

**THE LAWS OF MEDICINAL ADVERTISEMENT: A COMPARATIVE
STUDY BETWEEN MALAYSIA AND AUSTRALIA**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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We hope that our project paper will be useful to others especially researchers who may want to study in the similar area.

ABSTRACT

This research has been conducted to analyse the existing legal framework in Malaysia governing the medicinal advertisement. The inadequacies in Medicines (Advertisement & Sale) Act 1956 are highlighted.

The Act consists of various lacunae as compared to Medicines Australia Code of Conduct 17th Edition. Our concern is on how deceptive advertisements affect public at large. Any information which appears on the medicinal advertisement must be reliable to prevent negative consequences to the consumers.

Basically, the Medicines Australia Code of Conduct 17th Edition is more comprehensive compared to Medicine (Advertisement & Sale) Act 1956 in many aspects.

Hence, we have discussed each aspect that need to be improved and suggested some recommendations.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

In this chapter we will highlight the basic issues behind Malaysian medicinal advertisement law. At the end of the research there are several objectives that we are expecting to achieve. Since the research is conducted within four months, the scope of our research is narrowed. The limitation of the research will also be highlighted and we hope future researchers will continue the research on some other aspects which are not covered in this research.

1.1 Research Background

Our research area is about regulating laws of medicinal advertisement in Malaysia. The issue is whether the existing law, Medicine (Advertisement & Sale) Act 1956 gives sufficient protection to consumers in Malaysia against deceptive medicinal advertisements. The National Code of Practice has often been criticized for being “more show than substance” which has led to National Code revision. Even though there have been rigid regulatory controls on medicinal promotion, there are still problems arising on the basis of deceptive claims stated in medicinal advertisements. This proves that the regulatory controls enforced are not effective to curtail the arising problems.

Besides that, the medicinal industries need guidance on ways to implement its marketing practices to provide a balance in interest between the advertiser and the consumer. The medicinal industries profits are highly dependent on the marketing strategies. The higher the number of goods sold the higher the return of profits. However, it is necessary to ensure the information on medicinal advertisement is accurate.

Medicinal products are groups of products with medicinal value intended to be used as medicinal, remedial or therapeutic purposes. Medicinal products include prescription drugs and non-prescription drugs. The advertising of such products is