

Legislative Council Panel on Health Services

Guidelines on Implementation of the Undesirable Medical Advertisements (Amendment) Ordinance 2005

Purpose

This paper seeks to present for Members' consideration draft "Guidelines on the Implementation of the Undesirable Medical Advertisements (UMA) (Amendment) Ordinance 2005" prepared by the Department of Health (DH) in consultation with major stakeholder groups of the trade.

Background

2. The UMA (Amendment) Ordinance 2005 was enacted by the Legislative Council on 29 June 2005 and gazetted on 8 July 2005. The Amendment Ordinance shall come into operation on a day to be appointed by the Secretary for Health, Welfare and Food by notice published in the Gazette.

3. In scrutinizing the Bill, the Bills Committee suggested that the Administration should work out a set of guidelines to facilitate the trade's understanding about and their compliance with the new legal requirements. The Bills Committee also suggested that the Administration should report to the Health Services Panel in six months' time upon passage of the Bill on the progress regarding preparation of the Guidelines. The Administration accepted the suggestions.

4. Salient features of the Amendment Ordinance are set out in **Annex A** for Members' easy reference.

The Guidelines

5. At the Bills Committee, concern was raised by Members and

trade representatives about enforcement of the new provisions, especially on the definition of “orally-consumed products,” as well as what will constitute claims similar to those set out in the new Schedule 4, and hence will be prohibited under the new legislation.

6. The draft Guidelines at **Annex B** prepared by DH seek to address these concerns. Members’ attention is drawn to Appendices 1 and 2 of the Guidelines which set out examples of conventional food, and “orally consumed products” seen in the market respectively. Appendix 4 sets out examples of claims which will be prohibited in respect of new set of claims to be prohibited.

7. To ensure effective implementation of the new legislation, the Administration noted the importance of keeping the trade closely involved in the relevant preparatory work. In preparing of the Guidelines, DH convened a consultation meeting in late September 2005 with major stakeholder organisations in the trade to seek their views on the draft Guidelines. They were also invited to provide written comments on the Guidelines by end October 2005. A list of the stakeholder organizations consulted is at **Annex C**.

8. As far as the Guidelines are concerned, there was only one comment raised by the organizations in the meeting, which was about the reference to the “Form” of the examples of orally-consumed product as set out in Appendix 2 of the Guidelines. The trade was concerned that by stating the “Form” in Appendix 2, traders may be misled into thinking that only products of that particular form are regulated under the new legislation. DH has considered the comment and agreed that the reference should be removed from Appendix 2. This is reflected in the Guidelines at **Annex B**.

9. Other comments made during the consultation relate to other aspects of the new legislation. Details of these comments and the Administration’s response are set out below:

- (i) Whether font size and position of the “disclaimer” can be specified to ensure its message can reach consumers effectively
 - Under Schedule 4 of the Amendment Ordinance, a

disclaimer, if required to be placed, has to be clearly included in the advertisement. The law does not provide for its font size and in which part of the advertisement such disclaimer should be placed. Mindful of the fact that advertisements and packaging of pharmaceutical products and health food products come in various forms and sizes, the Administration is considering whether it is feasible to include such requirements in the Guidelines.

- (ii) Whether amendments relating to Schedule 1 and 2 can commence in advance of other amendments
 - Minor changes were made in Schedule 1 and 2 in the Amendment Ordinance to add in new permitted claims and remove some restriction on the permitted claim. The pharmaceutical trade would like to see early commencement of these changes. The Administration is seeking legal advice on whether different parts of the Amendment Ordinance can commence on different dates, and the procedures involves. We will revert to the trade.

Next Step

10. Subject to Members' view, DH will refine the Guidelines further and circulate the draft to the trade for final comment as appropriate. We aim to promulgate the Guidelines early next year so as to give the trade sufficient time to prepare for the new legislation.

11. DH will refine the Guidelines from time to time as necessary to keep it up-to-date with market development. In doing so, DH will ensure the trade will be consulted in the process.

Way Forward

12. Members are invited to comment on the draft Guidelines.

Health, Welfare and Food Bureau
December 2005

The Undesirable Medical Advertisements Ordinance (UMAO) (Cap. 231) prohibits the advertising of medicines, surgical appliances or treatments for prevention or treatment of certain diseases or conditions in human beings as specified in Schedule 1 and 2 of the Ordinance in order to prevent the adverse effects of improper self-medication by members of the public.

The Undesirable Medical Advertisements (Amendment) Ordinance 2005 seeks to

- extend the prohibition/restriction on advertising in the Ordinance to six additional groups of claims specified in a new Schedule 4.
 - They are subject to two levels of restriction based on the risk-based approach.
 - The first level of restriction will apply to the more risky claims, namely the claims relating to the prevention, elimination or treatment of breast lumps, the regulation of the function of the genitourinary system; and the regulation of the endocrine system (items 1 to 3 of Schedule 4). The advertising of such claims will not be allowed under any circumstances.
 - The second level of restriction involves less risky claims, namely regulation of body sugar or glucose, regulation of blood pressure and regulation of blood lipids or cholesterol (items 4 to 6 of Schedule 4), the manufacturers and traders are allowed to make four claims as specified for each type of claim in Schedule 4.
- apply the prohibition/restriction on advertising of claims specified in Schedule 4 to all orally consumed products, except those customarily consumed as food or drink.

