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SIND ACT No. II OF 1948¹.

[THE SIND DRUG ADVERTISEMENT CONTROL ACT, 1948.]

[16th March, 1948].

An Act to control advertisements relating to certain drugs.

WHEREAS objectionable advertisements relating to alleged cures of certain diseases and conditions have increased considerably and it is expedient in the interests of public health to control such advertisements ; It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Drug Advertisements Control Act, 1948. Short title, extent and commencement.

(2) It shall extend to the whole of the Province. [Sind]

(3) It shall come into force on such date² as the Provincial Government may, by notification, appoint.

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

(a) an advertisement or notice shall be deemed to be "exhibited in a public place" if it is exhibited in any place where it can be seen by members of the public ;

(b) "Board" means the technical Board constituted under section 4 ;

(c) "drug" includes all medicines for internal or external use of human-beings and all substances intended to be used for, or in the treatment, mitigation or prevention of disease in human-beings ;

(d) "medical practitioner" includes a person practising Homeopathy or the Unani or Ayurvedic system of medicine ;

(e) "venereal disease" includes syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma.

3. No person shall publish in any newspaper or other periodical or exhibit in any public place or in any shop or distribute in any leaflet or pamphlet or communicate to the public or any section Prohibition of certain advertisements.

¹ For Statement of Objects and Reasons, see S.G.G., 1948, Pt. IV, p. 45, and for Proceedings in Assembly, see S. L. A. Debates, 1948, Vol. III, book No. 3, pp. 36-37.

² Came into force w. e. f. 1st October 1952—vide, G.N., Deptt. of E., H. and L.S.G., No. 560-F/151, dated 29 September 1952, see S. G. G., 1952, Pt. I, p. 638.

³ Substituted by W. P. Laws (Advt) Act 1964, for "the Province".

thereof by word of mouth or by any mechanical contrivance, any advertisement—

(a) relating to a drug ¹[or a person who is alleged to be administering or advising the administration of any drug,] which—

(i) is alleged to be for the prevention, cure or relief of any venereal disease ;

(ii) is held out or recommended to act as a sexual stimulant ;

(iii) is alleged to be for the prevention, cure or relief of any disease or condition peculiar to women ;

(iv) is held out or calculated to procure miscarriage in a woman ;

(b) relating to any other drug, unless permission for such advertisement has been obtained from the Board.

4. (1) The Provincial Government shall, as soon as may be, constitute a Board consisting of the following members—

²[(i) the Director of Health Services, Sind ;

(ii) the ³ * * * * *

Officer-in-charge, Chemico-Bacteriological Laboratory or Civil Surgeon of any Civil Hospital, to be nominated by the Provincial Government ;]

(iii) a medical practitioner registered under the Sind Medical Council Act, 1944, who shall not be an official, nominated by the Provincial Government. Sind Act XIX of 1944.

(2) The functions of the Board shall be—

(a) to grant or refuse permission for the advertisement of a drug referred to in clause (b) of section 3,

(b) to advise the Provincial Government about exempting any manufacturers or distributors of drugs or chemists from all or any of the provisions of this Act.

5. Except with the sanction of an officer appointed in this behalf by the Provincial Government, no person shall publish in any newspaper or other periodical or exhibit in any public place or in

¹ Ins. by Sind 15 of 1951, s. 2.

² Subs. by Sind 15 of 1951, s. 3, for the original sub-clauses (i) and (ii).

³ The words "Superintendent, Civil Hospital, Karachi, or" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

any shop or distribute in any leaflet or pamphlet or communicate to the public or any section thereof by word of mouth or by any mechanical contrivance a notice advertising any premises or place for the treatment of any venereal disease.

6. Any officer authorised in this behalf by the Provincial Government may seize copies of any newspaper, periodical, leaflet or pamphlet wherever found if it appears to him that an advertisement contained therein contravenes the provisions of this Act and any Magistrate competent to take cognizance of an offence under section 7 may direct that such copies shall be forfeited to the Provincial Government.

Power to
seize news-
papers, etc.

7. Any person who publishes an advertisement or notice in contravention of the provisions of this Act shall be punished with rigorous imprisonment for a term not exceeding six months or with fine or with both.

Penalty.

8. Nothing in this Act shall apply to the advertisement of any drug if such advertisement is restricted to medical practitioners only.

9. The Provincial Government after consultation with the Board, may, by notification in the *Official Gazette*, exempt any manufacturers, or distributors of drugs or chemists from all or any of the provisions of this Act.

Exemption.

10. (1) The Provincial Government may, by notification in the *Official Gazette*, make rules¹ for carrying out the purposes of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed by the Board while granting or refusing permission or the advertisement of a drug ;

(b) the form of permission granted by the Board ;

(c) the fees and allowances payable to the members of the Board.

¹ For Rules see G. N. Deptt. of E., H. and L. S. G., No. 560-F/51, dated 26th September 1952, S. G. G., 1952, Pt. IV-A, pp. 179-182,