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Pharmacy Law & Ethics
Chapter 5 : Drugs and Magic remedies (Objectionable Advertisements) Act 1954

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Chapter 5
Drugs and Magic remedies (Objectionable Advertisements) Act 1954

- → It is seen in India that some person are selling magic remedies such as Kavach as mantras, talisman etc and claiming them as unive of treatment for any disease etc.
- → Likewise advertisement in magjine new paper and premises of same doctors, Hakim or vaidhs or also found claiming to cure disease not cured by any other drugs or treatment.
- → The drugs and Magic remedies act 1954 is passed for regulating the advertisement of same drugs and the advertisement of remedies having qualities of magic.

Objectives

- To control certain type of advertisement related to drugs
- To control certain kinds of advertisement relating to magic remedies which falsely claim to treat and mislead public.

Definition

- **Advertisements :** These are all notice, circular, label, wrapper or other documents and all announcement made orally or by means of producing or transmitting light sounds or smoke.
- **Drugs :** drugs are substance use for the diagnosis, cure, mitigation, prevention or treatment of disease in human beings or animals for the alternation of any function of the body of human beings.
- **Magic Remedy :** It Includes Mantra , Talisman , Kavacha and any other thing which claims a miraculous powers for treatment , prevention , mitigation , and diagnosis of diseases in human beings or animals .

Prohibition of Certain Advertisement

Following are the classes of advertisements prohibited under this Act:

1) Advertisement of drugs for :
   - The procurement of miscarriage(Birth of a child before fully developed and causes death) in women or prevention of conception in women;
   - The maintenance or improvement of the capacity of human beings for sexual pleasure; or
   - The correction of menstrual disorder in women
   - For diagnosing, preventing, or curing appendicitis, arteriosclerosis, blindness, blood poisoning, cancer, cataract, deafness, diabetes, brain disorders, uterus disorders,

disorders of menstrual flow, disorders of nervou s system and prostatic gland, dropsy (oedema), epilepsy, female diseases (in general), fevers (in general), fits, form and structure of female bust, gall stones, kidney and bladder stones, gangrene, glaucoma, goitre, heart diseases, high or low blood pressure, hydrocele, hysteria, infantile paralysis, insanity, leprosy, and leucoderma.

2) Advertisements providing false impression about any drug or making false claims for it, or if the advertisements are false and misleading, and
3) Advertisement of magic remedies, claiming to be efficient in any conditions produced by the person, who wants to carry on the profession of administering magic remedies.

Classes of Exempted Advertisements

- Any advertisement relating to the drugs printed by the government or any other person who has taken permission of Government.
- Any advertisement sent to RMPs directly.
- Advertisement including any book which dealing with any matters relating to a disease.
- Any Sing board or Notices displayed by the RMPs on the ir premises , which claiming to treat certain disease , whose advertisement is forbidden.
- Leaflets accompanying packing of drugs.
- Advertisement of drugs in medical , pharmaceutical , scientific and technical journals (newspaper , magazines etc.)
- Price lists or therapeutic indexes published by the drug manufacturers Importers or distributers under license.

Offences and Penalties

- If anyone disobeys the provisions of the Act and Rules He/ she will be punished with Imprisonment for 6 months or a fine or both on first convection . And imprisonment for 1 year or a fine or both on next convictions.
- If a company disobeys the provisions of the Act , every single person will be responsible who are involved for the conduct of the business , at the time when the offence was committed , and punished accordingly, if they unable to prove that the offence was committed in their unawareness.