

ORISSA ACT VI OF 1946

THE ORISSA DRUG ADVERTISEMENTS
CONTROL ACT, 1946

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October 1946]

AN ACT TO CONTROL THE ADVERTISEMENT RELATING
TO CERTAIN DRUGS

WHEREAS objectionable advertisements relating to
alleged prevention, cure or relief of certain diseases
and conditions have increased considerably and it is
expedient in the interests of public health to control such
advertisements;

It is hereby enacted as follows:—

Short title,
extent, and
commence-
ment.

1. (1) This Act may be called the Orissa Drug
Advertisements Control Act, 1946.

(2) It extends to the whole of the Province of Orissa.

(3) It shall come into force on such date as the
Provincial Government may, by notification, appoint.

Definitions

2. In this Act, unless there is anything repugnant in
the subject or context,—

(a) an advertisement or notice shall be deemed to be
“exhibited in a public place” if it is exhibited in any place
where it can be seen by members of the public;

(b) “drug” includes any substance used as medicine
whether for internal or external use;

(c) “medical practitioner” includes a person practising
Homoeopathy or Ayurvedic or Unani system of
medicine;

(d) “venereal disease” includes syphilis, gonorrhoea,
soft chancre, venereal granuloma and lympho granuloma.

Prohibition
of certain
advertisements

3. (1) No person shall publish in any newspaper or
other periodical or exhibit in any public place or in any shop
or distribute in any leaflet or pamphlet an advertisement
holding out or recommending to the public any drug or
other preparation alleged to be for the prevention, cure or
relief of any venereal disease or any other disease, ailment
or condition which the Provincial Government may specify
in rules made under this Act:

Provided that this provision shall not apply to any
advertisement distributed only to medical practitioners.

(2) No person shall publish in any newspaper or other periodical or exhibit in any public place or in any shop or distribute in any leaflet or pamphlet an advertisement referring to any drug or other preparation in terms calculated to lead to its use for procuring the miscarriage of pregnant women.

Advertising
any pre-
mises or
place for the
treatment
of venereal
diseases.

4. Except with the sanction of an officer designated for the purpose by the Provincial Government, no person shall publish in any newspaper or other periodical or exhibit in any public place or any shop or distribute in any leaflet or pamphlet a notice advertising any premises or place for the treatment of any venereal disease.

Power to
seize news-
paper, ect.,
containing
advertis-
ment in co-
ntravntion
of the provi-
sions of this
Act

5. Any officer authorised in this behalf by the Provincial Government may seize copies of any newspaper periodical, leaflet or pamphlet wherever found if it appears to him that an advertisement contained therein contravenes the provisions of this Act and any Magistrate competent to take cognizance of the offence under section 7 may direct that such copies shall be forfeited to Government.

Penalty

6. Any person who publishes an advertisement or notice in contravention of this Act shall be punishable with rigorous imprisonment for a period not exceeding six months or with fine or with both.

Power to
make rules

7. (1) The Provincial Government may, by notification, make rules for carrying out the provisions of the this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may specify with reference to the provisions of sub-section (1) of section 3, other diseases, ailments or conditions in respect of which no advertisement of any drug or other preparation shall be published, exhibited or distributed.