For products which are not medicines registered under the

Pharmacy and Poisons Ordinance or the Chinese Medicine Ordinance, a mandatory disclaimer must be added to the advertisement when the allowable claims are mentioned to make it clear that the product is not a pharmaceutical product or proprietary Chinese Medicine registered in Hong Kong.

A grace period of at least 18 months upon passage of the Bill is allowed for manufacturers and advertisers to make preparation for compliance with the new legal requirements. The commencement date of the Amendment Ordinance will be decided by the Secretary for Health, Welfare and Food.

**Guidelines on the Undesirable Medical Advertisements (Amendment)
Ordinance 2005**

This guide is intended to explain the new scope of regulation in the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (the Ordinance) which was enacted by the Legislative Council on 29 June 2005. The trade and industry will be given a grace period of at least 18 months to prepare for the new regulation. The Ordinance shall come into operation on a day to be appointed by the Secretary for Health, Welfare and Food by notice published in the Gazette.

2. The Ordinance extends the prohibition/restriction on advertising to six additional groups of claims specified in a new Schedule 4; and applies the prohibition/ restriction on advertising using claims specified in Schedule 4 to all “orally consumed products”.

Definition of “orally consumed product”

3. As defined in the Ordinance, “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 any of the forms mentioned in subparagraph (i), (ii), (iii), (iv), (v), (vi),(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.

4. To explain in simple terms, “orally consumed products” include oral medicines and other oral products which are in the form of pill, capsule, tablet, granule, powder, semi-solid, or liquid. It does not, however, include conventional food.

5. To determine whether a product is a conventional food or not depends on whether it is traditionally used as a food or drink in the form presented. Some products are clearly food, examples are apple juice, coffee and oatmeal.

6. The presentation of a product can help to determine whether a product is regarded as a food or “orally consumed product”. For example, a clove of garlic is a food. However, if it is concentrated and marketed in capsule form with claims that it can be used to “treat high blood pressure”, it will be regarded as both a “medicine” and an “orally consumed product”.

7. Any oral medicine registered under the Pharmacy & Poisons Ordinance or the Chinese Medicine Ordinance which is in the form of pill, capsule, tablet, granule, powder, semi-solid, liquid is regarded as an “orally consumed product”.

8. Some Chinese herbs are traditionally used as both medicines and food e.g. ShanZha 山楂. Products that contain Chinese herb and meet all the following criteria can be regarded as food:

- Used in the form or manner of normal foods and usually without recommended dose regimens;
- The product does not contain any claim on curative or health care function; and
- The Chinese medicines used in the product are generally being considered as food.

9. To determine whether a product is an “orally consumed product” or conventional food, several factors are taken into consideration. For example:

- The product form (e.g. pills, tablet, capsule, etc.) and the way it is used.
- The properties of the ingredients and the effect they have on

human beings.

- The claims made for the product.
- The labeling, the packaging and the package insert.
- The promotional literature and the advertisements.

10. Some examples of “conventional food” and “orally consumed products” are listed in Appendix 1 and 2.

Prohibited or restricted claims in Schedule 4

11. The six groups of prohibited or restricted claims set out in Schedule 4 are subject to two levels of restriction based on the risk-based approach. A copy of Schedule 4 is at Appendix 3.

12. The first level of restriction will apply to high risk claims, namely, claims relating to the prevention, elimination or treatment of breast lumps, the regulation of the function of the genitourinary system; and the regulation of the endocrine system (items 1 to 3 of Schedule 4). The making of such claims will not be allowed under any circumstances.

13. For the second level of restriction which is applicable to regulation of body sugar or glucose, regulation of blood pressure and the regulation of blood lipids or cholesterol (items 4 to 6 of Schedule 4), only 4 prescribed claims are permissible as specified for each type of claim in column 2 of Schedule 4.

14. Examples of prohibited claims for items 1 to 6 of Schedule 4 are listed in Appendix 4.

15. The 4 claims allowable for the advertisement of a product on regulation of body sugar are:

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

16. The 4 claims allowable for the advertisement of a product on regulation of blood pressure are:

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

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

(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。”

17. The 4 claims allowable for the advertisement of a product on regulation of blood lipids or cholesterol are:

(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. 此產品或有助穩定血脂/膽固醇。”,

(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。”

18. For products using the specified claims for items 4 to 6 of Schedule 4, and which are not registered under the Pharmacy & Poisons

Ordinance or Chinese Medicines Ordinance, a disclaimer must be put in the advertisement to inform consumers that they are not products registered under the two Ordinances. The disclaimer as specified in column 2 of Schedule 4 is as follow:

“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。”

19. If the advertisement is mainly in the English or Chinese language, a claim stated in column 2 of Schedule 4 may be limited to that language. It is required however, that any other claim or disclaimer stated in column 2 and included in the same advertisement must also be limited to that language. For example, if the advertisement is mainly in the Chinese language, a claim stated in column 2 may be in the Chinese language. It is however, required that any other claim or disclaimer stated in column 2 and included in the same advertisement must also be in the Chinese language.

20. The prohibited or restricted claims specified in Column 1 of Schedule 4 are not conclusive, any similar claims that can reasonably be understood to be the like effect as the specified claims are prohibited.

