



## **KHYBER PAKHTUNKHWA**

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### **GOVERNMENT OF THE KHYBER PAKHTUNKHWA** **HEALTH DEPARTMENT**

#### **NOTIFICATION**

*Peshawar, dated the 4<sup>th</sup> February, 2017.*

**No. E&A/H/3-50/Breastfeeding Rules/2017.**—In exercise of the powers conferred by section 21 of the Khyber Pakhtunkhwa Protection of Breastfeeding and Child Nutrition Act, 2015 (Khyber Pakhtunkhwa Act No. VII of 2015), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

#### **THE KHYBER PAKHTUNKHWA PROTECTION OF BREASTFEEDING AND CHILD NUTRITION RULES, 2017**

**1. Short title and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Protection of Breastfeeding and Child Nutrition Rules, 2017.

(2) They shall come into force at once.

**2. Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Khyber Pakhtunkhwa Protection of Breastfeeding and Child Nutrition Act, 2015 (Khyber Pakhtunkhwa Act No. VII of 2015);
- (b) “Chairperson” means the Chairperson of the Board or the Committee, as the case may be;
- (c) “member” means a member of the Board or the Committee, as the case may be;
- (d) “Secretary” in case of Board means Director, Health Services, Khyber Pakhtunkhwa and in case of Committee means District Health Officer;

(2) The words used but not defined herein shall have the same meaning as are assigned to them in the Act.

**3. Tenure, qualification and disqualification of the members.**—(1) The members, other than ex-officio members, shall hold office for a term of two years. The members in case of Board may be re-appointed by the Government and by the Nazim, District Government in case of Committee.

(2) No member shall have any direct or indirect financial interest in any designated product. The members in this regard, shall furnish to the Secretary an undertaking that they do not, and shall not have in the future, any financial or other interest associated with the designated product industry.

(3) Except for the member representing the designated product industry, no member shall be legally permitted to hold any appointment, or be connected in any manner with the management or administration of a designated product industry for a period of two years after the said member has ceased to be a member of the Board.

(4) Any member, other than the ex-officio member may, at any time, resign his office by writing to the Chairperson. An ex officio member of the Board or the Committee, as the case may be, shall vacate his office if the Government or Nazim, District Government, as the case may be, so directs. A vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(5) A member shall cease to be a member if he absents himself from three consecutive meetings of the Board or the Committee, as the case may be, without leave of absence from the Chairperson or in the absence of the Chairperson, of the Secretary.

(6) Any person to be appointed as member of the Board or the Committee, as the case may be, other than ex-officio member, shall not be qualified for such appointment if he is found to have acquired such financial or other interest which is likely to affect prejudicially his functions as a member of the Board.

**4. Secretariat of the Board.**---The Health Department shall provide secretariat support for the meetings of the Board under the provisions of the Act while in case of meetings of the Committee, such support shall be provided by the District Health Office.

**5. Meetings of the Board.**---(1) The Secretary of the Board shall call meetings of the Board, at the direction of the Chairperson.

(2) The meeting of the Board or the Committee, as the case may be, shall be held in its Secretariat at least once in every four months.

(3) The meetings of the Board or the Committee, as the case may be, shall normally be held in Peshawar, unless the Chairperson decides to hold it anywhere else.

(4) The Secretary shall call meetings at the direction of the Chairperson. Notice of not less than ten days shall be given to every member present in Pakistan of the time and place fixed for each ordinary meeting of the Board, and each member shall be furnished with the agenda of the meeting. This notice requirement, however, can be waived for convening an urgent meeting by the Chairperson.

(5) The Secretary shall take minutes of the meetings, certify decisions and perform such other duties as directed by the Board or the Committee, as the case may be. The minutes of each meeting shall be signed by the Chairperson and the Secretary, and circulated to all members present in Pakistan and shall also be kept with the Secretary for permanent record in a minutes file.

(6) The Chairperson shall chair every meeting at which he is present. If he is absent, then the member nominated by him for the purpose

shall preside at the meeting and the member so nominated shall at that meeting exercise all the powers of the Chairperson.

