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**DRUGS AND MAGIC REMEDIES (OBJECTIONABLE  
ADVERTISEMENTS) RULES, 1955**

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**SCHEDULE 1 :- SCHEDULE 1**

**DRUGS AND MAGIC REMEDIES (OBJECTIONABLE  
ADVERTISEMENTS) RULES, 1955**

S. R. O.512, dated the 26th February, 1955. In exercise of the powers conferred by Sec, 16 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Central Government hereby makes the following rules, namely:

**1. Short title and commencement :-**

(1) These rules may be called the Drugs and Magic Remedies (Objectionable Advertisements) Rules, 1955.

(2) They shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the official Gazette, appoint.

Comment Interpretation of rule. The general power of framing rules for effectuating the purposes of the Act, would plainly authorise and sanctify the framing of such a rule.<sup>2</sup>

1. 1st April, 1955 is the date on which these rules came into force vide S.R.O. 512. dated the 26th February, 1955.

2. Ram Autar Santosh Kumar v. State of Bihar, A.I.R. 1987 Pat. 13 at p. 17.

**2. Definitions :-**

In these rules, unless the context otherwise requires,

(1) the "Act" means the Drugs and Magic Remedies (Objectionable

Advertisements) Act, 1954 (21 of 1954) ; and

(2) "section" means a section of the Act. <sup>1</sup> [\* \* \*]

1. Rule 3 was omitted and rules 4 to 7 re-numbered as rules 3 to 6 by S.O.1688, dated the 22nd May, 1962.

### **3. Scrutiny of misleading advertisement relating to drugs :-**

<sup>1</sup> [Any person authorised by the State Government in this behalf may, if satisfied that an advertisement relating to a drug contravenes the provisions of Sec.4] by order, require the manufacturer, packer, distributor or seller of the drug to furnish, within such time as may be specified in the order of such further regarding the composition of the drug or the ingredients thereof or any other information in regard to that drug as he deems necessary for holding the scrutiny of the advertisement and where any such order is made, it shall be the duty of the manufacturer, packer, distributor or seller of the drug to which the advertisement relates to comply with the order. Any failure to comply with such order shall, for the purposes of Sec.7, be deemed to be a contravention of the provisions of Sec.4:

Provided that no publisher or advertising agency of any medium for the dissemination of any advertisement relating to a drug shall be deemed to have made any contravention merely by reason of the dissemination by him or if any such advertisement, unless such publisher or advertising agency has failed to comply with any discretion made by the authorised person in this behalf calling upon him or it to furnish the name and address of the manufacturer, packer, distributor, seller or advertising agency, as the case may be, who or which caused such advertisement to be disseminated.

1. Substituted by S.O. 826, dated the 10th April, 1961.

### **4. Procedure to be followed in prohibited import into, and export from India of certain advertisements :-**

(1) If the Customs Collector has reasons to believe that any consignment contains documents of the nature referred to in Sec.6, he may, and if requested by an officer appointed for the purpose by the Central Government, shall, detain the , and the rules made thereunder, and shall also inform the importer or exporter of the order so passed:

Provided that if the importer or exporter feels aggrieved by an order passed by the Customs Collector under this sub-rule and

makes a representation to him within one week of the date of the order and has given an undertaking in writing not to dispose of the consignment without the consent of the Customs Collector and to return the consignment when so required to do by the Customs Collector the Customs Collector shall pass an order making over the consignment to the importer or exporter, as the case may be:

Provided further that before passing any order under this sub-rule or under the first proviso thereto, the Customs Collector shall consult the officer appointed for the purpose by Central Government.

(2) If the importer or exporter who has given an undertaking under the first proviso to sub-rule (1 ) is required by the Customs Collector to return the consignment or any portion thereof, he shall return the consignment or portion thereof within ten days of the receipt of the notice.

**5. Manner in which advertisements may be sent confidentially :-**

**1** All documents containing advertisements relating to drugs referred to in Cl.(c) of sub-section (1) of Section 14 , shall be sent by post to a registered medical practitioner by name or to a wholesale or retail : chemist, the address of such registered medical practitioner or wholesale or retail chemist being given. Such document shall bear at the top, printed in indelible ink in a conspicuous manner the words. "For the use only of registered medical practitioners or a hospital or a laboratory".

1. Substituted by S.O. 348, dated 20th January, 1962.

**6. Prohibition of advertisement of drugs for treatment of disease, etc. :-**

**1** No person shall also take part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for the diagnosis, cure, mitigation, treatment or prevention of any disease, disorder, or condition specified in the Schedule annexed to these rules.

1. Substituted by G.S.R. 442 (E). dated 1st June, 1982 (w.e.f. 1st June, 1982).

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(See Rule 6) 1.Asthama 2.AIDS
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