

York Times that the corporation should not have to take responsibility for the safety of its food products. "Our interest is in selling as much of it as possible. Assuring its safety is the FDA's job," he said.

However, the U.S. government regulatory agencies seem to have given Monsanto a long rope. The clout Monsanto enjoys in the U.S. government is by no means incidental. According to the Organic Consumers Association, Clarence Thomas, before being the Supreme Court Judge who put George W. Bush in office (in his first term), was a Monsanto lawyer; Anne Veneman, the U.S. Secretary of Agriculture, was on the board of directors of Monsanto's Calgene Corporation; Donald Rumsfeld, the Secretary of Defence, was on the board of directors of Monsanto's Searle Pharmaceuticals; Secretary of Health Tommy Thompson received \$50,000 in donations from Monsanto during his winning campaign for Wisconsin's governorship; and the two Congressmen who received the most donations from Monsanto during the last election were Larry Combest (Chairman of the House Agricultural Committee) and John Ashcroft (the Attorney-General).

According to the Organic Consumers Association, for the FDA to determine if Monsanto's growth hormones were safe or not, the MNC was required to submit a scientific report on that topic. Margaret Miller, one of Monsanto's researchers, put the report together. Shortly before the report's submission, Miller left Monsanto and was hired by the FDA. Her first job at the FDA was to determine whether or not to approve the report she wrote for Monsanto. In short, Monsanto approved its own report. In January, Martha Scott, a former Director of Government Relations for Monsanto, was appointed Staff Director for the U.S. Senate Committee on Agriculture, Nutrition, and Forestry.

Philip Matterna, in his extensively researched recent paper, "USDA Inc.: How Agribusiness has Hijacked Regulatory Policy at the U.S. Department of Agriculture", (initiated by the U.S.-based Agribusiness Accountability Initiative), concludes: "Big agribusinesses such as Monsanto have packed the USDA with people who have been working, lobbying or researching for them. These appointees have helped to implement policies that undermine the regulatory mission in the interests of the MNCs, severely compromising public health and livelihoods." According to him, with the deep-rooted and pervasive clout that MNCs have carefully built over the years, they seem to get away with anything. ■

■ PUBLIC HEALTH

A Bill and its import

A new piece of legislation the government plans is a threat to the existing law that guarantees all measures to encourage breast-feeding, which is important in checking infant mortality.



In Hyderabad, a woman with her baby and the pictures she sells. It is accepted the world over that breast-feeding is the best way to check malnourishment in children up to two years of age.

T.K. RAJALAKSHMI
in New Delhi

THE proposed integrated food law, the Food Safety and Standards Bill, 2005, a brainchild of the Ministry of Food Processing Industries (MoFPI), of which Subodh Kant Sahai holds independent charge as a Minister of State involves the repealing of the Infant Milk Food Substitutes, Feeding Bottles and Infant Feeds (Regulation of Production, Supply and Distribution) Amendment Act, 2003 (IMS Act, 2003). This has resulted in a lot of anxiety both within and outside the country as the decision will not only have a serious impact on

the promotion of breastfeeding but will increase infant mortality drastically.

The Human Resource Development Ministry, under Arjun Singh, in particular, has raised objections to the Bill. In separate communications, Arjun Singh and Reva Nayyar, Secretary, Women and Child Department, have requested the MoFPI to keep the IMS Act out of the purview of the new Bill. One reason they have is that the IMS Act cannot be seen as just another Food Law. Arjun Singh, as Human Resource Development Minister, had taken a keen interest in the enactment of the Act in 1992. As Chairman of the Joint parliamentary Committee, he also saw to its successful

FAO in the dock

ASHA KRISHNAKUMAR

LAST year, 650 civil society organisations and 800 individuals from over 80 countries sent an open letter to the United Nations Food and Agriculture Organisation (FAO), strongly condemning its annual State of Food and Agriculture report, "Agricultural biotechnology: Meeting the needs of the poor", as highly biased against the poor, the environment and food production. The letter accused the report of ignoring available evidence of the adverse impact of genetically modified (GM) crops.

