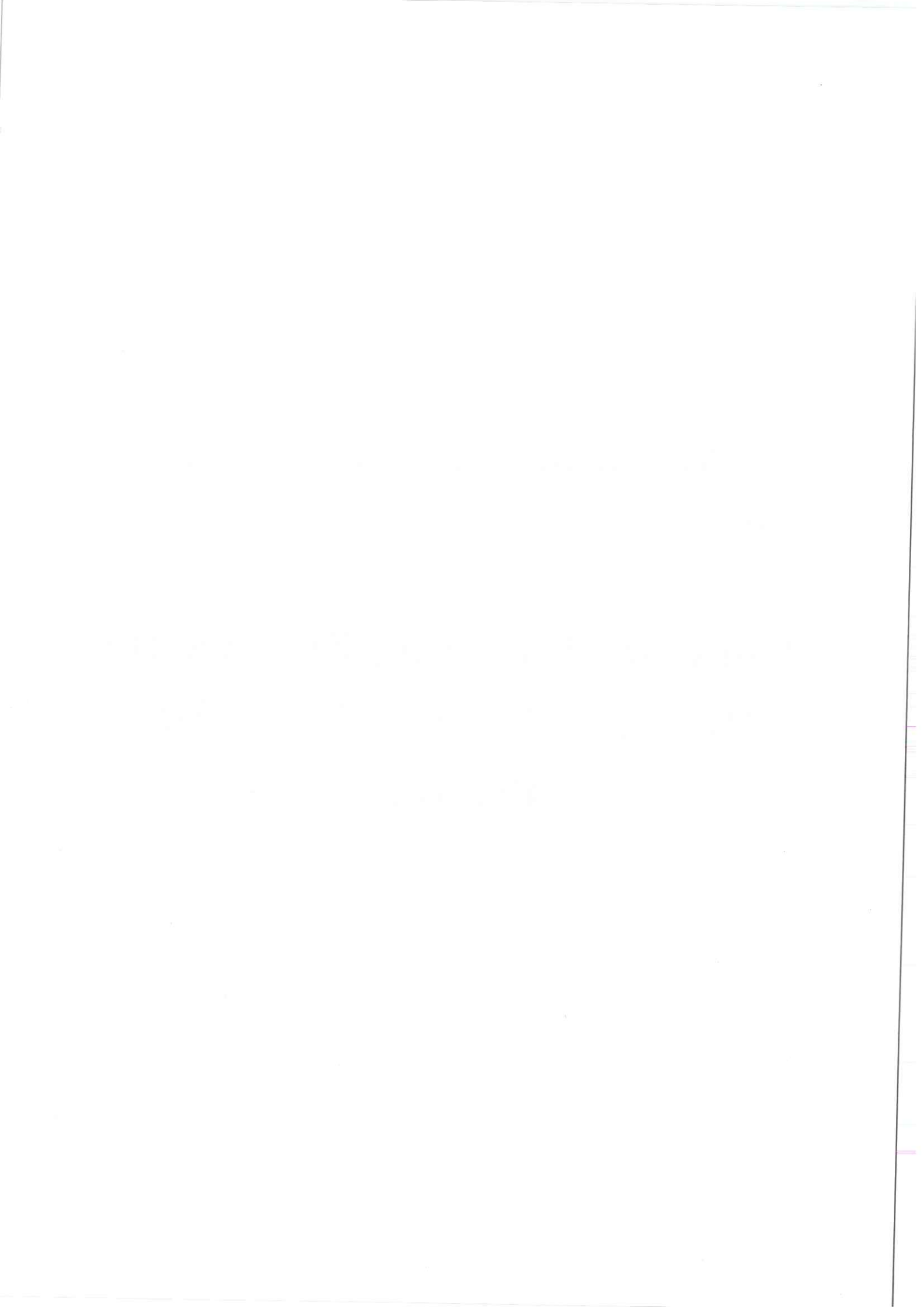


Nutritional Foods Group

A Sector Committee of the European Chamber of Commerce in Vietnam

Code of Marketing Practice for Breast-milk Substitute Milk Products





I. Introduction

The Nutritional Foods Group (“NFG”), a Sector Committee under the European Chamber of Commerce in Vietnam (“Eurocham”), was established to promote science-based nutrition and to promote a high standard of quality acceptable to the government, medical and allied professions for its members’ products related to pediatric nutrition. In addition, NFG encourages the self-regulation and best compliance practices among its members.

