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Comply with Confidence! Avoiding Conflicts of Interest under the International Code
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Key Presentation Points and Resource Links

Tweet version to comply with confidence:

Don't take freebies or gifts of any kind
and
ANY IBCLC (or BFG Helper or HCP) can talk to
ANY parent about
ANY product – even by brand name
In a one-on-one clinical or educational setting
and
ANY person may purchase
And ANY person may sell
ANY WHO-Code covered product

Objectives

(1) Describe a professional conflict-of-interest (COI) for a health care provider involving a product falling under the scope of the International Code of Marketing of Breast-milk Substitutes.

Health care providers have a duty to provide good care to clients/patients and promote good health. Commercial interests have a duty to provide to the owners/shareholders. When these two objective overlap, it represents a COI.

The International Code of Marketing of Breast-milk Substitutes (“[the International Code](http://ibfan.org/the-full-code)” <<http://ibfan.org/the-full-code>>) was adopted by the World Health Organization in 1981, with biannual reviews since, a model policy describing the role of governments and health workers in supporting the global public health objective of breastfeeding, as a right of both children and mothers/parents to achieve optimal health. It recognizes that families with children are especially vulnerable to marketing tactics of commercial interests, and urges health workers (like IBCLCs, MDs, RNs and lay/peer counselors; the Code considers them all “health workers”) and institutions to support its principles which are meant to limit those commercial influences.

Article 7 of the Code describes health worker obligations: Do not accept, nor distribute, samples of products falling under the International Code, and disclose acceptance of industry/commercial funding for education (7.3, 7.4, 7.5). Thus, it is a professional COI when a health worker accepts industry funds or samples, because the gift triggers an inherent, subconscious sense of reciprocity with the giver. Clinical behaviors are shifted, to support the profit-making/brand loyalty motives of the commercial entity, and away from the goal of providing good care to individuals.

(2) Identify sections of the International Code and World Health Assembly Resolutions that discuss conflicts-of-interest (COIs)

In the body of the 1981 model policy, conflicts-of-interest (COIs) are covered in these sections:

Preamble (“[infant formula] should not be marketed or distributed in ways that may interfere with the protection and promotion of breastfeeding”)

Article 6.2 (“No facility of a health care system should be used for the purpose of promoting ... products within the scope of this Code.”)

Articles 7.3, 7.4 and 7.5 (health workers should not accept, nor distribute, samples of products falling under the International Code, and disclose acceptance of industry/commercial funding for education)

Subsequent World Health Assembly Resolutions have specifically addressed COIs:

[WHA49.15](https://www.who.int/nutrition/topics/WHA49.15_itycn_en.pdf?ua=1) (1996) <https://www.who.int/nutrition/topics/WHA49.15_itycn_en.pdf?ua=1>, calls upon governments to ensure that that “financial support for professionals working in infant and young child health does not create conflicts of interest, especially with regard to the WHO UNICEF Baby-Friendly Hospital Initiative”;

[WHA58.32](https://www.who.int/nutrition/topics/WHA58.32_itycn_en.pdf?ua=1) (2005) <https://www.who.int/nutrition/topics/WHA58.32_itycn_en.pdf?ua=1>, urges countries “to ensure that financial support and other incentives for programmes and health professionals working in infant and young child health do not create conflict of interest”;

[WHA69.7 Add.1](http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_7Add1-en.pdf?ua=1) (2016) <http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_7Add1-en.pdf?ua=1>, offers specific suggestions:

“Recommendation 6. Companies that market foods for infants and young children should not create conflicts of interest in health facilities or throughout health systems. Health workers, health systems, health professional associations and nongovernmental organizations should likewise avoid such conflicts of interest. Such companies, or their representatives, should not:

- provide free products, samples or reduced-price foods for infants or young children to families through health workers or health facilities, except:
 - as supplies distributed through officially sanctioned health programmes. Products distributed in such programmes should not display company brands;
- donate or distribute equipment or services to health facilities;

- give gifts or incentives to health care staff;
- use health facilities to host events, contests or campaigns;
- give any gifts or coupons to parents, caregivers and families;
- directly or indirectly provide education to parents and other caregivers on infant and young child feeding in health facilities;
- provide any information for health workers other than that which is scientific and factual;
- sponsor meetings of health professionals and scientific meetings.”

(3) Learn how to submit a report of a suspected violation to the World Health Organization’s Code monitoring agencies.

On-line submissions of suspected violations are encouraged. It is the role of the monitors to determine whether violations have occurred, as they compile data on “The State of the Code” for WHO. The [on-line reporting form](https://www.ibfan-icdc.org/report/) is found at <<https://www.ibfan-icdc.org/report/>>

Mandatory Practice-Guiding Documents: IBCLCs and other HCPs

1. IBLCE Code of Professional Conduct (your "musts")
2. IBLCE Scope of Practice for IBCLCs (Another "must;" you must stay within the fence)
3. IBLCE Clinical Competencies (written as mandatory ["must"], but more accurately a list of skill sets)
Freely [downloadable](http://www.iblce.org) at www.iblce.org
4. Scope of practice, often legislated, written for licensed healthcare providers (MD, RN, RD, etc.)
Example: [North Carolina Board of Nursing](https://www.ncbon.com/vdownloads/course-handouts-understanding-scope-practice-role-lpn/scope-comparison-chart.pdf) (<https://www.ncbon.com/vdownloads/course-handouts-understanding-scope-practice-role-lpn/scope-comparison-chart.pdf>).
5. Policies and procedures at your workplace.

