

**PCIJ's interview with Francisco Duque III, health secretary
04 August 2006**

PCIJ: Let's begin with the International Breastfeeding Week. How is the celebration coming along here in the Philippines?

Duque: It's quite good. We've had major events. We had the national technical conference on breastfeeding which was held last August 1, and it was highly successful. It was attended by all stakeholders, the doctors, obstetricians, pediatricians, specialty societies, the members and leaders of civil society, NGOs, Unicef, WHO, and the DOH.

PCIJ: And on August 14, the revised implementing rules will be formally launched in Malacanang. This launching of the revised implementing rules, does the DOH consider this a big deal? How will you describe the mood ... ?

Duque: Well if you're going to talk about the mood of the milk companies of course it's a dampened mood. But for those who believe and champion the cause of breastfeeding they consider it as one of the greatest features ... It's a gift, and it's got one of the most important public health implications, especially when it comes to health and nutrition.

PCIJ: You were saying that this will dampen the mood of milk companies. Let's talk about that. The Pharmaceutical and Health Care Association of the Philippines petitioned the Supreme Court for a TRO and this was denied.

Duque: Yes.

PCIJ: How much of a victory is that denial?

Duque: I guess it signals that perhaps even the Supreme Court appreciates what the DOH is pushing for, and that advocacy is probably something that they want to be identified with.

PCIJ: How difficult was it to have those revised implementing rules drafted and then finally signed?

Duque: This started way before my term.

PCIJ: 2004.

Duque: Yes, 2004. So you can just imagine it took almost two years to get it in its final form. And during my term, for the last 14 months, there has been a process of consultations, of to and fro, back and forth consultations between the milk companies, members of the medical communities, DOH, Unicef, WHO. It was difficult. It was difficult. The battle was quite uphill.

PCIJ: Because the milk companies were blocking the IRR?

Duque: There were efforts. But that is understandable. Of course they didn't want to diminish their

market. And the bottom lines. They don't want their bottom lines affected.

PCIJ: Have you submitted your comment? The Supreme Court decision denying the TRO also asked the DOH for comment.

Duque: We have already given our inputs to the Office of Solicitor General because it's the OSG that will make the representation on behalf of the DOH.

PCIJ: One of their main arguments is that you, and the other health officials have acted beyond your jurisdiction and have committed grave abuse of discretion in passing the revised IRRs. What is your comment on that?

Duque: Well, as usual, they are saying that the IRR exceeds the very law, the EO 51 the Milk Code from where the IRR provisions must flow. My answer to that is, we are in alignment, in compliance, with WHO international code on marketing of breast milk substitutes. And the WHO, since 1981, has had many new provisions and resolutions coming out of the World Health Assemblies. And many of the resolutions contained new policies and standards which unfortunately have not been codified and included in the WHO international code. But it does not preclude us from following and aligning our own implementing rules and regulations with the new WH Assembly resolutions.

PCIJ: Meaning that since 1981 there have been new resolutions ...

Duque: Several.

PCIJ: And these resolutions are based on more recent scientific evidence about breastfeeding.

Duque: Yes. There have been studies, research outputs, with regards to breastfeeding and breast milk, and what they do to babies and mothers.

PCIJ: So for example, the recommendation for exclusive breastfeeding is six months.

Duque: Six months. Yes. Dati, hanggang 12 months lang. Now we're doing it from zero to 24 months. Because again, the WHA has made resolutions that promote the protection, the preservation, the promotion of the health of not only infants but young children. And we were signatories to those World Health resolutions. We had to upgrade.

PCIJ: And the guidelines became stricter? Health activist, Mike Tan, says he hopes the new guidelines will crack the whip on violators. Is that correct?

Duque: Yes. And in fact we have increased also the penalties, from 10,000 to 1 million. The sanctions have also been upgraded.

PCIJ: The petitioners are also questioning the sanctions.

Duque: Yes of course the petitioners will question everything and that is the problem. But I certainly understand their position. They have their own interest to protect. And I, as secretary of health, must

protect the interest of our babies and young children as well as our nursing mothers.

PCIJ: We received information that certain officials of the U.S. State Department and the U.S. Embassy here in Manila have approached our officials, including you ...

Duque: (Nods in agreement) And Secretary Favila, DTI.

PCIJ: They expressed their concerns, before you signed the revised rules. How aggressive was the lobbying from the milk industry? Was it enough to delay the signing of the RIRR?

Duque: No. It had no effect on the timing of the signing of the IRR. Because to us, we needed to look at both sides. We needed to strike a balance between the commercial interests and the economic impact, employment implications, and public health interests. Of course, in identifying that balance, we thought that it was our duty to get ourselves more biased for public health. So we did not capitulate to what they wanted.

PCIJ: What did they want?

Duque: They just wanted the old provisions of the law, that be reflected as is in the implementing rules and regulations. We could not agree. Because those were the very loopholes that existed and allowed them to go around the IRR and did what they were doing.

PCIJ: Were there threats?

