



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

**CONTENT INDUSTRY REFERENCE:
HEALTH CLAIM ADVERTISEMENTS**

**For Year 2019
(First Revision)**

**This Content Industry Reference: Health Claim Advertisements
is prepared by**

**Monitoring and Compliance (Content) Department
Compliance Division
Compliance Sector
MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION**

in collaboration with

**Pharmacy Enforcement Division
Food, Safety and Quality Division
National Pharmaceutical Regulatory Division
MINISTRY OF HEALTH, MALAYSIA**

CONTENT INDUSTRY REFERENCE BROADCASTING CONTENT COMPLIANCE WORKSHOP HEALTH CLAIM ADVERTISEMENTS

1. INTRODUCTION

Advertisement is a form of communicating information to the public through media including television, radio, newspaper etc. Commercial advertisement in media, on the other hand means any content for the purpose of communicating advertisements' information and coaxing in nature about the product, service or idea by the sponsors according to the requirement and wishes of the public (consumers).

Through the content of advertisement, information and description are easily conveyed to the consumers. Various methods are used in the advertisement to influence the consumers to buy the goods and services offered.

For example, an advertisement states information relating to the price or benefits of a product or service offered. Surely, an appealing advertisement will influence the decision of the said consumer and help in increasing the sale of the said goods and services to the consumer. Currently, the goods and services promotion are not only broadcasted in the broadcast media directly through commercial advertisements, but broadcasted indirectly through programmes such as sponsorship segment, talk shows etc.

The current Information and Communication Technology (ICT) development had doubled the coverage of commercial advertisements by replacing the media world which all this while was based on print and electronic media towards the digital media. Online advertising or internet advertising has now become one of the preferred platform worldwide. Internet is now used widely to disseminate information to the consumers in a wider market. Online advertisement exists in various forms such as pop-up, display advertising, video advertising, mobile internet advertising, advertising on social media etc.

Lately, there have been advertisements aired which have influenced the consumers by false or misleading content in particular products which make excessive health claims such as being able to cure cancer, instant diabetic cure, improve heart and kidney function, continuous weight loss, increase sexual performance etc.

This is a major challenge to any enforcement and regulatory agencies in addressing false or misleading content issues including non-compliance of health claim advertisements. In this matter, co-regulation between agencies are greatly required to be more effective.

As such the Malaysian Communications and Multimedia Commission (MCMC) had cooperated with the Ministry of Health Malaysia (MOH) to produce "Broadcasting Content Industry Reference: Health Claim 2018" on 2nd March 2018 in its effort to improve content industry's compliance level and empower awareness to the consumers with regards to health claim advertisements in Malaysia. This Content Industry Reference is produced through the first Broadcasting Content Compliance Workshop: Health Claim Advertisements on 16 January 2018 attended by Content Applications Service Provider individual licence (CASP-I) holders, is a joint regulatory approach by MCMC and MOH.

Following the Content Industry Reference: Health Claim Advertisements 2019 workshop on 25 April 2019, first revision on this content industry reference was produced based on discussion between MCMC, MOH, regulatory agencies and content industry.

2. PURPOSE

- a. Assist in enhancing understanding for all parties involved directly or indirectly in the content industry in Malaysia relating to the interpretation of advertisements' content which contain health claims;
- b. Coordinate editing to ensure consistency of the content quality without contravening any applicable and relevant provisions, guidelines, regulations or acts; and
- c. Promoting self-regulation by providing content which are creative, innovative without deceiving and misleading the consumers with false or misleading contents particularly for products that have health claims.

3. TARGETS

All Content Providers involved directly or indirectly in the content industry in Malaysia including consumers, advertisers, regulatory agencies, broadcasting stations including producers, editors, scriptwriters, programme announcers, radio announcers and others. Also, on digital platform, social media including bloggers, influencers and mobile apps providers.

4. DEFINITION

a. Advertisement

"Advertisement" includes any form of content such as speeches, writings, sounds, drawings or pictures produced through:

- i. display or posting of notices;

- ii. usage of print media such as newspaper, magazine or printed material such as catalogue, price list, circulars, label, cards or documents or other materials;
- iii. film show, pictures or photographs;
- iv. usage of electronic medium such as radio, television;
- v. telecommunication/ online contents provider;
- vi. digital platform such as YouTube, Facebook, Instagram, Twitter and etc; or
- vii. any other modes.

b. Medicinal products

Medicinal products are products having substance used for the purpose of the treatment and requires to be registered with Drug Control Authority (DCA), MOH. Registered medicinal product contain 2 features i.e. registration number and hologram sticker as follows:



Example of registration numbers:

- i. Controlled Drug "MAL20020267A"
- ii. Health Supplement "MAL20101234N"
- iii. Traditional "MAL20085678T"
- iv. Over the counter "MAL20083638X"

c. Cosmetic Product

Cosmetic product is defined as any substance or preparation intended to be used on external part of the human body such as skin, hair, nails, lips, and external genital organs, teeth or mucous membranes of the oral cavity, with a view to cleaning, perfuming, changing or improving their appearance, beautifying, removing body odours, protecting and keeping them in good condition.

d. Food Product

Food product covers all goods manufactured or sold purportedly to be used as food or drink for human consumption or used in the composition, preparation, ingredients, preservation of any food, drink and sweets including chewable item.

