Study of Salient Features of Drugs and Magic Remedies Act and its rules

Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

Introduction

- The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (commonly known as DMRA) was enacted by the Parliament of India to curb the misleading advertisements of drugs and magical remedies that make false claims or promote superstition.
- It is a **consumer protection law** aimed at:
    - Safeguarding the public from deception.
    - Ensuring rational use of drugs.
    - Maintaining ethical standards in healthcare advertising.

Need for the Act:

- Before the Act was enacted, advertisers often made false claims about drugs and remedies, misleading the public.
- People were drawn towards self-medication based on exaggerated advertisements, leading to health complications and exploitation.
- This Act was designed to protect individuals from such advertisements and prevent the promotion of superstitious beliefs.

Objectives of the Act

The main **objectives** of the Act are:

1. **To Prohibit Advertisements of Drugs and Remedies that claim to:**
    - Cure or treat diseases listed under the Act.
    - Provide magical solutions or supernatural cures.
2. **To Regulate Advertisements for Drugs by:**
    - Ensuring truthful claims about their use.
    - Preventing misleading and exaggerated claims.
3. **To Ban False and Misleading Advertisements that may:**
    - Lead to self-medication.
    - Promote unsafe or ineffective treatments.
4. **To Prevent Exploitation of People's Beliefs:**
    - Particularly those related to superstition and magic in curing diseases.

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5. **To Impose Penalties**
    - on offenders violating the Act through fines or imprisonment.

Definitions in the Act (Drugs and Magic Remedies Act, 1954)

Important Key Definitions (Section 2 of the Act):

1. **Advertisement:**
    - It includes any representation—whether oral, written, or visual—that promotes or suggests the use of a drug or magic remedy for diagnosis, prevention, treatment, or cure of diseases.
    - It covers advertisements in newspapers, magazines, posters, and other media forms.
2. **Drug:**
    - Includes any medicine, substance, or preparation used for the treatment, prevention, or diagnosis of a disease.
    - Also covers substances used to influence body functions (e.g., hormones, tonics).
3. **Magic Remedy:**
    - Refers to any talisman, mantra, or charm claimed to have miraculous healing properties or supernatural powers to cure diseases.
    - It includes objects, practices, or rituals that are claimed to have magical healing abilities.
4. **Disease or Disorder:**
    - Includes any abnormal condition of the body, whether temporary or permanent, that affects physical or mental health.
    - A detailed list of diseases and disorders is provided in the Act (Schedule).

List of Diseases (Schedule J)

- The Act includes **Schedule J**, which lists around **54 diseases and conditions** for which no advertisement is allowed.

Examples from Schedule J:

- Cancer
- Diabetes
- AIDS/HIV
- Asthma
- Epilepsy

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- Glaucoma
- Hernia
- Hypertension
- Leprosy
- Obesity
- Paralysis
- Rheumatism
- Sexual impotence or sterility
- Mental disorders

Note: The list is revised from time to time by the Government based on medical evidence.

Prohibited Advertisements

(As per Section 3 of the Act)

The Act strictly **prohibits advertisements** related to drugs and remedies that claim to:

1. **Treat or cure any of the diseases or conditions**
   - listed in the Schedule of the Act.
   - Examples of such diseases include:
     - Cancer
     - Diabetes
     - Heart disease
     - High blood pressure
     - Epilepsy
     - Sexual disorders
     - Mental illnesses
2. **Improve Sexual Strength or Performance:**
   - Advertisements for remedies claiming to improve potency or treat impotence, infertility, and menstrual disorders are banned.
3. **Enhance Physical Appearance:**
   - Claims to alter height, weight, or skin complexion (such as fairer skin creams) are restricted.
4. **Possess Magical Properties:**

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- Remedies claiming to have supernatural effects in curing diseases or disorders are prohibited.

5. **Mislead Consumers:**
   - Advertisements containing false or exaggerated statements about the efficacy of a drug are banned.
6. **Encourage Self-medication:**
   - Advertisements promoting drugs that lead to self-diagnosis and self-medication without consulting doctors are prohibited.

Key Example:

- An advertisement claiming that a specific oil can regrow hair in bald people is prohibited under this Act because it makes exaggerated claims without scientific backing.

Classes of Exempted Advertisements

Exemptions (Section 14):

While the Act prohibits most advertisements, some advertisements are **exempted** under specific conditions:

1. **Government-approved Advertisements:**
   - Advertisements published with prior approval from the Government or authorized medical bodies for public awareness are exempt.
2. **Medical Institutions and Professionals:**
   - Information shared by doctors or hospitals for educational purposes or research is allowed.
3. **Books, Journals, and Reports:**
   - Information published in recognized scientific or medical journals is exempt.
4. **Registered Practitioners:**
   - Advertisements related to drugs prescribed by licensed medical practitioners for the treatment of diseases may be exempted if properly regulated.
5. **Public Interest Advertisements:**
   - Ads intended for public health campaigns, such as vaccination or awareness programs, are exempt.

Important Note:

- The exemption applies only if the advertisements do not make **false or misleading claims** and comply with regulations.

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