

## **ANNUAL REPORT 2005**

### **MEDICINE ADVERTISEMENT BOARD, MINISTRY OF HEALTH MALAYSIA**

**The Medicines (Advertisement and Sale) Act 1956** provides the basis for the control of advertisements of medicines, appliances, remedies, skill and services that relate to medical and health claims. The Act also provides for the formation of the **Medicine Advertisements Board (MAB)** which is responsible for the regulation of the said advertisements. The responsibility to enforce the Act rests with the Pharmaceutical Services Division, Ministry of Health (MOH) Malaysia.

#### **THE REGULATION OF ADVERTISEMENTS**

The Medicine Advertisements Board is empowered by law to set policies and guidance for all the advertisements related to medicines, appliances, remedies and skill and services that have medical and / or health claims. Accordingly, the Board has issued 2 guidelines to help advertisers in devising advertisement formats which are deemed acceptable and suitable for publication in the various media in the country. The objective of the guidelines is to ensure responsible advertising in promoting the sale of medicines, appliances, remedies and skill and services that have medical and health claims. The board operates on the premise that advertisements to the general public should be guided by the following principles.

- a. Advertisements should help people to make rational decisions on the use of medicines, appliances, remedies and skill and services that have medical and health claims
- b. Advertisements should take into account the people's legitimate desire for information regarding their health
- c. Advertisements should not take undue advantage of people's concern for health.

The Board meets once a month to deliberate on advertisement application that has been received for the month. The Board discusses each application and may decide on any of the following:

- a. Approves an application without any changes
- b. Approves an application with changes
- c. Rejects an application deemed to be unsuitable for publication
- d. Withholds decision, subjected to more information from the applicant or expert opinion from related agencies, associations or authorities.

Generally, the advertisers are advised to adhere strictly to principles laid down in the guidelines as the Board uses these guidelines as the basis for all its decisions. Apart from some specific examples, the guidelines are quite general in nature. This is intended and is also inevitable because guidelines of this nature cannot be expected to deal in specific terms, issues that may range from simple advertisements to promotional materials that may contain complex technical information formulated in highly subjective terms.

Advertisements may also differ in the way they are presented to the public. Some try to reach the consumer in simple terms yet some others may employ the use of words and statements that are bombastic and highly exaggerated. So, the guidelines take into consideration the aspirations of the advertisers without

compromising on its responsibility to ensure only accurate and responsible information reaches the consumer.

### **MEDICINE ADVERTISEMENTS BOARD MEMBERS**

Members of the Board for the year 2005 were:

a) Datuk Dr. Hj. Mohd Ismail bin Merican	Director General of Health, Ministry of Health Malaysia
b) Dato' Che Mohd Zin bin Che Awang	Director of Pharmaceutical Services, Ministry of Health Malaysia
c) Dr. Mohd Khairi bin Yakub	Director of Medical Services, Ministry of Health Malaysia
d) Dr. Ponnusamy s/o Muthaya	Secretary, Malaysian Medical Association
e) Dr. Chong Su Lin	Secretary, Association of Private Hospitals of Malaysia
f) Dr. Chang Keng Wee	Secretary, Federation of Private Medical Practitioners Association, Malaysia
g) Dr. Chuah Swee Kee	Physician, Hospital Tengku Ampuan Rahimah, Klang, Ministry of Health Malaysia
h) Prof. Dr. Nik Aziz bin Nik Sulaiman	Pharmacologist, Department of Pharmacology, National University of Malaysia
i) Mdm. Eishah binti A. Rahman	Pharmacist, National Pharmaceutical Control Bureau, Ministry of Health Malaysia
j) Mdm. Kamilah binti Ahmad	Officer, Ministry of Information Malaysia

Mdm. Yogeswary d/o V. Markandoo was appointed as Secretary to the Board replacing Mr. Selvaraja Seerangam, effective from 1<sup>st</sup> November 2005.