5. PROVISIONS APPLICABLE FOR HEALTH CLAIM ADVERTISEMENTS

a. Communications and Multimedia Act, Malaysia 1998 (CMA98)

Section 211. Prohibition on provision of offensive content.

(1) No content applications service provider, or other person using a content applications service, shall provide content which is indecent obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day or part of a day during which the offence is continued after conviction.

Section 233. Improper use of network facilities or network service, etc.

(1) A person who—

(a) by means of any network facilities or network service or applications service knowingly -

(i) makes, creates or solicits; and

(ii) initiates the transmission of,

any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person; or

(b) initiates a communication using any applications service whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at any number or electronic address.

commits an offence.

(2) A person who knowingly—

(a) by means of a network service or applications service provides any obscene communication for commercial purposes to any

person; or

- (b) permits a network service or applications service under the person's control to be used for an activity described in paragraph (a)

commits an offence.

- (3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day during which the offence is continued after conviction.

b. The Communications and Multimedia Content Code Malaysia

PART 3: ADVERTISEMENT. Para 8 –Other Specific Advertisement

8.1 Commercials on Medical Products, Treatments and Facilities

Advertisements on medicines, remedies, appliances, skill and services relating to diagnosis, prevention and treatment of diseases or conditions affecting the human body are under the control of the Medicine Advertisements Board, Ministry of Health Malaysia (K.K.L.I.U).

8.3 Foods and Drinks

Advertisements of food and drink products that claim therapeutic or prophylactic qualities will be subjected to prior screening; however, food and drink product that help improve, restore or maintain the consumers' general health, physical or mental condition will not be subject to prior screening. All advertisements must comply with the requirement in the Food Act 1983 and Food Regulations 1985.

c. Medicines (Advertisement and Sale) Act 1956

Section 3

Absolute prohibition on advertisements which refers to the use of a medicine, an appliance or a remedy for the purpose of treatment, prevention or diagnosis 20 diseases specified in the Schedule of this Act i.e.:

- i. Diseases or defects of the kidney
- ii. Diseases or defects of the heart
- iii. Diabetes
- iv. Epilepsy or fits
- v. Paralysis

- vi. Tuberculosis
- vii. Asthma
- viii. Leprosy
- ix. Cancer
- x. Deafness
- xi. Drug addiction
- xii. Hernia or rupture
- xiii. Diseases of the eye
- xiv. Hypertension
- xv. Mental disorder
- xvi. Infertility
- xvii. Frigidity
- xviii. Impairment of sexual function or impotency
- xix. Venereal disease
- xx. Nerve disability, or other complaint or infirmity, arising from or relating to sexual intercourse.

Section 4

No person shall take any part in the publication of any advertisement referring to any medicine, in terms which are calculated to lead to the use of the medicine for procuring the miscarriage of women.

Section 4A

No person shall take any part in the publication of any advertisement on the skill and services for the treatment, prevention or diagnosis of any disease or conditions affecting human body unless the said advertisement has been approved by the Medicine Advertisement Board (MAB).

Section 4B

No person shall take any part in the publication of any advertisement for medicine/remedy for the purpose of conditions of human being other than 20 diseases and conditions specified in Section 3 (1) unless such advertisement has been approved by the Medicine Advertisement Board (MAB)

**JENIS UBAT YANG MEMERLUKAN KELULUSAN IKLAN
DARIPADA LEMBAGA IKLAN UBAT**

CTH : KKLIU 1234/2019

SUPLEMEN KESIHATAN	TRADISIONAL	OVER-THE-COUNTER (OTC)
<ul style="list-style-type: none"> No. MAL diikuti 8 digit dan diakhiri dengan huruf N cth : MAL12345678N 	<ul style="list-style-type: none"> No. MAL diikuti 8 digit dan diakhiri dengan huruf T cth : MAL12345678T 	<ul style="list-style-type: none"> No. MAL diikuti 8 digit dan diakhiri dengan huruf X cth : MAL12345678X

