

**POLICY GOVERNING THE CONDUCT OF
IBLCE DIRECTORS AND STAFF MEMBERS IN RELATION TO
THE INTERNATIONAL CODE OF MARKETING OF BREAST-MILK SUBSTITUTES**

RECOGNIZING that Point 24 of the IBLCE Code of Ethics provides that “IBCLCs must adhere to those provisions of the International Code of Marketing of Breast-milk Substitutes (the “Code”) which pertain to health workers”;¹ and² subsequent resolutions and

RECOGNIZING that no IBLCE Director or Staff Member should appear to promote or actually promote any product included within the scope of the Code and subsequent resolutions; and

RECOGNIZING the direct and indirect effects of marketing practices for breast-milk substitutes on infant feeding practices; and

RECOGNIZING that the primary purpose of industry sponsorship of educational activities is to market or promote their product(s); and

RECOGNIZING that gifts and other benefits conferred on health care workers by pharmaceutical, medical device, infant formula and other companies can serve as “inducements” to promote products and that gift giving can create a relationship between the donor and the receiver which includes an inherent obligation to reciprocate; and

RECOGNIZING the benefit of permitting the voice of breastfeeding practitioners, experts and advocates to be heard in a variety of settings—public, professional, academic, governmental, and industrial—which concern infant nutrition; and

RECOGNIZING that “morality”, those principles held by individuals which consider private motivations in order to determine what constitutes right or wrong personal behavior, is distinguishable from “ethics”, the minimum standards of conduct governing a professional group, and that individual persons are free to elect to be governed by standards more rigorous than those articulated by this policy;

**THE INTERNATIONAL BOARD OF LACTATION CONSULTANT EXAMINERS
ADOPTS THE FOLLOWING POLICY TO GOVERN THE CONDUCT OF ITS DIRECTORS
AND STAFF MEMBERS IN RELATION TO THE INTERNATIONAL CODE OF
MARKETING OF BREAST-MILK SUBSTITUTES:**

¹ “Health worker” means a person working in a component of a health care system, whether professional or non-professional, including voluntary unpaid workers.

² Article 1 of the International Code of Marketing of Breast-milk Substitutes (the “Code”) states that the aim of the Code is “to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding, and by ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.”

I. Presentations. The Director or Staff Member:

1. Shall retain absolute control over the title and content, educational methods, publicity, materials and the financial sponsorship and/or underwriting related to his or her presentation.
2. Shall, when the presentation deals with the feeding of infants and young children:
 1. Unequivocally state that breastfeeding is the superior method of infant feeding at the beginning of each presentation, regardless of the affiliations of its organizers, underwriters or attendees.
 2. State that the presentation content and materials are in compliance with Article 4 (Information and Education) and Article 7 (Health workers) of the International Code of Marketing of Breast-milk Substitutes
 3. May participate as a presenter at legitimate continuing education conferences or professional meetings³ even if its organizers have received monetary payments from companies within the scope of this policy to underwrite its costs. However, the Director or Staff Member may not accept any such payments, directly or indirectly, from companies within the scope of this policy.

II. Materials used for publicity in connection with a presentation or publication. The Director or Staff Member shall:

- A. Retain absolute control over the content of these materials, in relation to his or her presentation or publication.
- B. Insist upon the right to review and revise these items prior to their publication and distribution, to ensure their accuracy and to make certain that no product endorsement is stated or implied.

³ IBLCE defines a “legitimate continuing education conference or professional meeting” as any activity, held at an appropriate location, where: (a) the gathering is primarily dedicated, in both time and effort, to promotion objective scientific and educational activities and discourse (one or more educational presentation(s) should be the highlight of the gathering), and (b) the main incentive for bringing the attendees together is to further their knowledge of the topic(s) being presented. In addition, responsibility for and control over the selection of content, faculty, educational methods and materials should belong to the organizers of the conference or meeting, and not to the person or entity making the payment to the conference or meeting sponsor.

