

## MEDICINE ADVERTISEMENT BOARD REPORT 2006

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### **A) ACHIEVEMENT ANALYSIS OF MEDICINE ADVERTISEMENT BOARD**

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

### **B) THE REGULATION OF ADVERTISEMENTS**

The Medicine Advertisement Board is empowered by law to set policies, directives and guidelines for all the advertisements related to medicines, appliances, remedies, skill and services that have medical and/or health claims. Accordingly, the Board has issued two 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, 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. Advertisement should take into account the people's legitimate desire for information regarding their health.
- d. 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. Approve an application without any changes.
- b. Approve an application with changes.
- c. Reject an application as being not suitable for publication.
- d. Withhold decision subject to more information from the applicant or expert opinion from related agencies, associations or authorities.

Generally, the advertisers are advised to adhere strictly to principle 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 simple advertisements to promotional materials that 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 others may employ the use words and statement that are misleading, untruth and highly exaggerated. So, the guidelines take into consideration to aspirations of the advertisers without compromising on its responsibility to ensure only accurate and responsible information reaches the consumer.

### C) MEDICINE ADVERTISEMENT BOARD MEMBERS

Members of the Board for year 2006 are:

a.	Tan Sri Datuk Dr. Haji Mohd. Ismail bin Merican	- Director General of Health Ministry of Health Malaysia.
b.	Dato' Che Mohd. Zin bin Che Awang	- Director of Pharmaceutical Services Programme, Ministry of Health Malaysia
c.	Dr. Mohd. Khairi bin Yakub	- Director of Medical Services Ministry of Health Malaysia
d.	Dr. Mary Suma Cardosa	- Secretary, Malaysian Medical Association.
e.	Dr. Chong Su Lin	- Secretary, Association of Private Hospital of Malaysia.
f.	Dr. Chang Keng Wee	- Secretary, Federation of Private Medical Practitioners Association
g.	Dr. Chuah Siew Kee	- Physician, Hospital Tengku Ampuan Rahimah, Klang.
h.	Prof. Dr. Nik Aziz bin Nik Sulaiman	- Pharmacologist, Cyberjaya University College of Medical Sciences (CUCMS)
i.	Encik Selvaraja Seerangan	- Pharmacist, National Pharmaceutical Control Bureau, Ministry of Health Malaysia.
j.	Puan Kamilah binti Ahmad	- Officer, Ministry of Information Malaysia.

k. Puan Yogeswary a/p V. Markandoo	- Pharmacist, Pharmaceutical Services Division (As Secretary of MAB)
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#### D) STATISTICS

Total of **1657** applications were received in 2006. Table I listed all the applications received and table 2 shows the comparison for the past 3 years.

**Table 1**

	<b>ACTIVITIES (Year 2006)</b>	<b>Products</b>	<b>Services</b>	<b>Total</b>
1.	Total number of applications	1437	220	1657
2.	Total number of approvals	1263	165	1428
3.	Number of approvals through the Fast Track (FT) System	922	106	1028
4.	Total amount of fees collected	RM 143,700	RM 22,000	RM 165,700

**Table 2**

	<b>ACTIVITIES/YEAR</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
1.	Total number of applications	1236	1613	1657
2.	Total number of approvals	1053	1338	1428
3.	Number of approvals through the Fast Track (FT) System	751 (60.8%)	843 (52.26%)	1028 [62.04%]
4.	Total amount of fees collected	RM123,600	RM161,300	RM 165,700

## **E) THE CONTROL OF ADVERTISEMENT**

As mentioned earlier, the medicine (Advertisement and Sales) 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 time and its accompanying changes in the field of advertisements have been taken into considerations and the main Act itself has undergone revision. Pharmaceutical Services Programme, MOH Malaysia is the custodian of this Act and has put into place an enforcement activity that is committed to eradicating illegal advertisements.

The main objective of this enforcement activity is to ensure that the public is not misled by the misleading advertisements by irresponsible advertisers and the media.

Someone very clear once said that the advertising business is a modern day alchemist and the magic of their business is that they can create wealth out of nothing. As for advertisements of medicines and services we have to ensure that the consumer is not misled by the advertisement and thus can cause him or her harm. In particular, the young, the elderly and "market illiterate" are the most affected consumers. The main objective of

*linda/liu report 2006*

this enforcement activity is to ensure that public is not misled by the misleading advertisements by irresponsible advertisers and the media.

**F) ADVERTISEMENTS MONITORING**

The monitoring program involves scrutinizing all publication from the print media including newspapers 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 electronic media including radio, television and internet publications are also not exempted. Monitoring of such an extensive range publications 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 activity also depends very much on complaints received from the public, advertisers, companies and some non government organizations.

