

## CHAPTER 114.

## UNDESIRABLE ADVERTISEMENTS.

## ARRANGEMENT OF SECTIONS.

## SECTION.

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## CHAPTER 114.

## UNDESIRABLE ADVERTISEMENTS.

An Ordinance to Prohibit and Restrict Certain Kinds of Undesirable Advertisements.

20 of 1945.  
43 of 1946.  
10 of 1947.

[\* .]

1. This Ordinance may be cited as the Undesirable Advertisements Ordinance; it shall apply to the Colony and Protectorate and shall come into force on such day as the Governor may fix by notice in the *Gazette*.

Short title.  
\*

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“ venereal disease ” means syphilis, gonorrhœa, soft chancre or other genito-urinary diseases in any of their forms;

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

\* It seems that this Ordinance has not yet come into operation. There was published in the Sierra Leone Royal *Gazette* No. 3964, dated the 31st December, 1946, Government Notice No. 960. It was thereby notified that the Ordinance would come into force on the 1st January, 1948. Subsequently and before that appointed date, it was notified, in Government Notice No. 814 published in the Royal *Gazette* No. 4040, dated the 20th November, 1947, that the Governor had cancelled the former Notice, No. 960 of 1946; and also that the date on which the Ordinance would come into operation would be notified by a subsequent Government Notice. There does not appear to have been any subsequent notification.

“patent or proprietary medicine” means any medicine held out by advertisement as efficacious for the prevention cure or relief of any malady, ailment, infirmity or disorder affecting human beings and

(a) which is sold under a trade name or trade mark to the use of which any person has or claims or purports to have any exclusive right, or

(b) of which any person has or claims or purports to have the exclusive right of manufacture or for the making of which any person has or claims or purports to have any secret process or protection by letters patent;

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

“advertisement” includes any notice, circular, label, wrapper or other document, or any canvassing.

Prohibition  
of advertise-  
ments  
relating to  
certain  
diseases.

3. (1) No person shall take any part in the publication of any advertisement by any method whatsoever, referring to the sale, supply, or to an offer to sell, or supply any medicine or surgical appliance, or referring to the administration of, or to an offer to administer any treatment to the public whether directly or indirectly or by implication as being effective for the purpose of treatment of human beings for any of the following purposes—

(a) for the cure of venereal diseases;

(b) for the prevention, relief or cure of Bright’s disease, cancer, consumption or tuberculosis, lupus, diabetes, epilepsy or fits, locomotor ataxy, paralysis, or infantile paralysis;

(c) for the cure of arterio-sclerosis, septicæmia, diphtheria, dropsy, erysipelas, gallstones, kidney stones and bladder stones, goitre, heart disease, tetanus or lockjaw, pleurisy, pneumonia, scarlet fever, smallpox, trachoma, amenorrhœa, hernia or rupture, blindness or any structural or organic ailment of the auditory system;

(d) for 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.

(2) In any proceedings for a contravention of any of the provisions of the foregoing sub-section, it shall be a defence for the person charged 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 medical practitioners or dentists;
- (ii) duly registered or licensed chemists and druggists or dispensers;
- (iii) duly registered midwives;
- (iv) the governing body, managers of a hospital, infirmary and mental hospital; or

(b) that the said advertisement was published in connection with an application for a patent or trade mark submitted to the appropriate authority so far as may be requisite for the purpose of the application.

(3) Nothing in this section shall apply to any advertisement published by the authority of or with the sanction of the Director of Medical Services.

4. (1) No person shall take any part in the publication of any advertisement by any method whatsoever, referring to the sale or supply of, or to an offer to sell or supply, any patent or proprietary medicine to the public, whether directly or indirectly, without disclosing in the advertisement the following information—

Restriction  
of advertise-  
ments of  
patent or  
proprietary  
medicine.  
43 of 1946.  
10 of 1947.

- (a) the name and address of the manufacturer;
- (b) the name and address of any one or more of the manufacturer's authorised representatives in Sierra Leone, where the patent or proprietary medicine is not of local manufacture;
- (c) the retail price of the patent or proprietary medicine in Sierra Leone;
- (d) the purpose for which the patent or proprietary medicine is recommended by the manufacturer.

(2) Where the patent or proprietary medicine is not of local manufacture, the manufacturer shall appoint one or more authorised representatives in Sierra Leone. Without prejudice to the liability of any other person for contravening the provisions of this section, any authorised representative of a manufacturer in Sierra Leone shall be personally responsible for any contravention of this section by whomsoever committed in respect of the patent or proprietary medicine belonging to the

manufacturer whom he represents, unless he shall prove to the satisfaction of the Court that the contravention was committed without his knowledge and that he had taken all reasonable means to prevent the contravention.

Disclosure  
of com-  
position of  
medicines.  
43 of 1946.

5. (1) Subject to the provisions of this Ordinance, no person shall—

(a) sell by retail any article consisting of or comprising a substance recommended as a medicine; or

(b) supply any such article as a sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises;

unless there is written so as to be clearly legible on the article or a label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto or, if the article is sold or supplied as aforesaid in more than one container, on the inner container or a label affixed thereto—

(i) the appropriate designation of the substance so recommended, or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded; and

(ii) in a case where the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients; and

(iii) the retail price of the article in Sierra Leone:

Provided that this sub-section shall not apply to any article made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person.

(2) In the preceding sub-section—

(a) the expression “appropriate designation”, in relation to a substance, constituent or ingredient, means—

(i) in a case where the substance, constituent or ingredient is a poison included in the Poisons List, the name with which the container of the poison is for the time being required to be labelled in pursuance of paragraph (c) of section 31 of the Medical Practitioners, Dentists and Druggists Ordinance;

(ii) in a case where the substance, constituent or ingredient is not such a poison and is described in any of the monographs contained in the edition of the British Pharmacopœia or the British Pharmaceutical Codex which was

last published before the date on which the article was sold or supplied, the description set out at the head of that monograph;

(iii) in a case where the substance, constituent or ingredient is not such a poison and is not so described, the accepted scientific name, or other name descriptive of the true nature, of the substance, constituent or ingredient;

(b) the expression “ appropriate quantitative particulars,” in relation to the active constituents or the ingredients of a substance, means—

(i) the appropriate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied; or

(ii) in a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate percentage or quantity aforesaid, or the approximate quantity of each of the constituents or ingredients contained in each portion; and

(c) the expression “ container ” includes a wrapper.

6. No person shall take any part in the publication of 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.

Prohibition of advertisements relating to abortion.

7. If any person acts in contravention of any of the provisions of this Ordinance, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment, provided that a prosecution for any such offence shall not be instituted without the consent of the Attorney General.

Penalty.