The letter acknowledged that the FAO report had mentioned that the development of GM crops was dominated by corporations, but blamed the organisation for not mentioning the fact that seeds of only one company – Monsanto – covered over 90 per cent of the total world area under transgenic seeds.

The letter states: "We believe that FAO has broken its commitment to civil society and peasants' organisations... The report turns FAO away from food sovereignty and the real needs of the world's farmers, and is a stab in the back to the farmers and the rural poor FAO is meant to support."

The authors of the letter are sure that genetically engineered crops do not help fight hunger in the world. Says the letter: "History demonstrates that structural changes in access to land, food, and political power – combined with robust, ecological technologies via farmer-led research – reduce hunger and poverty. The 'gene revolution' promises to take us in the opposite direction."

The letter says: "The report, sadly, raises serious questions about the independence and intellectual integrity of an important United Nations agency. This amounts to FAO's support for corporate biopiracy since the genetic resources that corporations seek to patent result from the collective breeding work of farmers over thousands of years."

The Director of FAO, Jacques Diouf, responded thus: "While this report emphasises biotechnology, it is not meant to represent all components of FAO's broad mandate and commitment to promote agricultural development and alleviate hunger." He stressed the importance for developing countries to "[enhance] their scientific capacity

and master the necessary expertise and techniques so that they can understand the implications and make independent choices in order to reach an international consensus on issues that concern all of humanity".

The civil society organisations, however, intend to reconsider their relationship with FAO.

In the early 1960s, most nations were self-sufficient in food; now only a few are. In the period 1950-1984, the introduction of high-yielding crops and technology-intensive farming ushered in the Green Revolution, leading to increased crop production. World grain output expanded by a factor of 2.6 in this period. Except for parts of Africa, food production exceeded population growth throughout the world. But now, the per capita grain production has slowed and even appears to be declining.

In the mid-1970s, a major effort was made to turn food production into a corporate business by policy-makers in the United States after multinational companies discovered the opportunity offered by the hunger, misery and starvation in developing countries.

In 1974, the U.N. General Assembly convened its first "political" meet on hunger – as the World Food Conference came to be known. The U.S. delegation stressed that the real solution to world hunger lay in agribusiness. "Industry would grow the food and get it to market for everyone," it said. This marked a turning point for the agribusiness industry, which surged ahead.

With corporate influence growing, last year FAO released its report, which paints a positive picture of GM crops and recommends that more resources be committed for the development of GM technologies for developing countries. Not surprisingly, the report has been received enthusiastically by the industry, which is pushing the GM technology, projecting it as the panacea for world hunger.

The main feature of the report is its analysis of farmers' experiences with Bt cotton around the world. FAO thinks that resource-poor smallholders in developing countries can gain significant benefits from the adoption of transgenic crops in terms of higher and more stable effective yields, lower pesticide costs and

reduced health risks from chemical pesticide exposure.

But the FAO report ignores what is actually happening on the ground. Two studies on Bt cotton in India and West Africa belie the claim of the success of GM cotton. The Indian study, conducted by the Andhra Pradesh (A.P.) Coalition in Defence of Diversity, provides evidence of Bt cotton's failure on the field and FAO's inability to defend the interests of small farmers. For the report "Did Bt cotton fail A.P. again in 2003-2004?", the A.P. Coalition surveyed 164 small Bt cotton farmers from three districts of the State in the 2003-04 season. It found that while Bt cotton marginally reduced pesticide use and increased yields, the overall profits for farmers growing Bt cotton were 9 per cent lower.

This directly contradicts the results of a study put out by a marketing agency on behalf of Monsanto, which claims that farmer profits increased by 92 per cent. But the FAO report does not even mention the results of the studies, leave alone trying to put at rest the confusion that is bound to occur among the farmers.

