

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:29
ANSWERED ON:20.11.2009
MARKETING OF MEDICAL PRODUCTS
Mani Shri Jose K.

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Government has set up/introduced any mechanism or code of ethics to control the marketing of medical products in the country;
- (b) if so, the details thereof;
- (c) whether the pharmaceutical companies are allowed to promote prescription drugs and schedule drugs through mass media such as magazines and newspapers; and
- (d) if so, the regulations under which the advertisements of such drugs are permitted in the country?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 29 FOR 20TH NOVEMBER, 2009

(a) & (b): The Department of Pharmaceuticals has informed that there were some reports in the newspapers in the recent past regarding promotional expenses being made by the Pharma Companies. The reports suggest that these are some unethical marketing practices being followed by certain pharma companies. Keeping in view the seriousness of the allegations made in the media reports, that Department felt the need to take up the matter in the interest of the consumers/patients as such promotional expenses being extended to doctors had direct implications on the pricing of drugs and its affordability. After discussing the issues with the Pharma Associations /Industry, that Department has been able to persuade most of the associations to have some Code of ethics. It may further be stated that the manufacture and sale of drugs, is regulated under the Drugs and Cosmetics Act, 1940, and Drugs and Cosmetics Rules, 1945, made thereunder. Under the said Act, no person shall manufacture for sale or distribution or sell or stock or exhibit or offer for sale, distribute any drug except under and in accordance with the conditions of the licences issued for such purposes.

(c) & (d): Advertisement of drugs is regulated under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, administered by State Governments. Under the said Act, advertisement of drugs for certain diseases and disorders is prohibited. However, Central Government gives permission to advertise specified drugs or class of drugs, irrespective whether they are prescription or Schedule drugs or not, by a Gazette notification in public interest.