



The Hong Kong Association of the Pharmaceutical Industry
香港科研製藥聯會

Views of The Hong Kong Association of The Pharmaceutical Industry on
UMAO Amendment Bill

1. Inconsistent rationale of the amendment bill

The term "orally consumed products" added to the UMAO amendment bill would inadvertently include orally-administered pharmaceutical products. As such, a loophole is created that allows -- even though Schedule 1 of the current UMAO "prohibits the advertisement of any products in treating diseases/conditions falling within Schedule 1 thereof, including hypertension, heart disease, etc." where the UMAO Bill aims to regulate the advertising of six types of undesirable claims for orally consumed products (see Schedule 4 of the UMAO Bill) -- pharmaceutical products indicated for hypertension, heart disease, etc., to be advertised as long as claims are limited to "suitable for people concerned about blood pressure/blood lipids/cholesterol or may assist in stabilizing blood pressure/blood lipids/cholesterol without reference to treatment, prevention or regulation of such condition."

At the same time, since all pharmaceutical products need to be registered under the Pharmacy & Poisons Ordinance, these products are then not required to add the disclaimer "this is not a registered pharmaceutical product" or a "registered proprietary Chinese medicine". In relation, any claim made for these pharmaceutical products have not been evaluated.

In light of the above points, as the current UMAO Bill stands, pharmaceutical products that are indicated for conditions listed in Schedule 4 of the UMAO Bill, may take advantage of the exemptions set out therein and advertise using general claims though it is not permitted under Schedule 1 of the UMAO.

2. Language

As we have found that there are some potential language misinterpretations in the part of Exemption of Schedule 4, we would like to suggest the following changes:-

- i) As we are not aware of any pharmaceutical product that is indicated to "stabilize" blood sugar, blood pressure, blood lipids/cholesterol, therefore we suggest the second part of the claims in points number 4 to 6 which state "May assist in stabilizing blood sugar, blood pressure, blood lipids/cholesterol" should be deleted. Thus, the allowable

claims will only be “Suitable for people concerned about blood sugar, blood pressure, blood lipids/cholesterol”.

- ii) Some of our member companies which produce nutrition products believe that it is not fair to state in the disclaimer in Schedule 4 that “this is not a registered product...any claims made for it has therefore not been subject to evaluation”. Since their products have actually gone through clinical tests in other countries and have supporting clinical data. Thus, we suggest changing the last part of the disclaimer to: “This is not a pharmaceutical product or a registered proprietary Chinese medicine. Any claim made for it has therefore not been subject to evaluation in Hong Kong SAR”.
- iii) The bill may allow companies to use claims listed in column 1 as part of a product name. Therefore, we suggest it should also be specifically prohibited, with a transitional period for the new policy has to be considered if this suggestion is implemented.

3. Placement of the disclaimer

We suggest that the disclaimer in Schedule 4 should be put adjacent to the claims, in an easily readable font size and in proportion to the advertisement.