NFG VIETNAM

Code of Marketing Practice for Breast-milk Substitute Milk Products
I. Introduction

The Nutritional Foods Group ("NFG"), a sector Committee under Eurocham, was established to promote science-based nutrition and to promote a high standard of quality acceptable to the government, medical and allied professions for its members’ products related to pediatric nutrition. In addition, the NFG encourages the self-regulation and best compliance practice among its members.

This Code of Marketing Practice for Breast-milk substitute milk products ("Code") should serve as evidence of the commitment of NFG members to upholding and abiding by Vietnamese and international laws and regulations related to the marketing of young child nutrition, including but not limited to, Law No. 16/2012/QH13 on Advertising, Decree 100/2014/ND-CP and their implementing circular(s). NFG thereby demonstrates its desire to work in partnership with all stakeholders and partners in achieving its goals of improved health and well-being for all Vietnamese children through responsible marketing practices.

II. Key principles of the Code

The Code applies to the marketing of any Breast-milk substitute milk products for young children up to the age of 24 months ("Breast-milk substitute milk products"). NFG members acknowledge that the definition of "Breast-milk substitute milk products" under Vietnamese law may be substantially different from the definition of "Breast milk substitutes" under the international laws, codes and practices. Therefore, it is agreed that the term "Breast-milk substitute milk products" can only be used within the scope of this Code to the extent that Vietnamese law applies and such use will not in any case prejudice or otherwise affect the understanding, interpretation or use by any NFG members, their affiliates or any other parties of the term "Breast-milk substitutes" or similar terms outside the context of this Code.

NFG members agreed that the following key principles will be applied to their marketing practices of Breast-milk substitute milk products:

- NFG members encourages and supports breastfeeding as the best choice for babies;
• NFG members must not advertise or promote Breast-milk substitute milk products to consumers in any manner;

• NFG members must not either directly or indirectly contact with mothers, pregnant women or their family members for the purpose of advertising, selling or promoting Breast-milk substitute milk products;

• NFG members must not, directly or indirectly, distribute samples of Breast-milk substitute milk products to pregnant women, mothers of young children, their families, health care professionals ("HCPs") and health care institutions. However, this does not prevent the providing of samples to the health sector for the purpose of professional research or evaluation based on protocol pre-approved or permitted by authorities to improve the science-based nutrition of Vietnamese people;

• NFG members must not offer financial or material incentives/gift/donation to HCPs for the purpose of selling or promoting Breast-milk substitute milk products;

• NFG members must not carry out or support information, education and communication activities related to young child feeding with an aim to propagandize, introduce, or promote the trade or use of Breast-milk substitute milk products.

• NFG members should provide correct, scientific, factual information and proper methods to use Breast-milk substitute milk products for young children to HCPs and consumers.

\[\textbf{Code of Marketing Practice for Breast-milk Substitute Milk Products}\]

\[\textbf{Article 1: Aim of the Code}\]

The aim of the Code is to provide guidelines for responsible marketing practices by NFG members in relation to the marketing of Breast-milk substitute milk products in Vietnam with an aim to contribute to the provision of safe and adequate nutrition to Vietnamese young children:

• by the protection and promotion of breastfeeding; and
• by ensuring the proper use of Breast-milk substitute milk products, when it is necessary*, on the basis of adequate information and appropriate marketing.

* Note: for the purposes of this Article, 'necessary' includes mothers or carers who make the informed decision to provide Breast-milk substitute milk products to their children.

Article 2: Application

This Code applies to the marketing practices carried out by NFG members in relation to Breast-milk substitute milk products. In the event of any conflict between any of the provisions in this Code and laws and regulations issued by the competent Vietnamese authorities, such laws and regulations shall prevail to within the context of such conflict.

Any provision of the Code which is held by applicable law to be illegal, void, or unenforceable, in whole or in part, shall to such extent be served from and be deemed not to form part of the Code, but the validity and enforceability of the remainder of the Code shall not be affected or invalidated, and shall continue in force to the fullest extent permitted under applicable law.

