



THE MEDICAL ADVERTISEMENTS REGULATIONS 1943

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of April, 1943.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Medical Advertisements Act, 1942, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PART I.—PRELIMINARY.

1. These regulations may be cited as the Medical Advertisements Regulations 1943.
2. These regulations shall come into force as follows :—
 - (a) Parts I and II hereof on the 1st day of May, 1943.
 - (b) Part III hereof, so far as it applies to medical advertisements borne on or attached to any article or the container of any article or a carton or similar package used for packing a container or containers of any article, on the 1st day of November, 1943.
 - (c) Part III hereof, so far as it applies to any other medical advertisement than as aforesaid, on the 1st day of August, 1943.
3. In these regulations, unless the context otherwise requires,—

“The Act” means the Medical Advertisements Act, 1942 :

“Article” means any drug, cosmetic, dentifrice, preparation, apparatus, or instrument :

Expressions used herein have the meaning assigned to them by the Act.
4. The Board may grant exemptions, either unconditionally or upon or subject to such conditions as it thinks fit, from compliance with any of the requirements contained in Regulations numbered from 12 to 18 hereof, both inclusive, except the requirements contained in paragraph (a) of Regulation 12.
5. No person to whom any exemption is granted pursuant to the last preceding regulation, and no person seeking to take the benefit of any exemption so granted, shall commit or cause or permit to be committed a breach of any condition to which the exemption is made subject.

6. Notwithstanding anything contained in Regulations 19 and 20 hereof, it shall be a defence to any person charged with a breach thereof committed at any time within twelve months from the date of coming into force of the said Regulations 19 and 20 if such person proves that the medical advertisement in respect of which the breach is charged was at the date of coming into force of these regulations part of a stock of advertising material in the possession of the person charged or of his immediate or mediate vendors or his or their respective predecessors in business.

PART II.—ADMINISTRATION.

7. There may from time to time be appointed some officer of the Public Service to be Secretary of the Board, and the fact that any person describes himself in any document or signs any document as the Secretary of the Board shall be *prima facie* evidence that he is Secretary of the Board for the time being duly appointed.

8. The seal of the Board shall be held in the custody of the Secretary and shall be affixed to any document only pursuant to a resolution of the Board, and the affixing thereof shall be attested by the signature of the Chairman or the Secretary.

9. The Travelling-allowance Regulations 1941* shall apply to and be deemed to be incorporated in these regulations, and for the purposes of these regulations the rate of subsistence allowance referred to in clause 4 of the Travelling-allowance Regulations 1941* shall be at the rate of £1 5s. per diem.

10. There shall be payable to every member of the Board who is not an officer of the Public Service in respect of his attendance at a meeting of the Board or a Committee of the Board or in transacting any business of the Board pursuant to a resolution of the Board a fee at the rate of £1 10s. per diem :

Provided first that in the case of any consecutive period exceeding a single day the said fee shall be computed to the nearest half-day :

Provided secondly that the subsistence allowance referred to in the last preceding regulation shall not be payable to any member for any occasion for which he receives the fee referred to in this regulation.

PART III.—TERMS OF ADVERTISEMENTS.

11. No person shall publish or cause or permit to be published any medical advertisement which contains anything contrary to the requirements of these regulations or which fails to contain anything required by these regulations.

12. No medical advertisement shall be published containing any statement or claim which directly or by implication indicates or suggests that the article or method of treatment so advertised—

- (a) Will prevent, alleviate, or cure, or that the person mentioned in the advertisement is able to diagnose, prevent, alleviate, treat, or cure, any of the diseases or disorders or classes of diseases or disorders included in the Schedule hereto, except that with respect to those included in Part II of the said Schedule a statement or claim to be able to treat or alleviate the diseases or disorders or classes of diseases or disorders included therein or any of them may be made if no indication or suggestion of prevention or cure be made ; or

* Statutory Regulations 1941, Serial number 1941/149, page 486.

