

Cabinet Resolution No. (21) of 2018 Regulating the Marketing of Products Related to Infant and Young Child

The Cabinet:

- Having taken cognizance of the Constitution;
- Federal Law No. (1) of 1972 Concerning the Mandates of Ministries, Powers of Ministers and its amendments;
- Federal Law No. (7) of 1975 Concerning the Practice of Human Medicine Profession, and its amendments;
- Federal Law No. (4) of 1983 on the Profession of Pharmacy and Pharmaceutical Institutions;
- Federal Law No. (5) of 1984 on the Practice of some Health Professions by non-Doctors and non-Pharmacists;
- Federal Law No. (37) of 1992 Concerning Trademarks, and its amendments;
- Federal Law no. (28) of 2001 on the Establishment of Emirates Authority for Standardization and Metrology, and its amendments;
- Federal Law No. (24) of 2006 on Consumer Protection, and its amendments;
- Federal Law No. (4) of 2015 on the Private Health Facilities;
- Federal Law No. (10) of 2015 on Food Safety;
- Federal Decree-Law No. (4) of 2016 on Medical Liability;
- Federal Law No. (14) of 2016 on Violations and Administrative Penalties in the Federal Government;
- Federal Law No. (19) of 2016 on Combating Commercial Fraud,
- And in accordance with the presentations made by the Minister of Health and approval of the Cabinet;

Has decided as follows:

Article 1 Definitions

In the Application of the provisions of this Resolution, the following words and expressions shall have the meanings indicated opposite each of them, unless the context requires otherwise:

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| The State | : | The United Arab Emirates |
| MOHAP/ the Ministry | : | The Ministry of Health and Prevention |
| The Minister | : | Minister of Health and Prevention |
| Health Authority | : | Any federal or local government health authority in the State |
| Competent Health Authority | : | The Ministry or any federal or local government entities concerned with health affairs in the State. |
| Health Care System | : | Governmental or private entities or organizations working directly or indirectly in health care and awareness, including nurseries and childcare institutions. |

*In case of any misinterpretation, the Arabic version of this legislation prevails.

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| Concerned Authority | : Any federal or local government authority concerned with the implementation of the provisions of this Resolution. |
| Health Facility | : A facility licensed to conduct a medical test, provide advice or medical assistance with regard to diagnosing diseases, providing treatment, nursing, residing for the purpose of treatment, or performing any kind of work related to treatment or rehabilitation, whether it is owned or managed by a natural or legal person, including Health Facilities affiliated to faculties of medicine in the State if they provide any of the services mentioned in this Definition. |
| Breastfeeding | : The process of feeding babies with milk from a woman' breast, either directly from the breast to the baby's mouth, or indirectly by pumping the breast milk and feed the baby with it. |
| Infant | A baby who is under 12 months of age. |
| Young Children | : Children who are under 12 months and not over 24 months of age. |
| Infant Formula | : Feeding Infants and Young Children with any of the breast milk substitutes (BMS), as a total or partial substitute. |
| Baby Food | : Milk or any similar product, whether of animal or plant origin, manufactured in accordance with the specifications and standards applicable in the State. It is marketed and produced to meet the nutritional needs of Infants and used as a full or partial breast milk substitute. |
| Follow-on Formula | : Milk or any similar product, whether of animal or plant origin, manufactured in accordance with the specifications and standards applicable in the State. It is produced and marketed to meet the nutritional needs of Infants under 6 months of age and Young Children. |
| Complementary Food | : Any type of food marketed or produced as an additional to breast milk, Infant Formula, or Follow-on Formula. |
| Feeding Methods | : Baby bottles, nipples and pacifiers. |
| Product | : Infant Formula, Follow-on Formula, Complementary Food, and Feeding Methods |
| Health Worker | : Anyone working in the health care system, whether paid or unpaid. |
| The Package | : Any means of preparing, bottling or packaging the Product in full or in part to be marketed as a separate unit. |
| Product Labelling | : Any descriptions, image, drawing, or any other mark written, printed, drawn, marked, embossed, stamped, pasted or affixed in any other way on the package to indicate the Product, including any document or information attached to the Product. |

