[DOH JOINT DOH-DOJ-DTI-DSWD ADMINISTRATIVE ORDER NO. 2012-0027,, December 03, 2012]

THE INTER-AGENCY COMMITTEE (IAC) GUIDELINES IN THE EXERCISE OF THEIR POWERS AND FUNCTIONS AS STATED IN EXECUTIVE ORDER (E.O.) NO. 51, S. OF 1986, OTHERWISE KNOWN AS, "THE NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTE, BREASTMILK SUPPLEMENTS AND OTHER RELATED PRODUCTS", AND ITS REVISED IMPLEMENTING RULES AND REGULATIONS (RIRR)

WHEREAS, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, in order to ensure that safe and adequate nutrition for infants is provided, there is a need to protect and promote breastfeeding and to inform the public about the proper use of breastmilk substitutes and supplements and related products through adequate, consistent and objective information and appropriate regulation of the marketing and distribution of the said substitutes, supplements and related products; (NOTE: culled from the whereas clause of EO 51);

WHEREAS, an inter-agency committee composed of the Department of Health as chairman, the Department of Trade and Industry (DTI), Department of Justice, and Department of Social Welfare and Development as members, was created pursuant to EO No. 51, s. 1986;

WHEREAS, Section 12(a) (3) and Section 6(a) of EO No. 51, in relation to Section 12, Rule V of Administrative Order (AO) No. 2006-0012, s. of 2006, RIRR of EO No. 51 s. 1986, provides that the IAC shall prescribe the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities;

Now, therefore, pursuant to the authority given by the President to the members of the IAC on EO No. 51 s. 1986, the following guideline is hereby ordered promulgated, thus:

Section 1. **Short Title.** This rules shall be known and cited as, "The Inter-Agency Committee on EO No. 51 Guidelines".

Section 2. **Definition of Terms.**

1. *Code* – refers to the Milk Code Executive Order No. 51.
2. *IAC* – shall refer to the Inter-Agency Committee created under EO No. 51, s. 1986, which is the body tasked with reviewing, evaluating and/or approving advertisement, promotion, sponsorship and/or marketing activities, including, but not limited to, research of products and donation of equipment, funds, products, etc. by companies and/or manufacturers of products covered in EO. No. 51.

3. *Nuisance Application* – refers to an application that may be denied outright by the IAC Secretariat for reasonable, such as but not limited to, applications that were already screened and denied grounds by the IAC, or are substantially the same as those denied by the IAC, such as but not limited to, applied materials with corrected typographical error, etc.
4. *Technical Resource persons* – refers to individuals invited by the IAC, who has formal education, technical knowledge, training in their respective fields of expertise, including but not limited to doctors, nurses, nutritionist, dieticians, lactation and media consultants, persons coming from the government sector, private sector, international organizations or civil society members.

Section 3. **Composition.** The IAC shall be composed of the Secretaries of Health, Trade and Industry, Justice and Social Welfare and Development, with the Secretary of Health as Chairman.

Each member shall designate his duly authorized representative and an alternate to every meeting of the IAC, who shall decide and vote on behalf of the Secretary being represented whenever the latter is absent; provided, such authority is given through an official issuance (format of which is attached as Annex "A") signed by the Secretary represented. The duly authorized representative or the alternate shall be responsible in reporting, giving feedback report, and/or communicating to the represented Secretary all matters that transpired during IAC meetings. The IAC members and their duly authorized representatives shall under oath accomplish the form on declaration of conflict of interest (Annex "B").

Section 4. **Duties and Functions of the IAC.** The following shall be the duties and responsibilities of the IAC:

1. Review all advertising, marketing, including sponsorships, promotional and other materials, for products within the scope of the code. It shall include all written, audio, visual, cinema, theater, audio-visual, electronics (i.e., email, text messages, telephone calls and website advertising).

Any material that is to be distributed to the public for information and/or communication for products within the scope of the code shall also be reviewed by the IAC.