In order to improve advertisements monitoring, in August 2006 Pharmacy Enforcement Division subscribed to MediaBanc Sdn. Bhd. which collects and uploads in their website daily advertisements from local media. With this Mediabanc Sdn. Bhd subscription service, we can monitor more advertisements in the media especially electronic media.

Total number of **312** warning letters was issued in 2006.

**G) STATISTICS OF WARNING LETTER TO THE MEDIA, EDITOR AND ADVERTISERS**

Warning letter were send to	Number
Editors	11
Advertisers	94
Editors & Advertisers	207
<b>TOTAL</b>	<b>312</b>

## H) INVESTIGATION UNIT

The Investigation unit Pharmacy Enforcement Division is responsible to investigate any cases violate any of the law enforced by the Pharmacy Enforcement Division. As for medicines and services advertisements, investigations cover various media and also based on public complaints. Activities carry out under this unit including collection of exhibits (documents), taking statements and finally follow up with legal actions.

In order to improve the investigation activities, the Advertisement Control Team Committee was formed in 2006. The main objective of this committee is to do investigation of complex medicine advertisement cases such as advertisements in electronic media.

## I) STATISTICS ON ADVERTISEMENT INVESTIGATIONS

Case referred to	Number
Pharmacy Enforcement Division, MOH	58
Pharmacy Enforcement Branch (State)	62
<b>TOTAL</b>	120

**TOTAL NUMBER OF APPLICATIONS FOR 2006**

MONTH	Applications received		Fast Track Approvals		Non- Fast Track Approvals		Not Approved		Don't Require LIU Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	77	77	49	49	15	15	2	2	-	-	7700	7700
FEB	113	190	25	74	59	74	6	8	-	-	11300	19000
MAC	164	354	88	162	51	125	6	14	3	3	16400	35400
APRIL	117	471	75	237	19	144	3	17	5	8	11700	47100
MEI	139	610	107	344	19	163	4	21	1	9	13900	61000
JUN	140	750	101	445	24	187	2	23	1	10	14000	75000
JULAI	110	860	83	528	7	194	2	25	-	10	11000	86000
OGOS	121	981	98	626	10	204	-	25	1	11	12100	98100
SEPT	160	1141	92	718	43	247	11	36	3	14	16000	114100
OKT	143	1284	99	817	30	277	1	37	5	19	14300	128400
NOV	225	1509	150	967	60	337	1	38	-	19	22500	150900
DIS	148	1657	61	1028	63	400	3	41	-	19	14800	165700

**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 is no response from the applicant after the dateline given**

**TOTAL NUMBER OF APPLICATIONS FOR 2006**  
[PRODUCTS]

MONTH	Applications received		Fast Track Approvals		Non- Fast Track Approvals		Not Approved		Don't Require LIU Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	56	56	38	38	12	12	1	1	-	-	5600	5600
FEB	98	154	20	58	51	63	6	7	-	-	9800	15400
MAC	145	299	82	140	41	104	5	12	3	3	14500	29900
APRIL	97	396	68	208	15	119	-	-	5	8	9700	39600
MEI	127	523	103	311	15	134	3	15	1	9	12700	52300
JUN	120	643	95	406	19	153	-	15	1	10	12000	64300
JULAI	85	728	67	473	4	157	2	17	-	10	8500	72800
OGOS	98	826	85	558	6	163	-	17	-	10	9800	82600
SEPT	147	973	87	645	37	200	11	28	3	13	14700	97300
OKT	124	1097	83	728	29	229	1	29	5	18	12400	109700
NOV	209	1306	142	870	56	285	-	29	-	18	20900	130600
DIS	131	1437	52	922	56	341	2	31	-	18	13100	143700

**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 is no response from the applicant after the dateline given**

**TOTAL NUMBER OF APPLICATIONS FOR 2006**  
[MEDICAL SERVICES]

MONTH	Applications received		Fast Track Approvals		Non- Fast Track Approvals		Not Approved		Don't Require LIU Approval		Fees Collected (RM)	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
JAN	21	21	11	11	3	3	1	1	-	-	2100	2100
FEB	15	36	5	16	8	11	-	-	-	-	1500	3600
MAC	19	55	6	22	10	21	1	2	-	-	1900	5500
APRIL	20	75	7	29	4	25	3	5	-	-	2000	7500
MEI	12	87	4	33	4	29	1	6	-	-	1200	8700
JUN	20	107	6	39	5	34	2	8	-	-	2000	10700
JULAI	25	132	16	55	3	37	-	8	-	-	2500	13200
OGOS	23	155	13	68	4	41	-	8	1	1	2300	15500
SEPT	13	168	5	73	6	47	-	8	-	1	1300	16800
OKT	19	187	16	89	1	48	-	8	-	1	1900	18700
NOV	16	203	8	97	4	52	1	9	-	1	1600	20300
DIS	17	220	9	106	7	59	1	10	-	1	1700	22000

**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 is no response from the applicant after the dateline given**