

The position of the National Department of Health regarding interpretation of violations of the Regulations Relating to Foodstuffs for Infants and Young Children (R991)

To the Editor: The National Department of Health (NDoH) takes note of the concerns raised by the Allergy Society of South Africa^[1] and the Infant Feeding Association^[2] regarding the article by Lake *et al.*^[3] entitled 'Child health, infant formula funding and South African health professionals: Eliminating conflict of interest', published in the December 2019 *SAMJ*. The NDoH confirms that the Nestle Nutrition Institute (NNI)-sponsored breakfast symposium would indeed have been a violation if it had not been cancelled, based on the following provisions of the Regulations Relating to Foodstuffs for Infants and Young Children (R991).^[4]

Sub-regulation 7 (5) prohibits any person on behalf of the manufacturer from producing, distributing or presenting educational information relating to infant and young child nutrition. Notwithstanding the above, a person or manufacturer or distributor may provide technical scientific information to healthcare providers provided that it complies with regulation 11. Based on the advert for invitation, the NNI-sponsored breakfast symposium would have been in violation of regulation 11 (3), which states that information provided can only relate to technical aspects and method for use of the designated product.

Regulation 7 (1) prohibits any person from undertaking or participating in any promotional practice or device advertising in respect of designated products. Sub-regulation 7 (2) outlines what promotional practices are included in the context of R991. Sub-regulation 7 (2) (h) prohibits research grants or any other financial assistance relating to infant and young child nutrition without prior

approval of the Director-General of Health or another designated person. Sub-regulation 7 (2) (i) prohibits financial contributions or sponsorship to healthcare personnel working in infant and young child nutrition. Payment of honoraria to presenters by the NNI would therefore constitute a violation.

Like any other regulation, R991 is open to errors in interpretation, so the NDoH issued a guideline that provides guidance to industry, enforcement officers, healthcare personnel and other interested parties on how to interpret the provisions of R991.^[5] Health professional associations/bodies should therefore use and uphold provisions in this guideline when considering acceptance of sponsorship.

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S Afr Med J 2020;110(4):265. <https://doi.org/10.7196/SAMJ.2020.v110i4.14698>