



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 22-16 S. 2022

**REGULATING THE MARKETING OF BREASTMILK SUBSTITUTES,
BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS IN BATANGAS CITY,
PENALIZING VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.**

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AUTHOR: COUN. CHED ATIENZA
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WHEREAS, the 1987 Constitution of the Philippines states the policy of the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the World Health Organization, affirming the right of every child and every pregnant and lactating woman to be adequately nourished as a means of attaining and maintaining health, affirming the vulnerability of infants in the early months of life and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of breastmilk substitutes, promulgated the International Code on Marketing of Breastmilk Substitutes and called upon member states to take appropriate social and legislative action to give effect to the aims of the Code;

WHEREAS, Executive Order No. 51 dated October 20, 1986 adopted a National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products, and pursuant thereto, the Rules and Regulations promulgated by the Inter-agency Committee required Local Government Units through the local health offices to implement and monitor within their areas the provisions of the Breastmilk Code;

WHEREAS, DOH Department Circular No. 24 s. 1987 the Guidelines for the Implementation of Executive Order No. 51 otherwise known as the Milk Code tasked the City Health Office to ensure the effective implementation of the appropriate provisions thereof in its locality;

WHEREAS, there is a need for the enactment of an Ordinance guaranteeing the benefits of the National Milk Code to every child, pregnant and lactating woman of Batangas City;

NOW THEREFORE, be it ORDAINED by the Sangguniang Panlungsod in session assembled:

Section 1. Short Title.- This Ordinance shall be known and cited as the Batangas City Milk Ordinance.

Section 2. Declaration of Policy. - Batangas City declares a policy to protect the health and nutrition of infants and their mothers, promote breastfeeding as the best, safe, and adequate source of nutrition for infants, and ensure the proper use of breastmilk substitutes and supplements.

Section 3. Scope. - This Ordinance applies to the marketing and practices related thereto, of breastmilk substitutes, including infant formula; other milk products, foods and



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beverages, including bottle-fed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teats; and to the quality and availability of the foregoing products, and to information concerning their use.

Section 4. Definition of Terms. – Whenever used in this Ordinance, terms shall have the following meaning:

- a) **"Breastmilk Substitutes"** means any food being marketed or otherwise represented as a partial or total replacement of breastmilk, whether or not suitable for that purpose.
- b) **"Complementary Food"** means any food, whether manufactured or locally prepared, suitable as a complement to breastmilk or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called "weaning food" or "breastmilk supplement".
- c) **"Container"** means any form of packaging of products for sale as normal retail unit, including wrappers.
- d) **"Distributor"** means a person, corporation or any other entity in public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail level a product within the scope of the National Milk Code. A "primary distributor" is a manufacturer's sales agent, representative, national distributor or broker.
- e) **"Infant"** means a person falling within the age bracket of 0-12 months.
- f) **"Health care system"** means governmental, non-governmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child care institutions. It also includes health workers in private practice. For the purpose of this Code, the health care system does not include pharmacies or other established sales outlets.
- g) **"Health Worker"** means a person working in a component of such health care system, whether professional or non-professional, including volunteer workers.
- h) **"Infant Formula"** means a breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to between four to six months of age, and adapted to their physiological characteristics. Infant formula may also be prepared at home in which case it is described as "home-prepared".
- i) **"Label"** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked embossed or impressed on, or attached to, a container of any product within the scope of this Code.



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- j) **"Manufacturer"** means a corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.
- k) **"Marketing"** means product promotion, distribution, selling, advertising, product public relations, and information services
- l) **"Marketing Personnel"** means any person whose functions involve the marketing of a product or products coming within the scope of this Code.
- m) **"Sample"** means single or small quantities of a product provided without a cost.
- n) **"Supplies"** means quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided to families in need.

Section 5. Information and Education. - The City Health Office shall ensure that objective and consistent information is provided on infant feeding, for use by families and those involved in the field of infant nutrition.

Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points: (1) the benefits and superiority of breastfeeding; (2) maternal nutrition, and the preparation for and maintenance of breastfeeding; (3) the negative effect on breastfeeding of introducing partial bottle-feeding; (4) the difficulty of reversing the decision not to breastfeed; and (5) where needed, the proper use of infant formula, whether manufactured industrially or home prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

Section 6. Prohibition. - The following acts are prohibited in the marketing of breastmilk substitutes and supplements in Batangas City:

- a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products within the scope of this Ordinance shall be printed, published, distributed, exhibited and broadcast within Batangas City unless such materials are duly authorized and approved by the Inter-Agency Committee created under Executive Order No. 51 Series of 1986;
- b) Manufacturers and distributors shall not be permitted to give, directly or indirectly, samples and supplies of products within the scope of this Ordinance or



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gifts of any sort to any member of the general public, including members of their families, to hospitals and other health institutions, as well as to personnel within the health care system, except otherwise provided in this Ordinance;

c) There shall be no point-of-sale advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie-in sales for the products within the scope of this Ordinance. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis;

d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding, nor shall any other groups to the general public and mothers;

e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this Ordinance, either directly or indirectly, to pregnant women or with mother of infants, except as otherwise provided herein;

f) Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Ordinance shall be restricted to scientific and factual matters, and such information shall not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding;

g) No financial or material inducements to promote products within the scope of this Ordinance shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Ordinance;

h) Samples of infant formula or other products within the scope of this Ordinance or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the Department of Health. No health workers shall give examples of infant formula to pregnant women and mothers of infants or members of their families.

i) Manufacturers and distributors of products within the scope of this Ordinance may assist in the research, scholarships and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the Department of Health.



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j) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Ordinance upon request by or with the approval of the Department of Health.

Section 7. Duties of the City Health Office. – The City Health Office, shall ensure the effective implementation of this Ordinance, particularly:

a) Take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers on infant nutrition, and on their obligations under this Ordinance;

b) Actively participate in the implementation of the regulations against promoting infant formula or other products within the scope of this Ordinance, or the use of health facilities in Batangas City for the display of products, or placards or posters concerning such products. However, the dissemination of information to health professionals is not precluded by this Ordinance;

c) Conduct health education activities for mothers and the general public, emphasizing the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons;

d) Whenever required by the Department of Health, assist in the investigation of violation, or monitoring of compliance with the provisions of the National Milk Code.

Section 8. Appropriation of Funds. – Any amount sufficient for the effective implementation of the plans, programs, and activities embodied in this Ordinance may be appropriated in the annual or supplemental budget of the City Government.

Section 9. Penalties. -- Any person found violating any of the prohibitions provided in this Ordinance shall suffer the penalty of fine in the amount of Five Thousand Pesos (PhP 5,000.00), or imprisonment of not more than six (6) months, or both fine and imprisonment at the discretion of the Court.

Section 10. Separability Clause. – If for any reason or reasons, any part of this ordinance shall be held unconstitutional or invalid other parts hereof which are not affected thereby shall continue to be in full force and effect.

Section 11. Repealing Clause. – All provisions of ordinances, executive orders, or resolutions inconsistent herewith are hereby repealed and/or modified accordingly.



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Section 12. Effectivity. – This Ordinance shall take effect after approval by the City Mayor and completion of publication in a newspaper of general circulation in the City and Province of Batangas.

ENACTED by the Sangguniang Panlungsod on this 4th day of October, 2022.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: OCT 10 2022