

THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) RULES, 1955

In exercise of the powers conferred by section 16 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Central Government hereby makes the following rules, namely:-

1. Short Title and Commencement.— (1) These rules may be called the Drugs and Magic Remedies (Objectionable Advertisements) Rules, 1955.

(2) They shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 . Definitions.— In these rules, unless the context otherwise requires,—

(1) the “Act” means the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954); and

(2) “section” means a section of the Act.

3. Scrutiny of Misleading Advertisements Relating to Drugs.— Any person authorized by the State Government in this behalf may, if satisfied, that an advertisement relating to a drug contravenes the provisions of section 4], by order, require the manufacturer, packer, distributor or seller of the drug to furnish, within such time as may be specified in the order or such further time as may be allowed in this behalf by the person so authorized information regarding the composition of the drug or the ingredients thereof or any other information in regard to that drug as he deems necessary for holding the scrutiny of the advertisement and where any such order is made, it shall be the duty of the manufacturer, packer, distributor or seller of the drug to which the advertisement relates to comply with the order. Any failure to comply with such order shall, for the purposes of section 7, be deemed to be a contravention of the provisions of section 4:

Provided that no publisher or advertising agency of any medium for the dissemination of any advertisement relating to a drug shall be deemed to have made any contravention merely by reason of the dissemination by him or if any such advertisement, unless such publisher or advertising agency has failed to comply with any discretion made by the authorized person in this behalf calling upon him or it to furnish the name and address of the manufacturer, packer, distributor, seller or advertising agency, as the case may be, who or which caused such advertisement to be disseminated.

4. Procedure to be followed in prohibiting Import into, and Export from India of Certain Advertisements.— (1) If the Customs Collector has reasons to believe that any consignment contains documents of the nature referred to in section 6, he may and if requested by an officer appointed for the purpose by the Central Government, shall detain the consignment and dispose it of in accordance with the provisions of the Sea Customs Act, 1878 (VIII of 1878), and the rules made thereunder, and shall also inform the importer or exporter of the order so passed:

Provided that if the importer or exporter feels aggrieved by an order passed by the Customs Collector under this sub-rule and makes a representation to him within one week of the date of the order and has given an undertaking in writing not to dispose of the consignment without the consent of the Customs Collector and to return the consignment when so required to do by the Customs Collector, the Customs Collector shall pass an order making over the consignment to the importer or exporter, as the case may be:

Provided further that before passing any order under this sub-rule or under the first proviso thereto, the Customs Collector shall consult the officer appointed for the purpose by Central Government.

(2) If the importer or exporter who has given an undertaking under the first proviso to sub-rule (1) is required by the Customs Collector to return the consignment or any portion thereof, he shall return the consignment or portion thereof within ten days of the receipt of the notice.

5. Manner in which Advertisements may be sent Confidentially.— All documents containing advertisements relating to drugs referred to in clause (c) of sub-section (1) of section 14, shall be sent by post to a registered medical practitioner by name or to a wholesale or retail chemist, the address of such registered medical practitioner or wholesale or retail chemist being given. Such document shall bear at the top, printed in indelible ink in a conspicuous manner, the words. “For the use only of registered medical practitioners or a hospital or a laboratory”.

6. Prohibition of Advertisement of Drugs for Treatment of Disease, etc.— No person shall also take part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for the diagnosis, cure, mitigation, treatment or prevention of any disease, disorder, or condition specified in the Schedule annexed to these rules.



[SCHEDULE
(See Rule 6) 1.

Asthma
2. AIDS]