Amendments in Schedule 1 and 2 of the Undesirable Medical Advertisements Ordinance

21. The major amendments in Schedule 1 are:

- (i) “Prevention of common colds” is allowed to be advertised under column 2 of item 2.
- (ii) “Treatment of scabies or an infestation by threadworms, lice or roundworm” is allowed to be advertised under column 2 of item 3. (Previously, advertisement is only allowed on the labelled container or package in which a medicine, surgical appliance or treatment is supplied.)

- (iii) “Provision of dietary supplements” is deleted from column 2 of item 12 and substituted with the word “none”. That means that no advertising is allowed for any endocrine disease.
- (iv) The following is allowed to be advertised under column 2 of item 14:
 - “Prevention of pimples.
 - Relief of symptoms of eczema and allergies by oral antihistamine preparations.
 - Treatment, where applied to an external surface of the body, of pimples, eczema, skin allergies, athlete’s foot and fungal nail infection.”

22. There are other amendments in Schedule 1 and 2 which are technical in nature. When the Undesirable Medical Advertisements (Amendment) Ordinance 2005 comes into operation, the content of the Schedule 1 & 2 of the Undesirable Medical Advertisements Ordinance is attached in Appendix 5.

Examples of Conventional food seen in the market

Appendix 1

| Categories | Sample products | Ingredients |
|--------------------------------|-------------------------------|---------------------------------|
| Drink/ Powder for drink/ Juice | Apple Juice drink | Apple Juice |
| | Sport drink/ sachet | Glucose and electrolytes |
| | Electrolytes drink/ sachet | Electrolytes |
| | Health tonic drink | Caffeine, Amino Acids, Vitamins |
| | Vegetable juice drink | Vegetables |
| | Wheat germ powder for drink | Wheat |
| | Barley Green powder for drink | Barley |
| | Herbal tea (涼茶) | Chinese herbs |
| | Pummelo tea drink | Pummelo |
| | Wild date juice drink | Date juice |
| | Chicken Essence drink | Chicken Essence |
| Tea | Green Tea powder | Green tea |
| | Lemon tea powder | Lemon, tea |
| Powder for Congee | Congee powder | Rice |
| Honey | Honey | Honey |
| Jam | Prune Ext jam | Prune |
| Dried fruit | Dried Prune | Prune |
| Rice | Healthy Diet Rice | Rice |
| Cracker | Cracker | Wheat |
| | Cereal cracker | Cereal, wheat |
| Sweet/ Drops/ Candy | Fruit sweets | Vitamins |
| | Goat milk chewable tablet | Goat milk |
| | Malted milk sweet tablet | Malt, vitamins |
| | Milk candy | milk |
| Cereals | Cereal | Cereals |
| Liquor | 松籽酒 | 紅松籽, kaoliang, corn |
| Flavorings | Low-sodium salt | Salt |
| | Sweetener tablet/ powder | Maltodextrin, aspartame |
| For general health | Bird's nest (燕窩) | Bird's nest |
| | Hasma (雪蛤膏) | Hasma |
| | Ready to eat aloe | Aloe |

The above are examples of conventional food only, they are not the exhaustive list of conventional food.

| Category of Product | Sample product | Ingredient |
|---|------------------------------|---|
| Prostate health | 前列 tablet | Saw Palmetto, Water melon seed, Uva Ursi, 愛越橘 |
| | Prostate formula pill | Subshrubby peony root, Milkvetch root, Dahurian patrinia, Licorice |
| | Prostate formula liquid | Saw Palmetto, Uva Ursi, Juniper berries, Nettle root |
| | Prostate capsule | Saw Palmetto |
| | Saw Palmetto-Prostate tablet | Saw Palmetto |
| | Prostate protector tablet | Saw Palmetto |
| Urinary tract | Cranberry extract tablet | Cranberry |
| Endocrine/ hormone | 調補素 capsule | Radix Salviae przewalskii, Dong Quai, Fructus cnidii, Aloe, Fructus lycii |
| | Women solution capsule | Alfalfa, White willow, Dong Quai, Uva Ursi, Black cohosh |
| | Menopause tablet | Soy, Black cohosh, Theanine |
| | Rhythm tablet | Negundo chastetree fruit ext, Soy isoflavones, Chamomile, Theanine |
| | Phyto-oestrogens capsule | Soy isoflavones |
| | Soybean isoflavones tablet | Soy isoflavones |
| Blood Glucose | Blood glucose tablet | Mulberry Leaf ext, Gymnema Sylvestre, Yeast |
| | Gymnema Sylvestre Capsules | Gymnema Sylvestre |
| | Thirsty pill | Milkvetch root, Dihuang root, snakegourd root |
| | Chromium capsule | Chromium |
| Blood cholesterol/ pressure/ Cardiac health | Anti-cholesterol tablet | Cholestin, Phytosterols, Soy |
| | Healthy blood capsule | 納豆粘絲精華, Dark malt, 米油, DHA |
| | 褐藻花 powder/ granule | Mekabu |
| | Pycnogenol capsule | Pycnogenol |
| | Blood Pressure tablet | Sardine, Sesame, Buckwheat leaf |
| | Cardiac capsule | Herba taxilli, Cortex Eucommiae, Radix notoginseng, Folium ginkgo, Hawthorn, Semen lini |
| EPA capsule | EPA | |
| Anti-aging | Anti-aging capsule | Ginseng, Cornu Cervi pantotrichum, Fructus cnidii |
| Anti-allergy | Anti-allergy capsule | Rubus suavissimus, Perillae Folium, Coicis Semen |
| | Perilla tablet | Perillae Folium |
| Anti-stress | St John's Wort capsule | St John's Wort |
| Brain support | Soy Lecithin capsule | Lecithin |

