions of the Decree contain wording that make this more difficult. Violations in advertising are particularly difficult to monitor and control as advertising becomes more pervasive and sophisticated, especially when the internet and new technologies are utilized.
- d. **Sanctions:** The sanctions against Decree 21 violations are weak. Under Decree 45, companies or health staff that violate Decree 21 can be sanctioned, usually in the form of fines ranging from 3 to 10 million VND (150 to 500 USD), depending on the violation committed. **These fines, when levied at all, are too low to be an effective deterrent.**
- e. **IEC activities:** A lack of coordination and limited funding lead to communication activities that are **inconsistent and at times poor in quality, quantity and reach**. The lack of written guidance and coordination of IEC activities leaves the heads of provincial agencies unclear about their roles and responsibilities. IEC activities also face the challenge of **competing with large nutrition product companies that spend vast sums of money on advertising**, greatly outspending breastfeeding promotion efforts.
- f. **Training of health staff:** Training for health staff has made much progress, but there is still room for improvement. Trainings are **not consistently frequent, widespread or comprehensive**. Often the trainings only incorporate staff from Ob/Gyn Departments, and health workers have been found to lack knowledge about Decree 21. The shortage and limited skills of existing health staff worsen the problem.

Findings: Practices that Violate Provisions or Exploit Loopholes of Decree 21 and the International Code

While most of the products and facilities reviewed complied with Decree 21, **evidence from this review suggests that violations of the Decree are varied and relatively widespread**, covering multiple provisions of the Decree and in all the provinces reviewed. Violations were carried out by numerous domestic and multinational companies and included the realms of IEC materials, promotion and advertising, labeling, and regulations in health facilities. Numerous additional cases were found in which companies or health facilities were technically in compliance with Decree 21 but violated the International Code, which is stricter than Decree 21. Furthermore, it should be noted that the number of violations may be underreported due to difficulties surrounding identification of Decree 21 violations as well as a suspicion that advanced notification was given to individuals or facilities before inspections. Violation or no, these practices serve the overall purpose of promoting the use of breastmilk substitutes and other products within the scope of the Decree and work against efforts to improve infant and young child feeding practices in Vietnam.

❖ **Contact with Mothers**

Although prohibited by Decree 21, mothers were found to be contacted by nutrition product companies within health facilities. There were also reports of mothers receiving gifts and free samples of nutrition products for young children, usually in health facilities and retail shops. In some cases, gifts were provided by a member of the health staff, a prohibited practice that imbues the product with a medical endorsement. Furthermore, some mothers reported using breastmilk substitutes based on the advice of a health worker, although Decree 21 prohibits health staff from advising their patients to use nutrition products for infants unless medically necessary. At present, there are not enough barriers shielding mothers from the influence of nutrition product companies.

Key Findings	Violation/Loophole ¹
<p>Thirty-eight out of 342 interviewed mothers (11.1%) were contacted directly by company representatives. Nearly one-third of these interactions (31.6%) were in health facilities. Company representatives were found to directly contact mothers in three non-baby-friendly health facilities (representatives from Abbott and HiPP).</p> <p>DHI inspections found at least one case in which company representatives were directly encouraging pregnant women and new mothers in health facilities to purchase their products, including milk for children under 12 months of age.</p>	<p><u>Violation:</u> Article 10.2.b of Decree 21 / Article 5.5 of the International Code</p>
<p>Company representatives contacted mothers in shops, Houses of Culture, hotels, at home, and/or over the phone, usually to provide mothers with IYCF information, to try to get them to use a specific nutrition product, or to offer them gifts.</p>	<p><u>Violation:</u> Article 5.5 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21</p>
<p>Out of 336 mothers, 10 (3%) reported receiving free product samples and 29 mothers (8.6%) received gifts associated with nutrition products for young children, usually in shops or health facilities. Over 80% of the 29 mothers who received gifts or samples reported receiving them from company staff or sales personnel.</p>	<p><u>Violation:</u> Article 5.5 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21 (<i>depending on where mothers received gifts</i>)</p>
<p>In 7.7% of 142 non-baby-friendly health facilities, mothers received nutrition products for young children in the last 6 months, including those prohibited by Decree 21. Most often the products came from family members or relatives, but company personnel and health staff were also found to give mothers these products in 6 of these health facilities.</p>	<p><u>Violation:</u> Article 10.2.c of Decree 21 / Articles 5.2 and 5.4 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21 (<i>depending on which products were received and by whom</i>)</p>

