MEDICINES ACT

(CHapter 176, Sections 52 and 74)

MEDICINES (MEDICAL ADVERTISEMENTS) REGULATIONS

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THE SCHEDULE

Citation
1. These Regulations may be cited as the Medicines (Medical Advertisements) Regulations.

Definition
2. In these Regulations, unless the context otherwise requires, “sales promotion” means any sales campaign (including door to door sales), exhibition, competition or any other activity for the purpose of introducing, publicising or promoting the sale or use of any medicinal product or any device, instrument, apparatus or contrivance used or represented to be used for a medicinal purpose.
Permit for advertising
3. Except as provided in these Regulations, no person shall —

(a) issue or cause to be issued any medical advertisement; or

(b) conduct any sales promotion,

without first obtaining a permit from the licensing authority.

Application for permit
4. An application for a permit referred to in regulation 3 shall be in such form as the licensing authority may require.

Period of validity of permit
5. Any permit granted by the licensing authority under regulation 3 shall, unless sooner revoked, be valid for a period of one year from the date on which it was granted.

Permit subject to terms and conditions
6. A permit may be granted subject to such terms and conditions as the licensing authority may think fit to impose.

Refusal, etc., of permit
7. —(1) The licensing authority may, without assigning any reason, refuse to grant a permit or may suspend or revoke any permit already granted.

(2) Any person aggrieved by such refusal, suspension or revocation may appeal to the Minister whose decision shall be final.

Duty of printer or publisher
8. No person shall print or publish or cause to be printed or published any medical advertisement unless he has first ascertained that a permit has been granted by the licensing authority in respect of that advertisement.

Gifts or prizes
9. No person shall, in conducting any sales promotion, offer any gift or prize to promote the sale of any medicinal product.

Exception for trade, business or profession
10. Regulation 3 shall not apply to any medical advertisement, sales promotion or representation directed exclusively to a person in his business premises who may lawfully sell or supply any medicinal product in the course of his trade, business or profession.

Exception for trade, advertisement and public authority
11. —(1) These Regulations shall not apply to —

(a) a reference advertisement or a trade advertisement; and

(b) any medical advertisement issued or published by any public authority or any person authorised to issue or publish such advertisement by the Minister.

(2) For the purposes of this regulation —

"commercially interested", in relation to a medicinal product or any device, instrument, apparatus or contrivance used for a medicinal purpose, means to be involved in the sale of or to deal in that product, device, instrument, apparatus or contrivance as a manufacturer, supplier, retailer, importer or exporter;

"reference advertisement" means an advertisement containing a brief description of a medicinal product, its use, any contra-indications and warnings relating thereto or of any device, instrument, apparatus or contrivance used or represented to be used for a medicinal purpose appearing without charge in a publication consisting mainly of such advertisements where the publication is sent or delivered to practitioners and pharmacists by a person not commercially interested in the product;
"trade advertisement" means an advertisement relating to a medicinal product or any device, apparatus or contrivance used or represented to be used for a medicinal purpose which is issued by means of a catalogue, price list or other document for the purpose of a sale by way of wholesale dealing but which does not contain any recommendation relating to the use of the same other than as part of the name of the medicinal product or device or as part of any heading or sub-heading indicating a therapeutic classification.

**Permit number**

12. Every medical advertisement issued or published shall have printed legibly thereon the number of the permit granted in respect of the advertisement.

**Alteration, etc., of advertisement**

13. No person shall alter or amend any medical advertisement for which a permit has been granted unless —

(a) he has made an application in such form as the licensing authority may require to amend the permit to reflect such alteration or amendment; and

(b) the application is approved by the licensing authority.

**Fees**

14. —(1) The fees payable for —

(a) an application for a permit;

(b) a permit; or

(c) an application to amend a permit,

shall be as specified in the Schedule.

(2) No refund shall be made in respect of any fee paid under these Regulations.

**Penalty**

15. Any person who contravenes or fails to comply with regulation 3, 8, 9, 12 or 13 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 12 months or to both.

### THE SCHEDULE

Regulation 14 (1)

**FEES**

1. Application for a permit for —

   (a) an advertisement using light and sound projection $200
   (b) an advertisement not using light and sound projection $100
   (c) a sales promotion $100

2. Permit for —

   (a) the first year for —

      (i) an advertisement using light and sound projection $100
      (ii) an advertisement not using light and sound projection $100
      (iii) a sales promotion $100

   (b) each subsequent year for —

      (i) an advertisement using light and sound projection $300
      (ii) an advertisement not using light and sound projection $200
(iii) a sales promotion $200

3. Application to amend a permit $50.

[G.N. Nos. S 289/77; S357/82; S335/84; S 275/92; S 97/96; S 385/97]