(7) Majority of the members of the Board or the Committee, as the case may be, shall constitute a quorum for a meeting. If a quorum is not present at any meeting, the Chairperson may adjourn the meeting to a date not later than ten days informing the members who are present, and later notifying the absent members, that the business of the adjourned meeting shall be disposed of, irrespective of there being a quorum. Thereupon, the agenda shall be disposed of at such adjourned meeting, irrespective of the number of members present at the meeting.

(8) The decision of the Board or the Committee, as the case may be, shall be expressed in terms of the opinion of the majority of the members present and voting at a meeting; in the event of equality of votes, the Chairperson or other person presiding shall have a casting vote.

(9) No act done by the Board or the Committee, as the case may be, shall be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board.

**6. Disposal of business.**---(1) Every question which the Board or the Committee, as the case may be, is required to take into consideration shall be considered either at its meeting or, if the Chairperson so directs, by sending the necessary papers to all members for their opinion.

(2) The Chairperson shall place before the Board or the Committee, as the case may be, any matter if a request to that effect is made by not less than five members.

(3) The Chairperson may refer any matter within the competence of the Board or the Committee, as the case may be, either before or after it has been considered by the Board or the Committee, as the case may be, to the Government or Nazim, District Government, as the case may be, for directions and the directions of the Government or Nazim, District Government, as the case may be, in that behalf shall be binding on the Board or the Committee, as the case may be.

(4) A resolution-in-writing signed by at least the majority of the total members of the Board or the Committee, as the case may be, including the Chairperson, shall be as valid and effective as if it had been passed at a meeting of the Board or the Committee, as the case may be, duly called and constituted. All such resolutions, however, must be placed before the Board for confirmation at its next meeting.

**7. Powers and functions of the Board.**---The Board shall have the same powers as provided for in section 4 and explained hereunder.-

(a) for the purpose of clause (a) of section 4 of the Act, the Board shall receive reports of violations of provisions of the Act or these rules and to recommend investigation of cases against manufacturers, distributors or health workers found to be violating these provisions;

(b) advise the Government on designing a provincial strategy for developing communication and public education

\_programs for the promotion of breastfeeding, informational and educational materials on the topic of infant and young child feeding, continuing education for health workers on lactation management and the requirements of the Act, curricula for health workers that include lactation management and to ensure widespread distribution of and publicity concerning the Act:

- (c) make recommendations to the Government in respect of laws, rules or regulations affecting in any manner the field of breast-feeding and nutrition for infants and young children;
- (d) encourage through extensive public awareness programs and otherwise promotion, support and protection of breast-feeding;
- (e) consider requests for donations to health care facilities of designated products and recommend to the Government the acceptance or denial of such requests according to guidelines as may be specified from time to time, by the Board in the context of the Infant and Young Child Feeding in Emergencies Guidelines;
- (f) for the purpose of implementation of these Rules, the Government may call for consultation with Provincial Government Departments, and other stake holders or persons to ensure implementation and strict compliance with the provisions of the Act and Rules;
- (g) call for consultations with the Government Departments, and amongst various ministries of the Government and other governmental agencies and stake holders, in order to ensure implementation and strict compliance with the provisions of the Act and these Rules; and
- (h) call for any information and recommend any research to be made for the furtherance of the objects of the Act.

**8. Approval of labeling.**---(1) Prior to marketing of any designated product, its manufacture or distributor shall submit a label of such designated product alongwith the application to the Board for approval of such label.

(2) The Board shall consider the application of the manufacture or distributor of the designated product and if found that it fulfill all the requirements provided in the Act or in these rules, shall give approval for such label not later than thirty (30) days after the date of which such application has been made.

(3) The label of a designated product shall be prepared in such a manner to give necessary information about the proper uses of the designated product and not to discourage breastfeeding.

**9. Label of infant formulas and bottle feeding complementary food.**---

(1) Every container of infant formula, complementary food or other designated product marketed to be fed by feeding bottle shall include all of the following information, namely:

- (a) the words "Important Notice" or their equivalent;
- (b) a statement that the designated product must be used only on the advice of a health worker as to the need for its use and the proper method of use;
- (c) a warning about the health hazards of inappropriate preparation, including the potential hazards associated with using a feeding bottle, particularly when it is improperly sterilized;
- (d) a statement that feeding with a cup and spoon is safer than bottle-feeding;
- (e) the quantity of the products that will be required to properly feed the infant in proportion to his weight; and
- (f) the age in months, which except for infant formulas shall in no case be less than six months, after which the designated product may be used.