2. Approve or disapprove, delete objectionable portions from and prohibit the printing, publication, distribution, exhibition and broadcast of, all advertising, promotional or other marketing materials, whether written, audio or visual, on products within the scope of the Code;
3. Develop/update substantive and procedural guidelines for reviewing advertising, promotional and marketing materials, which shall include prescribing the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities;
4. Determine whether donations given by milk companies and companies with other products within the scope of the Code, and their agents/representatives, whether in kind or in cash, will be accepted or otherwise; and
5. Promulgate such rules and regulations as are necessary or proper for the implementation of Section 6(a) of the Code.

Section 5. **IAC Secretariat.** The Food and Drugs Administration (FDA) is duly designated as the Secretariat of the IAC.

The IAC Secretariat are designated to accept the applications for products within the scope of the code, as well as to conduct the pre-evaluation/review and examination of advertising materials in accordance to the requirements set by the IAC.

Pursuant to Section 39 of the Revised Implementing Rules and Regulations (RIRR) of E.O. No. 51, they also have the power to investigate and verify reports of violations, and when appropriate, apply administrative sanctions against violators.

Pursuant to Section 44 of the RIRR, the IAC Secretariat, may issue a Cease and desist order signed by the IAC chairman for any release, printing, broadcast or dissemination of violative advertising, marketing or promotional material.

Other functions of the Secretariat:

a. Prepare the agenda and notify the members and resource persons of the upcoming IAC meetings.
b. Provide administrative and technical assistance during the IAC deliberation/screening.
c. Inform the applicant on the result of the IAC deliberation.
d. Receive and act on reports, complaints, and/or determine if any advertising, promotional, or advertising material of products within the scope of the code violates the Code and its RIRR.
e. Issue Cease and Desist Orders signed by the IAC chairman.
f. Post final resolution/decision of decided cases on the web

Section 6. **Disqualification of Resources Persons.** A resource person will be automatically disqualified if there is a finding of any possibility, whether direct or indirect, of conflict of interest pertaining to their affiliation or association, directly or indirectly, to milk companies/industry and other covered product For this purpose, they shall accomplish, under oath, the form on declaration of conflict of interest (Annex "C"

Section 7. **Honorarium and Other Incidental Expenses.** The IAC Members, the IAC Secretariat, and the technical resource persons shall be entitled to collect from E.O. No. 51 funds, their honorarium, per diems, actual cost of transportation and other incidental expenses subject to existing accounting and auditing rules and regulations.

Section 8. **Procedure.** Hereunder are the prescribed procedure in filing applications for approval of advertising materials:

1. The applicant for permit to conduct sales promotion and/or advertise products within the scope of the Code must secure an application form (ANNEX "D") from the Food and Drug Administration - Inter Agency IAC Secretariat (FDA-IAC Secretariat) or from the FDA website, to wit, www.bfad.gov.ph;
2. The accomplished form should be submitted to the IAC Secretariat together with the required documents and proof of payment of the filing fee as prescribed by the Food and Drug Administration, such fees shall be subject for review every three (3) years by the DOH for possible amendments. Provided, application fees shall be non-refundable and non-transferable. Provided further, each type of advertising material, whether it is part of an entire advertisement wave or not, must be applied for separately.
3. Incomplete documents will not be accepted.
4. Application and accompanying documents must be filed on or before the first

Friday of each month in order to be included in the screening by the IAC for said month, otherwise it will be considered in the next scheduled screening .
5. Only the submitted material with the duly accomplished application form and has paid the corresponding fees shall be pre-screened by the IAC secretariat and reviewed by the IAC members, respectively.
6. Any modification on the submitted material prior to IAC deliberation shall be deemed withdrawal of the application.
7. Any amendment on a submitted material previously screened by the IAC shall be considered a new application, and the corresponding application procedure shall apply including payment of fees.
8. Materials with request for extension shall be treated as new material and therefore will follow same procedures for new application.
9. The IAC secretariat shall determine the number of applicants that shall be accepted and pre-screened per month prior to deliberation.