NO. MAL VS NO. KKLIU
MARI KENALI

★ CTH : MAL12345678X

DILETAKKAN PADA
PRODUK & IKLAN

PRODUK DIDAFTARKAN
OLEH PIHAK BERKUASA
KAWALAN DADAH

★ CTH : KKLIU 1234/2019

DILETAKKAN PADA
IKLAN

IKLAN DILULUSKAN
OLEH LEMBAGA IKLAN
UBAT

JANGAN KELIRU

UBAT TERKAWAL (CTH MAL12345678A) - TIDAK BOLEH DIIKLANKAN
KECUALI PRODUK TERAPI GANTIAN NIKOTIN

Note: Medical products label begins with MAL, followed by eight digits number and ends with the same alphabet either A/N/T/X based on the product category.

d. Guidelines for control of cosmetic products in Malaysia

Cosmetic product claims identification can be done through 5 simple steps:

- i. Identify the composition/ingredients which adhere to the cosmetic guidelines;
- ii. The application target site i.e. the external portion of a human body;
- iii. The usage function as cosmetic product;
- iv. The appearance or packaging of cosmetic product; and
- v. The physiology effect of the cosmetic product on human body.

Examples of cosmetic products	Examples of non-cosmetic product
<ul style="list-style-type: none"> • Creams, emulsions, lotion, gels and oil for the skin (hands, face, feet) • Face masks • Make-up items such as lipstick, foundation • Hair care products • Bath gels • Perfumes • Products for care of the teeth and mouth • Depilatories product (hair removal) • Deodorants & anti-prespirants • External intimate hygiene products 	<ul style="list-style-type: none"> • Products used for the purpose of disease/ infection treatment • Products used for male and female sexual need • Products taken orally(eat or drink) • Injection/ meso therapy • Product applied into the nose, eyes and ears • Products recommended for use outside cosmetic definition • Other products such as false eye lashes, tattoo, denture cleanser, • Vaginal douche product, personal lubricant

e. Food Act 1983

Section 17, Food Act 1983

Section 17(1)(b), Food Act 1983 states that any item prohibited on food label is also prohibited in food advertisement.

Section 17(1)(d), Food Act 1983 prohibits food product advertisement which is likely to deceive a purchaser with regard to the nature type, value, substance, quality, strength, purity, composition, merit or safety, weight, proportion of contents, origin or effects of any food, ingredients or constituent thereof.

Regulation 18, Food Regulation 1985

Statement/Claims Prohibited

Claims not allowed on any food labels are:

- i. Claim stating that any particular food shall provide adequate source of all essential nutrients.
- ii. Claims implying that a balanced diet or combination of variety of foods cannot supply adequate amounts of all nutrients.
- iii. Claims that suggests on the suitability of a food which can prevent, alleviate, treat or cure a disease, disorder or other physiological condition.

- iv. Claims that caused the consumer doubt about the safety of similar food.
- v. Claims that could give rise to doubts or exploiting the feeling of fear to the consumer.
- vi. Claims which cannot be substantiated.

FORBIDDEN CLAIMS ON FOOD LABELS AND ADVERTISEMENT

FORBIDDEN CLAIMS	
Items	Examples
Claims as to suitability of a food for use in the prevention, alleviation, treatment or cure of disease, disorder or particular physiological condition.	<ul style="list-style-type: none"> ✓ This food is good for healthy heart/diabetic ✓ This food can increase the body immunity ✓ For mental development ✓ This product helps individual who tires easily ✓ Can assist in treatment of anemia ✓ Can assist in preventing diabetes ✓ Can assist to cure cancer
Make any claims that cannot be verified	<ul style="list-style-type: none"> ✓ Eat ABC product to make your skin soft, fair and captivating ✓ DEF product can make your body feel fresh when you wake up in the morning ✓ Healing water for all ailment ✓ 1001 benefits
To associate the food with the words "medical" , "tonic" or "health" or having the same meaning.	<ul style="list-style-type: none"> ✓ Health drink/food ✓ Tonic drink ✓ Drink for medical purpose ✓ Medical drink/food
To associate the food with the wordings to show the grading, quality or advantage or any other words having advantage or wordings with same meanings.	<ul style="list-style-type: none"> ✓ Good quality ✓ Quality guaranteed ✓ Having MOH's approval ✓ Using classification reference letter (..) MOH/163/S/No JLD
Making claim which could raise doubt to the consumer as to the safety of similar food.	<ul style="list-style-type: none"> ✓ This product does not contain substance which have been genetically modified. ✓ Non GMO food ✓ Only this food product contains additive substance confirmed safe for consumption
Stating that any particular food will supply sufficient source for all important nutrients	<ul style="list-style-type: none"> ✓ Consume ABC product to meet your daily nutrients requirement