| Category of Product | Sample product | Ingredient |
|--------------------------------|-------------------------------|--|
| Breast Enhancement | 豐胸 tablet | Placenta extract |
| | 豐胸燕窩 capsule | Bird's nest, Motherwort, Dong Quai |
| | Breast formula capsule | Red clover, Urtica, Dong Quai |
| | Breast enhancement tablet | 泰國山芋, Oat, Black cohosh, Blessed thistle, Damiana, Dong Quai |
| | Shape up tablet | Semen Trigonellae |
| | 挺豐美胸營養 tablet | 大豆類雌激素受體聚合物, 胎盤素細胞聚合物, 草本促長精華調合物 |
| Cough | 川貝枇杷膏 | Sichuan fritillary bulb, Loquat leaf |
| Detoxification | Fiber tablet | Psidium Guajava |
| Decrease water retention | Shape supplement tablet | Box holly, 薰草, Catechin, Rosemary |
| | Salt balance powder/ granule | Electrolytes |
| Enhance health/ immune support | 靈芝皇 capsule | Concentrated Ganoderma |
| | 田七粉 capsule | Steamed notoginseng powder |
| | Immune booster tablet | Colostrum |
| | 唐辛子+綠茶素 tablet | Capsaicin, Green tea |
| | Lecithin capsule | Lecithin |
| | Maitake capsule | Maitake, Corn |
| | Amino Acid tablet | Amino acids |
| | Spirulina tablet | Spirulina |
| | Ginseng capsule | Ginseng, vitamins |
| | Vegetable tablet | Vegetables |
| | Fruit tablet | Fruits |
| | No smell garlic capsule | Garlic, Yeast |
| | Royal Jelly capsule | Royal jelly |
| | 姬松茸 powder/ granule | Tricholoma masutake |
| | 姬松茸 capsule | Tricholoma masutake |
| | 靈芝孢子油 capsule | Ganoderma spore |
| | 靈芝 capsule | Ganoderma |
| | 腎肺 capsule | Cordyceps, Ganoderma spore, Coriolus versicolor |
| | 靈芝孢子蜂膠 capsule | Propolis, Ganoderma spore |
| | 草蟲精華 capsule/ powder/ granule | Cordyceps |
| | 赤靈芝 capsule | Ganoderma lucidum |
| | 舞茸赤靈芝 tablet | Maitake, Ganoderma lucidum |
| | Immunity liquid | Soy, Fructus Schisandrae, Ginseng, Green gram seed |

| Category of Product | Sample product | Ingredient |
|-----------------------|--------------------------------|--|
| | Nasal Allergy Relief liquid | Soy, Apple, Hawthorne berry, Fructus Schisandrae, Green gram seed, Ginseng |
| | Green Juice powder | Kale, Fiber |
| | Protein powder | Soy protein, Soy lecithin |
| | 無臭大蒜+玉蔥 tablet | Garlic, Onion |
| | Cold capsule | Ginkgo biloba, Wheat germ, Yeast, Soy |
| | DHA capsule | DHA |
| | 卵磷脂 capsule | Lecithin |
| Digestive tract | Lactic acid bacteria capsule | Bifidus |
| | Aloe tablet | Aloe |
| | Fiber powder/ granule | Maize fiber, Chicory fiber, Red beet fiber |
| | Bifidus powder/ granule | Bifidus |
| | Probiotic capsule | Pediococcus, Lactococcus |
| | Bifidobacteria powder/ granule | Bifidobacteria |
| | Psyllium granule | Psyllium |
| Enhance male function | 助陽 capsule | Herba epimedii, Cordyceps, American ginseng |
| | Maca tablet | Maca |
| | Power capsule | Oyster ext, Damiana leaf, 印第安人參 |
| | Male enhancement capsule | Herba epimedii, Saw Palmetto, Muira puama |
| | Man capsule | Oyster, Red wine |
| Eye support | Vision capsule | Blueberry, DHA, Lutein, Palm oil |
| | DHA capsule | DHA |
| | Bilberry capsule | Bilberry |
| | 草莓 DHA capsule | Eye Bright Ext |
| | 藍莓 capsule | Blueberry |
| Hair growth | Hair capsule | Saw Palmetto, Pumpkin seed, Soy, Cuttlefish ink |
| Liver health | Liver tablet | Blessed thistle, Turmeric ext, Yeast |
| | 護肝 capsule | Artemisiae Scopariae |
| Liquor | Herbal liquor liquid | Various herbs and animals extracts |
| Memory enhancement | Memory capsule | Ginkgo Biloba, GABA, Soy lecithin, DHA |
| Sleep | Sleep capsule | Valerian, Hops, Ricegerm, Yeast |
| Throat soothers | Throat drop | Dichlorobenzyl alcohol, amylmetacresol |
| | Lozenges | Dequalinium |

