Do you notice a transgression of the Dutch Food and Drug Act at or in any activity you participated in, please notify the Netherlands Food and Consumer Product Safety Authority (NVWA) via 0900-0388 or use the electronic notification form at www.nvwa.nl. The Landelijke Borstvoedingsraad (LBR) would like to be informed of the notifications at secretariaat@borstvoedingsraad.nl.

For more information on sponsoring and legal considerations visit **www.borstvoedingsraad.nl**.

Explanation to Weightingpoints

Targetgroup for the activity

Professionals (in training)

Professionals are peers or other healthcare providers, including those still in training. Neither the Dutch Food and Drug Act nor the WHO Code make a distinction between these. Do consider that when addressing students you are in a position of authority.

Consumers

Both the Dutch Food and Drug Act and the WHO Code use the term 'public' and 'general public'. This includes clients/patients, and in the case of baby food especially (expectant) parents. When addressing parents be aware that your influence is substantial; you are seen as the authority.

What type of content is being offered?

Is it factual and scientific?

This means there is no commercial input into the activity at all. The shared information is factual and scientific without mention of any form of brand names, products or logo's.

Is there commercial information about products?

There is also commercial information about products which are covered by the Dutch Food and Drug Act / WHO Code, both on demand by a sponsor or on your own accord. This includes a sponsor demanding naming specific (brand)names or the use of images of products.

What is the context for the activity?

Is there a 'neutral' environment with only approved material?

The direct context of the activity is free of any kind of advertising or promotional materials: no logo or brand names on presentations, no banners. All available informative material has only approved content. On this material the name of a firm, wholesaler or logo is allowed, but no brand names. The content has to be objective and consistent, and approved by the relevant authority. NB At this moment there is no educational or informative material in The Netherlands that complies with this last criterion.

The Dutch Food and Drug Act and the WHO Code stipulate that informative materials aimed at pregnant women or mothers of young children needs to contain specific information and warnings[1]. De WHO Code requires these same information and warnings for any material aimed at professionals in training.

Moreover according to the Dutch Food and Drug Act the approved material can only be distributed to the public by health professionals.

Is there promotional material present in the direct environment?

Are products which are covered by the WHO Code promoted in the direct environment of the activity? This includes presents/gifts, pens, items on sale or with lowered prices, samples and advertisements. These materials should not be passed onto the general public.

Outcomes

Color	Explanation	Judicial considerations
green	Activity compliant with both DFDA and WHO Code	None
yellow	Compliant with DFDA Violation of WHO Code	No legal consequences, yet possible repercussions for those (working at) BFHI-certified organisations
red	Violation of both DFDA and WHO Code	Legal consequences and repercussions for those (working at) BFHI-certified organisations

(Financial) compensation

(Financial) compensation for organising an event or participating in an event is allowed provided:

- There is no promotion of any kind
- There is no conflict of interest
- All concerned parties are transparent about input and compensation

Broader scope than just infant formula

The Dutch Food and Drug Act and the WHO Code regulate only those products directly related to infant formula (and bottles and teats). These Considerations for dealing with sponsoring can be used in a wider scope to apply to all promotion of products related to healthcare.

[1] **Required information and warnings**
Mention of (among others) the advantages of breastfeeding, nutrition of the mother, preparation for breastfeeding, possible negative effects of infant formula on breastfeeding, the difficulties of relactation after switching to formula and instructions for the proper and safe use of infant formula.

12/2014

Weightingpoints for dealing with sponsoring

How do you respond if you are considering going to an educational event about baby food? Or when you are asked to present about breastfeeding at a conference which is sponsored by a formula company, where samples of formula will be handed out and/or where promotional material will be made available? Or when a company offers to (co)sponsor your research? Or when you are organising an educational event and you or your organisation consider sponsoring?

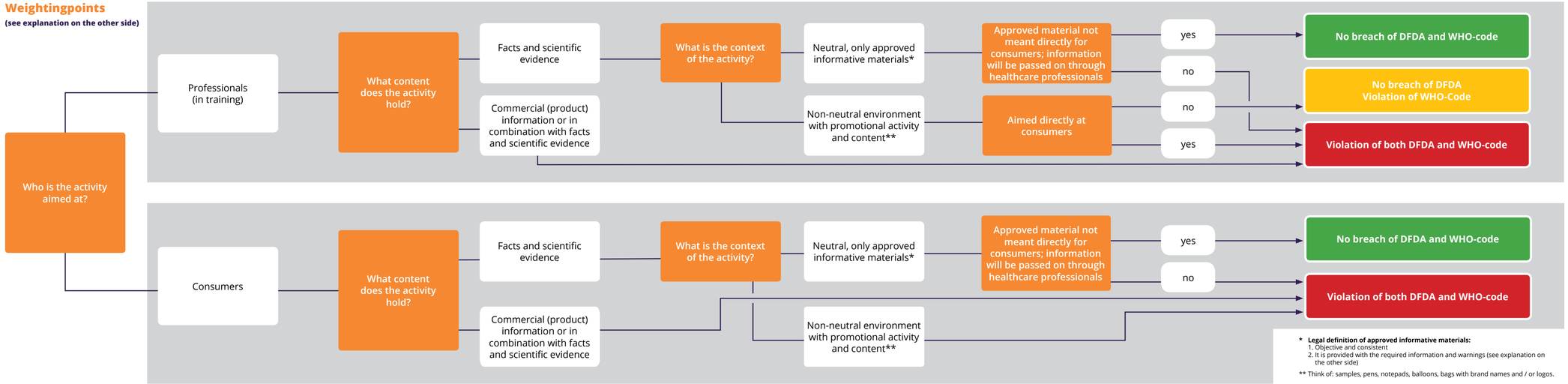
The Dutch Breastfeedingcouncil[1] has created a weighting aid that can assist in making conscious decisions concerning product[2] sponsoring, which is covered by the WHO Code and the Dutch Food and Drug Act (Nederlandse Warenwet). The items on which these considerations are based are the Dutch Legislation in the Food and Drug Act and the WHO Code. Compliance to the Dutch law is mandatory and forms a minimum requirement. Moreover there are personal moral aspects to take into consideration, and there may be additional codes of conduct formulated by relevant professional organisations. Within the boundaries of the law individual professionals can thus make an informed personal choice on their course of action.

This flowchart is applicable to situations where content and context are known, or where the professional will have influence on either of these beforehand. This is usually not the case when registering for a conference or training. An important factor to always consider is funding. Who pays for the event: individual participants or sponsors. Be alert to the fact that with sponsored events promotion material is usually present.

[1] The Breastfeedingcouncil was formed in 2012 at the initiative of Unicef Nederland to bring breastfeeding awareness to policy level.
[2] Formula and other foods that can replace breastmilk.

Weightingpoints

(see explanation on the other side)



*** Legal definition of approved informative materials:**
1. Objective and consistent
2. It is provided with the required information and warnings (see explanation on the other side)

** Think of: samples, pens, notepads, balloons, bags with brand names and / or logos.