

DRUGS & MAGIC REDIES
(OBJECTIONABLE
ADVERTISEMENTS)
ACT 1954 and RULES 1955.

- An Over view.

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AIMS & OBJECTIVES.

- AN ACT TO CONTROL THE ADVERTISEMENT OF DRUGS IN CERTAIN CASES, TO PROHIBIT THE ADVERTISEMENT FOR CERTAIN PURPOSE OF REMEDIES ALLEGED TO POSSESS MAGIC QUALITIES AND TO PROVIDE FOR MATTERS CONCERNED THEREWITH.

LEGISLATIVE BACKGROUND.

- REPORT OF DRUGS ENQUIRY COMMITTEE (Chopra committee), 1930.
- RECOMMENDATIONS OF Select Committee, 1940.
- RECOMMENDATIONS OF Bhatia Committee, 1953.

SCHEME OF THE

- ACT - - - - - 16 Sections and
One Schedule.
- RULES - - - - - 6 Rules and
One Schedule.

Came into force on

30th April 1954 and
26th Feb 1955
respectively.

EXTENT . . .

- TO WHOLE OF INDIA (except J & k)
- TO PERSONS DOMICILED IN INDIA
- OTHER LAWS-NOT AFFECTED as DMROA IS IN ADDITION TO
- ACT DEFINES MANY-
RELEVANT ONES ARE . . .

DEFINITIONS.

- " **Advertisement** " includes any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke
- " **Magic remedy** " includes a talisman, mantra, kavacha, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals or for affecting or influencing in any way the structure or any organic function of the body of human beings or animals

FROM OTHER LAW *

" **Advertisement** " includes any **visible representation by way of** notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke

**Cigarettes and other Tobacco products (prohibition on advertisement and regulation of trade and commerce, production, supply and distribution) Act 2003.*

Definitions

Taking any part in the publication of any advertisement includes-

- the printing of the advertisement,
- the publication of any advertisement outside the territories to which this Act extends by or at the instance of a person residing within the said territories.

Definitions.....

- “ Drug ” includes-
 - (i) a medicine for the internal or external use of human beings or animals;
 - (ii) any substance intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;
 - (iii) any article, other than food, intended to affect or influence in any way the structure or any organic function of the body of human beings or animals;
 - (iv) any article intended for use as a component of any medicine, substance or article, referred to in subclauses (i), (ii) and (iii)

Definitions

“Registered medical practitioner” means any person,-

- who holds a **qualification** granted by an authority specified in, or notified under, section 3 of the **Indian Medical Degrees Act, 1916** or specified in the Schedules to the **Indian Medical Council Act, 1956** ; or
- who is **entitled to be registered** as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners

PROHIBITIONS

NO PERSON SHALL TAKE ANY PART IN THE PUBLICATION OF ANY **ADVERTISEMENT**

- PROCUREMENT **MISCARRIAGE IN WOMEN**,
- PREVENTION OF **CONCEPTION IN WOMEN**,
- MAINTENANCE / IMPROVEMENT OF **SEXUAL PLEASURE**
- DIAGNOSIS, CURE, MITIGATION, TREATMENT or PREVENTION OF ANY **DISEASE** or **DISORDER** SPECIFIED IN THE **SCHEDULE**
(CENTRAL GOVT MAY CAUSE CHANGES)

The Schedule

(Disease, Disorder or Condition)

1. Appendicitis
2. Arteriosclerosis
3. Blindness
4. Blood poisoning
5. Bright's disease
6. Cancer
7. Cataract
8. Deafness
9. Diabetes
10. Diseases and disorders of the brain
11. Diseases and disorders of the optical system
12. Diseases and disorders of the uterus
13. Disorders of menstrual flow
14. Disorders of the nervous system
15. Disorders of the prostatic gland
16. Dropsy

The Schedule ...

17. Epilepsy

18. Female diseases (in general)

19. Fevers (in general)

20. Fits

21. Form and structure of the female bust

22. Gall stones, kidney stones & bladder stones

23. Gangrene

24. Glaucoma

25. Goitre

26. Heart diseases

27. High or low blood pressure

The Schedule

- 28. Hydrocele
- 29. Hysteria
- 30. Infantile paralysis
- 31. Insanity
- 32. Leprosy
- 33. Leucoderma
- 34. Lockjaw
- 35. Locomotor ataxia
- 36. Lupus
- 37. Nervous debility
- 38. Obesity

The schedule

- 39. Paralysis
- 40. Plague
- 41. Pleurisy
- 42. Pneumonia
- 43. Rheumatism
- 44. Ruptures
- 45. Sexual impotence
- 46. Smallpox

The Schedule

- 47. Stature of persons
- 48. Sterility in women
- 49. Trachoma
- 50. Tuberculosis
- 51. Tumors
- 52. Typhoid
- 53. Ulcers of the gastrointestinal tract
- 54. Venereal diseases, including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma

PROHIBITION ... (DRUGS)

NO PERSON SHALL TAKE ANY PART IN PUBLICATION OF ADVERTISEMENT OF A DRUG, IF IT

- Gives a false impression regarding its true character Directly or Indirectly.
- Makes a false claim,
- Otherwise False or Misleading in any

particular.