❖ Information, Education and Communication

Nearly all of the reviewed IEC materials available to the public and to health staff were provided by nutrition product companies. Many of these materials either directly or indirectly promoted the use of nutrition products for young children. At times, these materials directly violated Decree 21 and International Code – for example, by featuring the name or logo of a restricted product – but often, these materials promoted their products indirectly by branding the material with the companies’ name/logo or including messages that promote bottle-feeding. For example, it was common for these materials to highlight the fact that mothers can measure the amount of milk they are feeding their children when bottle-feeding, a message that plays upon mothers’ common fears that they do not produce enough breastmilk.

¹*Violation* is defined as a breach of Decree 21 or the International Code. *Loophole* is defined as an ambiguity or omission in Decree 21 by which one can avoid a penalty or responsibility.

Most IEC materials for mothers fell short of meeting the informational content requirements outlined in Decree 21 and the International Code. Especially lacking was information on the disadvantages and costs of not breastfeeding and the hazards of improper or unnecessary use of nutrition products. While the IEC materials for health staff were better about containing information required under Decree 21 than the IEC materials for the public, gaps in information persist.

Key Findings	Violation/Loophole
61.8% of the 55 IEC materials for the public and 52.4% of 21 IEC materials for health staff that were provided by companies mentioned formula for infants under 6 months old.	<u>Loophole:</u> Article 4 of Decree 21 / Article 4.3 of the International Code
18.2% of the 55 IEC materials for the public and 33.3% of 21 IEC materials for health staff provided by companies mentioned follow-up milk products for children older than 6 months of age.	<u>Loophole:</u> Article 4 of Decree 21 / Article 4 of the International Code
Nearly half of the IEC materials violated Decree 21 by featuring the name or logo of a restricted nutrition product for young children (45.5% of those for the public and 47.6% of those for health staff).	<u>Violation:</u> Article 4.3.c of Decree 21 / Article 4 of the International Code
Only half of the 43 IYCF-related IEC materials for mothers provided information on the benefits of breastfeeding; 14% of IEC materials covered information on the negative impact of bottle-feeding; 11.6% discussed the disadvantages of not breastfeeding; 16.7% provided information on maternal nutrition and the maintenance of breastfeeding.	<u>Violation:</u> Articles 4 and 5 of Decree 21 / Article 4.2 of the International Code
In all, only 50% of the 22 IYCF-related IEC materials for health staff contained information on all three of the topics: the benefits of breastfeeding, the disadvantages of not breastfeeding, and the negative impact of bottle-feeding.	<u>Violation:</u> Articles 4 and 5 of Decree 21 / Article 4.2 of the International Code <u>Loophole:</u> Decree 21 should make it clearer that these provisions apply to IEC for health staff
IEC materials were found to include messages implying that bottle-feeding or milk products are similar to or better than breastfeeding as well as messages idealizing the use of these products.	<u>Violation:</u> Article 4.3.b of Decree 21 / Article 4.2 of the International Code

❖ Sale, Promotion, Advertising of Products in Health Facilities and Retail Shops

While most health facilities complied with the provisions of Decree 21, violations were found in both baby-friendly and non-baby-friendly health facilities. The age limits placed on the products covered by the Decree and other loopholes make it difficult for health staff to control promotional activities within health facilities.

Advertising violations were found to be pervasive. In all, over 100 advertising violations to Decree 21 in 70 retail shops were uncovered in this study. These violations were committed by over 20 multinational and domestic companies. It was also common for companies to work around the Decree by using other promotional strategies such as special showcases, banners, displays, discounts, special sales, product holders, and gifts.