FORBIDDEN CLAIMS	
Items	Examples
	<ul style="list-style-type: none"> ✓ This product can fulfill the required daily intake of your vegetables and fruits ✓ This product can give all vitamins and minerals required by the body
Claims that a balanced diet or combination of various types of food cannot all supply adequate amount of nutrient.	<ul style="list-style-type: none"> ✓ No guarantee taking a balanced diet will provide sufficient vitamin
Having claims with regard to the absence of food additive substance or additional nutrient prohibited in the Regulations	<ul style="list-style-type: none"> ✓ Does not contain boric acid ✓ Does not contain formaldehyde
Having claim with regard to the absence of beef or pork or its by product or lard or alcohol if the said food does not contain the said substance	<ul style="list-style-type: none"> ✓ No pork/lard ✓ No alcohol

PERMITTED CLAIMS ON LABELS AND FOOD ADVERTISEMENTS BUT CONDITIONAL

PERMITTED CLAIMSBUT CONDITIONAL	
Items	Examples
Associating the food with the word 'pure' or any other words with similar meaning except for food, which gives strength, originality or quality specified by the regulation.	<ul style="list-style-type: none"> ✓ Original/pure honey ✓ Pure Juice
Associating the food with the word "organic", "ecological", "biodynamic" or words with similar meaning unless it complies with the requirement by Malaysian Standard MS 1529: Manufacturing, Processing, Labeling and Marketing of Plant Based Food produced Organically.	<ul style="list-style-type: none"> ✓ Organic food ✓ Organic carrot

PERMITTED CLAIMS BUT CONDITIONAL	
Items	Example
Claim of Nutritional Contents A claim depicting nutritional level in food product	<ul style="list-style-type: none"> ✓ High calcium ✓ Cholesterol free ✓ Low sugar
Claim of Nutrient Comparison A claim that compares the nutrient or energy level between two or more similar food.	<ul style="list-style-type: none"> ✓ Milk B has 50% more calcium compared to milk A ✓ Egg B has 33% less cholesterol compared to Egg A ✓ Contains 25% more of Vitamin C compared to previous formula(ABC product)
Claim of Nutritional Function A claim that prescribes nutrient physiological function in the growth, development and normal function of the body.	<ul style="list-style-type: none"> ✓ Calcium will assist in the bone development and strong teeth. ✓ Soya protein helps to reduce cholesterol ✓ Glucan beta from oat helps to reduce the increase in blood glucose provided it is not eaten with other food.
Claim to be enriched, strengthened or any other words having similar meaning.	<ul style="list-style-type: none"> ✓ Enriched with Vitamin A (300µg/100g) and C (13mg/100g) ✓ Strengthened with calcium (290mg/100g)

*** Subject to the compliance with any existing terms with reference to Food Act 1983 or Food Regulations 1985, Labelling Guidelines and Nutritional Claim and General Labelling Guidelines.

6. SCREENING/ CHECKING OF APPROVAL DOCUMENTS

The MOH via Joint Dialogue Session with Broadcasting Industry on 15th November 2016 in discussing on advertisement control in the form of sponsored segment/programme or talk show arose with three (3) resolutions as follows:

- Resolution1:** MOH shall prepare the check list for advertisement with health claims.
- Resolution2:** Amplify the broadcast media compliance with regard to advertisement control in the form of sponsored segment/sponsored programme.
- Resolution 3:** Appoint Liason Officer from the broadcasting media who can be contacted by the MOH with regard to Advertisement Control issues.

An **Advertisement Broadcast Check List involving the health product/services** has been developed for the purpose of helping the industry to make early screening on advertisements involving health product/service including jingle, sponsored programmes/talk shows, documentary and other form of advertisement. This check list can be tailored to the respective broadcast media SOP. It is not conclusive but subject to the amendments from time to time.

Further details on Advertisement Broadcast Check List involving health product/services is as per **Annexure A**.

7. ADVERTISEMENT CONTENTS SCENARIO SOLUTION

For the purpose of guidelines to the contents, a few advertisement contents scenario being frequently forwarded or mistakenly contravene the provisions of medicine, cosmetic and food are listed together with the correction recommended for the purpose of advertisement broadcast:

a. General

No.	Item	Mistakes	Recommendation
1	Approval Claim	<ul style="list-style-type: none">• "...obtain approval from the Ministry of Health..."• "...recognised for Good Manufacturing Practice (GMP).."	<ul style="list-style-type: none">• not allowed except for medical products which have obtained advertisement approval from the medical Advertisement Board (MAB)

