

Introduction

The Pediatric Nutrition Manufacturer Association (PNMA) (the “Association”) represents the infant food and young children’s food industry in Thailand. One of the Association’s main objectives is to actively promote and support the government sector and nutritionists in building up a correct understanding among the public about nutrition that is good, safe and appropriate for infants and young children. In addition, the Association has a firm intention to work together with the government sector in stipulating policies and guidelines on marketing and promotion in relation to nutrition for infants and young children for the Association’s members to follow, so that the manufacturers of food for infants and young children will have the same set of standard practices. The Association is committed to complying with good governance in its business operations, as well as the international code on the marketing of breast milk substitutes, the WHO code, and the Control of Marketing Promotion of Infant Food and Young Children’s Food Act B.E. 2560 (2017). The objectives of these codes and the Act are to ensure that infants will receive safe and appropriate nutrition. In order to do so, breastfeeding practices are protected and promoted, and breast milk substitutes are ensured to be used only as appropriate and necessary, by providing sufficient information through accurate and appropriate marketing activities. The Association members consist of multinational and local manufacturers, which produce food for infants and young children that complies with the nutrition standards using scientifically advanced, safe, and high-quality technologies and procedures. The Association has six members as follows:

1. Abbott Laboratories Limited;
2. Danone Specialized Nutrition (Thailand) Co., Ltd.;
3. Mead Johnson Nutrition (Thailand) Ltd.;
4. Nestle (Thai) Ltd.;
5. Nestle (Thai) Ltd., Wyeth Nutrition Business Division; and
6. Pacific Healthcare (Thailand) Co., Ltd.

The missions of the Association in connection with this Code of Conduct are as follows:

1. To promote evidence-based nutrition products by developing and promoting policies and practices that address the safe and good nutrition for infants and young children;
2. To participate in the establishment of marketing policies and regulations, ensuring they are in line with the actual practices the marketing for infant and young child nutrition
3. To encourage the government sector, nutritionists specialized in food for infants and young children, and the general public to accept high-quality and safe products;

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4. In collaboration with the government sector and other relevant parties, public health professionals, international trade organizations, the private sector, and the general public, to support the control of marketing activities of infants and young children nutrition products, so that they are consistent with trade regulations, the WHO code, international food standards, and the Control of Marketing Promotion of Infant Food and Young Children's Food Act B.E. 2560 (2017);

5. To encourage and support the government sector and nutritionists in building correct understanding among the general public in relation to good, safe, and proper nutrition for infants and young children;

6. To collaborate with the government sector in connection with the compliance with the laws and regulations on the control of marketing promotion of infant food and young children's food, by ensuring peer control and self-regulation among the members; and

7. To encourage and support the members to comply with their respective internal rules and regulations which are stricter than the WHO code or this Code of Conduct.

Article 1: Objectives of the Association

The Association and its members are committed to promoting exclusive breastfeeding for the first 6 months of the infants' lives, and extended breastfeeding, together with giving food that is appropriate to the child's age, until at least 12 months of age. In order to ensure that infants and young children receive safe nutrition that is sufficient for their development and growth;

1.1 Breastfeeding shall be promoted; and

1.2 In the event that breast milk substitutes are necessary, the use of such breast milk substitutes shall be based on sufficient information, which is provided through appropriate marketing activities and distribution.

Article 2: Scope

This Code of Conduct is a standard practice for the Association's members to follow in connection with marketing and relevant activities conducted in connection with infant food based on the Control of Marketing Promotion of Infant Food and Young Children's Food Act B.E. 2560 (2017), including infant formula, infant food, food for special medical purposes (or medical food) for infants, follow-on formula for infants and young children, follow-on food of infants and young children, and infant complementary food (collectively referred to as "Products hereunder" or "Products"). This Code of Conduct does not apply to milk products for pregnant and breastfeeding women or milk or food products for children aged 1 year and older.

Article 3: Definitions

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“**The Products hereunder**” or “**Products**” shall mean infant formula, infant food, food for special medical purposes, follow-on formula for infants and young children, follow-on food of infants and young children and infant complementary food

“**infant**” shall mean a newborn child until the age of 12 months.

