

UNIVERSITI TEKNOLOGI MARA

**A LEGAL STUDY OF INTERNET
ADVERTISEMENT: MEDICINE**

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ABSTRACT

Medicine online advertisement has raised concern on consumer safety and wellness as the information contained in the advertisements can be misleading and false. Existing laws which govern medicine online advertising seem inadequate and inefficient to encounter the problems, and therefore it has limited the power of enforcement. Whereas medicine's advertising via the internet is on the rise. Therefore, it is important to study whether the existing laws in Malaysia are comprehensive enough to protect consumers from false advertisements relating to medicines. Thus, the research objective is to reform the laws involved in medicinal advertisements. This study has examined the relevant laws and regulations in Malaysia so as to reveal gaps in existing knowledge, which has filled out of the research. The methodology used in this study is qualitative research. The primary resources such as Acts in Malaysia, UK, US and Singapore were analyzed. Secondary resources such as articles and journals were reviewed. Then empirical research was also carried out by conducting interviews with respondents from the Ministry of Health (MOH) and Federation of Malaysian Consumers Associations (FOMCA) as well as surveys from the consumers themselves. The analysis of laws, respondents' interviews and consumer surveys have indicated that the current laws are not comprehensive to control the online advertising of medicine which resulted in the lack of enforcement power. The research findings confirm that there are lacunas in the existing law governing the medicine's internet advertising. Therefore, we recommend a law reform.

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CHAPTER ONE

INTRODUCTION

1.1 RESEARCH BACKGROUND

Nowadays, there is an explosion in the amount of health information available on the internet. The sources are numerous and varied.¹ For many of us, the internet has been integrated into our daily lives. This modern method of communication has been the fastest growing medium in the world where people are surfing via internet in searching of health and medical information including medicine or healthcare products.²

In this millennium era pharmaceutical company and marketers are beginning to shift from the conventional method of advertising such as magazines, newspapers, television and radio to digital promotion which consist of the product website, online display advertising, search engine marketing, social media campaigns and mobile advertising.³ The main reasons why the public opt for the internet medium are because of the convenience, anonymity and cost benefits. Furthermore, the social media provides a more casual experience.⁴

On the other hand, pharmaceutical company tend to use social media like Facebook and Twitter for medicine advertising due to the interactive features of these social medias whereby advertisement in the form of postings or photos are easily spread, simply by clicking the “like”, “share” or “comment” button.

Additionally, the two way communications are one of the advantages of internet advertising. By using the internet, consumer are able to interact with the marketer either to ask a question, giving feedback and product complaint. Alternatively, the marketers can also analyse the public interest and explain what have been queried by their

¹ Risk, A., & Dzenowagis, J. (2001). Review on Internet Health Information System Quality Initiatives. *Journal of Medical Internet Research*, 3(4).

² Dyer, K. A. (2001). Ethical Challenges of Medicine and Health on the Internet: A Review. *Journal of Medical Internet Research*, 3(2).

³ Ventola, C. L. (2011). Direct-to Consumer Pharmaceutical Advertising: Therapeutic or Toxic? *Pharmacy and Therapeutics*, 36(10), 669-684.

⁴ Hochberg, J. W. (2004). Nailing Jell-O To a wall: Regulating Internet Pharmacies. *Journal of Health Law*.