

PUBLIC HEALTH [CAP. 234] Act 22 of 1994 (Year recorded in GINA as 2006; actually commencement date for Part 12 is 29 April 2002

Commencement: 24 April 1995 (Parts 1, 2, 9, 12, 15, 16, and sections 104(1)(c), 104(1)d), 109); 1 September 1995 (section 106); 29 April 2002 (remaining provisions) (Extract from page 1 of Chapter 234 of Laws of the Republic of Vanuatu (Consolidated Edition 2006)

PART 12 – CONTROL OF BABY FEEDS

99. Promotion of breast feeding and control of commercial baby feed

- (1) The Minister may make such regulations as are deemed necessary for protecting the public health by the promotion of breast feeding and the control of the availability of baby feed and where it is permitted such measures to promote and encourage its use in a healthy, safe and hygienic manner.
- (2) The minister may, by regulations, declare any baby's feed bottle, bottle teat, dummy or any other baby or infant feeding aid to be a prescribed article and may be used only in accordance with prescribed conditions.

100. Supply and use of prescribed articles

- (1) A pharmacist may supply a prescribed article if the person to whom the article is to be supplied first produces to the pharmacist an authorization in respect of that article.
- (2) A person may in the course of his business supply a prescribed article to a pharmacist, authorized officer or nurse for use or supply in accordance with this Act.
- (3) It is not an offence under this Act for:
 - (a) a mother, or other person for the time being having care of an infant or baby , to use when feeding or soothing that infant or baby a prescribed article obtained for that infant or baby in accordance with this Act; or
 - (b) an authorized officer or nurse to use a prescribed article; or
 - (c) any person to use a prescribed article to soothe or feed an infant or baby if, in the opinion of that person, there exists at that time circumstances in which the infant or baby would suffer harm if such article was not used.
- (4) Any person who uses or supplies any prescribed article in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

101. Authorization

- (1) An authorization must not be given except:
 - (a) by an authorized officer; and
 - (b) in accordance with subsection (2).
- (2) An authorized officer must not give an authorization:
 - (a) unless he is satisfied that it would be in the best interests of the baby or infant to whom the authorization is intended to relate to be fed or soothed by a prescribed article; and
 - (b) unless at the time of giving the authorization the authorized officer:
 - (i) also gives the prescribed instructions to the person who will be feeding or soothing the infant or baby with the prescribed articles; and
 - (ii) is satisfied that the person receiving the instructions understands them.
- (3) It is an offence for an authorized officer to give an authorization to any person other than the mother or person for the time being having care of the infant or baby to whom the authorization relates.

102. Prescribed advertisements

- (1) The Minister may, by regulations, declare any advertisement to be a prescribed advertisement.
- (2) A pharmacist may display within their premises a prescribed advertisement to the extent necessary to enable persons obtaining prescribed articles in accordance with this Act to choose those articles.
- (3) A person may, in the course of his business, display to a pharmacist, nurse or authorized officer a prescribed advertisement.

(4) Subject to subsection (3), any person who publishes a prescribed advertisement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

103. Definition

In this part "authorized officer" means a person registered under the Health Practitioners Act [Cap. 164] to practice medicine and any person suitably qualified authorized by the Minister under this Act.