But, the FAO report says: "The FAO recognises that genetic engineering has the potential to help increase production and productivity in agriculture, forestry and fisheries. It could lead to higher yields on marginal lands in countries that today cannot grow enough food to feed their people. There are already examples where genetic engineering is helping to reduce the transmission of human and animal diseases through new vaccines. Rice has been genetically engineered to contain pro-vitamin A (beta carotene) and iron, which could improve the health of many low-income communities."

The report also professes awareness of the potential risks posed by certain aspects of biotechnology – the effects on human and animal health and the environment. The report adds that caution must be exercised to reduce the risks of transferring toxins from one life form to another, of creating new toxins or of transferring allergenic compounds from one species to another, which could result in unexpected allergic reactions.

But, according to the open letter, genetic contamination is polluting the very heart of the world's centres of crop diversity. FAO brushes this aside with hardly a comment. ■

For the infant's health

T.K. RAJALAKSHMI

THE Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992, as amended in 2003, provides for the regulation of the production, supply and distribution of infant milk substitutes, feeding bottles and infant foods, with a view to protecting and promoting breast-feeding and ensuring the proper use of infant foods.

Under the Act, "infant food" means any food that is marketed or otherwise represented as a complement to mother's milk to meet the needs of the infant after the age of six months and up to the age of two years. "Infant milk substitute" refers to any food being marketed or otherwise represented as a partial or total replacement for mother's milk for the infant up to the age of two years.

The Act prohibits persons from advertising, or taking part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes, feeding bottles or infant foods, or giving an impression or creating a belief in any manner that the feeding of infant milk substitutes and infant foods is equivalent to, or better than, feeding mother's milk, or taking part in the promotion of infant milk substitutes, feeding bottles or infant foods. Similarly, it expressly prohibits persons from supplying or distributing samples of infant milk substitutes or feeding

bottles of infant foods or gifts of utensils or other articles, or contracting any pregnant woman or the mother of an infant, or offering inducement of any other kind for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods.

The Act lays down standards and quality control requirements, where it prohibits all persons from producing, selling or distributing any infant milk substitutes, feeding bottles or infant foods unless they conform to the standards specified under the Prevention of Food Adulteration Act, 1954. All such containers should bear the standard mark specified by the Bureau of Indian Standards Act, 1986.

The IMS Act bans direct or indirect benefits to health workers or their associations, bans commissions offered by companies to achieve sales targets, bans promotions and displays in hospitals, clinics and chemists' shops and prohibits the dissemination of incorrect information peddled by companies in the form of booklets, flash cards, films, slides, magazines or newspapers.

It prescribes guidelines for labelling where the label "Important Notice: Mother's Milk is best for the baby" has to be in capital letters of 5mm size and placed visibly on the centre panel of the container or label. Violations of the provisions of the Act are cognisable offences but are bailable under the Criminal Proce-

dure Code.

In 1992, while introducing the IMS Bill in Parliament, Arjun Singh, the then Human Resource Development Minister, made a statement of objectives and reasons. He stated: "Inappropriate feeding practices lead to malnutrition, morbidity and mortality in our children. The promotion of infant milk substitutes and related products like feeding bottles and teats does constitute a health hazard. The Promotion of infant milk substitutes and related products has been more pervasive and extensive than the dissemination of information concerning the advantages of mother's milk and breast-feeding and contributes to a decline in breast-feeding. In the absence of strong interventions designed to protect, promote and support breast-feeding, this decline can assume dangerous proportions, subjecting millions of infants to greater risks of infections, malnutrition and death...."

In 2003, when the Act was amended, it was given a wider ambit to control advertisements in the electronic media as audio or visual transmission. It defined infant foods more clearly as foods that can be introduced after six months of age up to two years. This was clearly intended to promote exclusive breast-feeding for the first six months and continued breast-feeding for two years or beyond. Almost all the clauses pertaining to infant foods in particular were strengthened and prohibitory clauses introduced in matters relating to promotion, distribution, donation and inducements. ■

amendment in 2003.