This Code of Marketing Practice for Breast-milk Substitute Milk Products (“Code of Conduct” or “Code”) should serve as evidence of NFG members’ commitment to upholding and abiding by Vietnamese and international laws and regulations related to the marketing of young child nutrition, including but not limited to, Law No. 16/2012/QH13 on Advertising, Decree 100/2014/ND-CP and their implementing regulation(s). NFG thereby demonstrates its desire to work in partnership with all stakeholders and partners in achieving its goals of improved health and well-being for all Vietnamese children through responsible marketing practices.

II. Key Principles of the Code

The Code applies to the marketing of any breast-milk substitute milk products for young children up to the age of 24 months (“Breast-milk Substitute Milk Products”). NFG members acknowledge that the definition of “Breast-milk Substitute Milk Products” under Vietnamese law may be substantially different from the definition of “Breast-milk Substitutes” under the international laws, codes and practices. Therefore, it is agreed that the term “Breast-milk Substitute Milk Products” can only be used within the scope of this Code to the extent that Vietnamese law applies and such use will not in any case prejudice or otherwise affect the understanding, interpretation or use by any NFG members, their affiliates or any other parties of the term “Breast-milk Substitutes” or similar terms outside the context of this Code.

The NFG members agreed that the following key principles will be applied to their marketing practices of Breast-milk Substitute Milk Products:

- NFG members encourage and support breastfeeding as the best choice for babies;
- NFG members must not advertise or promote Breast-milk Substitute Milk Products to consumers in any manner;
- NFG members must not either directly or indirectly contact with mothers, pregnant women or their family members for the purpose of advertising, selling or promoting Breast-milk Substitute Milk Products;
- NFG members must not, directly or indirectly, distribute samples of Breast-milk Substitute Milk Products to pregnant women, mothers of young children, their families, health care professionals (“HCPs”) and health care institutions. However, this does not prevent the providing of samples to the health sector for the purpose of professional research or evaluation based on protocol pre-approved or permitted by authorities to improve the science-based nutrition of Vietnamese people;

- NFG members must not offer financial or material incentives/gift/donation to HCPs for the purpose of selling or promoting Breast-milk Substitute Milk Products;
- NFG members must not carry out or support information, education and communication activities related to young child feeding with an aim to propagandize, introduce, or promote the trade or use of Breast-milk Substitute Milk Products.
- NFG members should provide correct, scientific, factual information and proper methods to use Breast-milk Substitute Milk Products for young children to HCPs and consumers.

Code of Marketing Practice for Breast-milk Substitute Milk Products

Article 1: Aim of the Code

The aim of the Code is to provide guidelines for responsible marketing practices by NFG members in relation to the marketing of Breast-milk Substitute Milk Products in Vietnam with an aim to contribute to the provision of safe and adequate nutrition to Vietnamese young children:

- by the protection and promotion of breastfeeding; and
- by ensuring the proper use of Breast-milk Substitute Milk Products, when it is necessary*, on the basis of adequate information and appropriate marketing.

** Note: for the purposes of this Article, 'necessary' includes mothers or care-givers who make the informed decision to provide Breast-milk Substitute Milk Products to their children.*

Article 2: Application

This Code applies to the marketing practices carried out by NFG members in relation to Breast-milk Substitute Milk Products. In the event of any conflict between any of the provisions in this Code and laws and regulations issued by the competent Vietnamese authorities, such laws and regulations shall prevail within the context of such conflict.

Any provision of the Code which is held by applicable law to be illegal, void, or unenforceable, in whole or in part, shall to such extent be severed from and be deemed not to form part of the Code, but the validity and enforceability of the remainder of the Code shall not be affected or invalidated, and shall continue in force to the fullest extent permitted under applicable law.