## MEDICINE ADVERTISEMENT BOARD 2005

Seating fr left: Mdm. Eishah binti Abd. Rahman, Y. Bhg. Dato' Che Mohd Zin bin Che Awang, Y. Bhg. Datuk Dr. Hj. Mohd Ismail Merican (Pengerusi), Mr. Selvaraja Seerangam (Setiausaha), Dr. Chuah Siew Kee  
 Standing fr left: Ms. Azlinda binti Abd. Samad (Urusetia), Mr. Hanizam Kecek, Dr. Chang Keng Wee, Dr. Ponnusamy a/l Muthaya, Dr. Chong Su Lin, Prof. Dr. Nik Aziz bin Nik Sulaiman, Mdm. Zurainy A. Samah (Urusetia), Mdm. Kamilah binti Ahmad  
 Not Present: Dr. Mohd Kairi Yakub

### STATISTICS

A total of 1613 applications were received in 2005. Table I lists all the applications received and table 2 shows the comparison for the past 3 years.

**Table 1**

<b>ACTIVITIES</b>	<b>Products</b>	<b>Services</b>	<b>Total</b>
1. Number of applications	1436	177	1613
2. Number of approvals	1195	143	1338
3. Number of approvals through the Fast Track(FT) System (%FT)	752	91	843 (63%)
4. Total amount of fees collected	RM 143, 600.00	RM 17, 700.00	RM 161, 300.00

**Table 2**

<b>ACTIVITIES</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
1. Total number of applications	881	1236	1613
2. Total number of approvals	803	1053	1338
3. Number of approvals through the Fast Track(FT) System (%FT)	488 (61%)	751 (71%)	843 (63%)
4. Total amount of fees collected	RM 88, 100.00	RM 123, 600.00	RM 161, 300.00

## **THE CONTROL OF ADVERTISEMENTS**

As mentioned earlier, the medicine (Advertisement and Sale) Act 1956 provides the basis for the control of advertisements of medicines, appliances, remedies, skill and services that relate to medical and health claims. Although the Act goes back in time to nearly half a century, it has not remained static. The needs of the current times and its accompanying changes in the field of advertisements have been taken into considerations and the main Act itself has undergone revisions. The Pharmaceutical Services Division, MOH Malaysia is the custodian of this Act and the Division has put into place an enforcement mechanism that is committed to eradicating illegal advertisements. The main objective of this enforcement program is to ensure that the public is not misled by irresponsible advertisers and media. In order to achieve this objective, the Division has a monitoring unit and an enforcement unit that investigates the wrongdoers and brings them to court.

## MONITORING PROGRAM

The monitoring program involves scrutinizing all publications from the print media including newspapers of both mainstream and vernacular, magazines in all languages, pamphlets and brochures meant for public consumption, promotional materials generated by direct selling companies etc. Apart from this, all advertisements in the electronic media including radio, television and internet publications are also not exempted. Monitoring of such an extensive range of publication means the Division will need to expand a large amount of its resources for this activity. To overcome problems of inadequate manpower in the centre, enforcement officers from the states in Malaysia also help with the monitoring process. Apart from this, the Division has also come to depend very much on complaints received from the public, advertisers, companies and some non governmental organizations.

A total number of 160 warning letters were issued in 2005.

### Warning letters to the Media Editors and Advertisers

<b>Warning letters sent to</b>	<b>Number</b>
Editors	13
Advertisers	68
Editors & Advertisers	79
<b>TOTAL</b>	<b>160</b>

### Investigations and legal actions against unlawful advertisements

<b>Cases investigated and legal actions taken by</b>	<b>Number</b>
Pharmaceutical Services Division, MOH	59
Pharmacy Enforcement Branches (from the various States of Malaysia)	22
<b>TOTAL</b>	<b>81</b>

**TOTAL NUMBER OF ADVERTISEMENT APPLICATIONS (Products/Appliances/Remedies/Services) FOR THE YEAR 2005**

MONTH	Applications received		Fast Track (FT) Approvals		Non-Fast Track Approvals		Not Approved		Don't Require MAB Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	69	69	48	48	8	8	1	1	0	0	6900	6900
FEB	148	217	99	147	23	31	3	4	0	0	14800	21700
MAR	117	334	58	205	32	63	5	9	0	0	11700	33400
APRIL	113	447	48	253	43	106	11	20	0	0	11300	44700
MAY	132	579	51	304	62	168	3	23	1	1	13200	57900
JUNE	209	788	83	387	95	263	16	39	0	1	20900	78800
JULY	116	904	73	460	25	288	4	43	0	1	11600	90400
AUG	121	1025	75	535	21	309	4	47	0	1	12100	102500
SEPT	194	1219	97	632	66	375	11	58	1	2	19400	121900
OCT	161	1380	106	738	39	414	4	62	0	2	16100	138000
NOV	101	1481	49	787	20	434	4	66	1	3	10100	148100
DEC	132	1613	56	843	61	495	0	66	2	5	13200	161300

