

**[BFAD BUREAU CIRCULAR NO. 15, S. 2004,
August 02, 2004]**

GUIDELINES ON ADVERTISING, PROMOTION AND OTHER MARKETING MATERIALS OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENT AND OTHER RELATED PRODUCTS

Attached for information and guidance is a copy of the Guidelines on Advertising, Promotion and Other Marketing Materials of Breastmilk Substitutes, Breastmilk Supplement and Other Related Products pursuant to Section 12(a) (3) in relation to Section 6(a) of Executive Order No. 51 (Milk Code).

Dissemination of the information and compliance to all concerned is desired.

Adopted: 20 Oct. 2004

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Director

GUIDELINES ON ADVERTISING, PROMOTION AND OTHER MARKETING MATERIALS OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENT AND OTHER RELATED PRODUCTS

These guidelines are issued pursuant to Section 12 (a) (3) in relation to Section 6 (a) of Executive Order No. 51 ("National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and other Related Products") issued on 20 October 1986 on advertising, promotion and other marketing materials of breastmilk substitutes, breastmilk supplement and other related products.

SCREENING PROCEDURES

1. FILING OF APPLICATION

The applicant for permit to advertise milk products must secure an application form from the Bureau of Food and Drugs - Inter Agency Committee Secretariat (BFAD-IAC Secretariat). The accomplished form shall be submitted to the IAC Secretariat together with the required documents and proof of payment of the filing fee of Two Thousand Pesos (P2,000.00) per material. Incomplete documents will not be accepted.

Required documents:

- a. PRINT ADS - text and visual layout

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| b. AUDIO ADS | - | text or script |
| c. AUDIO-VISUAL/TV | - | storyboard both picture and text/script |

Other requirement/s: substantiation/studies to support claim/s

All application forms shall specify the "intended/target audience" and brief description of the type of material.

The requesting party shall submit one final copy and five (5) photocopies of each material for screening.

Schedule of screening of materials shall be every 3rd Monday of the month unless the IAC decides to change the schedule.

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.

2. THE INTER-AGENCY SECRETARIAT

The IAC Secretariat will check and collate the documents according to the requirements for the deliberation of the IAC attaching the IAC voting slips thereon.

3. THE IAC DELIBERATIONS

The representative/s of both company and ad agency are encouraged to attend the IAC deliberation to answer queries which may arise during the deliberation of the submitted materials.

The IAC Secretariat shall issue the consolidated results of deliberation duly signed by the Chairperson five (5) days after the screening.

4. APPROVAL OF APPLICATION

Upon the finalization of the approved advertising material/s, the applicant shall submit the final copy of the advertising material/s to the IAC Secretariat for final evaluation by the IAC.

4.1. If the final copy of the advertising material does not conform to the approved advertising material on file, the same shall be returned to the applicant within five (5) days from date of receipt thereof. The applicant shall make necessary revisions and resubmit the same to the IAC.

4.2. If the final copy conforms to the advertising materials as approved by the IAC, a Certificate of Approval shall be issued to the applicant within five (5) days after the screening.

4.2.1. Approval for printing

If the application is approved, a Certificate of Approval with the Executive Order Number shall be released by the IAC Secretariat as issued and signed by the IAC Chairperson upon submission of the final artwork by the applicant.

4.2.2. Approval for airing (TV & radio)

If the application is approved, a Certificate of Approval with the Executive Order Number shall be released by the IAC Secretariat as issued and signed by the IAC Chairperson upon submission by the applicant of the final copy of the storyboard and an off-line copy of the material in VHS or cassette tape for final review by the Chairperson.

After the issuance of the Certificate of Approval, no material variations or changes in the approved advertising materials shall be allowed in connection therewith. In case there is doubt as to the conformity of the material with the IAC approval, the same shall be returned to the IAC for final decision.

4.3. The Certificate of Approval shall authorize the applicant to publish, air, disseminate and/or release to the public the approved advertisement; Provided, however, that the published/released materials conforms exactly to the approved copy on file with the IAC.

No advertisement of products shall be aired, published, disseminated or released to the public without a Certificate of Approval issued by the IAC. Violations hereof shall subject the manufacturer, the advertiser and the radio/TV stations to the appropriate sanctions provided by law.

5. DISAPPROVAL OF APPLICATION

If the application is disapproved, the applicant shall be informed of the disapproval and the reasons thereof within five (5) days from the date of deliberation. Applicant shall make the necessary revisions of the disapproved materials and resubmit the same for the reconsideration of the IAC.

The following documents shall be submitted to the IAC Secretariat together with the request for reconsideration:

- a. The disapproved advertisement or a faithful facsimile thereof;
- b. All supporting materials which were required to be submitted with the original application; and
- c. Copies of the voting forms of the IAC members.

6. MOTION FOR RECONSIDERATION

A written motion for reconsideration of the IAC decision denying the application may be filed by the aggrieved party within five (5) working days from date of receipt of the written notice of disapproval. Said motion shall be addressed to the IAC and filed with the IAC Secretariat.

If the request for reconsideration is filed by mail, the date of mailing shall be deemed to be the date of filing.

Only one (1) motion for reconsideration shall be entertained.

6.1. The request for reconsideration shall contain the following:

- a. The date of receipt of the notice of disapproval; and
- b. The reasons or grounds on which the reconsideration is based: Provided, however, that only grounds directly pertinent to the advertising materials and directed to the reasons for disapproval shall be considered e.g., additional scientific data to support the claims.

6.2. The following grounds are not acceptable:

- a. Allegations not directly related to the advertising materials sought to be reconsidered, such as but not limited to, loss of sales, loss of advertising contract, inability to meet deadlines and need to import the product; and
- b. Allegations not directed to the grounds for disapproval.

The IAC shall evaluate the request for reconsideration and a vote of the majority of the members present shall be sufficient to render a decision of the IAC. All opinions whether for or against shall be in written form and will form part of the voting.

A copy of the decision shall be served upon the aggrieved party within five (5) days from the date of its rendition.

6. VALIDITY OF APPROVAL

The Certificate of Approval shall be valid for a period of one (1) year from the date of issuance. The Committee however, may, in special cases, issue a Certificate of Approval valid for less than one year.

7. REQUEST FOR EXTENSION OF CERTIFICATE OF APPROVAL

Materials subject of the request for extension shall be treated as new materials and will follow the same procedures for new applications.

8. NON-PUBLICATIONS/NON-AIRING

Non-publication or non-airing of the advertisement within six (6) months from the date of the issuance of the Certificate of Approval shall be a ground for the revocation of thereof without need of a hearing. Said revocation shall be effective as of the date of receipt of the notice of revocation.

9. GENERAL SCREENING CRITERIA

The deliberation shall cover both the general concepts and details of the text as well as the particular medium used. Bottom line of the deliberation shall be the over-all impact of the ad on the public to which it is addressed or to those who would generally have access to the publication.

The following shall be the guiding criteria in the screening:

9.1. Standard Messages

The following standard messages shall be incorporated in all advertisements:

ADVERTISEMENTS OF MILK SUPPLEMENTS

9.1.a. ENGLISH

9.1.a.1. Primary Standard Message

"BREASTMILK IS THE BEST FOR BABIES UP TO 2 YEARS"

9.1.a.2. Secondary Standard Messages

"THE USE OF MILK SUPPLEMENTS MUST ONLY BE UPON
ADVICE OF A *HEALTH PROFESSIONAL*"