Article 3: Definitions

For the purpose of this Code, the below terms should have meaning as follows:

<i>Advertising</i>	Introduction of Breast-milk Substitute Milk Products to consumer in any form for marketing purpose. For avoidance of doubt, products can be sold on shelves in stores and online with price information at point of sale, composition and usage information for consumers and HCPs, other information published by or under the
---------------------------	--

	control of Vietnamese authorities are excluded from this definition.
<i>Alleged Violating Company</i>	Company alleged to have violated the Code.
<i>Breast-milk substitute milk products</i>	<p>Breast-milk Substitute Milk Products for children under 24 months of age include:</p> <ul style="list-style-type: none"> a) Nutrition formula products, in liquid or powder form, processed from cow-milk or other animal milk with suitable ingredients, that may be used to substitute breast-milk for children of less than 12 months of age; b) Nutrition formula products, in liquid or powder form, processed from cow-milk or other animal milk with suitable ingredients, or with animal or plant origin, to be used in the complementary feeding period for children from 06 to 24 months of age; c) Other nutrition formula products, in liquid or powder form, processed from cow-milk or other animal milk with suitable ingredients, or with animal or plant origin, which are presented or introduced as suitable for use by children under 24 months of age, but not including complementary food in the nutrition structure for children above 06 months of age.
<i>Complainant</i>	Company that has lodged a complaint against an Alleged Violating Company.
<i>Events</i>	Symposia, congresses and other, scientific or professional meetings
<i>Health Care Institutions</i>	For the purpose of this Code, Health Care Institutions include general hospitals having obstetric and/or pediatric departments, obstetric and pediatric hospitals, antenatal houses; general, obstetric, or pediatric clinics; local general clinics, medical stations of communes, precincts or towns; and nutrition research or nutrition consulting institutions for young children.
<i>Health Care Professional (“HCP”)</i>	For the purpose of this Code, Health Care Professional includes doctors, intermediate-level physicians, convalescence workers, midwives, nutrition consultants, or those with other professional titles, including un-paid volunteers, at Health Care Institutions.

Marketing	Activities to promote the sales of Breast-milk Substitute Milk Products, including product promotion, distribution, selling, advertising, displaying, exhibition, trade fair, product public relations and information services for Breast-milk Substitute Milk Products.
Marketer	A person, corporation or any other entity engaged in the business of distributing and marketing Breast-milk Substitute Milk Products at wholesale or retail level, whether directly or through an agent.
MOH	The Vietnam Ministry of Health
Sample	A small quantity of Breast-milk Substitute Milk Products provided on a free-of-charge basis.
Young child	A child from birth until the age of 24 months.

Article 4: Information, education and communication

4.1 NFG members shall ensure that all informational, educational or communicational materials regarding young child feeding provided by the Marketers to HCPs or consumers, whether written, audio or visual, are in accordance with the following regulations:

- Should have a statement on the benefits and superiority of breast feeding, affirming that breast-milk is the best food for the health and comprehensive development of young children; antibacterial elements, especially antibodies only available in breast-milk help children prevent and control diarrhea, respiratory infections and several other infectious diseases;
- Should cover the instructions on exclusive breast-feeding up to 06 months of age and continued breast-feeding until 24 months of age or beyond, and on proper and suitable complementary feeding from 07 months of age;
- Must not use images, words or other forms that aim to encourage feeding children with Breast-milk Substitute Milk Products, encourage bottle-feeding, or discourage breast-feeding;
- Must not compare Breast-milk Substitute Milk Products as being as good as or better than breast-milk;
- Must not contain names or logos of Breast-milk Substitute Milk Products.

