

**REPUBLIC OF ALBANIA
PARLIAMENT**

LAW

Nr 8528, Date 23.09.1999

FOR

PROMOTION AND PROTECTION OF BREASTFEEDING

Based on articles 78 and 83 point 1 of the Constitution of Republic of Albania, with the proposal of Ministers Council, the

**ASSEMBLY
OF
REPUBLIC OF ALBANIA**

DECIDED

ARTICLE 1

This law, had the scope to promote and protect breastfeeding and regulate the marketing of breastmilk substitutes, with the scope to ensure a healthy nutrition for children.

ARTICLE 2

For the purposes of this Law, the definitions below means:

a)“Advertising” means to make any representation by any means whatsoever for the purpose of promoting and sale, or consuming of products for substitution of breast milk

b)“ Complementary food” means, any food suitable, as an addition to breastmilk, infant formula, or follow-up formula

c)“ Container” means any form of packaging of a designated product for sale as a retail unit, including wrappers, according the article 3 (15) of the Law for Nutrition, No. 7941, approved on 31.5.1995.

ç)“Designated product” means:

-*infant formula*; means any animal or vegetable-based milk, or a product similar to it formulated industrially, which is market for the nutrition of infants and from birth during the first six months.

-*follow-up formula*; means any animal or vegetable-based milk, or a product similar to it formulated industrially, which is market for the nutrition of infants after six months of age .

-*any other product*, which is sold for nutrition of infants and young children

d)“Infant ” means a child from birth to the age of 12 months

dh)“Young child” means a child from the age of 12 months up to the age of three years

RESTRICTIONS

ARTICLE 3

No person shall not produce, distribute, sell, stock, exhibit for sale any designated product defined on article 2, that

- are not registered in accordance with the national legislation
- have reached their expiration date
- are not in its original container

ARTICLE 4

For a manufacturer, or a seller is prohibited, advertising and promotion of any designated product in article 2, including special visual presentation on displays, special sales, premiums, advertising for discount, discount on special conditions, or gifts and their promotion in a health care facility in state or private health system.

ARTICLE 5

A manufacturer or any other person on his behalf and any seller shall not

a. sell to a health state or private facility the designated products defined on article 2, lower than published price

b. donate or distribute within a health care facility, equipment or offer services, and promotion materials which are referred, or promote the use of a designated product defined on article 2 point ç of this law, excluded that cases when these products are defined as humanitarian donations.

c offer benefit, gifts, contributions, to the health workers engaged in maternal and child health

d. sponsor activities, which are related with the health of mother and children, ~~apart from their form of presentations~~, excluded those activities which had only a scientific character.

no matter the

ARTICLE 6

A health worker engaged in maternal and child health shall not:

a. accept any gift, contribution, or benefit from a manufacturer, distributor, or any other person on his behalf

b. accept or distribute samples of designated products to any person

c. promote the use of designated products on article 2 point ç, excluded very special cases where exist an absolute indication for their use, and in that case must give a clear explanation of their hazards.

Prohibitions related to labels infant formulas

ARTICLE 7

A manufacturer, distributor or seller shall not offer for sale or sell infant formulas, unless the container, or label shall ~~not~~ have the following words:

“ Breastmilk is the ideal food for healthy growing and development of children. Before you decide to modify, or substitute the breast milk consult your doctor.

ARTICLE 8

A manufacturer, distributor, or seller shall not offer for sale, or sell follow-up formulas,

a. unless the container, or label shall ~~not~~ have the following words:

“ Breastmilk is the ideal food for healthy growing and development of children. ATTENTION ! this product shall be used for

infants ^{over} up to six months. Before you decide to modify, or substitute the breast milk consult your doctor.

b. the label promote artificial feeding

ARTICLE 9

A manufacturer, distributor, or seller shall not offer for sale or sell skimmed or condensed milk, in powder or liquid form as breastmilk substitutes.

The container of this products must contain the following words:

“This product should not be used to feed infants”

Health System responsibilities

ARTICLE 10

Heads of health care facilities and national and local health authorities shall take measures to encourage and protect breastfeeding and to inform the public about the great negative effects of other alternative feedings

ARTICLE 11

Information materials, or with the scope for promotion and education shall be obligatory approved by the Ministry of health, through it competent structures, or authorised by the Ministry of Health.

ARTICLE 12

The Ministry of Health is responsible for the implementation of this law. The State Health inspectoriate should be responsible for control and implementation of this law

PENALTIES

ARTICLE 13

The contravention of this Law, when they did not consists a penalty act, are administrative contravention's and will be punished with penalty as below:

a) For contravention of article 3 of this law, penalty on amount 50 thousand till 100 thousand lek(albanian currency: 1 lek=1. 340 USD), or with suspension of any license for production and /or import

b) For contravention of article 4 of this law, penalty on amount 25 thousand till 50 thousand lek

c) For contravention of article 5 of this law, the amount of penalty is from 5 thousand till 75 thousand lek

ç) For contravention of article 6 of this law, penalty on amount 40 thousand till 10 thousand lek and in case of repetition suspension from their job

d) For contravention of articles 7 8 and 9 of this law, penalty on amount 50 thousand till 100 thousand lek

For contravention of article 9, in case of repetition is proposed the suspension of license

The complaints against the penalties of District` s Inspectors could be appealed to the Chief Sanitary Inspector of Districts, and the decisions of Sanitary Inspectors of Republic could be appealed to the Head of Sanitary Inspectors of Republic

Complain against the decisions of penalties should be done according the procedures of the Law Nr 7697, date 7. 4. 1993 “ For administrative Penalties” with the changes and fulfilment done after

ARTICLE 14

The Ministry of Health is responsible for fulfilling the sublaw acts regarding the responsibilities for using the designed products defined by this law, and the problems related with the promotion and education of health facilities.

This law shall come into force after 15 days of publishing in Official Journal.

HEAD OF THE ASSEMBLY
Skender GJINUSHI