

**SLIMMING PRODUCTS: A LEGAL ANALYSIS  
ON SAFETY ISSUES IN MALAYSIA**

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## **ABSTRACT**

There are traditional medicines and food products in the market that claim to be effective for losing weight. However, there are cases reported that it had been adulterated with slimming agents that could harm consumers. This study examines the laws and regulations that governed the safety of these products and highlights the weaknesses found in it. The qualitative research methodology is used for this research. The regulatory framework for the slimming products in Malaysia are governed under numerous legislative instruments which provide safeguards over the manufacturing, sale, distribution and advertising of the marketed slimming products. The Poisons Act 1952, the Sale of Drugs Act 1952, the Control of Drugs and Cosmetics Regulation 1984, the Medicines (Advertisement and Sale) Act 1956 and the Food Act 1983 are the statutes that provide the safety standards and requirements for the slimming products marketed in Malaysia. Nevertheless, the penalty imposed for related offences with regards to the slimming products under certain Acts is low to deter the offender, thus an amendment is needed. Although the guidelines and rules are already in place, the cooperation from various sectors especially the regulatory body such as the Drug Control Authority and the enforcement agency is crucial to ensure that the slimming products marketed are safe for the consumer. The industries have to be more responsible in providing the consumer with a safe product. The Pharmacy Enforcement Division of MOH must provide an aggressive consumer education programme to make the consumers aware and consume only safe slimming products.

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# CHAPTER ONE

## INTRODUCTION

### 1.0 INTRODUCTION

Obsession to loose weight is one of the main factors that usually mislead consumers to consume slimming products which promise speedy results.<sup>1</sup> There are traditional medicines and food products in the market that are claimed to be very effective for losing weight but they could be harmful to consumers.<sup>2</sup> Some of these products may have been adulterated with hidden substances which are listed in the First Schedule of the Poisons Act 1952 such as *sibutramine*, *phentermine* and *fenfluramine*.<sup>3</sup>

### 1.1 BACKGROUND OF THE STUDY

The Ministry of Health (MOH) and the Drug Control Authority (DCA)<sup>4</sup> are aware of the detection of poisons in the products formulation which are classified as traditional medicines. ‘Poisons’ mean, any preparation, solution, compound, mixture or natural substance mentioned in the First Column of the Poisons List.<sup>5</sup> Traditional medicine is a drug which consist solely one or more naturally occurring substances of a plant, animal or mineral. In the unextracted or crude extract of the traditional medicines also means any product used in the treatment and prevention of disease.<sup>6</sup>

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<sup>1</sup> Mazlan Bin Ismail, Principal Assistant Director, Consumer Protection Unit, Pharmacy Enforcement Division, Ministry of Health Malaysia (Interview conducted on 11 August Monday 2008).

<sup>2</sup> “Kurus Makan Racun”, *Harian Metro* 24 June 2007 at 2.

<sup>3</sup> Poisons Act 1952 at s 2.

<sup>4</sup> The Drug Control Authority (DCA) is a body set up under the Control of Drugs and Cosmetics Regulation 1984 and as such its responsibility, role and mandate are defined by law.

<sup>5</sup> Poison List is set out in the First Schedule of the Poisons Act 1952.

<sup>6</sup> Sale of Drugs Act 1952 at s 2.