4.2 NFG members shall provide correct, scientific information and proper methods to use Breast-milk substitute milk products to HCPs and consumers. The content of informational, educational and communicational materials on the use of Breast-milk Substitute Milk Products must satisfy the following requirements:

- Instructions on the proper selection and use of Breast-milk Substitute Milk Products;
- Instructions on cleaning and sterilizing utensils used to feed young children;

- Instructions on how to feed young children with cups and spoons in a hygienic manner;
- Warnings on possible health hazards for young children if they use artificial dummies, are fed by bottles, or fed with supplementary foods before 06 months of age;
- Provision of information on the possibility of bacterial contamination when feeding children by bottles, and when Breast-milk Substitute Milk Products are not prepared and fed properly;
- Warnings on costs of feeding young children with Breast-milk Substitute Milk Products.

4.3 NFG members shall not use Breast-milk Substitute Milk Products or their specific brand names in any informational or educational material about the feeding of young children intended for distribution to or use by consumers, except when such materials are intended to provide instructions for use for a specific Breast-milk Substitute Milk Product and are disseminated through a HCP upon his/her request or as part of a government organized health and/or nutrition program, or are materials clearly related to products which are not Breast-milk Substitute Milk Products.

Article 5: Marketing and promotion to the general public

5.1 It is strictly forbidden to advertise and or promote Breast-milk Substitute Milk Products to the general public. In particular, NFG members must not (i) organize the display of Breast-milk Substitute Milk Products at Health Care Institutions; (ii) display names, logos of Breast-milk Substitute Milk Products on slogans, banners and other advertising materials at super markets, retail shops and Health Care Institutions.

5.2 NFG members will inform its distributors of the provisions of this Code. Retailer marketing and the in-store activities of Breast-milk Substitute Milk Products should be limited to product name, new formula and new price.

5.3 NFG members must not directly or indirectly distribute samples of Breast-milk Substitute Milk Products to pregnant women, mothers of young children and their families.

5.4 Gifts of utensils or other articles that may discourage a mother from breastfeeding her young child must not be distributed to pregnant women, mothers of young children and caregivers of young children. Gifts should not bear any name, logo, picture or any information relating to the Breast-milk Substitute Milk Products and should not be cash, cash equivalent of more than 500,000 VND, including shopping voucher, spa voucher, meal voucher or similar activity.

5.5 NFG member's personnel must not seek any direct or indirect contact with pregnant women, parents of young children for the purpose of marketing or promoting Breast-milk Substitute Milk Products. This does not prevent person assigned by NFG members from responding to complaints or requests for additional information. For medical related questions, consumers should be referred to a HCP.

5.6 NFG members must ensure that Breast-milk Substitute Milk Products and usage information thereof published by or under the local control of NFG members through the

electronic media can only be accessible to consumers who 1) understand the superiority of breast milk and; 2) wish for further information, and such information should be restricted in the product label, recommended price and/or any MOH approved information. Promotional language must not be used by NFG members for such communication.

Article 6: Interaction with Health Care Institutions

6.1 NFG members must not conduct any activity at Health Care Institutions for the purpose of promoting Breast-milk Substitute Milk Products. This does not, however, preclude the dissemination of information to HCPs as provided in Article 6.2 hereunder.

6.2 Scientific and factual information regarding Breast-milk Substitute Milk Products can be supplied by NFG members to the Health Care Institutions and HCPs, provided that only appropriately trained personnel are used by NFG members for this purpose and in accordance with the Article 4 herein.

6.3 NFG members must not conduct any distribution or display any objects or equipment with names or logos of Breast-milk Substitute Milk Products for young children at Health Care Institutions, including hospital drugstores, nutrition research or consulting institutions.

6.4 Any donation by NFG members to a Health Care Institution of equipment and/or supplies must not be linked to the promotion or sale of Breast-milk Substitute Milk Products. The donation of Breast-milk Substitute Milk Products to charitable or humanitarian organization should only for the humanitarian purpose to feed abandoned babies, orphans or when breast-feeding is not possible due to serious medical reasons as stipulated by laws, provided that such charitable or humanitarian organization should be a legal entity licensed to do so.

6.5 NFG members must not directly or indirectly distribute Samples of Breast-milk Substitute Milk Products to Health Care Institutions and HCPs, with the exception being Samples provided to Health Care Institutions or scientific institutions for research or evaluation purposes, subject to written protocol pre-approved or permitted by relevant competent authorities.

