GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE

LOK SABHA
UNSTARRED QUESTION NO. 6485
TO BE ANSWERED ON 6TH APRIL, 2018

MISLEADING ADVERTISEMENT OF DRUGS

6485. SHRI RAJU SHETTY:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

(a) whether the cases of misleading advertisements regarding drugs are on rise in the country;

(b) if so, the details thereof along with reaction of the Government thereto;

(c) the details regarding norms/ guidelines issued by the Government for sale of formulations/drugs by the pharmacists; and

(d) the steps taken by the Government to ensure compliance of norms by pharmacists while selling the drugs along with the action taken against violators?

ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE
(ASHWINI KUMAR CHOUBEY)

(a) & (b): The Government has not received such reports indicating that cases of misleading advertisement regarding drugs are on the rise in the country.

Advertisements concerning drugs are regulated under the provisions of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 which is administered by the State Governments. Further, advertisements telecast on TV channels are required to adhere to the Advertising Code prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. Advertising Standards Council of India (ASCI), a self regulatory body of advertisement industry, has set up Consumer Complaints Council to deal with advertising content and decide on complaints against advertisements making misleading, false and unsubstantiated claims.

Department of Consumer Affairs has launched a portal "Grievance Against Misleading Advertisements" (GAMA) to handle the complaints relating to misleading advertisements. It has entered into a Memorandum of Understanding (MoU) with ASCI to process the complaints of misleading advertisements in print and electronic media, as received on GAMA portal.

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The Drugs and Cosmetics Rules, 1945 were amended in 2015 making a provision to the effect that no advertisement of drugs specified in Schedule H, Schedule H1 and Schedule X (i.e. Prescription drugs) shall be made except with the previous sanction of the Central Government. State Licensing Authorities are empowered to take action in case of non-compliance.

(c) & (d): The sale and distribution of drugs in the country are regulated under the provisions of the Drugs & Cosmetics Act, 1940 and Rules, 1945 thereunder by the State Licensing Authorities (SLAs) through a system of inspection and licensing.

The said Rules prescribe conditions to be satisfied before grant of License for sale of drugs. These include adequacy of the premises, proper storage facilities for preserving the properties of drug, requirement of competent person to supervise and control the sale of drugs etc.

SLAs are legally empowered to take action in case violation of the conditions of license.

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