Section 9. **Contents of the application.** An application for the new review or examination of advertising material shall be in the form prescribed by the IAC and shall be filed in seven hard copies (colored) a soft copy. It shall contain, among others, the following information:

c.2.1 Name of applicant
c.2.2 Name of marketing firm/advertising agency, if any
c.2.3 Name of brand or product, specify age bracket, if applicable
c.2.4 Name of sponsor/manufacturer of the product
c.2.5 Title of the advertising material, if any
c.2.6 Nature/type of advertising/material
c.2.7 Specific channels by which the advertising material will be disseminated.
c.2.8 The specific time and date of airing/dissemination
c.2.9 Intended/target audience of the material
c.2.10 Coverage/venue for dissemination
c.2.11 Period or duration of dissemination
c.2.12 Approximate Time Duration of the Material (in case of film, videotape, CDs or sound tape recording)
c.2.13 Proposed comprehensive design or story board
c.2.14 Declaration that no milk advertisement shall be aired/printed before/within/after any government TV/radio programs, or any other health related programs.

Section 10. **Specific Attachments of the Application.** Depending on the type of application, it shall be accompanied with the following:

A. VISUAL (PRINT) – text and visual layout (colored copies)

1. Merchandising materials (posters, banners, streamers, billboards, tarpaulins, train ads, vehicle ads, etc.)
2. Prints Ads (magazines, newspapers, inserts, flyers, leaflets, pamphlets, advertorials (using part of the news as advertising products within the scope of the code), etc.

B. AUDIO (RADIO/TELEPHONE/ANNOUNCEMENTS)

1. Text and script and spiels
2. Hotlines

3. Recoridas (vehicles with accompanying streamers and sound)

C. AUDIO-VISUAL

a. TV, cinema, theater (including cinema and TV pluggings, interviews, indirect advertisements where product is used and incorporated in scripts of movies, teleseryes, telenovelas, variety shows, game shows, and other TV shows)
b. Story boards (colored) and scripts and spiels
c. Final audio-visual
d. Second material (either radio or commercial showing through TV, theaters, cinemas)

D. New Technologies/New Ways of disseminating information

a. Pod casts
b. Webcasts
c. Websites – full frame, streaming, including company websites, etc.
d. Light effects
e. Interactive interfaces
f. Electronic ads
g. SMS or cellphone text messages
h. Social networking sites
i. Others

Section 11. **Additional Requirements.** In addition to the above stated requirements, the following shall also be attached to the application:

1. A copy of valid certificate of Product Registration (CPR) issued by the Food and Drug Administration and approved product label, provided that the CPR must be valid and existing at least ninety (90) days prior to the filing of the application:
3. Copies of such supporting documents, presentation materials and references which the advertiser/marketing firm may have submitted to the Philippine Board of Advertising or Clearance prior to release, if any;
4. For audio-visual material, an electronic copy must be submitted; 5. Material shall be submitted in seven (7) original copies.

Section 12. **Grounds for automatic denial.** The IAC Secretariat, may deny motu proprio, any application for advertising/promotional campaign based on the following grounds:

a. insufficient documents
b. nuisance application
c. materials with health and nutrition claims for 0-36 months.
d. feeding bottles and teats

Section 13. Sponsorships. No assistance, support, logistics or training from milk companies to health workers shall be permitted for any activity aimed to update the health workers' knowledge and skills on breastfeeding, promotion, protection of breastfeeding, and appropriate infant and young child feeding. However, sponsorships may be allowed, subject to the following conditions: (1) the recipient of the sponsorship must be a health worker; (2) no sponsorship shall be extended to health facilities and/or health care systems; (3) sponsorships to events, programs, trade fairs, festivals, fiestas, or any other activity that may reach or involve