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**INVESTIGATION OF VIOLATIONS OF INDIAN LAWS IN MEDICINES/
TREATMENT ADVERTISING IN NEWSPAPERS: A STUDY**

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ABSTRACT

In recent years, drug advertising in India has become a platform for false drug claims and to exaggerate drug efficacy; no drugs may support or proclaim to stop or curative or may communicate to the intended user there of any concept that it should prevent or curative a single or more of the illness or disorders listed in Schedule J and advertise medications that are for conditions which are regulated under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. This study examined the advertisements on medicines and treatments in some Indian newspapers for their rationale, truth, and infringement of Indian laws. During this observational study, an analysis of advertisements appearing within the month of February 2023 in 05 newspapers comprising English, Kannada, and Malayalam was carried out to support the availability of the 2 legislations. A total 108 drug advertisements which could be a duplication of 35 individual advertisements were analyzed; showed that they were about sexual pleasance, diabetes, hair problems, eye problem, high pressure, piles, goiter, varicose vein, etc. 61 out of 108 (57%) advertisements violated the DMRA (Objectionable remedies) and provisions of Schedule J of Drugs and Cosmetics Act. Fraudulent therapies and medicines lacking evidence are being advertised, disregarding Schedule J of the Drugs and Cosmetics Act which prohibits claiming to cure

or promote remedies for specific ailments. Misleading ads persist in the media, endorsed by celebrities, necessitating government intervention to protect the public. Neglecting this action risks innocent individuals falling victim to deception.

Keywords: Advertisements, DMRA 1954, Schedule J, violation, Indian Laws, DTCA

INTRODUCTION

Advertisement plays a crucial role in promotion of products. The pharmaceutical industry's primary aim is to maximize the profit to sell more of their products either by attempts to come up with more prescriptions from physicians or direct to consumer advertising of its products through media [1]. Advertisement " -includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke" [1]. As advertising are designed to sell a product or service, they tend to exaggerate the benefits of the product. However, it becomes unethical when it goes beyond that and purposefully tells a falsehood or seeks to falsify facts to deceive the customer. In reality, false and misleading advertisements infringe on a number of essential consumer interests, including the access to know, the freedom to select, and the duty to protect from risk [2].

Several newspapers and magazines have recently featured a considerable number of offensive advertisings pertaining to supposed remedies for disease associated with, stimulants, and ailments specific to men and women. As a consequence of their ignorance, innocent people fall into the trap

of fallacious faith, and they not only lose a lot of money, but they also suffer a lot of pain and bodily injury. Individuals involved in supporting such actions might pose a serious threat to society if left unchecked, and hence deserve harsh punishment [3, 4].

Drug advertising has become a platform in India in recent years to promote false drug claims and exaggerate drug efficacy using movie stars as spokesperson. False advertising can negatively affect both patients and the health care profession. This necessitates the use of advertisements to be true and factual. Inappropriate and incorrect advertising misleads consumers and violates their right to correct information that protects them against unsafe products and unfair services. No drugs may support or proclaim to stop or curative or may communicate to the intended user there of any concept that it should prevent or curative a single or more of the illness or disorders listed in Schedule J and advertise medications that are for conditions which are regulated under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 [5].

The Drugs and Magic Remedies (Objectionable Advertisement) Act was

enacted in 1954 to control the advertisement of drugs in certain cases, to prohibit the advertisement of remedies alleged to possess magical qualities, and to provide for matters connected therewith (herein after referred to as DMR Act) [6].

Examples and instances of Misleading Advertisements include:

- Advertisement on increase of height.
- Promote slimming and weight loss cures.
- Cure Osteoarthritis, diabetic, pressure, heart problems to renal illness, TB, asthma, and hepatitis [1].

“No drug may purport or claim to prevent or cure or may convey to the intending user thereof any idea that it may prevent or cure one or more of the diseases or ailments specified in Schedule J” and advertise medications that are for conditions which are regulated under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 [1].