| Category of Product | Sample product | Ingredient |
|---------------------------|----------------------------------|---|
| | 青檸檬 throat drop | Lime, White mulberry leaf, Lily bulb, Dark plum |
| | 川貝枇杷 throat drop | Sichuan fritillary bulb, Loquat leaf, Platycodon root |
| Skin Beauty | Squalene capsule | Squalene |
| | Collagen tablet | Collagen |
| | Moist tablet | Ceramide, 絲綢蛋白, Amino acids |
| | DHA/RNA tablet | Salmon ovalbumin, Yeast ext, Corn |
| | Silk tablet | Coicis Semen ext, Negundo chastetree fruit ext |
| | White capsule | Grape seed, Red wine ext, Soy, Corn |
| | 美人 powder/ granule | Psidium Guajava |
| | 絲絹 powder/ granule | 白魚骨膠原, Royal jelly, Shark’s fin ext |
| | 真珠 powder/ granule | Pearl powder |
| | Young liquid/ powder | Collagen |
| Slimming | Fat reduce powder/ granule | Chitosan |
| | Sugar reduce powder/ granule | Garcinia Cambogia |
| | Cleanse powder/ granule | Acidophilus |
| | Trim capsule | Linoleic acid |
| | Diet powder/ granule | Quercus Salicina, Gymnema Sylvestre, Garcinia Cambogia |
| | Fit capsule | Chitosan |
| | Slim capsule | Garcinia Cambogia |
| | 瘦身 capsule | Cassia Nomame, Zhi Shi, Rhodiola Rosea, Green tea |
| | Anti-water tablet | Butcher’s Broom, Centella Asiatica, Horse chestnut seed |
| | Fat blocker capsule | Chitosan, Garcinia Cambogia, Rose hips |
| | Colon tablet | Senna leaf ext, Golden seal, Gentian, Aloe |
| | Chitosan tablet | Chitosan |
| | Calorie tablet | Gymnema Sylvestre, Mulberry leaf ext, Caryophylli Flos, Capsaicin |
| | Calorie reduce liquid | Garcinia Cambogia, Pumpkin seed, Fructus rubi |
| Meal replacement (powder) | Diet powder for meal replacement | Carbohydrates, vitamins, minerals, proteins |
| | Meal powder for meal replacement | Vitrimax, milk |
| | 燕窩纖維 sachet powder | Fiber, oat, papaya, Konjac jelly, bird’s nest, barley |

Examples of “orally consumed products” seen in the market

Appendix 2

The above are examples of orally consumed products only, they are not the exhaustive list of orally consumed products.

SCHEDULE 4
CLAIMS FOR ORALLY CONSUMED PRODUCTS IN RESPECT OF WHICH
ADVERTISEMENTS ARE PROHIBITED OR RESTRICTED

| Column 1 Claim | Column 2 Exemption |
|--|-----------------------|
| 1. Prevention, elimination or treatment of breast lumps, including eliminating the blockage of milk ducts of the breast, helping to eliminate disease-causing factors or lumps, relieving the associated discomfort symptoms, helping to improve the metabolism of breast tissue, effectively disintegrating and eliminating abnormal cell tissues and lumps. | None. |
| 2. Regulation of the function of the genitourinary system and/or improvement of symptoms of genitourinary problems such as frequent urination, urgent urination, dripping urination, poor stream, difficulty in urination, urination at night, impeded prostatic function and uncontrollable urinary discharge or incontinence. | None. |
| 3. Regulation of the endocrine system and / or maintenance or alteration of hormonal secretions, including helping to maintain hormones at optimal level, stimulating the hypothalamus, increasing secretion of oestrogen, promoting normal secretion of the female hormone, regulating the female endocrine function, improving imbalance of male hormone secretion, helping to maintain balance of hormonal secretions in men and women, stimulating hormonal secretions, regulating endocrine secretion, balancing endocrine secretion, increasing secretion of growth hormone, stimulating | None. |

| Column 1 Claim | Column 2 Exemption |
|--|--|
| the thyroid gland. | |
| <p>4. Regulation of body sugar or glucose and/or alteration of the function of the pancreas, including regulating blood sugar, suppressing or reducing the absorption of glucose, reducing the blood sugar level, increasing the metabolism of body sugar, being suitable for diabetic patients, being against blood sugar, being suitable for people with high blood sugar, improving the function of the pancreas, stimulating the secretion of insulin.</p> | <p>(a) Subject to paragraph (b), the following claims are allowed –</p> <p>(j) “This product is suitable for people concerned about blood sugar. 此產品適合關注血糖的人士服用。”;</p> <p>(ii) “This product may assist in stabilizing blood sugar. 此產品或有助於穩定血糖。”;</p> <p>(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</p> <p>(iv) “This product is for the consumption by people concerned about blood sugar. 此產品供關注血糖的人士服用。”.</p> <p>(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 –</p> <p>“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為進行該等註冊而接受評核。此產</p> |