Practice	Violation/Loophole
DHI inspections found 4 hospitals that permitted the sale of restricted nutrition products either at kiosks or through health workers.	<p><u>Violation:</u> Articles 10.2.b and 11.2.a of Decree 21 / Article 6.3 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21 (<i>depending on the products promoted</i>)</p>
Nine out of 152 health facilities were found to display nutrition products for young children, including those for children under 12 months of age.	<p><u>Violation:</u> Articles 10.2.d and 11.2.b of Decree 21 / Article 6.3 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21 (<i>depending on the products promoted</i>)</p>
Cases were found in which the name or logo of restricted nutrition products were found on materials in 6 health facilities such as clocks, posters and calendars.	<p><u>Violation:</u> Articles 10.2.c and 12.2 of Decree 21 / Article 6.3 of the International Code</p> <p><u>Loophole:</u> Articles 10 and 12 of Decree 21 (<i>depending on the products promoted</i>)</p>
One-third of 216 retail shops (32.4%) contained advertisements of nutrition products for young children, including those for children under 12 months old.	<p><u>Violation:</u> Article 6 of Decree 21 / Article 5.1 of the International Code</p> <p><u>Loophole:</u> Article 6 of Decree (<i>depending on the products advertised</i>)</p>
31.1% of retail shops contained special showcases, 16.4% used special sales, 10.7% used product holders, and 8.2% used banners to promote products within the scope of the Decree.	<p><u>Violation:</u> Articles 5.3 and 5.4 of the International Code</p> <p><u>Loophole:</u> Article 6 of Decree 21 (<i>no prohibition</i>)</p>
Sales personnel in retail shops were found to approach mothers to encourage the purchase of breastmilk substitutes. These personnel were often prompted by companies who provide monetary and material incentives to sales personnel to sell their products.	<p><u>Violation:</u> Articles 8.1 of the International Code</p> <p><u>Loophole:</u> Article 6 of Decree 21 (<i>no prohibition</i>)</p>
Cases were found in which mothers were asked to provide their personal information in retail shops. They were also invited to attend workshops or meetings held by companies.	<p><u>Violation:</u> Article 5.5 of the International Code</p> <p><u>Loophole:</u> Article 10 of Decree 21 (<i>depending on the products promoted</i>)</p>

❖ Labeling of Products within the Scope of Decree 21

In all, violations of Decree 21 labeling provisions were relatively common and were committed by over 20 domestic and multinational companies. Violations included omitting informational content required by the Decree, containing images of infants, and discouraging breastfeeding by idealizing the product in a way that does not meet scientific scrutiny.

It is the norm for labels to make nutrition and health claims about the additives put into their products, such as fatty acids, amino acids, proteins, prebiotics, and probiotics. These claims serve to make the products seem either equal or superior to breastmilk. Some common claims include that the additives enhance the immune system, improve vision, reduce allergies, and prevent infections. Other common claims found on labels examined in this study were that the nutrition product helps with brain or intellectual development, height and/or weight gain, and overall physical development. These claims can be misleading and are mostly scientifically unsubstantiated, and in that way they violate Article 4.1 of Decree 21, which states that materials must ensure objectivity and be scientifically valid.

Key Findings	Violation/Loophole
Less than half - only 48% - of the 355 labels on nutrition products for infants under 6 months of age complied with every regulation of the Decree.	<u>Violation:</u> Article 8 of Decree 21 / Article 9 of the International Code
One-tenth of labels on the 355 nutrition products for infants under 6 months of age and 30.7% of the 426 products for children 6-24 months of age implied that the product is equal to or better than breastmilk.	<u>Violation:</u> Article 8.2.c of Decree 21 / Article 9 of the International Code
13% of nutrition products for infants under 6 months old contained text that either discouraged breastfeeding or idealized the use of breastmilk substitutes.	<u>Violation:</u> Articles 8.2.c of Decree 21 / Article 9.2 of the International Code <u>Loophole:</u> Articles 8 and 9 of Decree 21(<i>should be clearer about what constitutes a violation</i>)
Most products make questionable health or nutrition claims about the additives in the products.	<u>Violation:</u> Articles 8.2.c of Decree 21 / Article 9.2 of the International Code and WHA resolution 62.23 <u>Loophole:</u> Article 8 of Decree 21 (<i>Provisions should be clearer</i>)
13% of nutrition products for infants under 6 months old contained an image of an infant.	<u>Violation:</u> Articles 8.2.c of Decree 21 / Article 9.2 of the International Code <u>Loophole:</u> Article 8 of Decree 21(<i>age of infant can be argued</i>)
Many labels of feeding bottles and teats were found to indirectly discourage breastfeeding by idealizing bottle-feeding or featuring images of infants bottle-feeding.	<u>Loophole:</u> Article 9 of Decree 21