In her letter to her counterpart in the MoFPI, Nayyar said that the Women and Child Department, being the nodal department for nutrition, had been striving hard to address the widespread problem of malnutrition afflicting children under three years of age. She referred to a previous letter dated September 1, 2004, wherein she had made a similar request to the Ministry to keep the IMS Act out of the integrated food law. On December 21 Nayyar wrote: "I wish to reiterate that the IMS Act is not a general food law but is basically a special legislation to address marketing issues concerning the production, supply and distribution of infant milk substitutes, feeding bottles and infant foods so that these do not

harm the sound practice of breastfeeding, most essential for ensuring child survival, nutrition and health."

Nayyar also referred to the global public health recommendations given by the World Health Assembly (WHA) in 2001 and 2002. She wrote: "India has made history by enacting the IMS Act in 1992 and its Amendment incorporating the mandate of World Health Assembly resolutions, in June 2003."

In the same letter, Nayyar called upon her counterpart to "appreciate the fact that government efforts for promoting breastfeeding can never match the aggressive campaign of the multinationals... it is therefore extremely important that we keep this Act out of the purview of the integrated food

law, basically because it is more of a marketing legislation than a general food law."

Arjun Singh, too, wrote to his counterpart in the MoFPI, referring to Nayyar's previous communications: "All the efforts of the Department at national and international levels for protecting the traditional and sound practice of breastfeeding will go waste if we fail at this stage to keep this Act out of the purview of the integrated food law. Incidentally, recent scientific studies also reveal that breastfeeding alone can reduce infant mortality by 13 per cent (*Lancet*, 2003.) I, therefore, request you to kindly look into the matter and keep the IMS Act out of the purview of the integrated food law." It is also quite intriguing that the Group of Ministers that deliberated over

the integrated food law, did not include the HRD Ministry, especially when this Bill has a definite design to do away with the IMS Act. Though the Ministry of Health was represented, it did not take up with the MoFPI the issue of repealing.

It is well-documented that India had taken the leadership, with one of the strongest pieces of legislation in the world, to protect breastfeeding from commercial influences and bad marketing practices. Little wonder that international organisations too have expressed concern at the attempt to repeal the IMS Act. In a letter to Prime Minister Manmohan Singh, Anwar Fazal, Chairman Emeritus and Director of the World Alliance for Breastfeeding Action (WABA), wrote that he was shocked to learn that "such a wonderful and landmark legislation may be repealed...." The WABA director also stated that the breast-feeding community from all over the world often looked to India as an example, where the IMS Act, 2003, had managed to widen its scope to include any infant foods, commercial health drinks and food products promoted for the consumption of babies under the age of two years, and also to include sensitive areas such as the sponsorship of the medical profession.

The Malaysia-based International Code Documentation Centre (ICDC), which keeps track of global efforts to implement the International Code of Marketing of Breastmilk Substitutes, stated that it was jubilant when India became one of the few countries in Asia to implement fully the international code with the enactment of the IMS Act. In a letter to the MoFPI, the ICDC's legal adviser wrote: "When the Act was amended in 2003, it widened its scope to a full range of baby foods and delved into sensitive areas such as sponsorship of the medical profession; it was seen as an example of an innovative and progressive legislation and India was heralded as a leader in the area of legislation on infant and young child health."

IN January, the MoFPI put out a notice in some newspapers, titled "Draft Modern Integrated Food Law." Among other things, the notice explained that the Government of India had constituted a Group of Ministers to propose legislative and other changes considered necessary for finalising the integrated food law and related regulations. It said: "A draft 'integrated food law' has been prepared, which is intended to be contemporary, comprehensive and ensure better consumer safety through food safety management systems and setting standards based on science and transparency as also meet the dynamic requirements

of international trade and the Indian food trade and industry."