No.	Item	Mistakes	Recommendation
2	Consumer's testimonial	<ul style="list-style-type: none"> biased claims in testimony 	<ul style="list-style-type: none"> approval through application which was attached with complete supporting documents such as clinical support, consumer's confirmation or MOH's approval
3	Professional and agency certification	<ul style="list-style-type: none"> false recognition claim 	<ul style="list-style-type: none"> certification from professional body or agency involved, including Halal product (Jabatan Kemajuan Islam Malaysia), organic product (Malaysian Agriculture and agro-based Industry Ministry)
4	Logo/slogan /song/theme	<ul style="list-style-type: none"> direct or indirect misleading claim 	<ul style="list-style-type: none"> allowed without superlative claim
5	Labeling	<ul style="list-style-type: none"> no label display false/expired label 	<ul style="list-style-type: none"> display label such as required by the approval provisions

a. Medicinal Products

Advertisement contents scenario and corrections recommended for medicinal products as per **Annexure B**.

b. Cosmetic product

Advertisement contents scenario and corrections recommended for cosmetic products as per **Annexure C**.

c. Food product

Advertisement contents scenario and corrections recommended for food products as per **Annexure D**.

8. STATISTIC OF THE WEBSITE BLOCKING UNDER SECTION 233, COMMUNICATIONS AND MULTIMEDIA ACT 1998

MCMC also shared the statistics relating to the Website blocking under Section 233 – Improper use of network facilities or network services etc. The website blocking has been made based on the official requests from MOH based on complaints received from the public.

The website blocking action taken by MCMC against advertising health products which contravened the legal provisions under MOH:

- a. Medicines (Advertisement and Sales) Act 1956;
- b. Sales of Drugs Act 1952, Control of Drug and Cosmetic Regulation 1984;
- c. Food Act 1983;
- d. Poisons Act 1952; dan
- e. Medical Device Act 2012.

Up to May 2019, the MCMC had blocked 2,183 websites based on complaints received from the public. The information is summarised as follows:

Complaints based on Offences under legal provisions under MOH	Number of websites blocked								Total number of cases
	2012	2013	2014	2015	2016	2017	2018	Up to May 2019	
Medicines (Advertisement and Sales) Act 1956	1	-	2	1	2	8	25	6	45
Control of Drugs and Cosmetics Regulations 1984	-	111	204	245	31	451	625	140	1,807
Food Act 1983	-	-	-	3	13	32	66	24	138
Poisons Act 1952	-	-	-	-	-	24	108	60	192
Medical Device Act 2012	-	-	-	-	-	1	-	-	1
TOTAL ANNUAL CASE									2,183

9. PROVISIONS REFERENCE

Content industry reference with regards to advertisements containing health claims provided here should be referred in conjunction with the following provisions/guidelines:

- a. Communications and Multimedia Act Malaysia 1998;
- b. Communications and Multimedia Content Code Malaysia;
- c. Food Act 1983;
- d. Food Regulations 1985;
- e. Medicines (Advertisements and Sales) Act 1956;

- f. Guidelines for Control of Cosmetic Products in Malaysia;
- g. Guideline on Advertising of Medicines and Medicinal Products to General Public;
- h. Advertising Guidelines for Healthcare Facilities and Services (Private Hospitals, Clinics, Radiological Clinics and Private Medical Laboratories);
- i. Guidelines for Film Censorship 2010;
- j. Guidelines to Avoid False or Misleading Advertisements; and
- k. Celebrity guides in health product advertisements.

This references shall become the guide and good practice to the industry in self-regulation of advertisements contents which contains health claim.

No	Agency	Particulars
1.	Monitoring and Compliance (Content) Department, Communications and Multimedia Commission Malaysia MCMC Tower 1, Jalan Impact, Cyber 6 63000 Cyberjaya Selangor Darul Ehsan	Tel. : 03 86888000 Fax: 03 86881000 Email: mcc@mcmc.gov.my
2.	Communications and Multimedia Content Forum Malaysia (CMCF) Unit 1206, Block B Pusat Dagangan Phileo Damansara 1 9, Jalan 16/11 Off Jalan Damansara 46350 Petaling Jaya Selangor Darul Ehsan	Tel. : 03-79548105/ 03-79583690 Fax: 03-79541260 03-76608532 Email: secretariat@cmcf.my Website: www.cmcf.my
3.	Advertisements Control Branch/ Medicine Advertisement Board Secretariat , Pharmaceutical Services Programme Ministry of Health Malaysia Lot 36, Jalan Universiti 46200 Petaling Jaya Selangor Darul Ehsan	Tel. : 03-78413200 Fax: 03-79682222 Website: www.pharmacy.gov.my
4.	Food Safety and Quality Division Ministry of Health Malaysia Aras 4, Menara Prisma No.26, Jalan Persiaran Perdana Presint 3 62675 Wilayah Persekutuan Putrajaya	Tel. : 03-88850797 Fax: 03-88850790 Email: fsq_dcb@moh.gov.my
5.	National Pharmaceutical Regulatory Agency Ministry of Health Malaysia Lot 36, Jalan Universiti 46200 Petaling Jaya Selangor Darul Ehsan	Tel. :03-78835400 Fax:03-79562924 Website: www.npra.gov.my