Article 3: Definitions

For the purpose of this Code, the below terms should have meaning as follows:

| Advertising | Introduction of Breast-milk substitute milk products to consumer in any form for marketing purpose. For avoidance of doubt, products can be sold on shelves in stores and online with price information at point of sale, composition and usage information for consumers and HCPs, other information published by or under the control of Vietnamese authorities are excluded from this definition. |
| Breast-milk substitute milk products | Breast-milk substitute milk products for children under 24 months of age include: a) Nutrition formula products, in liquid or powder form, |
processed from cow-milk or other animal milk with suitable ingredients, that may be used to substitute breast-milk for children of less than 12 months of age;
b) Nutrition formula products, in liquid or powder form, processed from cow-milk or other animal milk with suitable ingredients, or with animal or plant origin, to be used in the complementary feeding period for children from 06 to 24 months of age;
c) Other nutrition formula products, in liquid or powder form, processed from cow-milk or other animal milk with suitable ingredients, or with animal or plant origin, which are presented or introduced as suitable for use by children under 24 months of age, but not including complementary food in the nutrition structure for children of above 06 months of age.

| Health Care Institutions | For the purpose of this Code, Health Care Institutions include general hospitals having obstetric and/or pediatric departments; obstetric and pediatric hospitals; antenatal houses; general, obstetric, or pediatric clinics; local general clinics; medical stations of communes, precincts or towns; and nutrition research or nutrition consulting institutions for young children. |
| Health Care Professional | For the purpose of this Code, Health Care Professional includes doctors, intermediate-level physicians, convalescence workers, midwives, nutrition consultants, or those with other professional titles, including un-paid volunteers, at Health Care Institutions. |
| Young child | A child from birth until the age of 24 months. |
| Marketing | Activities to promote the sales of Breast-milk substitute milk products, including product promotion, distribution, selling, advertising, displaying, exhibition, trade fair, product public relations and information services for Breast-milk substitute milk products. |
| **Marketer** | A person, corporation or any other entity engaged in the business of distributing and marketing Breast-milk substitute milk products at wholesale or retail level, whether directly or through an agent. |
| **Sample** | A small quantity of Breast-milk substitute milk products provided on a free-of-charge basis. |
| **MOH** | The Vietnam Ministry of Health |

**Article 4: Information, education and communication**

4.1 NFG members shall ensure that all informational, educational or communicational materials regarding young child feeding provided by the Marketers to HCPs or consumers, whether written, audio or visual, are in accordance with the following regulations:

- Should have a statement on the benefits and superiority of breast feeding, affirming that breast-milk is the best food for the health and comprehensive development of young children; antibacterial elements, especially antibodies only available in breast-milk help children prevent and control diarrhea, respiratory infections and several other infectious diseases;
- Should cover the instructions on exclusive breast-feeding up to 06 months of age and continued breast-feeding until 24 months of age or beyond, and on proper and suitable complementary feeding from 07 months of age;
- Must not use images, words or other forms that aim to encourage feeding children with Breast-milk substitute milk products, encourage bottle-feeding, or discourage breast-feeding;
- Must not compare Breast-milk substitute milk products as being as good as or better than breast-milk;
- Must not contain names or logos of Breast-milk substitute milk products.

4.2 NFG members shall provide correct, scientific information and proper methods to use Breast-milk substitute milk products to HCPs and consumers. The content of informational, educational and communicational materials on the use of Breast-milk substitute milk products must satisfy the following requirements:
• Instructions on the proper selection and use of Breast-milk substitute milk products;
• Instructions on cleaning and sterilizing utensils used to feed young children;
• Instructions on how to feed young children with cups and spoons in a hygienic manner;
• Warnings on possible health hazards to young children if they suck artificial dummies, are fed by bottles, or fed with supplementary foods before 06 months of age;
• Provision of information on the possibility of bacterial contamination when feeding children by bottles, and when breast-milk substitute milk products are not prepared and fed properly;
• Warnings on costs of feeding young children with breast-milk substitute milk products.

4.3 NFG members shall not use Breast-milk substitute milk products or their specific brand names in any informational or educational material about the feeding of young children intended for distribution to or use by consumers, except when such materials are intended to provide instructions for use for a specific Breast-milk substitute milk product and are disseminated through a HCP upon his/her request or as part of a government organized health and/or nutrition program, or are materials clearly related to products which are not Breast-milk substitute milk products.

Article 5: Marketing and promotion to the general public

5.1 It is strictly forbidden to advertise and or promote Breast-milk substitute milk products to the general public. In particular, NFG members must not (i) organize the display of Breast-milk substitute milk products at Health Care Institutions; (ii) display names, logos of Breast-milk substitute milk products on slogans, banners and other advertising materials at super markets, retail shops and Health Care Institutions.

