

香港特別行政區政府
衛生署
中醫藥事務部
九龍觀塘巧明街100號
TWO LANDMARK EAST 16樓



THE GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION
DEPARTMENT OF HEALTH
CHINESE MEDICINE DIVISION
16/F, TWO LANDMARK EAST,
100 HOW MING STREET, KWUN
TONG, KOWLOON

本署檔號 OUR REF.: DH TCMD CMS/6-20/13

來函檔號 YOUR REF. :

電 話 TEL.:

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17 February 2012

To Chinese Medicines Traders

Dear Sirs,

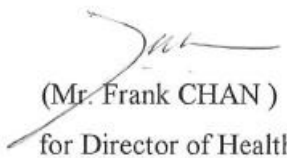
Commencement of
the Undesirable Medical Advertisements (Amendment) Ordinance 2005

This letter informs you that the provisions related to the regulation of health claims of **orally consumed products** under the Undesirable Medical Advertisements (Amendment) Ordinance 2005 ("the Amendment Ordinance") will commence on **1st June 2012**. Advertising **orally consumed products** (except those customarily consumed as food or drink) for six groups of health claims will be prohibited/restricted after the provisions have become effective. The Commencement Notice was published in gazette on **13th January 2012**.

As your company may publish or cause to publish advertisements of **orally consumed products**, we would like to inform you of the latest development related to the Amendment Ordinance and its commencement date. Please refer to the Annex attached herewith for a brief overview of the Undesirable Medical Advertisements Ordinance and the Amendment Ordinance.

Should you have any enquiries, please contact Ms. FU at 2319 8324.

Yours faithfully,


(Mr. Frank CHAN)

for Director of Health

**The Undesirable Medical Advertisements Ordinance and
Undesirable Medical Advertisements (Amendment) Ordinance 2005**

The Undesirable Medical Advertisements Ordinance (Cap. 231) ("UMAO") prohibits advertisements claiming that a medicine, a surgical appliance or a treatment has curative or preventive effect on any diseases or conditions in human beings as specified in the schedules to the Ordinance. The purpose is to protect the general public from being induced by advertisements to seek improper management of certain health conditions. Under the UMAO, "advertisement" (廣告) includes any notice, poster, circular, label, wrapper or document, and any announcement made orally or by any means of producing or transmitting light or sound.

In view of the ever increasing number of orally consumed products with various health claims on the local market, coupled with stakeholders' concern about their impact on public health, the UMAO was amended after careful risk assessment and consultation in 2005 and subsequently enacted by the Legislative Council. In essence, a whole new Schedule 4 on prohibition/restriction on six groups of health claims by orally consumed products is added to curb the threat. Other major amendments include increasing the penalty for contravention of UMAO, empowering the Director of Health to appoint inspectors to enforce the Ordinance and amendments to the Schedules. While provisions related to amendments in Schedules 1 and 2 have already been implemented since January 2006, 1st June 2012 has been appointed to be the commencement date for the rest of the amendments.

To help the trade to better understand the Amendment Ordinance, the Department of Health (DH) has been launching various education and publicity activities for stakeholders since 2005 and prepared the "Guidelines on the Undesirable Medical Advertisements (Amendment) Ordinance 2005" for the trade. Please find enclosed the Chinese version of the guidelines for your information. Both the Chinese and English versions of the guidelines and details of the UMAO and the Amendment Ordinance can also be downloaded from the webpage of the Undesirable Medical Advertisements Ordinance within website of the Drug Office of DH ([http://www.dmuoffice.gov.hk/eps/root/en/pharmaceutical_trade/other useful information/umao.html](http://www.dmuoffice.gov.hk/eps/root/en/pharmaceutical_trade/other_useful_information/umao.html)).