

**Legislative Council  
Panel on Health Services  
Meeting on 27 January 1999**

**Enforcement of  
Undesirable Medical Advertisements Ordinance (Cap. 231)**

**Background**

The Undesirable Medical Advertisements Ordinance (the Ordinance) came into effect in 1953 and was last amended in 1988. The Ordinance prohibits or restricts the publishing of medical advertisements in respect of certain diseases in order to prevent the general public from being misled into using improper medicinal products for self-medication in respect of these diseases. A copy of the Schedules setting out these prohibitions or restrictions is attached as Appendix.

**Enforcement**

2. For enforcement of the Ordinance, a three-pronged approach has been adopted, viz, advice, warning and prosecution. Following the amendment exercise in 1988, advisory letters were sent to all local publishers, advertising agencies and pharmaceutical firms in 1989 informing them of the amendments to the Ordinance. Since 1989, the Department of Health (the DH) has been monitoring the medical advertisements in the media including newspapers and magazines. The DH also investigates complaints received from members of the public or referred by organisations such as the Consumer Council or medical organisations. As the first step, the DH will issue warning letters to the person who has published or caused to publish the undesirable medical advertisement which contravenes the Ordinance. If the person does not remove the undesirable medical advertisement involved upon receiving a warning letter, the DH will inform the Commissioner of Police, who will investigate and initiate prosecution action where necessary. Any person who contravenes the Ordinance and is found guilty of the offence shall be liable upon a first conviction to a fine of \$10,000, and upon a second or subsequent conviction to a fine of \$25,000 and imprisonment for one year.

**Statistics for the past three years**

3. A breakdown of the statistics of various enforcement actions taken during the years 1996 to 1998 is as follows -

	<u>1996</u>	<u>1997</u>	<u>1998</u>
Number of warning letters issued by the DH	123	86	121
Number of cases referred to the Police by the DH for investigation	8	6	6
Number of warnings issued by the Police	1	1	1
Number of successful prosecutions	0	1	0

4. The DH will continue its enforcement efforts in this area for the protection of public health.

*Health and Welfare Bureau  
January 1999*

## SCHEDULE 1

[s. 3]

## 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.	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.
3. Any parasitic disease.	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.
4. Any venereal disease. including syphilis, gonorrhoea, soft chancre.	Treatment of scabies or an infestation by threadworms, lice or roundworm, provided that the advertisement consists solely of a labelled container or package in which a medicine. surgical appliance or treatment is supplied.
5. Any respiratory disease, including asthma, bronchitis, and pneumonia.	None.
	Temporary relief of symptoms of hay fever, rhinitis or catarrh. Relief of blocked-up sinuses

**CAP. 231 Undesirable Medical Advertisements**

Column 1 Disease or condition	Column 2 Purposes for which advertising is permitted
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, berna, fistula-in-ano and haernorrhoids.	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 nauseau.  Relief of occasional or non-persistent diarrhoea or constipation.  Prevention of travel sickness or related symptoms.  Treatment of haernorrhoids 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.	Symptomatic relief of headaches.
9. Any disease of the genito-urinary system, including kidney stone, nephritis, cystitis, any prostatic disease and phimosis.	None.
10. Any disease of the blood or lymphatic l system, including anemia, neck glands, bleeding disorders, leukemia and other lympho-proliferative diseases.	Prophylactic administration of minerals and vitamins to avoid deficiency states in persons with inadequate diet or with increased dietary requirements.
11. Any disease of the musculo-skeletal system, including rheumatism, arthritis and sciatica.	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.	Provision of dietary supplements.
13. Any organic condition affecting sight, hearing or balance.	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.

Column 1 Disease or condition	Column 2 Purposes for which advertising is permitted
14.    Any disease of the skin, hair or scalp.	<p>Prevention or treatment of dandruff by means of external applications.</p> <p>Treatment, where applied to an external surface of the body, of pimples, eczema, skin allergies and athlete's foot.</p> <p>Prevention or treatment of contact dermatitis and sunburn by means of protective applications.</p> <p>Treatment of hard skin and corns by means of the application of corn plasters or solvents.</p> <p>Relief or prevention of common minor skin conditions including dry and chapped skin, cold sores, pruritus. insect bites. heat rash and napkin rash.</p> <p><i>(Schedule 1 added 65 of 1988 s. 8)</i></p>

SCHEDULE 2

[s. 3]

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

1. The induction of menstruation or relief of amenorrhoea 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.

*(Schedule 2 added 65 of 1988 s. 8)*