

UNDESIRABLE MEDICAL ADVERTISEMENTS (AMENDMENT)
(NO. 2) BILL 2004

COMMITTEE STAGE

Amendments to be moved by the Secretary for Health,
Welfare and Food

Clause

Amendment Proposed

4(b)

By deleting the proposed definition of "orally consumed product" and substituting -

"orally consumed product" (口服產品) -

(a) means a product (whether or not it is a medicine) for human consumption which is intended to be taken orally and is in any of the following forms -

- (i) pill;
- (ii) capsule;
- (iii) tablet;
- (iv) granule;
- (v) powder;
- (vi) semi-solid;
- (vii) liquid; or
- (viii) a form similar to

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any of the forms
mentioned in
subparagraphs (i),
(ii), (iii), (iv),
(v), (vi) and
(vii); and

(b) does not include a product
which is customarily
consumed only as food or
drink (that is to say, to
provide energy, nourishment
or hydration) or to satisfy
a desire for taste, texture
or flavour."

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In the proposed section 3B -

(a) in subsection (1), by deleting
"specified in column 2 of that
Schedule, and any Note to that
Schedule, in relation to that claim"
and substituting "allowed under the
provisions in column 2 of that
Schedule (as read subject to the Note
in that Schedule)";

(b) by adding -

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"(1A) Where section 3(1) does not apply to an advertisement by virtue of section 3(2), in so far as the advertisement is also an advertisement for an orally consumed product, subsection (1) does not apply to the advertisement.";

- (c) in subsection (2)(c), by deleting "效果" and substituting "意思".

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In the proposed section 8 -

- (a) in subsection (2)(b), by deleting "or on";
- (b) in subsection (2)(c) -
 - (i) by deleting "samples of packaging and labels and";
 - (ii) by deleting "the purposes of the inspection" and substituting "such purpose";
- (c) in subsection (2), by adding "的目的" after "是否獲遵從";
- (d) by deleting subsection (5).

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In the proposed Schedule 4 -

(a) in item 4, by deleting everything in column 2 and substituting -

"(a) Subject to paragraph (b), the following claims are allowed -

(i) "This product is suitable for people concerned about blood sugar. 此產品適合關注血糖的人士服用。";

(ii) "This product may assist in stabilizing blood sugar. 此產品或有助於穩定血糖。";

(iii) "This product is intended for people concerned about blood sugar. 此產品以關注血糖的人士為對象。"; and

(iv) "This product is

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for the
consumption by
people concerned
about blood sugar.
此產品供關注血糖的人士
服用。”.

(b) In relation to a product
which is not registered
under the Pharmacy and
Poisons Ordinance (Cap. 138)
or the Chinese Medicine
Ordinance (Cap. 549), the
claims referred to in
paragraph (a)(i), (ii),
(iii) and (iv) are allowed
only if the advertisement
clearly includes the
following disclaimer -

“This product is not
registered under the
Pharmacy and Poisons
Ordinance or the
Chinese Medicine
Ordinance. Any claim
made for it has not

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been subject to
evaluation for such
registration. This
product is not intended
to diagnose, treat or
prevent any disease.

此產品沒有根據《藥劑業及毒藥
條例》或《中醫藥條例》註冊。
為此產品作出的任何聲稱亦沒有
為進行該等註冊而接受評核。此
產品並不供作診斷、治療或預防
任何疾病之用。”。

(See Note)”;

(b) in item 5, by deleting everything in
column 2 and substituting -

“(a) Subject to paragraph (b),
the following claims are
allowed -

(i) “This product is
suitable for
people concerned
about blood
pressure. 此產品適
合關注血壓的人士服

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用。”;

(ii) “This product may assist in stabilizing blood pressure. 此產品或有助於穩定血壓。”;

(iii) “This product is intended for people concerned about blood pressure. 此產品以關注血壓的人士為對象。”; and

(iv) “This product is for the consumption by people concerned about blood pressure. 此產品供關注血壓的人士服用。”.

(b) In relation to a product which is not registered under the Pharmacy and

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Poisons Ordinance (Cap. 138) or the Chinese Medicine Ordinance (Cap. 549), the claims referred to in paragraph (a)(i), (ii), (iii) and (iv) are allowed only if the advertisement clearly includes the following disclaimer -

"This product is not registered under the Pharmacy and Poisons Ordinance or the Chinese Medicine Ordinance. Any claim made for it has not been subject to evaluation for such registration. This product is not intended to diagnose, treat or prevent any disease.

此產品沒有根據《藥劑業及毒藥條例》或《中醫藥條例》註冊。為此產品作出的任何聲稱亦沒有

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為進行該等註冊而接受評核。此
產品並不供作診斷、治療或預防
任何疾病之用。”。

(See Note)”;

(c) in item 6, by deleting everything in
column 2 and substituting -

“(a) Subject to paragraph (b),
the following claims are
allowed -

(i) “This product is
suitable for
people concerned
about blood
lipids/
cholesterol. 此產
品適合關注血脂/膽固醇
的人士服用。”;

(ii) “This product may
assist in
stabilizing blood
lipids/
cholesterol. 此產
品或有助於穩定血脂/膽
固醇。”;

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(iii) "This product is intended for people concerned about blood lipids/ cholesterol. 此產品以關注血脂/膽固醇的人士為對象。"; and

(iv) "This product is for the consumption by people concerned about blood lipids/ cholesterol. 此產品供關注血脂/膽固醇的人士服用。".

(b) In relation to a product which is not registered under the Pharmacy and Poisons Ordinance (Cap. 138) or the Chinese Medicine Ordinance (Cap. 549), the claims referred to in

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paragraph (a)(i), (ii),
(iii) and (iv) are allowed
only if the advertisement
clearly includes the
following disclaimer -

"This product is not
registered under the
Pharmacy and Poisons
Ordinance or the
Chinese Medicine
Ordinance. Any claim
made for it has not
been subject to
evaluation for such
registration. This
product is not intended
to diagnose, treat or
prevent any disease.

此產品沒有根據《藥劑業及毒藥
條例》或《中醫藥條例》註冊。
爲此產品作出的任何聲稱亦沒有
爲進行該等註冊而接受評核。此
產品並不供作診斷、治療或預防
任何疾病之用。".

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(See Note)";

(d) in the Note -

- (i) by deleting "both the product label and the advertisement are" and substituting "the advertisement is";
- (ii) by deleting "any claim or disclaimer" and substituting "a claim stated in column 2";
- (iii) by adding ", but where there is included in the same advertisement any other claim or disclaimer that is stated in column 2, that other claim or disclaimer (as the case may be) shall also be limited to that language" before the full stop.

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