“**young child**” shall mean a child aged over 12 months to 3 years.

“**infant food**” shall mean:

(1) milk or other product used as food, which contains appropriate and sufficient nutrition for feeding infants under the laws on food;

(2) milk or other product used as food, which contains a label specifying that it can be used for infant feeding.

“**infant complementary food**” shall mean food that is used to supplement certain nutrition and to create an acquaintance with food for infants aged six months and above under the laws on food.

“**advertising**” shall mean any acts done so that the general public will realize or acknowledge the benefits, quality, or properties of the Products, while showing logos or any marks that are linked to the Products, for commercial purposes.

“**content**” shall include the presentation of letters, pictures, devices, photographs, videos, lights, sounds, marks, or any acts, which can convey meanings to the general public.

“**marketing promotion**” shall mean any acts done that are intended to promote the sales of, enhance the image of, or encourage or promote the use of infant food or infant complementary food, as the case may be, for commercial purposes.

“**public health professional entities**” shall mean professional committees in different fields under the laws on medical practices, the Medical Council of Thailand under the laws on medical profession, the Thailand Nursing and Midwifery Council under the laws on nursing and midwifery profession, the Dental Council under the laws on dental professions, the Pharmacy Council of Thailand under the laws on pharmaceutical profession, the Physical Therapy Council under the laws on physical therapy profession, the Medical Technology Council under the laws on medical technology profession, the Thai Traditional Medical Council under the laws on Thai traditional medical profession, the Council of Community-Public Health under the laws on community-public health profession, or other medical or public health councils under the relevant laws.

“**public health service entities**” shall mean medical facilities under the laws on medical facilities, or those operated by ministries, bureaus, departments, local administrative organizations, state enterprises, government-run educational institutions, other government organizations, or the Thai Red Cross Society, and shall include private non-profit organizations, which run health care activities for mother and child, and public health professional entities.

“**public health professionals**” shall mean professionals in different fields that practice in public health service entities and shall include volunteers providing public health care.

Article 4: Providing product information and disseminating academic information to the general public

In order to ensure that the provision of product information to and dissemination of academic information to the general public are done solely for the purposes of providing product information without nutrition and health claims to consumers and disseminating academic information regarding mother and child health care to the general public, and not for marketing promotion purposes, the Association's members shall comply with the following rules and regulations:

4.1 The Association's members shall not advertise their Products to the general public;

4.2 The Association's members may provide product information, as appeared on the approved food labels, to the general public, but shall not make any claims regarding nutritional and health benefits on such labels. The provision of such information on food labels shall be in accordance with the criteria, procedures and conditions on the provision of information under the Ministry of Public Health's Notification on Criteria, Procedures and Conditions on the Provision of Information and Channels Used for the Dissemination of Information Regarding Infant Food B.E. 2561 (2018)

4.3 The Association's members may prepare or disseminate academic information regarding mother and child health care to the general public, but not in a way to encourage or promote the use of Products directly or indirectly, and such information shall not create any association with the Products.

4.4 The Association's members shall not make a claim in any media that the Products are as good as or better than breast milk, nor shall they provide product information in a way that will interfere the breastfeeding practice.

4.5 The Association's members shall not market infant complementary food as a breast milk substitute.

Article 5: Contact with pregnant women or mothers and members of the infants' families

The contact with pregnant women or mothers and members of the infants' families shall not be in a way that promotes or markets the Products. In doing so, the Association's members shall comply with the following rules and regulations:

5.1 No coupon shall be provided or given away, and the right to receive discounts, to purchase a tie-in product, or to exchange for or receive a gift, giveaway, or any other items shall be granted to consumers through any commercial channels.

5.2 No Product shall be given away to pregnant women or mothers and members of the infants' families, whether directly or indirectly.

5.3 No item or anything shall be given away to pregnant women or mothers and members of the infants' families for the purpose of marketing the Products.

5.4 No contact shall be made with pregnant women or mothers and members of the infants' families, whether directly or indirectly, for the purposes of promoting or encouraging the use of the Products or creating an association with the Products.