(2) The label of a designated product other than a milk bottle or nipple shall also contain the following matters:

- (a) the ingredients used;
- (b) the composition or analysis of product;
- (c) the storage conditions required; and
- (d) the batch number, storage condition, date of its manufacture and the date before which it is to be consumed, taking in account the climatic conditions.

**10. Label of milk products.**---(1) Any type of milk that does not meet all the nutritional requirements of an infant formula, but can be modified to do so, must contain on its label a warning that the product alone must not be the sole source of the infant's nourishment and that it must not be used to feed infants, except under the guidance of a health worker.

(2) Labels of sweetened condensed milk shall contain a warning that it shall not be used for infant feeding.

(3) The label of a feeding bottle or nipple shall also contain the name and address of the manufacture or distributor as well as the statement that the mother milk is the best milk for infants and that it is safer to feed with a pot or spoon than a bottle.

**11. Measures to guarantee safe and adequate nutrition.**---The Government, health authorities, the Board and officials of the health care facilities shall take appropriate measures to guarantee safe and adequate nutrition for infants through the promotion and protection of breast-feeding, through the regulation of the marketing of designated products and by adhering to the principles of the Act and these Rules.

**12. Health workers to promote breast-feeding.**---(1) The health workers shall be expected to endeavor their best to implement the provisions of the Act and these rules, whenever possible.

(2) The health workers shall work to eliminate practices that directly or indirectly retard the initiation and continuation of breast-feeding.

(3) The officials of healthcare facilities including health workers shall make it sure and make all possible efforts that after birth of a child, immediate breastfeeding shall be started.

**13. No gift.**---(1) The health workers or members of their families, shall not accept any gift, contribution or benefit, financial or otherwise, of whatever value from a manufacturer or distributor or any person on its behalf.

(2) The health workers engaged in maternal and child health shall neither accept from nor give samples of designated products to any person; or demonstrate the use of infant formula, except to individual mothers or members of their families in special cases of need and in such cases, shall give a clear explanation of the hazards of the use of infant formula.

**14. Information and educational materials.**---(1) The manufacturers and distributors may, subject to the provisions of the Act and these rules, provide information about designated products to health professional if such information is restricted to scientific and factual matters regarding the technical aspects and methods of use of designated products and is otherwise in accordance with the provisions of the Act and these Rules. Such information must not imply or create the belief that bottle-feeding is equivalent to or superior to breast-feeding.

(2) All such information and educational materials, whether written, audio or visual including but not limited to the material mentioned in sub-rule (1) above, must contain the following, namely:

- (a) the benefits and superiority of breast-feeding especially of early initiation and exclusive breast feeding for 6 months;
- (b) the preparation for and maintenance of breast-feeding including maternal nutrition;
- (c) the art of expressing out breast milk, its storage and feeding it to the infant;
- (d) the negative and harmful effect on breast-feeding of introducing partial bottle-feeding; and
- (e) the difficulty of reversing the decision not to breast-feed, even if bottle-feed is limited to a few bottles.
- (f) The benefits of breast milk that is to say that breast milk are-
  - (i) always clean;
  - (ii) protect the infant from infection and diseases;
  - (iii) available always;

- (iv) requires no special preparation; and
- (v) helps parents to space naturally their children.

(3) Informational and educational materials that include the topic of feeding infants with infant formula, follow-up formula or any other food or drink by bottle must explain, in addition to the information specified in sub-rule (2) above, the following points in respect of the products mentioned in this sub-rule, namely:

- (a) the proper preparation and use of the products and the health hazards associated with the use of a bottle particularly when it is improperly sterilized;
- (b) the social and financial implications of feeding an infant with the product;
- (c) the health hazards of inappropriate feeding methods and of unnecessary or improper use of the products;
- (d) how to feed infants with a cup and spoon; and
- (e) method of preparing supplementary foods at home.