Direct-to-consumer advertising (DTCA) refers to the advertising and sales of pharmaceutical items to patients rather than health care providers. The phrase is most commonly connected with the advertising of prescribed medications through widespread communication channels, such as Television and print, although it may also refer to internet. Doctors say that advertisements for

prescription drugs on radio, television, and in magazines have both positive and negative effects on their patients and practices. According to the findings of a 2004 Food and Drug Administration survey, most physicians see direct-to-consumer (DTC) ads as one of many factors influencing their medical practices and interactions with patients. This DTCA causes many products to be advertised in newspapers that make false claims [7].

According to the physician survey and two previous consumer surveys, awareness of DTC ads is growing. In 2002, for example, 81% of consumer respondents reported seeing or hearing a prescription drug advertisement. This is an increase from 72% in 1999. However, 58% strongly agreed that DTC advertisements make the drugs appear better than they are.

The present study is to find out medicine or treatment related misleading and illegal advertisement that appear in daily newspapers violating the Indian laws [7, 8].

METHODOLOGY

During this observational study, an analysis of advertisements appearing within the month of February 2023 in 05 newspapers comprising English (Times of India, The Indian Express), Kannada (Udayavani, Vijaya Karnataka), and Malayalam (Malayala Manorama) was carried out to support the availability of the 2 legislations.

Only a few advertisements were included, particularly those being a part of schedule J and Drug and Magic Remedies Act (DMRA). Repeat advertisements were excluded from this study. The advertisements were categorized according to their claimed indication. The selected newspapers for the study were from two states of South India (Kerala and Karnataka). The Kannada newspapers were translated to English with the help of a translator. Translator is native of Karnataka, a Health care professional.

A total of 5 papers were included in this study. Here, a study was conducted for 29 days including advertisements appearing in this particular month those being a part of schedule J. WHO criteria for drug advertisement in newspaper were determined and evaluated. The advertisements were categorized based on indications for use, under schedule J and Drug and magic remedies act 1954.

The competent advertisements were analyzed for information in evidence of their assertions. Using personal computers, the acquired data was represented in predesigned data formats. Data descriptive statistical analysis was carried out on Windows 11 using Microsoft Excel 2019.

RESULTS

A total of 108 drug advertisements which could be a duplication of 35 individual Advertisement were collected from different languages of newspapers like Kannada, Malayalam and English within the month of February 2023. Out of which 61 falls under DMRA 1954, were included for evaluation as per the WHO guidelines.

Out of this, 11 categories of drug were mostly advertised within the study and that they claimed for pleasance, menstrual problems, hair problems, diabetes, eye problem, diseases and disorder of the uterus, piles, high pressure, goiter, varicose vein and enhancement of brain capacity and memory, is shown in **Table 1**.

Among the advertisements reviewed, all the advertisements were found to be for ayurvedic medicines. Superlative assertions were frequently made with no additional statistical evidence. Adjectives that were frequently used were 100% guaranteed, no side effects, a reimbursement guarantee, high-quality, Quick, finest, superlative, safest, most dependable, first in position, powerful, magnificent, and so on. Advertisements are presented in the relevant therapeutic category as shown in **Table 2**.

Table 1: List of advertisements appear in different newspapers

Systems	Drugs come under DMRA & Schedule J	Total no. of Advertisements, n (%)
Sexual pleasure	Yes	11 (10.18)
Menstrual problems	Yes	7 (6.48)
Hair problems	Yes	5 (4.63)
Arthritis	No	28 (25.92)
Diabetes	Yes	17 (15.74)
Eye problem	Yes	6 (5.55)
Diseases and disorders of the uterus	Yes	5 (4.63)
Piles	Yes	5 (4.63)
High blood pressure	Yes	1 (0.93)
Goitre	Yes	1 (0.93)
Weight gainer	No	3 (2.77)
Vericose veins	Yes	1 (0.93)
Enhancement of brain capacity and memory	Yes	2 (1.85)
Gastric problems	No	16 (14.81)
Total n (%)	11 (78.57)	108 (100)