*Note: Total number of application processed is not the same as total number of applications received because there are few applications withheld or closed automatically since there was no response from the applicant after the given deadline.*

**TOTAL NUMBER OF ADVERTISEMENT APPLICATIONS FOR THE YEAR 2005**  
(PRODUCTS/APPLIANCES/REMEDIES)

MONTH	Applications received		Fast Track (FT) Approvals		Non-Fast Track Approvals		Not Approved		Don't Require MAB Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	66	66	45	45	8	8	1	1	0	0	6600	6600
FEB	131	197	86	131	22	30	3	4	0	0	13100	19700
MAR	109	306	54	185	29	59	4	8	0	0	10900	30600
APRIL	107	413	46	231	42	101	10	18	0	0	10700	41300
MAY	125	538	50	281	58	159	3	21	1	1	12500	53800
JUNE	190	728	68	349	92	251	16	37	0	1	19000	72800
JULY	100	828	70	419	13	264	4	41	0	1	10000	82800
AUG	110	938	72	491	17	281	4	45	0	1	11000	93800
SEPT	174	1112	91	582	58	339	11	56	1	2	17400	111200
OCT	135	1247	89	671	36	375	2	58	0	2	13500	124700
NOV	83	1330	40	711	16	391	0	58	0	2	8300	133000
DEC	106	1436	41	752	52	443	0	58	2	4	10600	143600

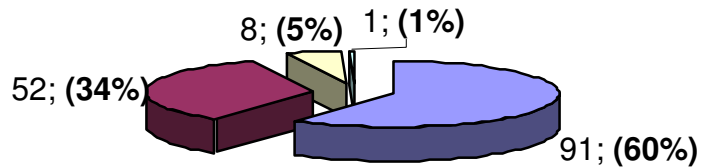
*Note: Total number of application processed is not the same as total number of applications received because there are few applications withheld or closed automatically since there was no response from the applicant after the given deadline*

**TOTAL NUMBER OF APPLICATIONS FOR THE YEAR 2005**  
(SERVICES)

MONTH	Applications received		Fast Track(FT) Approvals		Non-Fast Track Approvals		Not Approved		Don't Require MAB Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	3	3	3	3	0	0	0	0	0	0	300	300
FEB	17	20	13	16	1	1	0	0	0	0	1700	2000
MAR	8	28	4	20	3	4	1	1	0	0	800	2800
APRIL	6	34	2	22	1	5	1	2	0	0	600	3400
MAY	7	41	1	23	4	9	0	2	0	0	700	4100
JUNE	19	60	15	38	3	12	0	2	0	0	1900	6000
JULY	16	76	3	41	12	24	0	2	0	0	1600	7600
AUG	11	87	3	44	4	28	0	2	0	0	1100	8700
SEPT	20	107	6	50	8	36	0	2	0	0	2000	10700
OCT	26	133	17	67	3	39	2	4	0	0	2600	13300
NOV	18	151	9	76	4	43	4	8	1	1	1800	15100
DEC	26	177	15	91	9	52	0	8	0	1	2600	17700

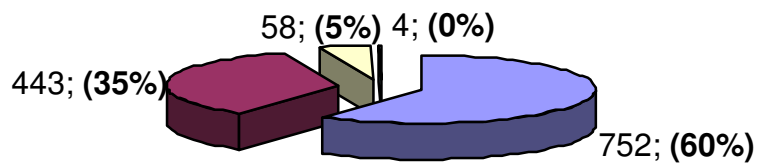
*Note: Total number of application processed is not the same as total number of applications received because there are few applications withhold or closed automatically since there was no response from the applicant after the dateline given*

**Total number of advertisement applications (services)  
processed in the year 2005**



- |                         |                              |
|-------------------------|------------------------------|
| ■ Approved (FT)         | ■ Approved (Non FT)          |
| ■ Not approved/rejected | ■ Don't require MAB approval |

**Total number of advertisement applications  
(products/appliances/remedies) processed in the year 2005**



- |                         |                              |
|-------------------------|------------------------------|
| ■ Approved (FT)         | ■ Approved (Non FT)          |
| ■ Not approved/rejected | ■ Don't require MAB approval |