Duque: Meron. The threats were veiled. They were subliminal messages. And there have been some very influential people also telling us that you know, you might not be looking into the economic implications, if these guys close down their operations and move out of the country. That might lead to more unemployment, blah blah blah.

PCIJ: And these were all taken into consideration.

Duque: Yes we took that into consideration. If we had our way, we would have wanted a 36 month-ban on advertising and promotion.

PCIJ: This is less radical than what you would have wanted?

Duque: Yes it's less radical than we had wanted. And we said, because we're reasonable. But we also put there, even if we said only for 24 months, we will subject periodically these provisions to review by the Inter-Agency Committee to find out whether we will calibrate. If with the existing revised implementing rules and regulations we see a measurable drop in the use of infant formula, and a significant increase in the exclusive breastfeeding rate, then we can say, we don't have to move this, we're okay where we are. But if we don't hit our targets then we might need to calibrate. We might need to make this even more expansive beyond 24 months.

PCIJ: The Unicef says the average length of exclusive breastfeeding is 24 days? Is that the most current data that we have?

Duque: For exclusive breastfeeding, we have 16 percent of women, from zero to 5-6 months, EBR. You have a good initiation rate, I think about 87 percent.

PCIJ: So that's our latest data, 16 percent of mothers.

Duque: Right. And we want to bring it to 60 percent by 2010.

PCIJ: And you were saying that in the course of the implementation if health officials will see that we need to upgrade again, then you will upgrade again.

Duque: Tighten.

PCIJ: And do you have the full support of the President in this matter?

Duque: (Nods) So far, so far. I think we've been very grateful to the President because I see no indications whatsoever. Because, you see. This stronger and more stringent IRR, breastfeeding is also one of the methods that the President wants us to push with regard to the natural family planning methods. So, lactation amenorrhea will allow birth spacing from 3 to 5 years. Everything seems to be falling in their proper places.

PCIJ: How significant is the threat from the milk industry?

Duque: Well they will test us, of course. They'll say that, you know, these guys are long on words, provisions, everything, but at the end of the day the real test is, how are these guys going to implement it? How are they going to monitor us, are they resolute in invoking the IRR and applying sanctions as they are reflected.

PCIJ: And how do you intend to implement it?

Duque: We are resolute. We have many allies in this crusade, this advocacy. We have the Henares father-daughter tandem.

PCIJ: The Children for Breastfeeding Inc.

Duque: Yes. Very aggressive, you know, don't ever mess with them. (Laughs.) That is what contributes to the moral high ground upon which we are mounting this fight.

PCIJ: How big is the market of the milk companies?

Duque: 400 million US dollars. That's about 21 billion pesos.

PCIJ: After you submit your comment, what will happen? Do they still have a recourse with the Supreme Court?

Duque: The way I look at it is, if the Supreme Court ruling is in our favor, it will automatically cause

them to file a motion for reconsideration.

PCIJ: And now since the TRO was denied, the RIRR ...

Duque: ... is being implemented. But of course we have two months to thresh out the transition, adjustments, for example what do you do with the stocks of milk, the labeling, etc. And I have been made to understand that many of these milk companies have actually begun doing the adjustments, the labeling, putting up of bilingual messages.

PCIJ: Is it the BFAD that is the main arm for implementing this?

Duque: Yes, they are.

PCIJ: While the breastfeeding week is going on, the interest is really high. It's always in the newspapers these days. How can advocates and health officials sustain this interest beyond breastfeeding week?

Duque: The infrastructure will have to be developed. The lactating rooms will have to be found in all agencies of government, and start putting up their child-minding centers. It should allow reasonable space for three mothers to nurse simultaneously. And this is in the work place. We are prioritizing government agencies because we need to walk the talk. And then we have started convincing the malls. And in fact yesterday there was the launching at the Mall of Asia. We've gotten the commitment of the SM Foundation to support us and make this a standard facility in all of their malls. And we're coming up with a standard lactation room and the facilities that would allow storage of breast milk.

PCIJ: And all of this is in recognition of the fact that regulating the marketing of milk substitutes is just one of the factors in promoting breastfeeding.

Duque: You need to have the enabling environment. The limiting is the punitive, sanctions, the revised stringent IRR. But you also have to work on the infrastructure, advocacy, championing the cause, social marketing, convincing the public at large about the superior qualities of breastfeeding, that it's actually not just for babies but it's best for mothers. It can prevent cancer of the breast, cancer of the ovary, uterus, osteoporosis. It has manifold positive health consequences.

PCIJ: Do you have the resources for this social marketing agenda?

Duque: The social marketing agenda can be pushed, with the help of some well-meaning citizens, and influential people who have already signified their desire to support us so money probably will not be difficult besides we have our donor partners, Unicef and WHO, and they have the budgets for this. Even if it will require a hefty amount, I think the cost-benefit analysis will certainly show ... You'll be up on the side of the fight. The cost is very low but the benefits are just so high. You have a low cost-benefit ratio.