5.2 NFG members will inform its distributors of the provisions of this Code. Retailer marketing and the in-store activities of Breast-milk substitute milk products should be limited to product name, new formula and new price.
5.3 NFG members must not directly or indirectly distribute samples of Breast-milk substitute milk products to pregnant women, mothers of young children and their families.

5.4 Gifts of utensils or other articles that may discourage a mother from breastfeeding her young child must not be distributed to pregnant women, mothers of young children and caregivers of young children. Gifts should not bear any name, logo, picture or any information relating to the Breast-milk substitute milk products and should not be cash, cash equivalent of more than 500,000 VND, including shopping voucher, spa voucher, meal voucher or similar activity.

5.5 NFG member's personnel must not seek any direct or indirect contact with pregnant women, parents of young children for the purpose of marketing or promoting Breast-milk substitute milk products. This does not prevent person assigned by NFG members from responding to complaints or requests for additional information. For medical related questions, consumers should be referred to a HCP.

5.6 NFG members must ensure that Breast-milk substitute milk products and usage information thereof published by or under the local control of NFG members through the electronic media can only be accessible to consumers who 1) understand the superiority of breast milk; and 2) wish for further information, and such information should be restricted in the product label, recommended price and/or any MOH approved information. Promotional language must not be used by NFG members for such communication.

Article 6: Interaction with Health Care Institutions

6.1 NFG members must not conduct any activity at Health Care Institutions for the purpose of promoting Breast-milk substitute milk products. This does not, however, preclude the dissemination of information to HCPs as provided in Article 6.2 hereunder.

6.2 Scientific and factual information regarding Breast-milk substitute milk products can be supplied by NFG members to Health Care Institutions and HCPs, provided that only appropriately trained personnel are used by NFG members for this purpose and in accordance with the Article 4 herein.
6.3 NFG members must not conduct any distribution or display any objects or equipment with names or logos of Breast-milk substitute milk products for young children at Health Care Institutions, including hospital drugstores, nutrition research or consulting institutions.

6.4 Any donation by NFG members to a Health Care Institution of equipment and/or supplies must not be linked to the promotion or sale of Breast-milk substitute milk products. The donation of Breast-milk substitute milk products to charitable or humanitarian organization should only for the humanitarian purpose to feed abandoned babies, orphans or when breast-feeding is not possible due to serious medical reasons as stipulated by laws, provided that such charitable or humanitarian organization should be a legal entity licensed to do so.

6.5 NFG members must not directly or indirectly distribute Samples of Breast-milk substitute milk products to Health Care Institutions and HCPs, with the exception being Samples provided to Health Care Institutions or scientific institutions for research or evaluation purposes, subject to written protocol pre-approved or permitted by relevant competent authorities.

Article 7: Interaction with HCPs

7.1 Information provided by Marketers to HCPs regarding Breast-milk substitute milk products must be restricted to scientific and factual information and should not imply or create a belief that formula feeding is superior to breastfeeding. Such information must satisfy the conditions specified in Article 4 of this Code.

7.2 No inducement of, or reward for promotion of Breast-milk substitute milk products can be offered to HCPs or members of their families. However, gifts of non-material value (no cash, no cash equivalent of more than 500,000 VND, including no shopping voucher, spa voucher, meal voucher or similar) may be distributed to HCPs, provided further that such gifts must:

- Be for professional practice (e.g. pen, stethoscope, laser pointer ...) or suitable with local custom practice (e.g. fruit basket, tea, coffee, cakes/ moon cakes, etc.); and

- Not bear the name, logo or picture of Breast-milk substitute milk products.
Article 8: Events

8.1 Scientific and Educational Objectives. The purpose and focus of all symposia, congresses and other, scientific or professional meetings ("Events") for HCPs organized or sponsored by a NFG member shall be to inform HCPs about Breast-milk substitute milk products and/or to provide balanced and accurate scientific or educational information.

8.2 Such Events will comply with all relevant aspects of applicable codes of conduct of HCPs and their institutions.

8.3 Events Involving Foreign Travel. No NFG member may organize or sponsor an event for HCPs (including sponsoring individuals to attend such events) unless the following requirements are met:

- The Event complies with the hospitality requirements in this Code as described in Article 8.6;
- Sponsorship of HCPs is limited to the payment of travel, meals, accommodation and registration fees;
- No payments are made to compensate HCPs for time spent in attending the event; and
- Any sponsorship provided to individual HCPs must not be conditional upon an obligation to prescribe, recommend, sell or promote any Breast-milk substitute milk products.