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| Promotion | : Using any direct or indirect method to encourage the purchase or use of a product, including the use of any form of publication or advertisement, whether in audio, text, visual, electronic or any other format, with the aim of encouraging, disposing or selling the Product, directly or indirectly. |
| Marketing | : Promote, distribute, sell, and advertise the Product using all means. |
| Supplier | : The supplier, distributor, producer, or any natural or legal person licensed to engage in any activity related to marketing the Product |
| Production Batch | : A certain amount of a product produced in the same ways and under the same circumstances. |
| Feeding Chart | : Information that must be on the Product package, including data on the age during or after which the Product is used, the appropriate quantities, number of meals, and any other conditions prescribed by this Resolution. |
| Samples | : A single or small quantity of the Product provided for free. |
| Logo | : An image, symbol or any other form indicating who is the supplier or the producer. |

Article (2)

Objectives of the Resolution

This Resolution aims to greatly contribute to protecting, encouraging and supporting breastfeeding through regularizing the activities of marketing and promoting foods and products related to Infant and Young Children feeding and providing appropriate information in this area in order to protect their health.

Article (3)

Scope of Application

1. The provisions of this Resolution shall apply to all promotional and marketing operations of the Product in the State for Infants and Young Children;
2. The Minister, after coordination with the rest of the Competent Health Authorities, may add any other product to those referred to in the Product definition mentioned in Article (1) of this Resolution.

Information and Educational Materials on Feeding Infant and Young Children

Article (4)

1. The Competent Health Authorities or the Concerned Authorities shall ensure that all forms of information and educational materials are in consistency with the conditions and controls related to the Product and the compliance therewith;
2. It is prohibited to publish any information or educational materials related to the Product or to the area of Infant and Young Children feeding without obtaining prior approval from the Competent Health Authority.

Article (5)

All forms of information and educational materials related to the Product must fulfill the following conditions:

1. All information must be correct and recent or scientifically proven;
2. They should not include any image, Statement, symbol, sign, or method that encourages on using baby formula or baby bottles or reducing the importance of breastfeeding. Any behavior in violation of this clause is prohibited;
3. They must be written in Arabic, and another language may be added, provided that the content of the other language must match the Arabic content;
4. They should not refer directly or indirectly or lead to the belief that the Product is identical, similar, or better than breast milk or breastfeeding;
5. They should not contain the trademark, trade name, or logo of the provider;
6. They should mention that breastfeeding is the optimal and best source of nutrition for Infants and Young Children;
7. They should include a detailed explanation of the following:
 - a. Benefits and preference of breastfeeding;
 - b. The benefit of breastfeeding, especially in the first six months of the Infant's age, and the importance to continue breastfeeding for two years;
 - c. The importance of introducing Complementary Food to the Infant from the age of six months;
 - d. The difficulty of taking back the decision to stop breastfeeding;
 - e. The negative effects on breastfeeding as a result of partial introduction of Baby Formula, if any product is used improperly.
8. Any other conditions stipulated by the Minister.

Article (6)

Information and Educational Materials for Health Workers

1. The provider may inform Health Workers of any information and educational materials related to the Product, provided that such information and educational materials are in compliance with the following:
 - a. Their content must be consistent with the provisions of Articles (4) and (5) of this Resolution;

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- b. They should be limited to scientific and factual information related to the technical aspects and methods of using the Product;
 - c. They should not indicate directly or indirectly that baby formula is equal to or better than breastfeeding.
2. Health workers may be provided with approved sources of studies that support the relationship between the Product and its components that are covered by this Resolution and the health, growth and development of Infants and Young Children, provided that such sources and studies are based on reliable research approved by a decision issued by the Minister.

Terms of Food Labelling

Article (7)

Without prejudice to the legislation and mandatory standard specifications applicable in the State, Food Labelling must fulfill the following Terms:

1. It should contain clear and easy-to-read information, does not lead to deception or to be misleading in any way, and that it is not erasable or removable from the Label;
2. It should be affixed on the Product Package in a manner that does not allow it to be separated or removed from it;
3. All information contained therein must be in Arabic, and another language may be added, provided that the content of the other language must be matching the Arabic content;
4. It should include a detailed explanation of the following:
 - a. Instructions on how to prepare the Product and its proper use;
 - b. The age during or after which the Product is recommended to be used, provided that it is written in numbers;
 - c. Health risks arising from improper preparation and early use of the Product before the recommended age;
 - d. The ingredients used in manufacturing the Product and determining the source and type of the milk or any similar products;
 - e. Data and information about the Product and its components that must be in consistent with the mandatory specifications approved in the State;
 - f. Name and address of the provider;
 - g. Number of the operational Production Batch of the Product, date of manufacture, and date of expiry;
 - h. Clarifying the climatic and storage conditions suitable for preserving the Product;
 - i. Determining the period during which the Product should be used after opening the Package;
 - j. Any other conditions and controls determined by virtue of a decision issued by the Minister.