5.5 The Association's members shall not arrange or provide support in the arrangement of meetings, workshops, or academic seminars in connection with the Products for pregnant women or mothers and members of the infants' families to attend, except when such meetings, workshops, or academic seminars are arranged to support public health professional entities and government-run higher education institutions where the topic of mother and child health care is taught. The arrangement of such academic meetings, workshops, or seminars shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Criteria, Procedures, and Conditions on the Provision of Support to Public Health Professional Entities and Government-Run Higher Education Institutions Where the Topic of Mother and Child Health Care Is Taught in the Arrangement of Meetings, Workshops, or Academic Seminars in connection with Infant Food, Young Children's Food or Infant Complementary Food B.E. 2561 (2018).

In case of infant complementary food

1. No marketing promotion of infant complementary food shall be given to any person at medical facilities under the laws on medical facilities, or those operated by ministries bureaus, departments, local administrative organizations, state enterprises, government-run educational institutions, other government organizations, or the Thai Red Cross Society with the following rules

1.1 No coupon shall be provided or given away, and the right to receive discounts, to purchase a tie-in product, or to exchange for or receive a gift, giveaway, or any other items shall be granted

1.2 No infant complementary food or sample of infant complementary food or any other items shall be given away or provided, whether directly or indirectly

2. No marketing promotion of infant complementary food shall be made with pregnant women or mothers of infants aged not more than 6 months for the purposes of promoting the Products

Article 6: Public Health Service Entities

In order to ensure that any activities and communications between the Association's members and any public health service entities are not carried out for the purposes of promoting and encouraging the use of the Products, the Association's members shall comply with the following rules and regulations:

6.1 The Association's members shall not encourage any public health service entities to promote the use of the Products.

6.2 The Association's members must not provide special benefits to any public health service entities with the intent to encourage the procurement or use of the Products in health service entities.

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6.3 The Association's members shall not encourage any public health service entities to display the Products and relevant materials, such as posters, leaflets, etc., which show the name, logo, or mark that suggest that they are related to the Products. In the event that a name, logo, or mark is shown, it shall not create an association with the Products, except for the names, logos, or marks of the relevant company.

6.4 The Association's members may provide items, equipment, or articles to any public health service entities as requested, provided that such items, equipment, or articles do not contain the name, logo, or mark of the Products. In the event that a name, logo, or mark is shown, it shall not create an association with the Products, except for the names, logos, or marks of the relevant company.

6.5 The Association's members shall not demonstrate the use of the Products at any public health service entities or any other places to promote or encourage the use of the Products for commercial purposes, except when such demonstration is specifically carried out to provide the public health professionals with relevant information, so that they can provide accurate professional advice to their patients.

6.6 The Association's members shall not donate the Products to any public health service entities or public health professionals, except when a Product used for a specific purpose is given to a public health service entity that makes a request for such Product, or when a Product is given to a private non-profit organization in the event that there is a necessity for such Product. The provision of the Products specified in this paragraph shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Criteria, Procedures, and Conditions on the Donation of Infant Food and Young Children's Food Used for Specific Purposes and Donation Made in the event of Necessity to Public Health Service Entities B.E. 2561 (2018). The provision in this paragraph shall not apply to complementary food for infants.

6.7 The Association's members shall not arrange or provide support in the arrangement of meetings, workshops, or academic seminars in connection with the Products for any public health service entities, except when such meetings, workshops, or academic seminars are arranged to support public health professional entities and government-run higher education institutions where the topic of mother and child health care is taught. The arrangement of such meetings, workshops, or academic seminars shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Criteria, Procedures, and Conditions on the Provision of Support to Public Health Professional Entities and Government-Run Higher Education Institutions Where the Topic of Mother and Child Health Care Is Taught in the Arrangement of Meetings, Workshops, or Academic Seminars in connection with Infant Food and Young Children's Food or Infant Complementary Food B.E. 2561 (2018).