Article 7: Interaction with HCPs

7.1 Information provided by Marketers to HCPs regarding Breast-milk Substitute Milk Products must be restricted to scientific and factual information and should not imply or create a belief that formula feeding is superior to breastfeeding. Such information must satisfy the conditions specified in Article 4 of this Code.

7.2 No inducement of, or reward for promotion of Breast-milk Substitute Milk Products can be offered to HCPs or members of their families. However, gifts of non-material value (no cash, no cash equivalent of more than 500,000 VND, including no shopping voucher, spa voucher, meal voucher or similar) may be distributed to HCPs, provided further that gifts must:

- Be for professional practice (e.g. pen, stethoscope, laser pointer ...) or suitable with local custom practice (e.g. fruit basket, tea, coffee, cakes/ moon cakes, etc.).

- Not bear the name, logo or picture of Breast-milk Substitute Milk Products.

Article 8: Events

8.1 *Scientific and Educational Objectives.* The purpose and focus of all symposia, congresses and other, scientific or professional meetings (“Events”) for HCPs organized or sponsored by a NFG member shall be to inform HCPs about Breast-milk Substitute Milk Products and/or to provide balanced and accurate scientific or educational information.

8.2 Such Events will comply with all relevant aspects of applicable codes of conduct of HCPs and their institutions.

8.3 *Events Involving Foreign Travel.* No NFG member may organize or sponsor an Event for HCPs (including sponsoring individuals to attend such Events) unless the following requirements are met:

- The Event complies with the hospitality requirements in this Code as described in Article 8.6;
- Sponsorship of HCPs is limited to the payment of travel, meals, accommodation and registration fees;
- No payments are made to compensate HCPs for time spent in attending the Event; and
- Any sponsorship provided to individual HCPs must not be conditional upon an obligation to prescribe, recommend, sell or promote any Breast-milk Substitute Milk Products.

8.4 *Guests.* NFG members shall not pay any costs associated with individuals accompanying invited HCPs, unless such individuals independently qualify for payment of such costs.

8.5 *Payments for Speakers and Presenters.* Payments of reasonable fees (as considered in the context of the HCP’s home market) and reimbursement of out-of-pocket expenses, including travel and accommodation, may be provided to HCPs who are providing genuine services as speakers or presenters on the basis of a written contract with the NFG member at the Event.

8.6 *Hospitality*

- *Appropriate Venue.* All Events shall be held in an appropriate venue that is conducive to the scientific or educational objectives and the purpose of the Event or meeting. NFG members shall avoid using extravagant venues;
- *Limits of Hospitality.* Hospitality shall be limited to refreshments and/or meals incidental to the main purpose of the Event and shall only be provided to participants of the Event and not their guests if to do so is moderate and reasonable under local standards. As a general rule, the hospitality provided may not exceed what HCP recipients would normally be prepared to pay for themselves.

8.7 *Entertainment.* No stand-alone entertainment or other leisure or social activities shall be provided or paid for by NFG members. At Events, entertainment which is secondary to refreshments and/or meals is allowed, provided it is modest and not considered lavish or extravagant in the local context.

Article 9: Labeling

9.1 Labeling of Breast-milk Substitute Milk Products must comply with the requirements of the Vietnamese laws, including, among others, the provisions of Decree 100/2014/ND-CP.

9.2 In particular, labels for Breast-milk Substitute Milk Products should not include picture or text or be presented in such a way as to discourage caregivers from breast-feeding or feeding breast-milk to their young children, such as by incorporating pictures of babies and breast-feeding mothers.

Article 10: Quality Standards

10.1 To ensure the safety of their Breast-milk Substitute Milk Products, NFG members shall implement strict hygienic and quality control procedures compliant with national standards or those deemed to be equivalent by governments, such as international guidelines developed by Codex Alimentarius.

10.2 NFG members will continue to engage government and standard-setting bodies on a range of critical safety issues, including best practices in food safety, harmonization of science-based standards, food safety monitoring, supplier education, and capacity building through, e.g., public campaigns, professional training, and the strengthening of relevant institutions.