Article (8)

In addition to the data referred to in Article (7) of this Resolution, Labelling of Baby Food and Follow-on Formula should include the following:

1. A statement confirming that breastfeeding is the best and that breast milk is the optimal food for healthy growth and development of Infants and Young Children and that it protects them from diarrhea and other diseases. This statement must be written clearly in a prominent place;
2. A warning statement emphasizing the importance of getting medical advice before deciding to use Baby Food and Follow-on Formula as a full or partial breastfeeding substitute, and the importance of following up the preparation instructions and using a cup instead of a bottle;
3. A warning statement on the health risks resulting from the improper preparation, storage, and use of the Product and the early use of the Product before the recommended age;
4. A statement emphasizing on the importance of non-use of Follow-on Formula for Infants under six months of age;
5. The Feeding Chart must include preparing instructions;
6. Information about the source of protein.

Article (9)

Food Labelling Information mentioned in Articles (7) and (8) of this Resolution should not contain any of the following:

1. Names, symbols, signs, or pictures that are contrary to the public order and public morality in the State;
2. Pictures, drawings, photos for Infants or mothers, or any other pictures or text that goes beyond the limits of explaining how to prepare the Product, directly or indirectly indicating that the Product is optimal, or encouraging using it for feeding Infants and Young Children;
3. Any health or nutritional claims indicating that there is a relationship between the Product or its ingredients and health maintenance or stating that the Product's components have a physiological role in the growth and development of the body's normal functions, unless it is a requirement for a specific product according to the legislation in force in the State;
4. Phrases that compare the Product to breast milk or discourage breastfeeding.

Article (10)

Conditions of Feeding Methods

Feeding Methods must fulfill the following conditions:

1. To be in conformity with the legislation and mandatory standard specifications applicable in the State;
2. Labelling of each method must fulfill the terms and conditions stipulated in this Resolution, in particular the following:
 - a. The statements prescribed by virtue of a decision issued by the Minister must be written on the Labelling and the Package in large size letters;

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- b. It must contain the method of preparation, use, and instructions for cleaning and disinfection;
- c. It demonstrates how to feed Infants and Young Children using the normal eating utensils, such as cups;
- d. Stating the health effects of bottle feeding and its improper preparation.

Article (11)

Product Registration

1. A Supplier must register the Product at the Ministry before marketing it in the State;
2. A supplier who has the Product to be marketed in the State must initiate the registration process of the available amount thereof immediately upon issuance of this Resolution, and reconcile its status as per its provisions, in accordance with the procedures and within the period determined by the Minister under decisions issued for this purpose;
3. A product registration certificate is granted after ensuring that it fulfills all the conditions mentioned in this Resolution and that it conforms to the standard specifications applicable in the State;
4. Without prejudice to the time limit prescribed by virtue of a decision issued by the Minister referred to in Clause (2) of this Article, it is prohibited to market any product in the State unless it is registered at the Ministry.

Article (12)

Duties of the Competent Health Authorities and Health Care System

The Competent Health Authorities and Health Care System shall take the necessary measures to implement the provisions of this Resolution, each according to its competencies, provided that they include the following:

1. Encouraging and protecting breastfeeding and providing Health Workers with information and instructions that increase their efficiency and contribute to the good performance of their responsibilities, and ensure that Health Workers are aware and familiar with the necessary information, in particular the information contained in Articles (4), (5) and (6) of this Resolution;
2. Training Health Workers to help mothers start and continue breastfeeding and remove any direct and indirect practices that hinder or delay that;
3. Encouraging mothers to nurse their Infants with breast milk till the age of two years;
4. Prevent displaying the Products covered by the provisions of this Resolution and prevent displaying their posters and banners in Health Facilities;
5. Provide the necessary advice and guidance on the importance of breastfeeding and its effective role for the health of a mother and child.

