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 - ✓ Unit 2
 - ✓ Unit 3
 - ✓ Unit 4
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 - ✓ Unit 2
 - ✓ Unit 3
 - ✓ Unit 4
 - ✓ Unit 5
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PHARMACEUTICAL JURISPRUDENCE

UNIT 4

TOPIC :

- **Study of Salient Features of Drugs and Magic Remedies Act and its rules : Objectives, Definitions, Prohibition of certain advertisements, Classes of Exempted advertisements, Offences and Penalties**



Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

- The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (commonly known as the DMR Act) was enacted by the Government of India to control misleading advertisements of drugs and to prevent false claims regarding the cure or prevention of certain diseases.
- Before this Act, many companies used false, exaggerated, or magical claims to sell medicines to the public, which misled people and endangered health. Therefore, this Act aims to protect the public from exploitation and health hazards by prohibiting advertisements that are false, deceptive, or promote self-medication for serious diseases.

Objectives of the Act

The main objectives of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 are:

1. To prevent misleading advertisements related to drugs, medicines, and treatments.
2. To prohibit advertisements of certain drugs used for serious diseases or disorders which require medical supervision.
3. To restrict advertisements that claim magical or miraculous powers for curing diseases.
4. To protect the public from self-medication and false expectations created by deceptive advertisements.
5. To ensure ethical marketing and responsible communication by pharmaceutical companies.
6. To promote public health by discouraging unscientific claims or harmful self-treatment.
7. To empower authorities to take legal action against violators.

Important Definitions

Term	Definition
Drug	Includes medicines for internal or external use in humans or animals, and substances intended to affect bodily functions or destroy disease-causing organisms.
Advertisement	Includes any notice, label, circular, pamphlet, display, or announcement by any means (print, radio, online, etc.) intended to promote the sale or use of a drug.
Magic Remedy	Includes talismans, mantras, charms, or any object claimed to have miraculous powers for diagnosing, curing, or preventing diseases in humans.
Prohibition	Refers to the restriction or ban on certain types of advertisements considered objectionable under the Act.

Prohibition of Certain Advertisements

The Act prohibits the publication or promotion of any advertisement that:

A. Claims to Prevent or Cure Certain Diseases

No person shall advertise any drug claiming to prevent, cure, or treat the following:

- Venereal diseases (e.g., syphilis, gonorrhea)
- Sexual weakness (e.g., impotence, sterility)
- Diseases related to menstruation or conception in women
- Diseases notified by the Central Government (e.g., cancer, diabetes, epilepsy, tuberculosis, etc.)

These diseases are listed in the Schedule of the Act.

B. False or Misleading Advertisements

No person shall make any advertisement that:

- Gives false information or misleads the public about the nature or effectiveness of a drug.
- Claims that a drug has miraculous, magical, or supernatural powers.
- Is likely to cause harm or promote self-medication for serious conditions.

C. Advertisement of Magic Remedies

No person shall advertise or promote magic remedies (e.g., mantras, charms, or talismans) claiming to:

- Diagnose, cure, or prevent diseases.
- Influence physical or mental conditions magically.

Classes of Exempted Advertisements

Some advertisements are exempted from the prohibition under specific conditions. These include:

1. **Medical Journals or Professional Publications:**
Advertisements intended only for registered medical practitioners or medical students.
2. **Government-Approved Advertisements:**
Any advertisement approved by the Central Government in the public interest.
3. **Scientific or Educational Purpose:**
Advertisements related to research, instruction, or education that do not promote sales.
4. **Advertisements Required by Law:**
Any advertisement mandated by law, such as statutory labeling requirements.
5. **Advertisements Relating to Patented Medicines:**
Only when approved by the licensing authority and not misleading in nature.
6. **Trade Circulars to Licensed Dealers:**
Circulars meant for dealers or chemists and not the general public.

Offences and Penalties

Nature of Offence	Punishment (First Offence)	Subsequent Offences
Contravention of Provisions of the Act	Imprisonment up to 6 months, or fine, or both.	Imprisonment up to 1 year, or fine, or both.
Publication of Objectionable Advertisement	Imprisonment up to 6 months or fine up to ₹1,000 or both.	Up to 1 year or fine up to ₹2,000 or both.
Use of Magic Remedies for Advertisement	Imprisonment up to 6 months or fine or both.	Imprisonment up to 1 year or fine or both.

Additionally, the court may order confiscation of materials, pamphlets, or products related to the offence.

Authorities for Enforcement

- State Drugs Controllers and Inspectors are responsible for enforcing the Act.
- Authorized officers have the power to:
 - Enter and search premises.
 - Seize objectionable advertisement materials.
 - Initiate prosecution against offenders.

Rules under the Act (Drugs and Magic Remedies Rules, 1955)

The Rules of 1955 support implementation of the Act and provide:

- Formats for advertisement approval.
- List of diseases prohibited for advertisement.
- Conditions for exemptions.
- Procedure for authorization by government.