

Legislative Council Panel on Health Services

Regulation of Health Claims

Under the Undesirable Medical Advertisements Ordinance (Cap. 231)

Background

The Undesirable Medical Advertisements Ordinance (UMAO) came into effect in 1953 and was last amended in 1988. The Ordinance prohibits or restricts advertisements likely to lead to the use of any medicine, surgical appliance or treatment for certain diseases, such as cancer, tuberculosis, venereal disease and AIDS. The objective is 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 Schedule setting out the relevant diseases is attached at Appendix.

Scope of the Regulation

2. The terms “advertisement” and “medicine” have wide definitions under the Ordinance -

- (a) “advertisement” includes any notice, poster, circular, label, wrapper or document, and any announcement made orally or by any means of producing or transmitting light or sound;
- (b) “medicine” includes any kind of medicament or other curative or preventive substance, and whether a proprietary medicine, a patent medicine, or purported natural remedy.

Enforcement

3. The Department of Health (DH) monitors medical and health advertisements in the media including newspapers and magazines. DH also investigates complaints received from members of the public or referred by

organisations such as the Consumer Council. DH will issue warning letters to the person who has published or caused to publish the undesirable advertisement or product labels which contravenes the Ordinance. If the person, upon receiving a warning letter, does not remove the undesirable advertisement involved or recall such products with undesirable labels, 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 maximum fine of \$10,000, and upon a second or subsequent conviction to a maximum fine of \$25,000 and imprisonment for one year.

Statistics for the past three years

4. A breakdown of the statistics of enforcement actions taken during 1997 to 2000 is as follows –

	1997	1998	1999	2000#
No. of newspaper/magazine screened	544	321	612	178
No. of warning letters issued by DH	86	121	178	73
No. of successful prosecution	1	0	0	0

Statistics on first quarter of 2000

5. DH will continue to be vigilant in enforcement action on the UMAO for the protection of public health.

Department of Health
May 2000

**UNDESIRABLE MEDICAL ADVERTISEMENTS ORDINANCE
DISEASES IN RESPECT OF WHICH
ADVERTISEMENTS ARE PROHIBITED OR
RESTRICTED**

1. Any benign or malignant tumour.
2. Any viral, bacterial, fungal or other infectious disease, including tuberculosis, hepatitis and leprosy.
3. Any parasitic disease.
4. Any venereal disease, including syphilis, gonorrhoea, soft chancre, lymphogranuloma venereum, genital herpes, genital warts, urethritis, vaginitis, urethral or vaginal discharge, acquired immunodeficiency syndrome (AIDS), and any other sexually transmitted disease.
5. Any respiratory disease, including asthma, bronchitis, and pneumonia.
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.
7. Any gastro-intestinal disease, including gallstone, cirrhosis, gastro-intestinal bleeding, diarrhoea, hernia, fistula-in-ano and haemorrhoids.
8. Any disease of the nervous system, including epilepsy, mental disorder, mental retardation and paralysis.
9. Any disease of the genito-urinary system, 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.
11. Any disease of the musculo-skeletal system, including rheumatism, arthritis and sciatica.
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.
13. Any organic condition affecting sight, hearing or balance.
14. Any disease of the skin, hair or scalp.