

## **Circular 16: Undesirable Medical Advertisements Ordinances**

The Department of Health of the HKSAR Government has set forth very strict rules and regulations related to medical advertisements.

According to the Undesirable Medical Advertisements Ordinance, Cap.231 of the Laws of Hong Kong, no person shall publish, or cause to be published the following:

- Any advertisements likely to lead to the use of any medicine, surgical appliance or treatment for
  - the purpose of treating human beings for, or preventing them from contracting any disease or condition specified in column 1 of Schedule 1 (except for a purpose specified in column 2 of that Schedule); or
  - treating human beings for any purpose specified in Schedule 2 of the Ordinance
- Any advertisement: offering to procure a miscarriage of women; canvassing, inviting or inducing the procurement of miscarriage of women; or referring to anything in terms which are calculated to lead to the use of that thing for the procurement of miscarriage of women
- An advertisement for an orally consumed product which makes for the product a claim specified in column 1 of Schedule 4, or any similar claim, except as allowed under the provisions in column 2 of that Schedule

Advertisements include any notice, poster, pamphlet and label on product and any announcement made orally or by means of producing or transmitting light or sound. It is possible that representatives from relevant government departments would conduct an on-site inspection during the Fair for any misbehaviours or irregularities.

The maximum penalty for contravention of the Ordinance is \$50,000 and 6-months' imprisonment for a first offence and \$100,000 and 1-year's imprisonment for a second or subsequent offence.

The full text of the Ordinance can be downloaded from the Bilingual Law Information System at <http://www.legislation.gov.hk/eng/home.htm>. For compliance with the requirements of the Ordinance, Exhibitors should also consult the Guidelines on Undesirable Medical Advertisements Ordinance available at the website of the Drug Office of the Department of Health at <http://www.drugoffice.gov.hk>.

The Exhibitor agrees to comply with the said conditions, and to exempt HKTDC and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed under the regulations by the exhibitor.

Hong Kong Trade Development Council

## 通告 16: 不良廣告 (醫藥) 條例

香港特別行政區政府衛生署針對醫藥的廣告訂有嚴格的規例。

根據香港法例第 231 章《不良廣告(醫藥)條例》，任何人不得發布或安排發布：

- 任何相當可能導致他人為以下目的而使用任何藥物、外科用具或療法的廣告
  - 治療人類患上或預防他們染上《條例》內附表 1 第 1 欄內所指明的疾病或病理情況（但如作該附表第 2 欄內所指明的用途，則屬例外）；或
  - 附表 2 所指明的任何目的治療人類
- 任何要約促使婦女進行流產；勸誘、吸引或誘使促使婦女進行流產；或提述任何物品而措詞刻意導致他人使用該物品作促使婦女進行流產之用的廣告
- 任何為口服產品作出附表 4 第 1 欄所指明的聲稱或任何類似的聲稱的廣告，但根據該附表第 2 欄的條文屬被容許者，則屬例外

廣告包括任何公告、海報、單張、廣告外盒標籤及任何以口頭方式或藉產生或傳送光或聲音的方式所出的宣布。有關政府部門有可能於展覽會期間到場巡查所有不當及違規行為。

若違反該條例，初犯者會被罰款 50,000 元及監禁 6 個月，重犯者則被罰款 100,000 元及監禁 1 年。

有關條例的全文可在於雙語法例資料系統的網頁：<http://www.legislation.gov.hk/eng/home.htm> 下載。參展商亦應參閱衛生署在藥物辦公室網站<http://www.drugoffice.gov.hk> 發出的《不良廣告（醫藥）條例》指引。

參展商當清楚知道並同意遵守有關條款。任何參展商若因違反上述相關條例而招致投訴或訴訟，香港貿易發展局及香港會議展覽中心概不負責，亦無須作出賠償。

香港貿易發展局