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Pharmaceutical Jurisprudence

CHAPTER 7

Drugs and Magic Remedies Act and Rules

PPT CHAPTER COVER



Drugs and Magic Remedies: purpose

DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954





The Act controls specified drug advertisements and prohibits claims for alleged magic remedies in covered circumstances.

The Rules were made in 1955.

Its purpose is to protect the public from harmful inducement, misleading claims and exploitative promises.

An advertisement can create harm by delaying appropriate care or encouraging unsafe self-medication.

The law concerns what is advertised and claimed; it is not a blanket ban on all truthful communication about every medicine.

Advertisement: wider than a newspaper ad

It includes notices, circulars, labels, wrappers, documents and announcements made orally or by specified forms of transmitting light, sound or smoke.

Newspaper



Label



The message can be promotional even when it does not look like a conventional newspaper advertisement.

Notice



The statutory definition of advertisement is broad.

Speaker
(oral announcement)





Phone

Assess the claim, product and audience—not simply the medium.

Modern digital promotion should also be assessed under applicable advertising, consumer-protection and drug-law requirements.

Changing the platform does not make a misleading claim scientifically valid.

Drug and magic remedy: definitions

DRUG

The Act uses a broad definition covering medicines and relevant substances or articles intended for specified disease-related or body-function purposes.



MAGIC REMEDY

Includes a talisman, mantra, amulet or other charm alleged to possess miraculous powers for diagnosis, cure, mitigation, treatment, prevention or specified body effects.



The issue is the advertised therapeutic or physiological claim.

Do not confuse respect for personal belief with acceptance of an unsupported medical promise.

Use the statute's definition rather than a casual label such as natural or traditional.

Section 3: prohibited drug advertisements

Procurement of miscarriage or prevention of conception



Section 3 restricts advertisements suggesting use of a drug for specified purposes. These include procurement of miscarriage or prevention of conception, subject to applicable exemptions.

Maintenance or improvement of capacity for sexual pleasure



It also covers maintenance or improvement of capacity for sexual pleasure.

Correction of menstrual disorder



Correction of menstrual disorder is another listed purpose.

Diagnosis, cure, mitigation, treatment or prevention of specified diseases



Diagnosis, cure, mitigation, treatment or prevention of diseases, disorders or conditions specified in the Act's Schedule are covered.

Read the current Schedule and any exemption notification. Do not replace this list with assumptions about every cosmetic or lifestyle claim.

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