8.4 Guests. NFG members shall not pay any costs associated with individuals accompanying invited HCPs, unless such individuals independently qualify for payment of such costs.

8.5 Payments for Speakers and Presenters. Payments of reasonable fees (as considered in the context of the HCP’s home market) and reimbursement of out-of-pocket expenses, including travel and accommodation, may be provided to HCPs who are providing genuine services as speakers or presenters on the basis of a written contract with the NFG member at the Event.
8.6 **Hospitality**

- **Appropriate Venue.** All Events shall be held in an appropriate venue that is conducive to the scientific or educational objectives and the purpose of the Event or meeting. NFG members shall avoid using extravagant venues;

- **Limits of Hospitality.** Hospitality shall be limited to refreshments and/or meals incidental to the main purpose of the Event and shall only be provided to participants of the Event and not their guests if to do so is moderate and reasonable under local standards. As a general rule, the hospitality provided may not exceed what HCP recipients would normally be prepared to pay for themselves.

8.7 **Entertainment.** No stand-alone entertainment or other leisure or social activities shall be provided or paid for by NFG members. At Events, entertainment which is secondary to refreshments and/or meals is allowed, provided it is modest and not considered lavish or extravagant in the local context.

**Article 9: Labeling**

9.1 Labeling of Breast-milk substitute milk products must comply with the requirements of the Vietnamese laws, including, among others, the provisions of Decree 100/2014/ND-CP.

9.2 In particular, labels for Breast-milk substitute milk products should not include picture or text or be presented in such a way as to discourage caregivers from breast-feeding or feeding breast-milk to their young children, such as by incorporating pictures of babies and breast-feeding mothers.

**Article 10: Quality Standards**

10.1 To ensure the safety of their Breast-milk substitute milk products, NFG members shall implement strict hygienic and quality control procedures compliant with national standards or those deemed to be equivalent by governments, such as international guidelines developed by Codex Alimentarius.
10.2 NFG members will continue to engage government and standard-setting bodies on a range of critical safety issues, including best practices in food safety, harmonization of science-based standards, food safety monitoring, supplier education, and capacity building through, e.g., public campaigns, professional training, and the strengthening of relevant institutions.

Article 11: Humanitarian Aid

11.1 Supplies for Humanitarian Relief Aid in Emergency and Disaster Situations. NFG members may provide aid donations of Breast-milk substitute milk products in emergency and disaster situations only through government channels or internationally recognized aid agencies and only in response to a specific written request by the government or appropriate aid agency that clearly documents the medical and social grounds for the request. NFG members must deliver humanitarian relief aid shipments of Breast-milk substitute milk products to the requesting government or aid agency for distribution for use with young children who, pursuant to medical advice, have to be fed with Breast-milk substitute milk products. NFG members may not deliver humanitarian relief aid shipments of Breast-milk substitute milk products directly to caregivers.

11.2 Supplies to Orphanages or Other Social Welfare Institutions. NFG members may respond to written requests from orphanages or other social welfare institutions for free or low-priced supplies of Breast-milk substitute milk products for feeding young children who have to be fed with Breast-milk substitute milk products in order to serve humanitarian purposes. The label or container of Breast-milk substitute milk products distributed under this section shall clearly indicate that the specific Breast-milk substitute milk products is a donation for use at the discretion of the receiving government or institution and only for young children who, pursuant to medical advice, have to be fed with Breast-milk substitute milk products.

Article 12: Implementation

12.1 NFG members are responsible for monitoring the provisions of this Code. NFG members shall also inform and train their staff and agents of the provisions of the Code and of their responsibilities under it.
12.2 All responsible or relevant persons of NFG members shall cooperate with the NFG in order to ensure that the provisions of the NFG Code of Marketing Practice for Breast-milk substitute milk products are fully complied with.

12.3 This Code is effective from March 1st, 2015 and replaces entirely the previous NFG Code of Marketing Practice for Breast-milk Substitutes.

**Article 13: Complaints Process**

Any complaint about possible contraventions of this Code will be handled in accordance with the procedures set out in the NFG Policy on Self-regulation dated March 6, 2009.
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