| Column 1 Claim | Column 2 Exemption |
|---|---|
| | <p>品並不供作診斷、治療或預防任何疾病之用。”。</p> <p>(See Note)</p> |
| <p>5. Regulation of blood pressure, including regulating blood pressure, controlling blood pressure, reducing blood pressure, being suitable for people with high blood pressure.</p> | <p>(a) Subject to paragraph (b), the following claims are allowed –</p> <p>(i) “This product is suitable for people concerned about blood pressure. 此產品適合關注血壓的人士服用。”；</p> <p>(ii) “This product may assist in stabilizing blood pressure. 此產品或有助於穩定血壓。”；</p> <p>(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</p> <p>(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。”。</p> <p>(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 –</p> <p>“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</p> |

| Column 1 Claim | Column 2 Exemption |
|---|---|
| | <p>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。”。</p> <p>(See Note)</p> |
| <p>6. Regulation of blood lipids or cholesterol, including preventing high blood lipids, helping to maintain normal blood lipids, lowering blood lipids, reducing or regulating cholesterol, balancing blood cholesterol, excreting cholesterol in the blood vessel outside the body, being suitable for people with high blood lipids or high cholesterol.</p> | <p>(a) Subject to paragraph (b), the following claims are allowed –</p> <p>(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。”；</p> <p>(ii) “This product may assist in stabilizing blood lipids / cholesterol. 此產品或有助於穩定血脂/膽固醇。”；</p> <p>(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。”；</p> <p>and</p> <p>(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。”。</p> <p>(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 –</p> <p>“This product is not registered under the</p> |

| Column 1 Claim | Column 2 Exemption |
|-------------------|--|
| | <p>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。”.</p> <p>(See Note)</p> |

Note: If the advertisement is wholly or mainly in the English or Chinese language, a claim stated in column 2 may be limited to that language, 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.

EXAMPLES OF CLAIMS FOR ORALLY CONSUMED PRODUCTS
IN RESPECT OF WHICH ADVERTISEMENTS ARE PROHIBITED IN SCHEDULE 4

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|--|---|
| <p>1. Prevention, elimination or treatment of breast lumps, including eliminating the blockage of milk ducts of the breast, helping to eliminate disease-causing factors or lumps, relieving the associated discomfort symptoms, helping to improve the metabolism of breast tissue, effectively disintegrating and eliminating abnormal cell tissues and lumps.</p> | <ul style="list-style-type: none"> • Preventing, eliminating or treating breast lumps • Eliminating the blockage of milk ducts of the breast • Helping to eliminate disease-causing factors or lumps • Relieving the associated discomfort symptoms • Helping to improve the metabolism of breast tissue • Effectively disintegrating and eliminating abnormal cell tissues and lumps. • Relieving swelling and pain of breast • Eliminating blockage of breast gland |
| <p>2. Regulation of the function of the genitourinary system and/or improvement of symptoms of genitourinary problems such as frequent urination, urgent urination, dripping urination, poor stream, difficulty in urination, urination at night, impeded prostatic function and uncontrollable urinary discharge or incontinence.</p> | <ul style="list-style-type: none"> • Regulating the function of the genitourinary system • Improving symptoms of genitourinary problems • Improving frequent urination, urgent urination, dripping urination, poor stream, difficulty in urination, urination at night • Improving impeded prostatic function • Improving uncontrollable urinary discharge or incontinence • Relieving frequent urination • Relieving urination at night, frequent urination and urine dripping • Rectifying and maintain the health of prostate cells • Effective in relieving the problem of night urination • Using saw palmetto to treat males facing frequent night urination, resulting in significant improvement of symptoms and significant reduction of night urination, frequent urination |

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|--|--|
| | <p>and urine dripping</p> <ul style="list-style-type: none"> • Scientific experiments prove that Epilobium Parviflorum, nettle and lycopene help improving problem of frequent urination and night urination • Anyone who has the following symptoms should immediately take this product: urinary urgency, frequent urination, urine dripping, small and weak urine flow, excessive night urination and intermittent urination • Help in contraction of bladder muscle, strengthening the health of the urinary system • Improving urine seeping, impaired urination and obstructed urination • Improving nervous bladder |
| <p>3. Regulation of the endocrine system and / or maintenance or alteration of hormonal secretions, including helping to maintain hormones at optimal level, stimulating the hypothalamus, increasing secretion of oestrogen, promoting normal secretion of the female hormone, regulating the female endocrine function, improving imbalance of male hormone secretion, helping to maintain balance of hormonal secretions in men and women, stimulating hormonal secretions, regulating endocrine secretion, balancing endocrine secretion, increasing secretion of growth hormone, stimulating the thyroid gland.</p> | <ul style="list-style-type: none"> • Regulating of the endocrine system • Maintenance of hormonal secretions • Alteration of hormonal secretions • Helping to maintain hormones at optimal level • Stimulating the hypothalamus, increasing secretion of oestrogen • Promoting normal secretion of the female hormone • Regulating the female endocrine function • Improving imbalance of male hormone secretion • Helping to maintain balance of hormonal secretions in men and women • Stimulating hormonal secretions • Regulating endocrine secretion • Balancing endocrine secretion • Increasing secretion of growth hormone • Stimulating the thyroid gland. • Re-activate the soft tissue in bones by the stimulation of growth hormone resulting in bone growth • Improving hormonal imbalance, hormonal irregularity |