Promotion

Article (13)

A supplier or its representative, and any person whose activity has an effect on the measure of marketing the Product are prohibited from doing any of the following:

1. Offering any discounts, such as: Special offers, discount coupons, installments, or offering prizes or gifts or any other means of encouragement, including linking the sale of the Product to any other commodity to benefit from the price reduction;
2. Providing one or more free samples of the Product;
3. Donating or distributing informational or educational materials or conducting educational events related to the Product unless it meets the requirements of the provisions contained in this Resolution;
4. Carrying out any educational programs, work programs or events for promoting the Product or the supplier;
5. Providing Health Worker or any entity affiliated to the Health Care System with any quantity of the Product at a price lower than the declared wholesale price, if any, or at a price (80%) less than of the retail price in the absence of a declared wholesale price;
6. Providing Health Care System facilities with equipment, services, or any office or advertising materials bearing the name, logo, drawing, trademark, or any other description indicating the name of the provider;
7. Providing any gifts, donations or financial aid to Health Workers or associations of Health Workers working in the area of mother and child healthcare, including the provision of scholarships and fellowship or financial aids for the purpose of holding or attending meetings, seminars, continuing education courses or conferences;
8. Sponsoring activities, competitions, telephone advice or campaigns related to reproductive health, pregnancy and childbirth, Infant and Young Children feeding, or any related topics.

Article (14)

Obligations of Health Workers

A health worker is prohibited from doing any of the following:

1. Describing any product unless necessary, provided that the methods of its use are explained individually to the mother, family members, or child's guardian, in which case the health risks of its use and unnecessary or inappropriate use must be clarified;
2. Accepting any financial or moral gifts or rewards, directly or indirectly from the supplier or its representative;
3. Accepting any samples of the Product or of the equipment or tools intended for its preparation or use;
4. Giving any sample of the Product to pregnant women, mothers and member of families of Infants and Young Children;
5. Accepting any aids for the purpose of preparing or attending conferences, seminars or workshops;

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6. Carrying out any activity that conflicts with the objectives and content of this Resolution.

Article (15)

Administrative Penalties

1. Without prejudice to any penalty or measures taken by the authority that has detected the violation in accordance with the relevant legislation, the administrative penalties prescribed below shall be imposed in the event that the Product is not registered or if the conditions of Food Labelling, Educational Information, or Feeding Methods contained in this Resolution are not fulfilled or if the provisions contained in the Articles (13) and (14) of this Resolution are breached:
 - a. Sending a notification;
 - b. Depriving the violator from marketing the Product for a period not exceeding one year, and the Product may be withdrawn from the market at the expense of the violator, if necessary;
 - c. Cancelling the Product registration certificate;
 - d. Charging the violator with the costs and expenses of removing and repairing the damage resulting from the violation committed in the event that it fails to remove or repair the damage;
2. The Competent Health Authority shall impose the penalties referred to in Clause (1) of this Article regarding the institutions that have committed any violations falling within the scope of its powers, with the exception of imposing the penalty of cancelling the Product registration certificate as it falls within the power of the Ministry;
3. The Concerned Authorities and the Competent Health Authorities must notify the Ministry of the violations that are detected, the measures taken in that regard, and must attach the supporting documents and state the penalty to be imposed;
4. The Ministry, after being notified of the violations, in accordance with the provision of Clause (3) of this Article, must make sure that there are no other violations committed by that violator in the rest of the Emirates. In the event that a violation is established, the Ministry must take the necessary measures regarding thereof and impose the penalties referred to in this Article

Article (16)

Grievance

1. Any interested party may file grievance to the Minister or Head of the Competent Health Authority, as the case may be, against the decision issued to impose any of the administrative penalties stipulated in Article (15) of this Resolution, within fifteen days from the date of notifying the violator of the decision;
2. That Grievance shall be decided on within fifteen days from the date of its duly submission, and the decision issued regarding the grievance shall be final. Failure to decide on the grievance during this period shall be deemed refusal thereof.

Full Provisions

Article (17)

The Minister shall issue the necessary decisions for the implementation of the provisions of this Resolution.

Article (18)

All provisions in violation of or in contradiction with the provisions of this Resolution shall be abrogated.

Article (19)

This Law shall be published in the Official Gazette and shall come into force the day following its publication and the Competent Health Authority and the Concerned Authorities shall implement its provisions, each within the limits of its competence.

Mohammed bin Rashid Al Maktoum

Prime Minister of the United Arab Emirates

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