Article 7: Public health professionals

In order to ensure that any activities and communications between the Association's members and any public health professionals are carried out to provide accurate and evidence-based information regarding the Products, or to support continuous professional studies on health care and nutrition of mother and child, without promoting the use of the Products, the Association's members shall comply with the following rules and regulations:

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7.1 The Association's members shall not give or offer to give gifts, cash, incentives, or any other benefits to any public health professionals or their family members as a way to promote the Products.

7.2 The Association's members shall not give samples of the Products, or equipment used in the preparation of or together with the Products, to any public health professionals.

7.3 The Association's members may provide scientific information and facts regarding the Products to any public health professionals with the support of scientific evidence. They, however, shall not persuade, convince, or lead such public health professionals to believe that infant food is as good as or better than breastfeeding. The provision of such information may be conducted on a one-on-one basis or as a group, and shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Scientific Evidence Used to Support the Provision of Information Regarding Infant Food, Young Children's Food or Infant Complementary Food to Public Health Professionals B.E. 2561 (2018).

7.4 The Association's members shall not arrange or provide support in the arrangement of meetings, workshops, or academic seminars in connection with the Products for any public health professionals, except when such meetings, workshops, or academic seminars are arranged to support public health professional entities and government-run higher education institutions where the topic of mother and child health care is taught. The arrangement of such meetings, workshops, or academic seminars shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Criteria, Procedures, and Conditions on the Provision of Support to Public Health Professional Entities and Government-Run Higher Education Institutions Where the Topic of Mother and Child Health Care Is Taught in the Arrangement of Meetings, Workshops, or Academic Seminars in connection with Infant Food, Young Children's Food or Infant Complementary Food B.E. 2561 (2018).

7.5 The Association's members may provide support, through public health professional entities or government-run higher education institutions where the topic of mother and child health care is taught, to public health professionals to attend academic conferences related to the Products. Such support shall be provided with no condition binding upon the public health professionals, which is stipulated for the purpose of promoting the Products. In addition, the trips made for such academic conference shall not include any field trips that are not related to such academic conference. The provision of such support shall be in accordance with the criteria, procedures, and conditions under the Ministry of Public Health's Notification on Criteria, Procedures, and Conditions on the Provision of Support to Public Health Professional Entities and Government-Run Higher Education Institutions Where the Topic of Mother and Child Health Care Is Taught in the Arrangement of Meetings, Workshops, or Academic Seminars in connection with Food for Infants and Young Children or Infant Complementary Food B.E. 2561 (2018).

7.6 The Association's members may arrange, or provide support in the arrangement of, academic events that are not related to the Products for public health professionals to attend, but such academic events shall be within an appropriate scope.

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7.7 The Association's members may provide support for clinical studies or research, whether or not they are related to the Products. In doing so, the public health professional carrying out such studies or research shall obtain approval from the Research Ethics Review Committee of the relevant institution in advance.

7.8 The Association's members may grant scholarships for continuing professional education to any public health professionals, provided that the education pursued shall not be under the subject that is related to the Products. The provision of the scholarships shall be carried out in accordance with the following criteria:

7.8.1 The provision of the scholarships shall not have any business condition binding upon or include any incentive that may influence public health professionals to recommend, prescribe, or order the products and services of the Association's members, whether in the past, at present, or in the future.

7.8.2 The provision of the scholarships shall be in line with the professional code of conduct of the public health professionals and their organizations.

7.8.3 The scholarships shall be provided through the organization of the public health professional recipient in accordance with the applicable rules and regulations and shall not be provided directly to the public health professional.

Article 8: Displaying the Products' labels

The Association's members shall ensure that the Products' labels comply with the relevant Ministry of Public Health's Notification on Food Labels under the Food Act B.E. 2522 (1979), and that the Products' labels are clearly distinctive from the labels of other foods.

Specifically, the labels of complementary food for infants shall be clearly different from the labels of infant food or any other food. They shall also be presented in a way that is easy to see or distinguish.

Article 9: Monitoring and enforcement

The Association's members are responsible for monitoring their compliance with this code.

In case of any doubts of non-compliance with this code, members and external stakeholders may report to the Association for further process.