Article 11: Humanitarian Aid

11.1 *Supplies for Humanitarian Relief Aid in Emergency and Disaster Situations.* NFG members may provide aid donation of Breast-milk Substitute Milk Products in emergency and disaster situations only through government channels or internationally recognized aid agencies and only in response to a specific written request by the government or appropriate aid agency that clearly documents the medical and social grounds for the request. NFG members must deliver humanitarian relief aid shipments of Breast-milk Substitute Milk Products to the requesting government or aid agency for distribution for use with young children who, pursuant to medical advice, have to be fed with Breast-milk Substitute Milk Products. NFG members may not deliver humanitarian relief aid shipments of Breast-milk Substitute Milk Products directly to caregivers.

11.2 *Supplies to Orphanages or Other Social Welfare Institutions.* NFG members may respond to written requests from orphanages or other social welfare institutions for free or low-priced supplies of Breast-milk Substitute Milk Products for feeding young children who have to be fed with Breast-milk Substitute Milk Products in order to serve humanitarian purposes. The label or container of Breast-milk Substitute Milk Products distributed under this section shall clearly indicate that the specific Breast-milk Substitute Milk Products is a donation for use at the discretion of the receiving government or institution and only for young children who, pursuant to medical advice, have to be fed with Breast-milk Substitute Milk Products.

Article 12: Implementation

12.1 NFG members are responsible for monitoring the provisions of this Code. NFG members shall also inform and train their staff and agents of the provisions of the Code and of their responsibilities under it.

12.2 All responsible or relevant persons of NFG members shall cooperate with the NFG in order to ensure that the provisions of the Code are fully complied with.

12.3 This Code is effective from July 1, 2017 and replaces entirely the previous NFG Code of Marketing Practice for Breast-milk Substitutes.

12.4 This Code shall be amended as needed and at the final discretion of NFG. Any proposed amendments shall be submitted for a formal decision-making vote by all NFG members, with approval requiring a simple majority vote.

Article 13: Self-Regulation Process

In the event of a perceived violation of this Code by an NFG member, NFG members will undertake the below-outlined steps and procedures. Such proceedings will be handled with a view to ensuring fairness for all members and to upholding industry ethics best practices.

13.1 Ethics Committee (“EC”)

13.1.1 The EC comprises of representatives of all NFG member companies.

Each NFG member company appoints one representative to the EC. This person should have relevant experience or qualifications in legal or regulatory affairs, as deemed fit by the NFG member whom said appointee is representing.

For each case, the EC elects a Chairperson who shall not be the representative of the Alleged Violating Company or Complainant.

13.1.2 The EC shall have the following roles and responsibilities:

- Review formal complaints on the Code violations;
- Review all information, evidence, existing legal documents, and provide a confirmation to the NFG Board on whether a breach of the Code has occurred or, if this is not possible, make a recommendation to refer the case to the Asia Pacific Infant and Young Child Nutrition Association (“APIYCNA”) for resolution. In the event that the EC confirms that a breach has occurred, suggest corrective measures with a specified time frame for the Violating Company to implement the measures; and
- Propose sanctioning measures to the NFG Board should the Violating Company not fulfill the requirements of the final decision of the NFG Board or APIYCNA.

13.1.3 The EC Chairperson shall have the following roles and responsibilities:

- Convene and chair EC meetings to discuss the case, if needed; and

- Request for additional information or evidence from the Complainant and/or Alleged Violating Company.

13.2 NFG Executive Director

The NFG Executive Director shall have the following roles and responsibilities:

- Receive formal complaints on the Code violations and forward these to the EC;
- Send written notification to Alleged Violating Company communicating alleged violation;
- Develop a Case File including the EC Recommendation, “Case Summary” and “Motion for Determination of Conduct” to submit to the NFG Board for review and final decision;
- Circulate the Case File to all NFG Board members before the NFG Board meeting or before an ad-hoc meeting to discuss the Case;
- Receive and consolidate the votes of NFG Board members, develop the final decision document for the NFG Chairperson’s signing, and communicate this to the country heads of each NFG members;
- When needed, submit necessary forms and documents to the APIYCNA Secretariat; coordinate with the APIYCNA Secretariat during the complaint escalation process; and communicate APIYCNA’s decision to country heads of each NFG members.