(4) Information and educational materials that include the topic of feeding infants with complementary foods must explain, in addition to the information specified in sub-rule (2) and (3) above, the following points, namely:

- (a) the health hazards of introducing complementary foods at an early stage;
- (b) that complementary foods can easily be prepared at home; and
- (c) that it must be given to infants above the age of six months with cup and spoon not in a feeding bottle.

(5) Information and educational material shall contain only correct and current information and shall not use any pictures, graphics or text that encourage bottle-feeding or discourage breast-feeding.

(6) Informational and educational materials shall be written in Urdu and in such other languages as may be deemed necessary by the Board.

(7) Except for purposes of copyright, informational and educational materials shall not make reference to any designated product nor contain the name or logo of any manufacturer or distributor of a designated product.

**15. Complaint procedure.**---(1) Under section 17 of the Act, any person may make an application in writing to the Board concerning contravention of any of the provisions of the Act or the rules. The application, amongst others, may comply with the following, namely:

- (a) it shall be in writing and may be addressed to the Chairperson or Secretary;
- (b) it shall mention the name and address of both the alleged violator and of the applicant;

- (c) it may mention in numbered paragraphs a description of the alleged contravention of the provisions of the Act or the rules, including where applicable, the date and the venue of the breach, and the relief claimed by the applicant;
- (d) copies of the documents in support of the allegations contained in the application can be attached; and
- (e) the application can be sent by mail, email, courier or any other means of communication.

(2) In the event the investigation reveals an offence, the Board shall follow the procedure specified in section 15 for recommending prosecution.

**16. Confiscation of designated products.**---When any person has been convicted under the Act, then the stock of the designated product in respect of which the contravention has been made may be confiscated if the Court so directs. The court may after trial punish the accused under section 19 of the Act.

**17. Jurisdiction of Inspector and their identity.**---(1) Government may by Notification define the local limit of Inspectors within which they shall exercise powers under the Act.

(2) Every Inspector shall be provided with an identity card. The Inspector shall always keep his identity card with himself and show immediately when any person intends to see it, when he perform his duties under this Act or rules.

**18. Duties of Inspector.**---(1) It shall be the duty of an Inspector, within the local limits for which he is designated,-

- (a) to inspect maternity homes, maternity and infant theater of hospitals, health service center, offices and clinics of medical practitioners, other health care system and offices of health workers and manufacturing sites, warehouses or offices of manufactures and distributors, to satisfy himself that the conditions of the licence and the provisions of the Act and the rules are being observed;
- (b) to inspect from time to time establishments licensed for the import, export or sale of designated products and to satisfy himself that the conditions of the licence are being observed;
- (c) to send forthwith to the Secretary after each inspection a detailed-report indicating the provisions of the Act and the Rules which are not being observed;
- (d) to take samples of any designated product which he has reason to suspect that it is being manufactured, stocked, sold, labeled or exhibited for sale in contravention of the provisions of the Act or the Rules and send them for test or analysis to the Board;
- (e) to send any complaint that he receives from anybody to the Secretary;
- (f) to recommend the initiation of prosecution in respect of breaches of the Act and the Rules upon instructions and directions received from the Board;



- (g) seize any designated product which appears to him to be in contravention of this Act or the rules;
- (h) to give advice to the designated product industry on matters pertaining to the provisions of the Act and the rules regarding baby friendly practices with a view to improve the standard of industry and in order improve the quality of infant's health; and
- (i) to conduct surveillance of the marketed designated products for ensuring quality control and compliance of the various provisions of the Act and these rules.

(2) If for the purpose of carrying out inspection and inquiry pursuant to sub-rule (1), the Inspector has to enter in any house or compound of any person, he may enter into such house and compound by giving a notice to the concerned person.

(3) If the Inspector request any local body, administration, police or other person for assistance for the purposes of carrying out inspection and inquiry or entering the house and compound of any person, all the concerned shall render assistance to him.

**19. Procedure for dispatch of sample.**---The portion of sample, packet or the container sent by an Inspector to the Secretary for analysis shall be sent by courier or by hand in a sealed packet in an outer cover addressed to the Secretary.

**20. Prohibition of disclosure of information.**---Except for the purpose of official business or when required by a court of law, an Inspector shall not, without the sanction in writing of his official superior, disclose to any person any information acquired by him in the course of his official duties.

**SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**