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|--|--|
| | <ul style="list-style-type: none"> • Maintaining normal secretion of male and female hormones • Balancing the secretion of hormones • Help in maintaining the normal secretion of hormones • Maintaining the normal secretion of hormones in menopause • Initiating the youth hormone • Helping the balance of endocrine secretion • Making the body to secrete higher level of female hormones • Ingredients from natural plants can make the body secrete more female hormone • Stimulating the body to secrete more female hormone • A purely Chinese medicine health product specifically designed for impaired body secretion. • Coordinating the endocrine glands, such as pituitary gland, thyroid gland, pancreatic gland, adrenal gland, ovary, testes to maintain healthy secretion. Stopping the health problem due to weakening of hormonal secretion. • Maintaining the normal function of hormones • Unblocking the secretion channels, dispelling the toxin in thyroid gland |
| <p>4. Regulation of body sugar or glucose and/or alteration of the function of the pancreas, including regulating blood sugar, suppressing or reducing the absorption of glucose, reducing the blood sugar level, increasing the metabolism of body sugar, being suitable for diabetic patients, being against blood sugar, being suitable for people with high blood sugar, improving the function of the pancreas, stimulating</p> | <ul style="list-style-type: none"> • Regulating body sugar or glucose • Altering the function of the pancreas • Regulating blood sugar • Suppressing or reducing the absorption of glucose • Reducing the blood sugar level • Increasing the metabolism of body sugar • Being suitable for diabetic patients • Being against blood sugar • Being suitable for people with high blood sugar |

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|---------------------------|--|
| the secretion of insulin. | <ul style="list-style-type: none"> • Improving the function of the pancreas • Stimulating the secretion of insulin • Powerfully promoting the health of pancreas • Balancing the natural secretion of insulin • Effectively enhancing the metabolism of sugar • Stabilizing the index of blood sugar • Balancing the insulin value in body • Maintaining the blood sugar at a stable level • Stabilizing blood sugar • Restoring the normal secretion function of insulin tissues in 2-5 courses of treatment • Reducing blood sugar and urinary sugar to normal values • Vitalize the insulin body in 15 days • Regenerating the pancreatic cells after 1 month • Restoring the function of pancreas • Rectifying the irregularity of sugar metabolism • Balancing blood sugar • Enhancing the body tolerance to sugar • Strengthening the function of pancreatic cells • Helping maintaining a normal pancreas • Reducing blood sugar and problem of unsteady insulin level • Effectively stabilize the blood glucose index • Controlling the problem of insulin imbalance • Blocking the absorption of excessive sugar, reducing the amount of glucose absorbed • Increasing the utilization of glucose, enhancing the sensitivity to insulin • Effectively maintaining the blood glucose value • Controlling blood sugar • Significantly improving the blood sugar • Nutritional supplements for people with high blood sugar • Preventing the increase of blood sugar • Improving low blood sugar |

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|---|--|
| <p>5. Regulation of blood pressure, including regulating blood pressure, controlling blood pressure, reducing blood pressure, being suitable for people with high blood pressure.</p> | <ul style="list-style-type: none"> • Regulating blood pressure • Regulating blood pressure • Controlling blood pressure • Reducing blood pressure • Being suitable for people with high blood pressure. • Helping maintaining normal blood pressure • Stabilizing blood pressure • Relieving blood pressure • Preventing high blood pressure • Relieving the risk of blood pressure • Relieving unstable blood pressure • Maintaining healthy blood pressure • Most suitable for people with tendency of high blood pressure |
| <p>6. Regulation of blood lipids or cholesterol, including preventing high blood lipids, helping to maintain normal blood lipids, lowering blood lipids, reducing or regulating cholesterol, balancing blood cholesterol, excreting cholesterol in the blood vessel outside the body, being suitable for people with high blood lipids or high cholesterol.</p> | <ul style="list-style-type: none"> • Regulating blood lipids or cholesterol • Preventing high blood lipids • Helping to maintain normal blood lipids • Lowering blood lipids • Reducing or regulating cholesterol • Balancing blood cholesterol • Excreting cholesterol in the blood vessel outside the body • Being suitable for people with high blood lipids or high cholesterol. • Lowering cholesterol • Reducing cholesterol • Stabilizing blood lipid, cholesterol • Reducing the low-density lipoprotein • Effectively lowering the harmful cholesterol • Improving the condition of accumulation of blood lipid in blood vessel • With the effect of lowering blood lipid and cholesterol • Maintaining the normal level of blood lipid and cholesterol |

| Column 1 of Schedule 4 | Examples of Claims for Orally Consumed Products in respect of which advertisements are prohibited in Schedule 4 |
|------------------------|---|
| | <ul style="list-style-type: none">• Helping to maintain normal cholesterol• Helping improving blood lipid and cholesterol level• Improving bad cholesterol• Helping to maintain the cholesterol at healthy level• Increasing good cholesterol• Significantly improving cholesterol |

The above are examples of prohibited claims for orally consumed products, they are not the exhaustive list of prohibited claims.