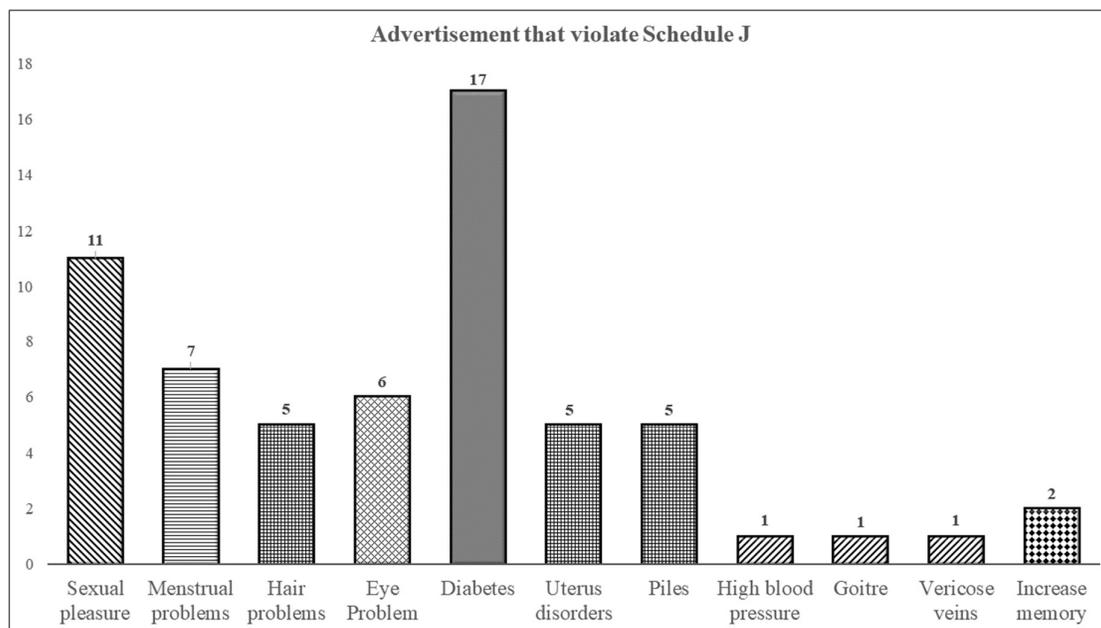


Figure 1: Advertisements that violate schedule J

Table 2: Examples of drug advertisements not supported by claims

Type	Claim	Reason for not support
False statement	Complete cure of diabetes	Diabetes is manageable, not curable
Exaggeration of efficacy	Complete prevention of diabetes	Medicine alone cannot cure the piles instead require lifestyle modification
Unjustified Generalization	Reduces piles related problem within 3 days and complete cure, after using 3 bottles	Every medicine has side effects
Absence of relation	100% Ayurvedic, no side effect	It is not possible by medicine or therapy
	Increase and improvement in memory	

DISCUSSION

From this study it was found that, drug advertising is intended for the sole purpose of persuading consumers to buy rather than educating the healthcare personnel or the consumers about the usage of drugs.

Most of the advertisements are about sexual pleasure, menstrual problems, hair problems, diabetes, eye problem, diseases and disorder of the uterus, piles, high blood pressure, goiter, varicose vein and enhancement of brain capacity and memory. Many medication/drug advertisements claim to be a ‘magic remedy’ and include “a talisman, mantra, kavacha, and any charm of any kind which is alleged to possess miraculous powers helping in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals or affecting or influencing in any way the structure or any organic function of the body of human beings or animals” [1]. Since most of them are ayurvedic (Herbal) product advertisements, the manufacturers claim no adverse effect on the human body. Hence, the consumers also think that these herbal medicines are free from adverse drug reactions. But in actual scenario every medicine has side effects. There were many advertisements regarding the medication that enhances sexual pleasure such as Janani Thaila. There were many advertisements which made false claims such as complete cure of diabetes mellitus and complete cure

from Polycystic Ovarian Disease (PCOD) etc. Most of the advertisement contain unjustified generalization with exaggeration of efficacy for example the advertisement of a product that reduces piles related problems within 3 days and complete cure from piles after using 3 bottles of the drug [2].