- (b) Is used or recommended by medical practitioners, dentists, chemists, nurses, or masseurs, or by any classes included in or by any individual member, whether named or unnamed, and whether living or dead, of any of the said professions or callings or by any person using the description or title of "doctor" or "scientist" or "professor" or any other words or letters tending to suggest or imply that such person is a registered medical practitioner or is possessed of expert medical knowledge except a person named in the advertisement who is or was a medical practitioner registered by law in some part of His Majesty's dominions; or

(c) Is a universal panacea or infallible in its action.

13. No medical advertisement shall contain any claim or statement which is—

(a) A statement that is false; or

(b) A claim relating to the therapeutic value of an article that is not based on an honest belief held on reasonable ground by the person for or on whose behalf the advertisement is published; or

(c) A claim or statement that is intended or likely to mislead or deceive; or

(d) Indecent; or

(e) Expressed in terms which do not conform to accepted standards of propriety having regard to the context, subject-matter, and circumstances of publication; or

(f) Intended or likely to suggest to persons reading it the fear of serious consequences from some trivial or minor complaint.

14. No medical advertisement shall invite correspondence from members of the public for diagnosis of or consultation concerning any complaint.

15. Every medical advertisement relating to an article which is or which contains or purports to contain a glandular preparation or extract or any synthetic substance of similar physiological effect shall contain the following words:—

"DANGER.—This preparation should not be used
except under medical direction."

16. In every written advertisement required to contain the words set out in the last preceding regulation the said words shall appear in characters not smaller than those used for the main subject-matter of the document.

17. No medical advertisement shall contain a reference to any testimonial for which payment or other consideration has been given.

18. Every medical advertisement accompanying any article shall contain specific directions for the use of the article.

19. Every medical advertisement accompanying an article being or containing or purporting to be or to contain a dangerous drug within the meaning of the Dangerous Drugs Act, 1927, and regulations thereunder, or a poison within the meaning of the Poisons Act, 1934, and regulations thereunder, shall include a statement showing the name of the dangerous drug or poison, the proportion present in the preparation, and the maximum adult dose:

Provided that compliance with this regulation shall not exempt any person from complying with any other relevant provisions of the said Acts and regulations.

20. Every medical advertisement which refers to a drug by any name shall include the name or at least one of any synonymous names by which such drug is described in the British Pharmacopœia or the British Pharmaceutical Codex, or, if it is not included in these publications, then by the name by which it is referred to in some recognized standard work on *materia medica* or drugs or by its recognized botanical name.

21. If no reference to a drug is to be found in any publication referred to in the last preceding regulation, and if it has no recognized botanical name, no reference whatsoever shall be made thereto in any medical advertisement.

SCHEDULE.

Part I.

ALCOHOLISM.

Amenorrhœa and female irregularities.

Appendicitis.

Arterio-sclerosis and high blood-pressure.

Blood-poisoning.

Bright's disease.

Cancer.

Cataract.

Deafness (except that advertisements may be published relating to hearing aids approved by the Director-General of Health as of value in the alleviation of deafness).

Diabetes.

Diphtheria.

Dropsy and heart-disease.

Erysipelas.

Epilepsy.

Fits.

Gangrene.

Glaucoma.

Goitre (except that iodized salt or products naturally containing iodine may be advertised as of value in the prevention of goitre).

Infantile paralysis.

Locomotor ataxia.

Lupus.

Meningitis.

Miners' phthisis.

Paralysis.

Pleurisy.

Pneumonia.

Rupture (except that advertisements relating to the fitting of trusses for alleviation of this complaint may be published).

Scrofula.

Sexual weakness or impotence.

Stones, kidney, and bladder.

Trachoma.

Tuberculosis.

Tumours.

Ulcers, gastric and duodenal.

Veneral diseases.

Part II.

ASTHMA.

Gout.

Influenza.

Obesity.

Hæmorrhoids.

Pyorrhœa.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 22nd day of April, 1943.

These regulations are administered in the Department of Health.