❖ Usage of Breastmilk Substitutes among Mothers

Usage of breastmilk substitutes was high among mothers of infants under 6 months old who participated in the study. The two most commonly cited reasons for using breastmilk substitutes were: 1) they were advised to do so by a friend, family member or neighbor; and 2) they felt that they did not produce enough breastmilk for their children. As seen before, companies often convey messages that take advantage of mothers' concerns that they do not produce enough breastmilk. Concerns over the quantity or appropriateness of breastfeeding (e.g., after a Caesarean section) were also somewhat common among mothers. These findings imply that there is a lack of awareness and education about breastfeeding, including the risks of not breastfeeding, among mothers in Vietnam.

Key Findings

- Slightly more than half (52.7%) of the 349 mothers of infants under 6 months old reported using breastmilk substitutes.
- Among the 184 mothers who used breastmilk substitutes, 21.2% did so because they felt that they did not produce enough breastmilk for their children.
- Nearly one-quarter of mothers who used breastmilk substitutes (23.4%) reported being advised to do so by a health professional, a violation of Article 12.2.c of Decree 21 (unless it is medically necessary to do so).
- Among those who used breastmilk substitutes, 10.3% of mothers were influenced by advertisements to do so and 6.5% felt that these substitutes were superior to breastmilk.
- 21.7% of mothers who used breastmilk substitutes did so based on the advice of a friend.

Recommendations

❖ **Key recommendations for revision of Decree 21**

The following recommendations for the revision of Decree 21 aim to strengthen the provisions of the Decree by closing existing loopholes and by increasing the clarity of the Decree. The recommendations also aim to bring Decree 21 inline with the International Code.

1. **Include feeding bottles, teats, and dummies** in provisions where these products are currently absent.
2. **Clarify and provide definitions of the businesses and companies** which are regulated under the Decree as well as the representatives of these companies.
3. **Remove age limits** specified for the products covered under the Decree. All provisions should apply to all products within the scope of the Decree. For example, prohibit all advertisements for nutrition products for children from birth to 24 months of age.
4. Require that information, education and communication materials are expanded to **include all the informational points** listed in the International Code; and make it clearer that these requirements apply to materials for health staff.
5. **Regulate donations** of informational and educational materials, equipment, and products from nutrition product companies.
6. **Prohibit promotional or marketing tactics** that serve to promote products under the scope of the Decree such as point-of-sale advertising, giving of samples, special sales, etc.
7. **Expand the labeling provisions** to include all the points of the International Code; prohibit any images or photos of infants or young children from labels; and make labeling provisions for bottles and teats more comprehensive.
8. **Prohibit the use of health and nutrition claims** for nutrition products for infants and young children.
9. **Remove the exception for hospital pharmacies** from articles related to health facilities.
10. **Prohibit companies from displaying their name and/or logo** in health facilities in any form.
11. Prohibit company personnel from **seeking direct or indirect contact** of any kind with pregnant women, mothers, or infants and young children, including in the form of giving gifts or samples.
12. Tighten the sponsorship provision to **prohibit all forms of funding** for scholarships, conferences, research, seminars, courses, etc.
13. Update all provisions of Decree 21 to **account for new technologies**, particularly Articles 4, 5 and 6.

❖ **Key recommendations for implementation, monitoring and supervision of Decree 21**