Such advertisements are banned under DMRA 1954 and schedule J. Even some people are selling medicines in public places such as bus stand, railway station for memory enhancer, baldness, height gain, etc.

There is a need to establish regulations about alternative medicines. India’s market economy is under-developed. In developed countries, if pharmaceutical manufacturers and drug dealers issued illegal drug advertisements then they would lose the public’s trust in their product. If the mass media published or broadcasted illegal advertisements without any authorization, they would lose their integrity. The public image of celebrities or pseudo experts would get tarnished if they became spokesperson for a drug product that makes fake claims [4].

The force of the proposed revision is to place limitation on notices about any medication asserting treatment, moderation, anticipation or fixing of infections covered under DMRA. The objective and the purpose of the Act is to prevent people from self-medication with regards to various

diseases under the influence of misleading advertisements. It is learnt that several advertisements put out by many big and small pharma companies in India for selling their potions, lotions, clinics, tablets, and treatment for all sorts of ailments have been found violating the DMR Act. This Act bans the advertising of products that claim to cure incurable diseases such as cancer, diabetes, AIDS, paralysis, balding, etc. [9].

These types of advertisements are only observed in local newspapers. Since many years, the manufacturers continue illegal advertising in newspapers in India, such activities should be prohibited. The frequency of such advertisements is particularly higher, and the state authorities fail to take action against these manufacturers who are making huge profits which in turn patients are losing their money and becoming more vulnerable to chronic conditions eventually [9].

Hence there is a desire for modifications within the five decades old Drugs and Magic Remedies Act 1954 that should be enforced. The Indian Government should adapt the regulation to ensure provision of safe and quality healthcare to patients. Advertisement related to medicines or treatment should be pre-approved by the Government before advertising in Television or newspaper [10].

Advertising for newly approved drugs by the FDA should be delayed till their full

safety profile becomes known and they should also have a symbol on their packaging. Drug advertisements containing information should be clear and understandable even by illiterate people. Drug advertisements could include quantitative information about benefits and risks of products rather than qualitative emotional information for patients to make an appropriate appraisal of the drug [10].

FUTURE PROSPECTIVE

According to the study, there is an immediate need in revising Drugs and Magic Remedies Act 1954 with new amendments or to enact a new law to curb these illogical advertisements. The government must enforce rules and regulations strongly to protect innocent people from these false claims.

SUMMARY AND CONCLUSION

From the study, it was found that most of the advertisement fake claims as clinical disorders are part of Schedule J and Drug & Magic remedies act 1954, so these are incurable by medications and pharmaceutical companies should not give advertisement for public. This necessitates the use of advertisements to be true and factual.

False and deceitful advertising is prohibited by several rules and regulations. These regulations were enacted to safeguard consumers against various sorts of exploitation. The main issue is that these

Acts are not being executed properly, resulting in almost no action being taken.

The government must strongly enforce rules to protect innocent people from the claims proposed by these pharmaceutical companies giving advertisement for drugs with fake claims or statements in newspapers. The government must make uniform and clear guidelines to protect people from falling into false claims. Legal actions can be taken by the government for such advertisement such as fines and punishments which help in the accuracy of claims and assurance in safety of the people.

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ABBREVIATIONS

Drugs and Magic Remedies Act, DMRA

Direct-to-consumer advertising, DTCA

Direct-to-consumer, DTC

World Health Organization, WHO

Polycystic Ovarian Disease, PCOD

Acquired Immune Deficiency Syndrome, AIDS

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