The Bill was put on the Web site of the Ministry and all stakeholders were informed to send their suggestions to the Joint Secretary in the Ministry by February 15. Among other features in the Bill, several existing Acts, including the IMS Act, were included in the list of Acts to be repealed under Section 108, Schedule I of the Bill. And despite the stated transparency in the government notice inviting suggestions, when a delegation of the Breastfeeding Promotion Network of India (BPNI) went and expressed its concerns to the Ministry over the proposed repeal of the IMS Act, it was first told that it had exactly five minutes to explain its objections and after that was informed bluntly by the Joint Secretary that everything had been decided.

Given the non-responsive stance of the Ministry, the BPNI has now roped in other concerned organisations to mobilise opinion on the issue. Under the aegis of the Jan Swasthya Abhiyan, the Voluntary Health Association of India, the India Alliance for Child Rights and the BPNI, a people's petition was drafted. At that meeting, Planning Commission member Syeda Hameed was also present. She expressed concern over the move to repeal the IMS Act. Other networks such as the Indian Medical Association, the Indian Academy of Paediatrics, the Federation of Obstetrics and Gynaecological Societies of India, the National Neonatology Forum and the Trained Nurses Association of India have also supported the petition, which has categorically stated that the IMS Act should not be repealed.

The detailed petition has been sent to the President, the Prime Minister, and all major political parties. The petition states that either there "has been a gross error in including the IMS Act in the list of repealed Acts or there is a deliberate effort by vested interests to repeal it."

The IMS Act is a unique piece of legislation. It has more to do with promoting and protecting the health of infants rather than regulating food products. Repealing it would also affect the Tenth Plan goals of increasing the current levels of breast-feeding. Moreover, India being a signatory to several international covenants on children, including the Convention on the Rights of the Child, any step taken that negates the interests of children would go against treaty obligations.

In 1981, the WHA adopted the International Code of Marketing of Breastmilk Substitutes with the aim of protecting, promoting and supporting breast-feeding, and prohibiting unethical and dangerous

marketing practices. The Indian government voted in favour of the adoption of this Code. In fact, Prime Minister Indira Gandhi made a strong supporting statement for the adoption of this code at the WHA. India became the 10th country to enact the Code into a law in 1992.

India has endorsed the 2002 Global Strategy on Infant and Young Child Feeding, which calls on governments to take action to implement or strengthen the International Code and subsequent WHA resolutions, which the IMS Act encapsulates. The law was further strengthened in 2003 to plug the loopholes and also to harmonise with recent WHA resolutions.

According to the United Nations Children's Fund (UNICEF), more than 10 million children die yearly, mainly from preventable diseases such as diarrhoea, pneumonia, measles and malaria. It is estimated that if every baby is exclusively breast-fed from birth to six months, an estimated 3,500 children's lives can be saved each day. India has the highest number of under-5 child deaths in the world, and exclusive breast-feeding is considered the best intervention possible to reduce mortality rates.

Arun Gupta, national co-ordinator, BPNI, says that the Food Safety and Standards Bill is a general Act dealing with all sorts of foods, processed and unprocessed; it has nothing to do with breast-feeding or the health and the well-being of the woman and the child. "Only one of the nine operative sections in the IMS Act deals with food standards, and this section makes it clear that these standards shall continue to be governed by the PFA [Prevention of Food Adulteration Act, 1954] Act. All that is required is an amendment to provide that this will now be governed by the Food Act without repealing the IMS Act," says Gupta. He adds that the proposed Food Bill does not cover feeding bottles, but the IMS Act had banned its promotion. Incidentally, the PFA Act also stands to be repealed under the new legislation.

This is a test for the United Progressive Alliance government. It is a choice between trade and the country's future, which will be secure if infant survival is ensured. The IMS Act is a comprehensive piece of legislation; it is marked by a deep sense of equity, and it is educative in its role. Its objectives have been to ensure proper information to families on optimal infant feeding and young child feeding and to control the marketing of baby foods with the aim to contribute to a reduction in child malnutrition and infant mortality. The protection to breast-feeding is vital for saving the lives of millions of children in India every year. ■