

eSwatini

Regulation of Advertisements Act No. 62 of 1953

Act 62 of 1953

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Regulation of Advertisements Act No. 62 of 1953

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Regulation of Advertisements Act No. 62 of 1953

Act 62 of 1953

Commenced on 18 September 1953

[This is the version of this document at 1 December 1998.]

An Act to regulate and control the publication of advertisements relating to medicines and medical treatments.

1. Short title

This Act may be cited as the Regulation of Advertisements Act No. 62 of 1953.

2. Interpretation

In this Act, unless the context otherwise requires—

"advertisement" means any publication, whether written, printed or oral, or by any other method whatsoever, referring to the offering for sale of, the supply of or offering to supply any medicine, surgical appliance or treatment and includes any notice, circular, label or wrapper or any other document;

"medicine" means any kind of medicament or other curative or preventive substance and includes a proprietary medicine or preparation, packed goods, or patent medicine or preparation;

"prohibited advertisement" means any advertisement of any medicine or surgical appliance referring to the administration of, or offering to administer any treatment whether directly or indirectly or by implication, as being effective for any of the following purposes:

- (a) the cure of venereal diseases, i.e. syphilis, gonorrhoea, soft chancre, or other genito-urinary diseases in any of their forms;
- (b) the prevention, relief or cure of Bright's disease, cancer, consumption or tuberculosis, leprosy, lupus, diabetes, epilepsy or fits, locomotor ataxy, paralysis, or infantile paralysis;
- (c) the cure of arterio-sclerosis, septicaemia, diphtheria, dropsy, erysipelas, gallstones, kidney stones and bladder stones, goitre, heart disease, tetanus or lockjaw, pleurisy, pneumonia, scarlet-fever, smallpox, trachoma, amenorrhoea, hernia or rupture, blindness or any structural or organic ailment of the auditory system;
- (d) the cure of any habit associated with sexual indulgence, or of any ailment associated with those habits or for the promotion of sexual virility, desire or fertility or for the restoration or stimulation of the mental faculties;

"surgical appliance" includes any device which purports to be or is represented, directly or by implication, as being such an appliance.

3. Offence to publish prohibited advertisement

A person who as principal, agent or servant, publishes or causes or assists to be published any prohibited advertisement shall be guilty of an offence:

Provided that in any prosecution for the contravention of this section it shall be a defence for the accused to prove—

- (a) that the advertisement to which the proceedings relate was published only in a publication of a technical character intended for circulation mainly amongst persons of the following classes, or of one or some of them:
 - (i) duly registered or licensed medical or veterinary practitioners;
 - (ii) selling dispensers, dispensers or chemists and druggists;
 - (iii) the governing body or managers of a hospital, infirmary or asylum; or
- (b) that the said advertisement was published in connection with an application for a patent submitted to the appropriate authority so far as may be requisite for the purpose of the application.

4. Offence to publish advertisement relating to abortion

A person who, as principal, agent or servant, publishes or causes or assists to be published any advertisement referring to any article, or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for procuring the miscarriage of women shall be guilty of an offence.

5. Penalties

A person contravening section 3 or 4 shall be liable on conviction to a fine not exceeding four hundred emalengeni or, in default of payment thereof, to imprisonment for a period not exceeding twelve months.