PROHIBITION (magic remedy)

- NO PERSON CARRYING ON THE PROFESSION OF ADMINISTERING MAGIC REMEDIES SHALL TAKE PART IN THE PUBLICATION OF ADVERTISEMENTS RELATING MAGIC REMEDIES – DIRECT CLAIM or INDIRECT CLAIM.

PROHIBITION (import & export)

- NO PERSON SHALL IMPORT INTO INDIA ANY DOCUMENT CONTAINING AN ADVERTISEMENT VIOLATING (sec 3,4,5)
- SUCH DOCUMENT IS DEEMED TO BE PROHIBITED GOODS. (u.s.19 of Sea Customs Act 1878.)

PENALTIES

Whoever contravenes any of the provisions of the Act or Rules is **PUNISHABLE**

– First Offence

Imprisonment up to **SIX MONTHS** or with **FINE** or with **BOTH**

- Subsequent Offence

Imprisonment up to **ONE YEAR** or with **FINE** or with **BOTH.**

OFFICERS EMPOWERED

ANY GAZETTED OFFICER AUTHORISED BY
STATE GOVERNMENT

(Public Servant and hence INDEMNITY)

Enter and Search

Seize any Advertisement

Seize any article or thing containing
advertisement

Examine any Record, Register, Document,
Material Object and seize,
if necessary.

Offences by Companies.

- Company means Body corporate, firm or other association of individuals.
- If the person contravening is a **Company**, every person who at the time of the offence was committed, was **in charge of** ,and **was responsible** to, the company for the conduct of the business as well as the company shall be deemed to be **guilty** of the contravention and shall be liable to be proceeded against and **punished accordingly**.

JURISDICTION - OFFENCES

- Offences are cognizable
- PRESIDENCY MAGISTRATE
- FIRST CLASS MAGISTRATE

On Conviction

the property, Articles, Documents seized are forfeited to the government.

SAVINGS

NOTHING IN THIS ACT SHALL APPLY TO

Sign Board or Notice displayed on premises

- Bonafide scientific or Social stand point
- Advertisement sent confidentially to Registered Medical practitioners etc.,
- Advertisement by the Government
- Any advertisement permitted by Government prior to the Act & Rules.

Contd . . .

DRUGS & MAGIC
REMEDIES (Objectionable
Advertisements)
RULES 1955

SCRUTINY OF MISLEADING ADVERTISING RELATEING TO DRUGS

- Empowered Officer – SCRUTINY,
- Advertiser to disclose the details of composition,
- Publishers, Advertising Agency – not considered contravened, if discloses name and address of manufacture, packer, distributor, seller or advertising agency.

IMPORT & EXPORT-ADVERTISEMENTS- PROHOBITION-PROCEDURE.

- Customs Collector has the authority to detain,
- Importer / exporter may appeal within seven days,
- Customs Collector will return within ten days.

(Customs Collector will consult the empowered officer).

Advertisements-confidentially-sent-procedure.

- Shall be sent by post to R.M.P, Whole – sale or Retail chemist by name,
- Super scribed “For the use only of registered practitioner or a hospital or a laboratory”.
- Maintain record of address of all such persons.

Advertisement on Drugs prohibited.

- No person shall take part in advertising for any drug in terms which suggests or are calculated to lead to the use of that drug for diagnosis, cure, mitigation, treatment or prevention of any disease, disorder or condition specified in the Schedule.
- The Schedule
ASTHMA, AIDS.

EXEMPTIONS.

- Section 15 empowers Central Government to exempt from the provisions.
- Prevention of consumption in women-contraceptives as gazetted.
- Leaflets / literature accompanying packing of drugs,
- Advertisements of drugs in Medical, Pharmaceutical, Science & Technical journals, contd.,

EXEMPTIONS . . .

- Price lists, Therapeutic Index published by Manufacturers, Importers or Distributors duly licensed under D & C Rules 1945.
- Medical literature distributed by Medical Detailers appointed by Manufacturers, Importers or Distributors duly licensed under D & C Rules 1945.
- Chemical Contraceptives with specified ingredients per tablet.

YOUR

QUESTIONS

PLEASE

THANK YOU ALL.

- FEEL

FREE

TO CONTACT

HELP LINES : 09440897896
09866399882.