No	Agency	Particulars
6.	Film Censorship Board Home Ministry Aras 2, Blok D2, Kompleks D, Presint 1 Pusat Pentadbiran Kerajaan Persekutuan 62546 Wilayah Persekutuan Putrajaya	Tel. : 03-88863230 Fax: 03-88891685 Website: http://moha.gov.my
7.	Domestic Trade and Consumers Affair Ministry No.13, Persiaran Perdana, Presint 2 Pusat Pentadbiran Kerajaan Persekutuan 62623 Wilayah Persekutuan Putrajaya	Tel. : 03-88825500 Fax: 03-88825762 Website: http://kpdnhep.gov.my

10. Conclusion

Broadcasting of false or misleading health claim advertisements in the industry is not something that can be viewed as frivolous. Realising the importance of efforts in improving the content quality, MCMC hopes through this revised Content Industry Reference, the interpretation of the provisions can be streamlined particularly to ensure the uniformity of understanding and editing for all parties involved directly or indirectly in the content industry in Malaysia.

Consequently, it is hoped that this Content Industry Reference gives clear interpretation to the consumer to be cautious with content of advertisements that have health claims which are false or misleading and becomes guidelines that are fully applied by the industry in developing content that is of quality according to the present needs.

The MCMC and MOH hope the industry and agencies involved directly or indirectly would be able to jointly address the contents' non-compliance, particularly health claim advertisements so as not to take advantage of the consumers with false or misleading content advertisements.

This Content Industry Reference will be revised annually in line with the technology evolution and dynamic changes to the industry in protecting the consumers in Malaysia without replacing or comprising any existing laws or regulations relating to advertisements.

THANK YOU

CHECK LISTS ON BROADCASTING OF ADVERTISEMENTS INVOLVING HEALTH PRODUCTS/SERVICES *

Please ensure all applications are accompanied by documents as follows and mark (✓) on CLIENTS column (whichever is relevant):

- A. Medicine Advertisement (product has the MAL registration number)
- B. Service Advertisement (involving private hospitals/clinics, private medical laboratory and private radiology run by registered medical practitioners)
- C. Traditional & Complementary Services Advertisement
- D. Cosmetic Product Advertisement
- E. Medical Equipment Product Advertisement
- F. Food Advertisements

* This check list is developed with purpose of helping the broadcasting media to make early screening on advertisements involving health products/services including jingle advertisements, sponsorship/interviews, documentaries & other form of advertisements. This check list can be adjusted according to the respective broadcasting media SOP. It is not conclusive and subject to changes from time to time.

A. Medicine Advertisement (product having MAL registration number)

NO	ITEMS	CLIENTS	FOR BROADCASTING MEDIA USE
1	Full script	<input type="checkbox"/>	<input type="checkbox"/>
2	i. Advertisement Approval Certificate ii. Advertisement Format approved by Medicine Advertisement Board (MAB) iii. If it has VT, ensure that it has obtained the approval of the Film Censorship Board	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Conditions:

1. External call is not allowed
2. According to full script as per format approved by MAB
3. Display MAB number, product registration number MAL and the statement. This is medicine / health supplement/traditional product advertisement when being aired.
4. If it is an audio, sufficient to state 'This advertisement is approved by the Medicine Advertisement Board
5. Not displaying/stating website if the said website (which contained medicine advertisement) has not obtained approval from MAB
6. If bunting brochures or other printed materials are displayed which contained medical claim while a programme is on, please ensure that it has obtained approval from MAB

*Further information:***Medicine Advertisement Board**

Ministry of Health Malaysia
Lot 36, Jalan Universiti
46200 Petaling Jaya
Selangor Darul Ehsan

Tel No.: 03-7841 3200 / 3320

Fax No.: 03-7968 2251

Website: www.pharmacy.gov.my

Reference:

- 1) Medicine (Advertisement & Sale) Act 1956

- 2) Guideline on Advertising of Medicines and Medicinal Products To General Public
- 3) Medicine Advertisement Board Policy
- 4) Check product registration status at www.npra.gov.my>Product Search or download NPRA Product Status from Google Play or App Store
- 5) Listing of approved advertisement at www.pharmacy.gov.my>Services>e-services>Advertisement approved by Medicine Advertisement Board

B. Service Advertisement (involving private hospitals/clinics private medical laboratory and private radiology run by registered medical practitioner)

NO	ITEMS	CLIENTS	FOR BROADCASTING MEDIA USE
1	Full script	<input type="checkbox"/>	<input type="checkbox"/>
2	i. Advertisement Approval Certificate ii. Advertisement Format approved by the Medicine Advertisement Board (MAB) iii. If there is VT, ensure that it has also obtained approval of the Film Censorship Board	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Conditions:

1. External call is not allowed
2. According to full script as per format approved by MAB
3. Display (MAB) number when being aired
4. Not displaying/stating website if the said website has not obtained approval from MAB
5. Cannot be directed to the said professional individual advertisement

Further information:

Medicine Advertisement Board

Ministry of Health Malaysia
 Lot 36, Jalan Universiti
 46200 Petaling Jaya
 Selangor Darul Ehsan

Tel No.: 03-7841 3200 / 3320

Fax No.: 03-7968 2251

Website: www.pharmacy.gov.my

Reference:

- 1) Medicines (Advertisement & Sale) Act 1956
- 2) Advertisement Guidelines for Healthcare Facilities and Services (Private Hospitals, Clinics, Private Radiology Clinic and Private Medical Laboratory)
- 3) Medicine Advertisement Board Policy
- 4) Listing of approved advertisement at www.pharmacy.gov.my>Services> e-services>Advertisement approved by Medicines Advertisement Board
- 5) Registered Medical Practitioner –<http://meritsmmc.moh.gov.my/>>Patients & Public > Search for Registered Doctor

C. Traditional & Complementary Medicine Services Advertisement

NO	ITEMS	CLIENTS	FOR BROADCAST - ING MEDIA USE
1	Full script	<input type="checkbox"/>	<input type="checkbox"/>
2	i. License from Local Authority/ registration with the Companies Commission of Malaysia	<input type="checkbox"/>	<input type="checkbox"/>
	ii. Valid practicing certificate in the recognised practice area (applicable only when registration of traditional and complementary medicine practitioners under the Traditional and Complementary Medicine Act 2016 is fully implemented).	<input type="checkbox"/>	<input type="checkbox"/>
	iii. Not using titles/abbreviations of Doctor, Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary unless the advertiser has practicing certificate under Medical Act 1971 or Dental Act 1971.	<input type="checkbox"/>	<input type="checkbox"/>
	iv. Premise is not using the words Clinic, Dispensary or Hospital unless a Certificate of Registration(for Clinic and Dispensary) or License (for Hospital) has been issued under Private Health Care Facilities and Services Act 1998.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
	v. The advertisement does not contravene Section 4A Medicines (Advertisement and Sale) Act 1956.		

Conditions:

1. External calls are not allowed
2. The advertisement cannot make false or misleading statements

Further information:

Inspectorate & Enforcement Section

Traditional & Complementary Medicine Division

Ministry of Health Malaysia

Blok E Jalan

Cenderasari 50590

Kuala Lumpur

Tel: 03-22798252/ 03-22798100

Website: <http://tcm.moh.gov.my>

Reference:

- 1) Traditional & Complementary Medicine Act 2016 and its regulations
- 2) Medicines (Advertisement and Sale) Act 1956

D. Cosmetic Product Advertisements

NO	ITEMS	CLIENTS	FOR BROADCASTING MEDIA USE
1	Full script	<input type="checkbox"/>	<input type="checkbox"/>
2	i. Notification Note ii. If there is VT, make sure it has obtained approval from Film Censorship Board iii. Cosmetic product label	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3	Other relevant documents/certificates (e.g. ISO certificates, MSQH, GMP, certain statistic, organic accreditation, special certificates, JAKIM Halal certificate or certification body recognised by JAKIM and others) State:	<input type="checkbox"/>	<input type="checkbox"/>

Conditions:

1. External call is not allowed.
2. Claims and methods of usage is only allowed in the cosmetic defined scope
3. Do not make any claim to diagnose, prevent or treat illness or human body condition, including in VT whether implied or expressed.
4. Name on the product label must be the same with the Notification Note

Further Information:

Surveillance and Complaint Section**Centre of Compliance and Quality Control****National Pharmaceutical Regulatory Agency (NPRA)**

Ministry of Health Malaysia

Lot 36, Jalan Universiti

46350 Petaling Jaya

Selangor Darul Ehsan

Tel No.: 03-78835400

Website: www.npra.gov.my

Reference:

- 1) Guideline for cosmetic advertisement
- 2) Check cosmetic product notification status at www.npra.gov.my

E. Medical Device Product Advertisement

NO	ITEMS	CLIENTS	FOR BROADCASTING MEDIA USE
1	Full script	<input type="checkbox"/>	<input type="checkbox"/>
2	i. Establishment License; and ii. Medical Device Registration Certificate for Medical device registration application iii. If you have VT, ensure that it has obtained Censorship Board Approval	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Conditions:

1. External call is not allowed
2. Medical device must be registered with the Medical Device Authority
3. Advertisement cannot make false or misleading statement

Further Information:

Medical Device Authority (MDA), Ministry of Health Malaysia,
Level 6, Prima 9, Prima Avenue II,
Block 3547, Persiaran APEC,
63000 Cyberjaya, Selangor, MALAYSIA