1. **Establish a Steering Committee** or equivalent to improve cohesiveness, coordination, and consultation of relevant ministries (see page 32 for a list of agencies). The Committee would also provide direction and guidance for: a) drafting of a new Decree, b) implementing the Decree, and c) monitoring for Decree violations.
2. **Develop clear guidelines on the coordination and implementation of IEC activities** so the roles and responsibilities of the different players involved are better coordinated and understood. Improve the quality, quantity and reach of these activities through better management and increased funding and priority. Special focus should be given to including messages on the health hazards of the inappropriate use of breastmilk substitutes and complementary foods and the financial costs of breastfeeding.
3. **Improve the levels of knowledge and awareness about Decree 21 and the benefits of breastfeeding among local authorities and key players** involved in Decree implementation in order to help make implementation a greater priority, which could result in higher funding.
4. **Conduct trainings to enhance the skills of the officials** responsible for implementation. Trainings could aim to improve skills in monitoring, supervision, inspections, and other key areas as they relate to Decree 21.
5. **Conduct more regular and comprehensive trainings of health staff**, especially in district hospitals, commune health centers and private health facilities. Special focus should be given to training health staff in how to create an enabling environment for breastfeeding that includes counseling for pregnant women and mothers. Furthermore, health facilities should **enhance self-regulation** for Decree compliance.
6. Make **sanctions for Decree 21 violations more punitive and more frequently enforced**. These sanctions should either be incorporated into the Decree, or Decree 45 should be updated to cover all provisions outlined by Decree 21.
7. **Make inspections related to compliance with Decree 21 a higher priority, more systematic and more regularly executed**. The skills of health inspectors should be improved so that they are well-educated on the Decree's provisions as well as the implications of violations of the Decree.
8. The Food Safety and Health Department should **regularly review the publication of quality standards, food safety and hygiene** of nutrition products for young children.

Examples of Decree 21 Violations

PediaSure^{BA} - với công thức đầy đủ và cân đối

Công thức đầy đủ 28 Vitamins và khoáng chất	Tăng cường hệ miễn dịch
Bổ sung Synbiotics=Probiotics + Prebiotics	Giúp hấp thu dưỡng chất tốt hơn
Công thức dinh dưỡng cân bằng: 12% Protein, 44% Carbohydrates, 44 % chất béo	Hỗ trợ phát triển cân nặng
Bổ sung Kẽm, Canxi, Magie, Phospho theo khuyến cáo dinh dưỡng Hoa Kỳ	Hỗ trợ phát triển chiều cao
Bổ sung Choline, Taurine Omega 6&3	Hỗ trợ phát triển não bộ

Có thể dùng thay thế bữa ăn hoàn toàn hoặc dùng bổ sung sau mỗi bữa ăn

PediaSure^{BA} - Giúp trẻ biếng ăn bất kíp và duy trì đà tăng trưởng hoàn hảo

Thế hệ Eye-Q^{PLUS} tiên tiến nhất

Đã được chứng minh lâm sàng giúp trẻ phát triển trí não - miễn dịch và dung nạp tốt

Thành phần: Vitamin A, B1, B2, B6, C, E, K, D3, Omega 3, Omega 6, Taurine, Choline, Inositol, Phosphatidylcholine, Lutein, và các dưỡng chất khác.

Viện trợ phát triển trí tuệ vượt trội

Hậu quả của Biếng Ăn

Những gì khoa học đã chứng minh

- Thiếu hụt dưỡng chất:** 78% phụ huynh có bé biếng ăn đều lo lắng về tình trạng thiếu hụt dinh dưỡng.
- Sụt cân:** Bé biếng ăn trong 2 năm đầu đời có nguy cơ nhẹ cân nhiều hơn 3 lần so với bé ăn uống tốt.
- Rối loạn tăng trưởng:** Bé biếng ăn có nguy cơ thua kém từ 6 - 22% về số cân nặng lý tưởng so với bé ăn uống tốt.
- Rối loạn nhận thức, cảm xúc:** Không chỉ ảnh hưởng đến khả năng nhận thức, học tập trước mắt và có thể kéo dài đến 5 năm sau.
- Suy giảm hệ miễn dịch:** Có số ngày bệnh nhiều hơn 20% và có nguy cơ viêm nhiễm đường hô hấp trên nhiều hơn 45%.

PediaSure^{BA}

Giúp trẻ biếng ăn bất kíp và duy trì đà tăng trưởng hoàn hảo

Thế hệ Eye-Q^{PLUS} tiên tiến nhất

Giúp trẻ phát triển trí tuệ vượt trội

Hệ dưỡng chất mới nhất được nghiên cứu và giới thiệu lần đầu tiên tại Việt Nam

- Viện Abbott Laboratories - Viện bào chế hàng đầu thế giới về chăm sóc sức khỏe và dinh dưỡng cho trẻ em (100 năm)
- Thị trường dinh dưỡng toàn cầu 10.000 tỷ

Hệ dưỡng chất đáp ứng các khuyến cáo và áp dụng chứng kết quả nghiên cứu mới nhất