13.3 Complaints and Procedures

If an NFG member company has reasonable evidence to suggest that another NFG member company is in violation of the Code, it shall proceed as follows:

- Phase 1: Reciprocal Process Between the Complainant and the Alleged Violating Company
 - The Complainant must send a written notification with evidence to the Alleged Violating Company.
 - Within 05 working days from receipt of the notification, the Alleged Violating Company must reply in writing to the Complainant explaining its position about the alleged violation or its own corrective resolution measures and action plan.
 - If the Complainant is satisfied with the Alleged Violating Company’s explanation, the complaints handling process concludes, otherwise, the Complainant shall submit to the EC a formal complaint in writing via the NFG Executive Director.
- Phase 2: EC Case Review and Recommendation

Complaint Receipt and Communication with Alleged Violating Company

 - Within 24 hours from receipt of the formal complaint, NFG Executive Director will inform the EC. The EC elects a Chairperson. The EC Chairperson, on behalf of the EC, may request for additional information or evidence from the Complainant and/or Alleged Violating Company;

- Within 02 working days from receipt of the formal complaint, the NFG Executive Director must send written notification to the Alleged Violating Company about the complaint.
- Within 04 working days from receipt of the notification, Alleged Violating Company must submit to the EC a letter explaining its position about the filed complaint or its own corrective resolution measures and action plan.

EC Case Review

- Within 10 working days from receipt of the reply from the Alleged Violating Company, EC members must review the case and make a recommendation to the NFG Board.
- EC members can discuss the case via appropriate means of communication, including in-person meetings. The EC Chairperson must convene a meeting to discuss the matter if this is requested by any EC member.
- EC members may invite relevant technical experts to join the review process but these experts shall not be entitled to vote on the EC Recommendation. The fees of the technical expert(s) shall be advanced by NFG and reimbursed to NFG, after the final decision, by the Violating Company, or the Complainant if the Alleged Violating Company is not found of violating the Code.

EC Recommendation

- The EC Recommendation should include an analysis of the case and, if possible, confirmation of whether or not a breach of the Code has occurred, based on a simple majority voting of all EC members. In case of a breach, this should also include corrective measures with a specified time frame for the Violating Company to implement the measures. In the event that EC members cannot decide on whether a violation has occurred, the EC Recommendation shall include a recommendation to refer the case to APIYCNA for resolution.
 - Based on the information and evidence submitted by the Complainant and the Alleged Violating Company, and the EC Recommendation, the NFG Executive Director shall develop the Case File, including the Case Summary (see Template in Annex 1), Motion for Determination of Conduct (see Template in Annex 2) and the EC Recommendation document. This file shall be submitted to the NFG Board for review and final decision.
- Phase 3: NFG Board Deliberation and Decision
 - Within 15 working days from receipt of the Case File from the NFG Executive Director, the NFG Board shall discuss and vote on the final decision at a meeting convened by the NFG Chairperson. This can be the next NFG Board meeting or an ad-hoc meeting should it be requested in writing by any NFG Board member.
 - At such a meeting, NFG Board members shall cast their votes via the Motion for Determination of Conduct. If needed, the Complainant and the Alleged Violating Company shall be given an opportunity to present their case.

