

**Medicines (Advertisement and Sale) Act
(CHAPTER 177)**

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MEDICINES (ADVERTISEMENT AND SALE) ACT*

* This Act is to be repealed on the coming into operation of 76(1) of the Medicines Act (Cap. 176)

(CHAPTER 177)

(Original Enactment: Ordinance 19 of 1955)

REVISED EDITION 1985

(30th March 1987)

An Act to prohibit certain advertisements relating to medical matters and to regulate the sale of substances recommended as a medicine.

[26th June 1956]

Short title

1. This Act may be cited as the Medicines (Advertisement and Sale) Act.

Interpretation

2. In this Act, unless there is something repugnant in the subject or context —

“advertisement” includes any notice, circular, pamphlet, label, wrapper or other document, any announcement made orally or by any means of producing or transmitting light or sound and any other form of advertising;

“Poisons List” means the Poisons List in the Schedule to the Poisons Act [Cap. 234];

“proprietary designation”, in relation to the sale of an article consisting of or comprising a substance recommended as a medicine, means a word or words used or proposed to be used in connection with the sale of articles consisting of or comprising the substance for the purpose of indicating that they are the goods of a particular person by virtue of manufacture, selection, certification, dealing with or offering for sale; and “proprietor”, in relation to such a designation, means the person whose goods are indicated or intended to be indicated as aforesaid by the designation;

“public hospital” includes any public clinic, public dispensary or other public institution for the reception of the sick whether as in-patients or outpatients;

“substance” includes a preparation;

“substance recommended as a medicine”, in relation to the sale of an article consisting of or comprising a substance so recommended, means a substance which is referred to —

- (a) on the article, or on any wrapper or container in which the article is

sold, or on any label affixed to, or in any document enclosed in, the article or such a wrapper or container;

- (b) in any placard or other document exhibited at the place where the article is sold; or
- (c) in any advertisement published after the passing of this Act by or on behalf of the manufacturer of the article, or the person carrying on the business in the course of which the article was sold, or, in a case where the article was sold under a proprietary designation, the proprietor of the designation,

in terms which are calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury affecting the human body, not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicine;

“word” includes a letter and a numeral.

Prohibition of advertisements relating to certain diseases

3.—(1) Subject to the provisions of this Act, no person shall take part in the publication of any advertisement referring to any article or articles of any description in terms which are calculated to lead to the use of that article or articles of that description as a medicine, appliance or remedy for the purpose of treatment of human beings for any of the diseases and conditions set out in the Schedule:

Provided that this subsection shall not apply to any advertisement published by the Government or any public authority, or by the governing body of a public hospital or by any person authorised to publish the advertisement by the Minister.

(2) In any proceedings for a contravention of subsection (1), it shall be a defence for the person charged to prove that the advertisement to which the proceedings relate was published only so far as was reasonably necessary to bring it to the notice of persons of the following classes or of one or some of them:

- (a) members of a local or public authority;
- (b) members of the governing body of a public hospital;
- (c) registered medical practitioners;
- (d) registered dentists;
- (e) registered nurses and midwives;

- (f) registered pharmacists and holders of licences to sell poisons in Part I of the Schedule to the Poisons Act [Cap. 234];
- (g) persons undergoing training with a view to becoming registered medical practitioners, registered dentists, registered nurses or registered pharmacists.

(3) The Minister may, by notification in the *Gazette*, add to, vary or amend the Schedule.

Prohibition of advertisements relating to medical skill or service

4. No person shall take part in the publication of any advertisement referring to any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body so as to induce any person to seek the advice of the advertiser or any person referred to in the advertisement in connection with such skill or service.

Prohibition of advertisements relating to abortion

5. Subject to the provisions of this Act, no person shall take part in the publication of any advertisement referring to any skill or service, or to any article or articles of any description, in terms which are calculated to induce any person to seek the advice of the advertiser or any person referred to in the advertisement in connection with such skill or service, or to lead to the use of that article or articles of that description, for procuring miscarriage of women.

Provisions as to offences under sections 3, 4 and 5

6.—(1) If any person contravenes section 3, 4 or 5, he shall be guilty of an offence and shall, subject to the provisions of this Act, be liable on conviction —

- (a) in the case of a first conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both; and
- (b) in the case of a subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Where in any proceedings for a contravention of section 3 or 5 it is proved —

- (a) that an advertisement was published referring to any article or articles of any description, in terms calculated to lead to the use of that article or articles of that description —
 - (i) in the case of a contravention of section 3, for the treatment of human beings for any such disease or condition as is mentioned