



# BMS Act, 2012 brief

## Key to note!

- Appropriate feeding practices are important for the growth, development, health, nutrition and survival of infants and children
- Many global summits agree/have passed resolutions on the need to create the right environment for women to breastfeed their children
- WHO and UNICEF developed the Global Strategy for Infant and Young Child Feeding in 2002 focusing on:
  - Importance of investing in infant and young child feeding ensure that children grow to their full potential
  - Freeing children from poor nutrition status and preventable illnesses caused by poor feeding practices

## Kenya's commitment to Infant and Young Child Feeding.

This is enshrined in the constitution in Article 53 which outlines among other rights, the right to basic nutrition.

### Enactment of the BMS Act responds to the following global operational targets:

1. Take action to give effect to international code of MBMS and subsequent relevant WHA resolutions
2. Enact legislation protecting the breastfeeding rights of working women
3. Develop, implement, monitor and evaluate a comprehensive policy covering all aspects of Maternal Infant and Young Child Nutrition

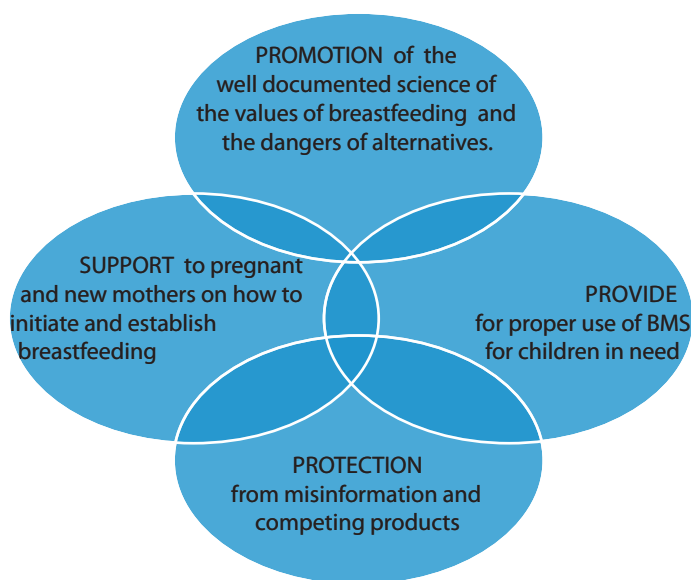
## Why the BMS Act?

To counter aggressive promotion and marketing of breast milk substitutes which have been one of the main impediments to optimal breast feeding.

In compliance to and adapting the international code for appropriate infant and young child feeding.

## How the Act works

- Implementation of the Act is guided by the principles of protecting, promoting and supporting breastfeeding and providing for proper use of alternative feeding for children in need



## Which is the aim of the Act?

Provides for appropriate marketing and distribution of breast milk substitutes; to provide for safe and adequate nutrition for infants through the promotion of breastfeeding and proper use of breast milk substitutes, where necessary, and for connected purposes.

## Which is the scope of the Act?

The Act applies to the marketing, and practices related to the breast milk substitutes and other designated products including;

- Infant formula
- Feeding bottles
- Teats
- Follow-up formula for infants or children between the age of six months to twenty-four months;
- Products marketed or otherwise represented as being suitable for feeding infants of up to the age of six months
- Breast milk fortifiers
- Pacifiers
- Cups with spout
- Any other product the Cabinet Secretary may, by a notice in the Gazette, declare to be a designated product

## How does the government/Ministry of Health, stakeholders ensure that the Act is complied to?

**Where to look:** healthcare facilities/systems, on Media and at Points of sale.

## What to look out for:

- **Products:** infant formula, follow-up formula, complementary foods and bottles and teats)
- **Mothers:** there should be no direct contact with the mothers, no samples given to them.
- **Media:** there should be no promotion and advertisement of breast milk substitutes through the internet, newspapers TV and any other media.
- **Health workers:** no gifts should be given to HW, information given should only be scientific and factual.
- **Health facilities:** no free supplies/samples, no IEC materials on breast milk substitutes.

## How to monitor :

- **Casual interviews**
- **Investigation**
- **Observation**
- **Literature review**

## Your Role as a BMS Act monitor:

If you notice any violation,

1. Report it to:

■ *Director, Public Health P.O Box 30016-00100 Nairobi, E-mail: [directorphke@gmail.com](mailto:directorphke@gmail.com)*  
or

■ *Head, Nutrition and Dietetics Unit (NDU), Ministry of Health, P.O Box 43319-00100 Nairobi, E-mail [headnutrition.moh@gmail.com](mailto:headnutrition.moh@gmail.com) or the nearest public health or nutrition office*

2. Fill notice of violation form which can be found on the nutrition website at [www.nutritionhealth.or.ke](http://www.nutritionhealth.or.ke)
3. Where possible, include actual samples, photographs or images of areas that are not complying with the Breast Milk Substitute (Regulation and Control) Act identified in your form and submit to contacts given earlier

REPUBLIC OF KENYA



MINISTRY OF HEALTH

**For further information contact us:**

Division of Nutrition and Dietetics, Ministry of Health,  
P.O Box 30016, Nairobi or visit our website  
<http://www.nutritionhealth.or.ke>.