

**THE KHYBER PAKHTUNKHWA CONTROL OF ADVERTISEMENT
RELATING TO MEDICINES ACT, 1946.**

(Act IV of 1946)

CONTENTS

Preamble.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Provisions.
4. Power to make rules.

**THE ¹[KHYBER PAKHTUNKHWA] CONTROL OF
ADVERTISEMENTS RELATING TO MEDICINES ACT, 1946.**

(Act IV of 1946).

(Received the assent of the Governor on the 5th April, 1946 and Published in the ²[Khyber Pakhtunkhwa] Government Gazette, Extraordinary dated the 24th April 1946).

An Act to establish Control on Advertisements relating to Medicines.

WHEREAS it is expedient to establish control on advertisements relating to medicines and to regulate the publication of such advertisements at public places; Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the ³[Khyber Pakhtunkhwa] Control of Advertisements relating to Medicines Act, 1946. Short title, extent and commencement.

(2) It shall apply to the whole of the ⁴[Province of the Khyber Pakhtunkhwa].

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

2. In this Act, unless there be anything repugnant in the subject or context:- Definitions.

(a) ⁵[.....].

(b) "Public place" means any place where an advertisement can be seen by the members of the public.

(c) "Officer" means any officer designated by the Provincial Government for the purpose of establishing control on advertisement.

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

¹. Subs vide Khyber Pakhtunkhwa Act, IV of 2011.

². Subs vide Khyber Pakhtunkhwa Act, IV of 2011.

³. Subs vide Khyber Pakhtunkhwa Act, IV of 2011.

⁴. Subs vide Khyber Pakhtunkhwa Act, IV of 2011.

⁵. Clause (a) omitted vide W.P. Laws (Adaptation) Order, 1964, Part III.

Provided that this provision shall not apply to any advertisement distributed only to members of the Medical profession.

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

(iii) No person shall publish in any newspaper or other periodical or exhibit in any public place or in any shop or publish or distribute any leaflet or pamphlet containing a notice advertising any premises or place for the treatment of any venereal disease, except with the permission in writing of an officer designated for the purpose by the Provincial Government.

(iv) Any officer authorized 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 the Act and a competent court may direct that such copies shall be forfeited to Government.

(v) Any person who publishes an advertisement or notice in contravention of the Act, for the first time shall be punishable with rigorous imprisonment for period not exceeding six months or with fine upto Rs. 50, or with both.

If the same person commits this offence subsequently he shall be punishable with rigorous imprisonment for a period not exceeding one year or with fine upto Rs. 100 or with both.

4. (i) The Provincial Government may make rules for the purpose of giving effect to the provisions of this Act. Power to make rules.

(ii) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

- (a) the manner and form in which the advertisements may be published;
- (b) the officers who may be empowered to grant permissions under section 3 (iii) of the Act;
- (c) the officers who may be empowered to seize copies of an advertisement, newspaper, periodical, leaflet or pamphlet under section 3 (iv) of the Act.