III. Handouts, Drawings, Photos, or Other Material Created By the Director or Staff Member. In relation to any handouts, drawings, photos or other materials which the Director or Staff Member has created, in whole or in part, the Director or Staff Member shall:

- A. Retain absolute control over the content of these items.
- B. Take appropriate measures to protect these items from unauthorized use⁴
- C. Insist upon the right to review and revise these items prior to their publication and distribution, to ensure their accuracy and to make certain that no product endorsement is stated or implied.
- D. Include a statement that the content of these items is in compliance with Article 4 (Information and Education) and Article 7 (Health workers) of the International Code of Marketing of Breast-milk Substitutes.

IV. Honoraria. The Director or Staff Member shall not accept any honoraria paid directly or indirectly⁵ by any producer, marketer or distributor of a breastmilk substitute, bottles or teats. However, the presenter may direct payments made in lieu of honoraria to be forwarded to a third unrelated entity, such as payment to an unrestricted educational fund of the presenter's institution.

⁴ In the event the Director or Staff Member wishes to license the information for use by another person or entity (called "Publisher" below), he or she may wish to consider including language comparable to the following in the written licensing agreement:

Publisher agrees that it will inform ____ [name] each time Publisher grants any third party permission to use the Work and that such permission will not be granted unless the requesting party agrees to print a notice on the first page of each copy which states that it was created by/compiled by/edited by _____ [name]. Publisher further represents that it will not permit any third party to use the Work which:

- a. Is clearly related to any person or entity which manufactures any breast-milk substitute (including but not limited to infant formula; other milk products, foods and beverages, including bottle-fed complementary foods, which are marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breast-milk), feeding bottles and teats.
- b. Engages in practices which violate the International Code of Marketing of Breast-milk Substitutes.

⁵An example of such an indirect payment would be a payment made to a person's employer with the understanding that the employer would then include the full amount of that payment in a "bonus" check given to the employee.

- V. Reimbursement. The Director or Staff Member:
- A. May NOT accept reimbursement payments directly from industry to pay for the costs of conference registration, travel, lodging, or other personal expenses for attending conferences or meetings.
 - B. May accept direct or indirect reimbursement payments for serving as faculty at legitimate continuing education conferences or professional meetings⁶ sponsored by or underwritten (in whole or in part) by industry, for reasonable and actual travel, lodging and meal expenses so long as responsibility for and control over the publicity, selection of content, faculty, educational methods and materials is exercised by the organizers of the conference or meeting in consultation with the IBLCE Director and/or Staff Member, and not by the person or entity making the payment to the conference or by the meeting sponsor.
- VI. Hospitality. It is inappropriate for a Director or Staff Member to accept any subsidy from industry, directly or indirectly, in the form of “hospitality” outside of modest meals or social events held as part of a legitimate continuing education conference or professional meeting.⁶
- VII. Samples or Products. It is not appropriate for a Director or Staff Member to accept samples or products within the scope of the Code unless the product is given for professional evaluation or for research at the institutional level (there should be a specific research protocol for which the samples were requested). However, no Director or Staff Member shall be held responsible for the policy of an institution where the Director or Staff member may work or have a privilege.
- VIII. Grants for research, study, travel, education, attendance at professional conferences, etc. Before accepting any grant from a company for research, study, travel, education, attendance at professional conferences, or the like, a Director or Staff Member shall disclose all material facts to, and discuss any potential for conflict of interest with, his or her employer, the IBLCE, and all other health-related institutions with which the Director or Staff Member is affiliated.

⁶ IBLCE’s definition of a “legitimate continuing education conference or professional meeting” is set forth in footnote #3 above.

IX. Gifts and other Benefits⁷. A Director or Staff Member shall not accept:

- A. Any gift or benefit if there are “strings attached” which create an expectation of something in return.
- B. Any item which is not informational or educational, that advertises a brand within the scope of the Code, including the use or slogans relating to products with the scope or material displaying the company name or logo.

⁷ Benefits and gifts include, but are not limited to, money, goods or services, such as printing letterheads and prescription pads, providing donuts, food, dinners and parties, giving tickets to sporting events, financing ski trips and cruises, etc.