- Khuyến cáo bởi LBRC - 1988 (U.S. Evidence Research Office) về hàm lượng của các axit béo thiết yếu Acid Linolenic, choline, inositol, axit béo, Acid Linolenic (1.75%)
- Khuyến cáo bởi WHO - 2000 (WHO Evidence Commission) về hàm lượng DHA (0.2%) và AA (0.2%)
- Đã ứng dụng trong 1000 nghiên cứu lâm sàng về chứng minh về sức khỏe tim mạch
- Hàm lượng cao của Lutein, Taurine, Choline, và Inositol giúp bảo vệ thị lực và duy trì sự phát triển thị lực

Hệ dưỡng chất duy nhất với các chứng cứ lâm sàng giúp trẻ phát triển trí não đạt mức tiêu chuẩn cao nhất dựa trên đánh giá:

- Sự phát triển trí não
- Khả năng miễn dịch
- Tỷ lệ mắc và tiến độ nghiêm trọng
- Khả năng đáp ứng dinh dưỡng
- Hàm lượng dinh dưỡng

Company: Abbott
Details: IEC booklets
Products:
 PediaSure BA
 Similac 1
 Similac Gain 2
 Gain Plus 3
 Gain Kid 4

- Decree 21 Violations/Loopholes:**
- Advertising of milk product for children under 12 months old (Violation of Article 6)
 - IEC materials contain name and logo of nutrition products (Violation of Article 4)
 - Pictures/text idealize use of products and therefore discourage breastfeeding, making scientifically unsubstantiated health/nutrition claims (Violation of Article 4)
 - IEC materials do not include of all required information under Article 4

Label

Brochures/Advertisements



“Scientists point out that nutrition of cow's colostrum has properties similar to mother's colostrum.”

“With Mama Sua Non Growth, your baby will be healthy, smart and tall.”

“Uses: for children ages 0-12 months, especially if mother has lost milk or the quality of milk is not high.”

“But with an increasingly hurried life, women work more in intellectual labor and have headaches. The environment is increasingly toxic. So, women lose milk in childbirth or produce milk slowly, or the quality of milk is not very high.”

Company: G&P Viet Nam

Details: Label for Mama Sua Non New infant formula (0-12 months)

Brochures for Mama Sua Non products including:

- Mama Sua Non Colostrum Growth
- Mama Sua Non Baby & Mama Sua Non Baby A+/2+
- Mama Sua Non Star
- Mama Sua Non IQ

While the photos do not indicate ages for use, the brochure states that Mama Sua Non Colostrum is for 0-12 months and Mama Sua Non Star 1-3 is for children 1-3 years.

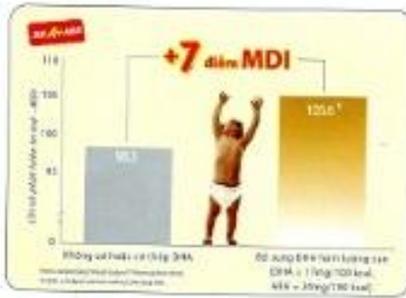
Decree 21 Violations:

- Advertising of milk product for children under 12 months old (Violation of Article 6)
- Label features an infant under 12 months of age. (Violation of Article 8)
- Implies product is similar to breastmilk (Violation of Article 4)
- Makes claims idealizing product: prevents rickets, helps bone development, helps brain and retina development, supports immunity (Violation of Article 4)
- Advertisements and IEC materials do not include of all required information under Article 4 and discourage breastfeeding

HÀM LƯỢNG CAO DHA+ARA™
giúp phát triển trí tuệ vượt trội

Khi bé lớn hơn một chút, người ta thường dùng chỉ số Phát triển Trí tuệ MDI (Mental Development Index) để đo lường trí thông minh của trẻ.

Một nghiên cứu khác trên 2 nhóm trẻ 18 tháng tuổi đã được nuôi bằng 2 công thức sữa với hàm lượng DHA, ARA khác nhau trong 4 tháng đầu đời cho thấy nhóm trẻ được bổ sung DHA, ARA cao hơn (DHA 17mg, ARA 14mg trong 100kcal) đạt 7 điểm MDI cao hơn nhóm chúng (không được bổ sung DHA, ARA) ¹¹¹.



