Advertisement:
Self-Regulation And Enforcement

Muhammad Lukmani Bin Ibrahim
Deputy Director of Advertisement & Innovation Pharmacy Enforcement Division
Ministry of Health, Malaysia

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Outlines

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Introduction

• Definition of advertisement: in line with Section 2 of the Medicines (Advertisement & Sale) Act 1956- includes any notice, circular, report, commentary, pamphlet, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light or sound
• advertising has an important role in ensuring that consumers receive the information they need to make informed choices when they purchase goods and services.
Current Practice in Malaysia

• The Medicines (Advertisement And Sale) Act 1956 (MASA)—to prohibit certain advertisements relating to medical matters and to regulate sale of substances recommended as a medicine.

• Establishment of the Medicine Advertisements Board (MAB) under the Medicine Advertisements Board Regulations 1976

• Generally, all medicine advertisements and advertisements relating to skill or service shall obtain approval from the MAB
cont

• Each application will be vet by the MAB and approval number will be given to approved application.

• Mandatory to display the approval number on each advertisement published.
### Comparison with other country

<table>
<thead>
<tr>
<th>Country</th>
<th>Compliance</th>
<th>Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>- self-regulation under the Human Medicines Regulations 2012</td>
<td>- enforcement: The Medicines and Healthcare products Regulatory Agency (UK)</td>
</tr>
<tr>
<td>AUSTRALIA</td>
<td>- Permitted under the Therapeutic Goods Act 1989</td>
<td>- Enforcement : Therapeutic Goods Council</td>
</tr>
<tr>
<td>Singapore</td>
<td>- Permitted under the Medical Act 1975</td>
<td>- Enforcement : Health Sciences Authority</td>
</tr>
<tr>
<td>Malaysia</td>
<td>- Approval under the Medicines (Advertisement &amp; Sale) Act 1956</td>
<td>- Enforcement : the Medicines Advertisement Board/ Pharmacy Enforcement Division</td>
</tr>
</tbody>
</table>
Self-Regulation

• Self-regulation is the controlling of a process or activity by the people or organizations that are involved in it rather than by an outside organization such as the government.

• self-regulation as a form of co-regulation, with greater state involvement – so that self-regulation is viewed as involving either the state delegating authority to regulate or maintaining a degree of control over the operation of the self-regulatory process
Role of enforcement

1) Continue to discharge traditional advertising law enforcement function - with protecting consumers from "unfair methods of competition" and "unfair or deceptive acts or practices" in the marketplace.

2) Educate themselves about the Future - The Enforcement simply must be prepared to deal with new consumer protection issues and rapid developments in technology will be bringing.

3) Deal with new problems as they emerge - to look ahead to learn about how new technologies are developing and how they are used to market goods and services.

- to identify significant consumer protection issues associated with the new technologies. And, how we can best address these emerging issues.
Differences between Legislation and Regulation:

• Regulation is a rule placed and Legislation is the proposed bills of law submitted by legislative branch of government to the executive branch or vice versa
CHALLENGES

- Food-drug, Device-drug, Cosmetic-drug inter-phase
- Internet & Social media eg website, facebook, twitter, blog, etc
- Pre approval → self-regulation
Food-drug, Device-drug, Cosmetic-drug inter-phase

• In line with modern technology various of health product emerge

• The classification of inter-phase product need to be identified

• Different products are controlled by different division using different set of laws and regulation
Cont.

- Consensus among the relevant authorities
  - Pharmaceutical product ad: Pharmacy Enforcement Division
  - Food ad: Control & Safety Food Division
  - Cosmetic ad: if contravene MASA – Pharmacy Enf
    ➢ if contravene cosmetic code – NPCB
  - Medical Device: if contravene MASA – Pharmacy Enf

MASA – Medicines (Advertisement & Sale) Act 1956
NPCB - National Pharmaceutical Control Bureau
Internet & Social media