Upon implementation of Undesirable Medical Advertisements (Amendment) Ordinance 2005

Schedule 1 DISEASES AND CONDITIONS IN RESPECT OF WHICH ADVERTISEMENTS ARE PROHIBITED OR RESTRICTED

| | Column 1 Disease or condition | Column 2 Purposes for which advertising is permitted |
|----|--|---|
| 1. | Any benign or malignant tumour. | None. |
| 2. | Any viral, bacterial, fungal or other infectious disease, including tuberculosis, dysentery, hepatitis and leprosy. | <ul style="list-style-type: none"> • Treatment or prevention of minor cutaneous infections where a medicinal product is to be administered to an external surface of the body, including treatment by means of preparations for the relief of pruritus or exanthematous rashes of childhood infection. • Relief of symptoms of aphthous ulcer. • Relief of symptoms of common colds, coughs, conditions commonly referred to as influenza and similar upper respiratory tract infections. • Treatment of minor acute inflammatory conditions of the buccal cavity and pharynx. • Prevention of common colds. |
| 3. | Any parasitic disease. | <ul style="list-style-type: none"> • Treatment of scabies or an infestation by threadworms, lice or roundworm. |
| 4. | Any venereal disease, including syphilis, gonorrhoea, soft chancre, lymphogranuloma venerum, genital herpes, genital warts, urethritis, vaginitis, urethral or vaginal discharge, acquired immunodeficiency syndrome (AIDS), and any other sexually transmitted disease. | None. |
| 5. | Any respiratory disease, including asthma, bronchitis, and pneumonia. | <ul style="list-style-type: none"> • Relief of symptoms of hay fever, rhinitis or catarrh. • Relief of blocked-up sinuses. |
| 6. | Any disease of the heart or cardiovascular system, including rheumatic heart disease, arteriosclerosis, coronary artery disease, arrhythmias, hypertension, cerebrovascular disease, congenital heart disease, thrombosis, peripheral artery disease, oedema, retinal vascular change and peripheral venous disease. | None. |
| 7. | Any gastro-intestinal disease, including gallstone, cirrhosis, gastro-intestinal bleeding, diarrhoea, hernia, fistula-in-ano and haemorrhoids. | <ul style="list-style-type: none"> • Relief of such symptoms as are commonly referred to as indigestion, heartburn, hyperacidity, dyspepsia, halitosis (bad breath) or flatulence. • Symptomatic relief of colicky pain, stomach ache or nausea • Relief of occasional or non-persistent diarrhoea or constipation. • Prevention of travel sickness or related symptoms. • Treatment of haemorrhoids for relief of symptoms by means of locally effective preparations or stool-softening agents and lubricants. |
| 8. | Any disease of the nervous system, including epilepsy, mental disorder, mental retardation and paralysis. | <ul style="list-style-type: none"> • Symptomatic relief of headaches. |
| 9. | Any disease of the genitourinary system, | None. |

| | Column 1 Disease or condition | Column 2 Purposes for which advertising is permitted |
|-----|--|---|
| | including kidney stone, nephritis, cystitis, any prostatic disease and phimosis. | |
| 10. | Any disease of the blood or lymphatic system, including anemia, neck glands, bleeding disorders, leukemia and other lympho-proliferative diseases. | <ul style="list-style-type: none"> Prophylactic administration of minerals and vitamins to avoid deficiency states in persons with adequate diet or with increased dietary requirements. |
| 11. | Any disease of the musculo-skeletal system, including rheumatism, arthritis and sciatica. | <ul style="list-style-type: none"> External preparations for the relief of symptoms of muscular pain and stiffness and cramp. |
| 12. | Any endocrine disease, including diabetes, thyrotoxicosis, goitre and any other organic or functional condition related to under or over activity of any part of the system. | <ul style="list-style-type: none"> None |
| 13. | Any organic condition affecting sight, hearing or balance. | <ul style="list-style-type: none"> Relief of symptoms by means of the local administration of eye preparations. Relief of symptoms by means of local administration of preparations as a solvent for ear wax. |
| 14. | Any disease of the skin, hair or scalp. | <ul style="list-style-type: none"> Prevention or treatment of dandruff by means of external applications. Prevention of pimples. Relief of symptoms of eczema and allergies by oral antihistamine preparations. Treatment, where applied to an external surface of the body, of pimples, eczema, skin allergies, athlete's foot and fungal nail infection. Prevention or treatment of contact dermatitis and sunburn by means of protective applications. Treatment of hard skin and corns by means of the application of corn plasters or solvents. Relief or prevention of common minor skin conditions including dry and chapped skin, cold sores, pruritus, insect bites, heat rash and napkin rash. |

Schedule 2

PURPOSES FOR WHICH IT IS PROHIBITED TO ADVERTISE ANY MEDICINE, SURGICAL APPLIANCE OR TREATMENT

| | | |
|----|---|--|
| 1. | The induction of menstruation or relief of amenorrhea or delayed menstruation or any other gynaecological or obstetrical disease. | |
| 2. | The promotion of sexual virility, desire or fertility, or the restoration of lost youth. | |
| 3. | The correction of deformity or the surgical alteration of a person's appearance. | |

List of Organisations Consulted

The Hong Kong Association of Pharmaceutical Industry
Integrated Chinese Medicine Holding Ltd.

The Chinese Manufacturers' Association of Hong Kong

The Hong Kong Health Food Association Ltd.

Pharmaceutical and Regulatory Affairs, Pharmanex

Hong Kong Chinese Prepared Medicine Traders Association, Ltd.

The Hong Kong Pharmaceutical Manufacturers Association Ltd.

Modernized Chinese Medicine International Association Ltd.

Institute of Modern Chinese Medicine, HK Polytechnic University