



Hon'ble Delhi High Court passes order on advertisements of Ayurvedic and other range of medicines

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Safir Anand and Arushi Walia lend their views on the order of the Hon'ble Delhi High Court on advertisements thus: "With the amendments made in The Drugs and Cosmetics Rules 1945 which had prohibited misleading advertisements of Ayurveda, Siddha & Unani Drugs, we review the recent order passed by the Hon'ble Delhi High Court on the advertisement of such range of medicines. The Court allowed Reckitt Benckiser to advertise its Ayurvedic, Siddha and Unani range of medicines on the basis of the fact that Reckitt Benckiser had been granted a manufacturing license of the same.

Giving a backdrop to the amendment and purpose on such prohibition, the Court in this order has issued a notice to The Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy and the Drugs Controller General of India seeking to justify their stand. It is also important to note here that the Ministry and the Advertising Standards Council of India (ASCI) had entered into an MOU which is valid till March 2019 that undertakes to jointly monitor the advertisements in this field.

Our view is that while there is a need to regulate advertisements in the pharma industry, a widespread prohibition may not be the solution. The focus has been to ban promotion and advertisement of medications for serious ailments and to regulate those other than prescription, narcotic or psychotropic substances/drugs as their supply and approach is also alongside being governed.

The question, however, remains, how much restraint is too much restraint?"