Voluntary Practice-Guiding Documents: IBCLCs and other HCPs

1. ILCA Standards of Practice for IBCLC Lactation Consultants (your “shoulds”)
Freely [downloadable](http://www.ilca.org) at www.ilca.org, on the Members Only side
2. [Int’l Code of Marketing of Breast-milk Substitutes](http://ibfan.org/the-full-code) (<http://ibfan.org/the-full-code>) (not legislated in the USA; no enforcement mechanism)

Voluntary-Turned-Mandatory Practice-Guiding Document

1. [Int’l Code of Marketing of Breast-milk Substitutes](http://ibfan.org/the-full-code) (<http://ibfan.org/the-full-code>) is voluntary in USA, **unless** your facility is seeking or maintaining [C:\Users\ecbrk\Dropbox \(LizBiz\)\Aspire\Baby-Friendly](https://www.babyfriendlyusa.org/) designation as a [Baby-Friendly](https://www.babyfriendlyusa.org/) (<<https://www.babyfriendlyusa.org/>>) facility. As such, the facility must [support the International Code](https://www.babyfriendlyusa.org/for-facilities/practice-guidelines/10-steps-and-international-code/) (<<https://www.babyfriendlyusa.org/for-facilities/practice-guidelines/10-steps-and-international-code/>>), including a requirement to purchase at fair market value any formula used by patients.

The [full text of the Code, and WHA Resolutions](http://ibfan.org/the-full-code), is most easily viewed at the International Baby Food Action Network website (<http://ibfan.org/the-full-code>).

To **report suspected violations of the Code**, use the on-line form at IBFAN (<http://ibfan.org/code-watch-form>) or in the USA send an e-mail to Marsha Walker, head of the National Alliance for Breastfeeding Advocacy, at <marshalact@gmail.com>.

The **Breastfeeding Advocacy Toolkit** (2019) (<<https://www.k4health.org/toolkits/breastfeeding-advocacy-toolkit>>) from the Global Breastfeeding Collective (led by UNICEF and WHO) offers a wealth of resources and downloads for advocacy, including a section devoted just to the International Code. Links included:

1. A 4-page [Advocacy Guidance Brief](#) (<https://www.k4health.org/sites/default/files/collective_guidance_brief_2_code_final.pdf>)
2. Briefing paper to support designation of “[follow-on formulas](#)” (<<https://apps.who.int/iris/bitstream/handle/10665/275875/WHO-NMH-NHD-18.11-eng.pdf?ua=1>>) as breastmilk substitutes falling within the scope of the Code
3. Links for purchase of IBFAN/ICDC’s highly respected “Code Essentials” publications about understanding, interpreting, and implementing the Code (4 parts; all reviewed and revised 2018)
4. Free webinar-based [Introductory Course on the Code](#), (<<https://www.k4health.org/toolkits/breastfeeding-collective-toolkit/introductory-course-code>>) by faculty from UNICEF and WHO
5. Save the Children’s report on formula marketing, [Don’t Push It](#) (2018) (<<https://resourcecentre.savethechildren.net/node/13218/pdf/dont-push-it.pdf>>)
6. Links to [Status Reports](#) (2016 and 2018) for Code implementation, by country (<<https://www.k4health.org/toolkits/breastfeeding-collective-toolkit/national-implementation-international-code-status-reports>>)
7. Link to [NetCode](#), an international on-line system to track data on Code implementation, by country (<<https://www.k4health.org/toolkits/breastfeeding-collective-toolkit/netcode>>)
8. A 4-page [policy brief](#) explaining the important 2016 WHA Resolution on Guidance on the Inappropriate Promotion of Foods for Infants & Young Children (<http://archnutrition.org/wp-content/uploads/2016/12/011917_HKI_WHABrief_v3-with-date-1.pdf>)
9. A 51-page [Implementation Manual](#) from WHO (2017) (<<https://apps.who.int/iris/bitstream/handle/10665/260137/9789241513470-eng.pdf?sequence=1>>): Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children

The International Code and You (2016) from ILCA offers guidance for clinicians (<https://higherlogicdownload.s3.amazonaws.com/ILCA/e3ee2b6e-c389-43de-83ea-f32482f20da5/UploadedImages/Learning/Resources/The%20International%20Code%20and%20You%202016.pdf>).

A useful [Guide for Health Workers to Working With the Code](#) is from UNICEF UK

(<<https://www.unicef.org.uk/babyfriendly/wp-content/uploads/sites/2/2016/10/Working-within-The-Code-Guide-for-Health-Workers.pdf>>).

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