Chỉ số MDI được đo lường trên:

- Trí nhớ
- Khả năng giải quyết vấn đề
- Khả năng phân biệt
- Khả năng phân loại
- Kỹ năng ngôn ngữ
- Kỹ năng xã hội

VIOLATION

Còn gì hạnh phúc hơn khi thấy con bạn thông minh vượt trội ngay từ đầu hay cho bé yêu cao học thành công trong cuộc sống đầy thử thách mai sau với nguồn dinh dưỡng đúng đắn ở những cột mốc phát triển vượt trội của trí não.

¹¹¹ Nghiên cứu lâm sàng của tiến sĩ Eileen E. Birch công bố năm 2000 trên tạp chí Developmental Medicine and Child Neurology, Mỹ.



Company: Mead Johnson

Details: IEC booklet for health workers in Hai Phong

Products: Enfakid A+ / Enfagrow A+ / EnfaMama A+ (for children 12 months and older)

Decree 21 Violations/Loopholes:

- IEC materials contain name and logo of nutrition products under the Decree (Violation of Article 4)
- Pictures/text idealize use of products and therefore discourage breastfeeding, making scientifically unsubstantiated health/nutrition claims (Violation of Article 4)
- Include a photo of a breastfeeding infant above the company logo implies the products are similar to breastmilk (Violation of Article 4)
- IEC materials do not include of all required information under Article 4



Company: Vinamilk

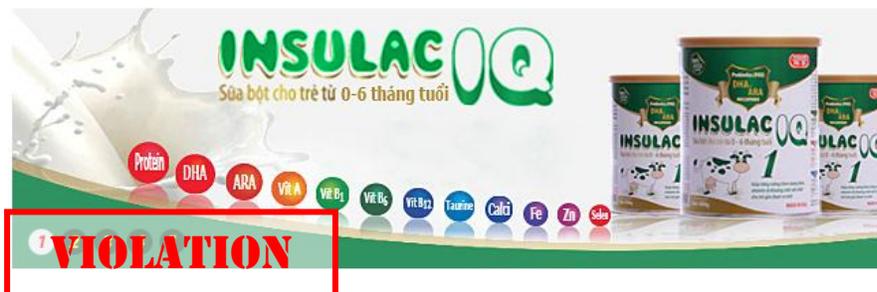
Source: <http://www.youtube.com/watch?v=VTVVL7yHkZ8&feature=related>

Date: June 28, 2011 (Uploaded December 16, 2009)

Product: Dielac powdered milk for children 6-24 months of age

Decree 21 Violations:

- Advertisement of milk product for children under 12 months old (Article 6)
- Does not make statement "Breastmilk is the best food for the health and overall development of children." (Article 6)
- Features children under 12 months old (Article 4)
- Does not include all information in Articles 4 and 5
- Makes claims that idealizes the product (Article 4).



Company: PBM Nutrition

Source: <http://insulacvietnam.com/>

Date: June 28, 2011

Products:

- Insulac IQ 1, powdered milk (0-6 months)
- Insulac IQ 2, powdered milk (6-12 months)

Decree 21 Violations:

- Advertisement of milk product for children under 12 months old (Article 6)



VIOLATION

“A nutrition revolution in recent years, cow’s colostrum is an extremely useful additive to the human body. It contains the same natural antibodies that are essential for child development.”

“Overcome anorexia in children.”
 “Helps your child achieve overall healthy development.”



VIOLATION

“Help children strengthen the immune system. They will not suffer from diseases like measles, whooping cough, respiratory infections, and diarrhea.”

Company: Bach JSC

Source:

<http://www.smartbabysuanon.com.vn>

Date: June 27, 2011

Products:

-Smart Baby for newborns (for children under 12 months of age)

-Smart Baby for babies 1-3

Decree 21 Violations:

- Advertisement of milk product for children under 12 months old (Article 6)
- Label features an infant under 12 months of age. (Article 8)
- Implies product is similar to colostrum of breastmilk (Article 4)
- Makes claims idealizing product: prevents rickets, helps bone development, helps brain and retina development, supports immunity (Article 4)
- No inclusion of required information such as “Breastmilk is the best food for the health and overall development of children,” or other requirements under Article 4 (e.g., disadvantages of not breastfeeding.)