- Absent members may submit the Motion for Determination of Conduct to the NFG Executive Director no later than 24 hours after the end of this meeting. Non-submission of vote will be considered a blank vote.
- In case of a successful simple majority voting outcome of the NFG Board, the decision shall be developed by the NFG Executive Director and signed by the NFG Chairperson. The decision shall then be immediately communicated to the country heads of each NFG members.
- In case of a tie, the NFG Board may bring the case to APIYCNA for resolution. NFG Executive Director shall submit relevant forms and documents to APIYCNA Secretariat and shall coordinate with APIYCNA Secretariat during the resolution process. The decision of APIYCNA shall be final. Upon being informed of APIYCNA's decision, NFG Executive Director shall communicate this to the country heads of each NFG members.
- Phase 4: Appeal (only applicable if APIYCNA was not involved in Phase 3)
 - Within 14 working days from the decision of the NFG Board, if the Complainant or Alleged Violating Company disagrees with such decision, they may request for a second instance ruling by APIYCNA by submitting an appeal letter to the NFG Executive Director.
 - Within 05 working days from receipt of the appeal letter, the NFG Executive Director shall prepare and submit relevant forms and documents to the APIYCNA Secretariat and shall coordinate with the APIYCNA Secretariat during the resolution process. The decision of APIYCNA shall be final. Upon being informed of APIYCNA's decision, NFG Executive Director shall communicate this to the country heads of each NFG members.
- Phase 5: Implementation

Once the final decision has been announced, the violating NFG member shall, within the time frame provided in the final decision, implement required resolution measures and correct any confirmed breach.

13.4 Sanctions

If the Violating Company does not fulfill the requirements of the final decision issued by the NFG Board or APIYCNA within the specified time frame, then the EC may propose to the NFG Board to take one or more of the following sanctions against the Violating Company:

- Refer the complaint and the NFG Board's final decision to the head office and the regional office of the Violating Company; or
- Suspend the Violating Company's NFG membership for up to 03 years.

The type of sanction(s) shall be determined by the NFG Board based on the severity, circumstances and frequency of the breach, with approval requiring a 2/3 majority vote.

13.5 Confidentiality

All cases handled under the Self-Regulation Process shall be kept confidential within NFG and EuroCham including by the Executive Director of NFG and Executive Committee of EuroCham. NFG members, Executive Director of NFG and Executive Committee members shall not disclose any information or documents that they have received pursuant to the Process to any third party unless (a) the disclosure is required by any applicable laws or an order of the court; or (b) the disclosure is approved in writing by both the Complainant and the Alleged Violating Company.

In case of a written demand issued by a relevant government or regulatory authority, NFG and EuroCham shall cooperate in order to address together the request and provide the appropriate answer.

ANNEX I: TEMPLATE FOR "CASE SUMMARY"

CASE SUMMARY

Case No. : _____

1. Details of Alleged Violation

2. Arguments and evidence submitted by the Complainant

3. Arguments and evidence submitted by the Alleged Violating Company

Prepared by: _____

Date: _____

ANNEX II: TEMPLATE FOR "MOTION FOR DETERMINATION OF CONDUCT"

MOTION FOR DETERMINATION OF CONDUCT

Case No. : _____

Pursuant to NFG's Code of Marketing Practice for Breast-milk Substitute Milk Products effective _____, please provide your determination between the following two decisions:

Decision 1: *[Alleged Violating Company's name]* is in violation of _____ of the NFG Code of Marketing Practice for Breast-milk Substitute Milk Products. *[Alleged Violating Company's name]* must implement the following corrective measures:

or

Decision 2: *[Alleged Violating Company's name]* is **not** in violation of the NFG Code of Marketing Practice for Breast-milk Substitute Milk Products. No further action to be taken by NFG.

I, _____,

as the representative of _____,

hereby vote for Decision 1

Decision 2

Signed, on behalf of the company,

Date: _____

NFG Contact Details

European Chamber of Commerce in Vietnam
Nutritional Foods Group Sector Committee
The Landmark
15th Floor, Room 2B
5B Ton Duc Thang Street, District 1
Ho Chi Minh City, Vietnam

Signatures




FrieslandCampina Vietnam
– Arnoud van den Berg –
Managing Director



**Abbott Laboratories S.A.
in Vietnam**
– Douglas Kuo –
General Manager



**Mead Johnson Nutrition
Vietnam**
– Soren Bech –
General Manager



Fonterra Brands Vietnam
– Arnaud Renard –
General Manager



Nestle Vietnam Ltd.
– Tanti Ermawati –
Country Business Manager
Infant Nutrition