International Code of Marketing of Breast-milk Substitutes

Article 7. Health Workers

7.1 Health workers should encourage and protect breast-feeding; and those who are concerned in particular with maternal and infant nutrition should make themselves familiar with their responsibilities under this Code, including the information specified in Article 4.2.⁸

Paraphrase: Those who work closely with mothers and infants should study and discuss the Code, especially the information intended for mothers which is listed in Article 4.2.

7.2 Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code⁹ should be restricted to scientific¹⁰ and factual¹¹ matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breast-feeding. It should also include the information specified in Article 4.2.⁹

⁸ Article 4.2 of the Code states: “Informational and educational materials, whether written or audio, or visual, dealing with the feeding of infants and young children, should include clear information on all the following points: (a) the benefits and superiority of breastfeeding; (b) maternal nutrition, and the preparation for and maintenance of breast-feeding, (c) the negative effect on breast-feeding of introducing partial bottle-feeding; (d) the difficulty of reversing the decision not to breast-feed; (e) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula, they should include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breast-milk substitutes. Such materials should not use any pictures or text which may idealize the use of breast-milk substitutes.”

⁹ Article 2 of the Code states: “The Code applies to the marketing and practices related thereto, of the following products: breast-milk substitutes, including infant formula; other milk products, foods and beverages, including bottle-fed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breast-milk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.”

¹⁰ “Scientific” means knowledge ascertained by systematic study involving observation and experimentation. In the context of Article 7.2 it is intended that current scientific knowledge be reflected in total, not simply selective parts which can be used in a misleading way.

¹¹ “Factual” means pertaining only to something known to have happened. However, the operative word in Article 7.2 is “restricted.”

7.3 **No financial or material inducements¹² to promote products within the scope of this Code should be** offered by manufacturers or distributors to health workers or members of their families, nor should these be **accepted by health workers or members of their families.**

Paraphrase: Gifts, whether of money, goods or services, should not be offered by companies to health workers, nor should they be accepted.

7.4 Samples¹³ of infant formula or other products within the Scope of this Code, or of equipment or utensils for their preparation or use, should not be provided health workers except when necessary for the purpose of professional evaluation or research at the institutional level.¹⁴ **Health workers should not give samples of infant formula to pregnant women, mothers of infants and young children, or members of their families.**

Paraphrase: There are only two reasons why health workers should receive samples of infant formula or other products marketed to replace breastmilk (or feeding bottles or teats): (a) for research at the institutional level, or (b) for professional evaluation. This means routine and regular distribution of such samples by health workers is not permitted.

7.5 Manufacturers and distributors of products within the scope of this Code **should disclose to the institution to which a recipient health worker is affiliated any contribution made to him or on his behalf for fellowships, study tours, research grants, attendance at professional conferences, or the like. Similar disclosures should be made by the recipient.**

Paraphrase: In order to avoid conflict of interest, any grants made by companies to health workers for research, study or travel should be disclosed to the institution with which the health worker is affiliated both by the companies donating them and the health workers receiving them.

Grants may be accepted for research or educational purposes, but both the recipient and the company must disclose them. Before accepting a grant, the health worker should be aware of the potential for conflict of interest and discuss possible implications with his/her employers, professional associations, etc.

¹² Anything intended or likely to be taken home constitutes an “inducement.” However, the word inducement makes Article 7.4 difficult to monitor or enforce. It will never be easy to prove the intent with which the benefit was given. Neither the donor nor the recipient will be willing to come forward and admit that a particular gift or sponsorship was meant as an inducement to promote products. Nor should such items be left in a hospital ward.

¹³ Samples are defined as “single or small quantities provided without cost. However, larger quantities of a product provided free to a facility and distributed in small amounts to many mothers (e.g. in a child health clinic) or to many babies (e.g. in a maternity unit) are still considered to be samples. Some health workers like to give samples to appear helpful or generous, or so a baby can try a different product, but these “benefits” are outweighed by the negative effect that the ready availability of samples can have on breastfeeding.