• Information technologies are developing at a dizzying pace;
• The technologies may change the marketplace significantly for consumers -- giving them access to potentially unlimited amounts of information, a global marketplace, and more shopping convenience;
• New technologies are pushing some consumer issues such as privacy, security, and marketing to children to the forefront of public debate;
• Social media eg facebook, twitter, blogs etc
• Ad from facebook link to Websites/blogs
• Ad from chained email link to Website/blogs
• Electronic Ad from TV or radio link to website/blogs
• Print ad from newspapers / magazine link to website/blogs
• ....and others
Ad From Advertising Website link to Website
Ad From chained email link to Website

- From Email
MONITORED WEBSITES

Bantuan

- AMARAN -

Segala gambar dan perakitan yang berkendara di dalam website ini mungkin tidak sesuai kepada yang berumur di bawah 18 tahun. Oleh sebab itu, website ini mungkin tidak sesuai dengan kebanyakan pembaca. Bukan yang tercantum dalam disperse dimensi (MNS) sebagai Tuntutan berasa penutupsan dan penjelasan produk. Terima kasih.

Klik di bagian ini

PRODUK PANAS
Ketahui segala produk paling hot dan berkesan sebagai panduan untuk membeli.

MURAH DAN OKE
Bandiingkan harga kami dengan website yang lain kami akan jaminan memberi harga yang terbaik untuk anda.

Pembekal Maajun Online

perkembangan kami adalah menjadi maajun secara niscaya dan borong kepada para pengedar dan penjual.

Makjun Taufiq Dua Istimewa
Makjun Taufiq mempunyai kelebihan yang sangat besar.

Super Magic Power Tissue

<table>
<thead>
<tr>
<th>Home</th>
<th>Order Form</th>
<th>Contact Us</th>
<th>FAQ</th>
<th>Link Exchange</th>
<th>KedaiSel.com</th>
</tr>
</thead>
</table>

Tuesday, April 3, 2012

Super Magic Power Tissue

Panduan Cara Beli

1. Pilihkan anda yang menginginkan untuk pembelian.
3. Anda akan melihat detail semua barang yang anda pilih dan anda akan melihat detail pembayaran.
4. Anda akan melihat detail pembayaran untuk pembelian.
5. Anda akan melihat detail pembayaran untuk pembelian.
Website has been blocked
Website has been blocked
The Way Forward

• Pending the introduction self-regulatory systems should be strengthened forthwith to:

a) Provide legal enforcement of restrictions
b) Receive formal commitment of all stakeholders
c) Provide public transparency at every stage of the regulatory process
d) Prevent exposure to non-compliant advertisement
e) Provide a transparent and accessible public complaint system
f) Create an adjudication committee independent from commercial interests

g) Include withdrawal of broadcasting rights and substantial financial penalties as sanctions

h) Create monitoring systems independent from commercial interests

i) Ensure up to date coverage of the entire range of forms of marketing practices

j) Self-regulation can be a helpful partner in ensuring implementation but to be effective, they need to meet certain clear criteria and principles
Why regulation would work better

• Purpose of regulation is not to protect the interests of commercial freedoms but to limit social harms, protect public health & vulnerable group

• Legally binding – all players must comply

• Enforceable and serious sanctions

• Flexibility for update

• Process is transparent, objective and independent, open to input by community groups and organizations
BUT, Self-regulation requires many conditions

• It needs a strong legal back-stop to enforce penalties and punish infractions sanctions to be deterrent
• Standards must be underpinned by effective regulation
• It needs buy-in by all industry players – advertisers, advertising agencies and media outlets
• It needs regular revision to reflect changes in marketing practice
• It relies on pro-activeness of consumers eg to make a complaint
CONCLUSION

• in order to keep pro-competitive advertising viable, it takes all of us acting responsibly, sensibly, and cooperatively

• Trends towards self-regulations within a statutory framework is particularly attractive to consumers (‘co-regulation’)
CONCLUSION

• Criteria for credible schemes should include public confidence; external consultation; independent in operation; independent representation on its governing body; clear rules; complaint procedure; meaningful sanctions; compliance monitoring; performance indicators; accountability

• Cooperation between competent authority and stakeholders will ensure better control in advertising
THANK YOU

lukmani@moh.gov.my