Tel : +603 - 8230 0300
Fax : +603 - 8230 0200
E-mail : mdb@mda.gov.my

Reference:

1. Medical Device Act 2012

E. Food Advertisement (especially for product classified as non-medical)*Further information for advertisement:*

Special Food Group Section
Food Safety and Quality Division
Ministry of Health Malaysia
Aras 4, Menara Prisma
No. 26, Jalan Persiaran Perdana, Presint3
Pusat Pentadbiran Kerajaan Persekutuan
62675 Wilayah Persekutuan Putrajaya

Tel: 03-8885 0797 samb4272/4038
Fax: 03-8885 0790

Website: <http://www.fsq.moh.gov.my>

Medical Products

Advertisement contents scenario and corrections recommended for medical products as follows:

No.	Items	Mistake	Recommended Subject to Approval of Medical Advertisement Board ((MAB))
Medical Products			
1	Label display	<ul style="list-style-type: none"> Label being displayed in the advertisement as approved by the Drug Control Authority (DCA) 	<ul style="list-style-type: none"> obtain approval of National Pharmaceutical Regulatory Agency (NPRA) if there is changes in the label after the product has been registered with DCA before sending the advertisement approval application to MAB
2	False/Expired label	<ul style="list-style-type: none"> not allowed 	<ul style="list-style-type: none"> as above
3	Health claim	<ul style="list-style-type: none"> displaying claims apart from indications already approved by PBKD Excessive/superlative claim 	<ul style="list-style-type: none"> claims allowed as per indicative certificate (each registered product has approved indicative certificate) functional claim such as Drug Registration Guidance Documents (DRGD) issued by NPRA
4	Product testimonial	<ul style="list-style-type: none"> testimonial being created and cannot be verified as to its validity testimony outside product indication approved Caller Segment is not allowed for medical advertisement on radio/television 	<ul style="list-style-type: none"> attach consent letter from the testimony provider when applying for approval for the advertisement testimony not exceeding the product indication approved
5	Logo	<ul style="list-style-type: none"> displaying other party's logo without their consent 	<ul style="list-style-type: none"> must get consent from the relevant party

6	Superlative	<ul style="list-style-type: none"> • In between superlative description, words or phrases without confirmation or not allowed are as follows: <ol style="list-style-type: none"> 1. Anti-ageing 2. Anti-stress 	<ul style="list-style-type: none"> • superlative phrase used must be verified (if applicable)
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No.	Items	Offences	Recommended Subject to Approval of Medical Advertisements Board (MAB)
		<ol style="list-style-type: none"> 3. Any percentage (unless verified) 4. Aphrodisiac 5. Consequential 6. Complete healing/recovery 7. Effective (for traditional medicine and supplement) 8. Improve sex organ function 9. Excellent 10. Unbelievable, Great 11. Guaranteed 12. Hormone release 13. Perfect 14. Immediate recovery 15. Libido 16. Long life 17. Unbelievable, miracle, surprising, unusual 18. Mystic 19. No.1 (unless verified) 20. No side effect 21. Remain young 22. Effective 23. Powerful 24. Holy, real 25. Great relief 26. Sexual power 27. Excellent 28. 'The Best, 'the only one', 'the best/extreme/great' 29. Unique 30. Miracle 31. Best in the world 32. Anything superlative, other words or phrases which are synonym with the above. <p><i>Source: Guideline on Advertising of Medicines and Medicinal Products to General Public</i></p>	
7	Accreditation	<ul style="list-style-type: none"> • related claim (such as halal for product advertisement or MS ISO or advertise skill for skill & service advertisement) which cannot be validly proven. 	<ul style="list-style-type: none"> • attach certificates with confirmation from relevant parties when applying for advertisement approval

No.	Items	Mistakes	Recommended Subject to Approval of Medical Advertisements Board (MAB)
<p>Note:</p> <p>For medical & skill & services' advertisement, each advertisement published must first obtained approval from (MAB). The following item 1-7 are the criteria that need to be screened and taken into consideration when processing the advertisements' approval application whereby each advertisement will be assessed and given approval based on the Guidelines:</p> <ol style="list-style-type: none"> 1. Medicines and Medicinal Product Advertisement to the Public Guidelines 2. Advertisement for Health Care Facilities and Services (Private hospital, Clinics, Radiology Clinics and Private Medical Laboratories) <p>All matters recommended in this annexure is not final and subject to the changes in the applicable provisions.</p> <p>Even though claims were made according to example recommended above in the schedule, industry participants are reminded that each medical advertisement broadcast must get approval from MAB and are still subject to the discretions of MAB.</p>			

Cosmetic Product

The advertisement content scenario and correction recommended for cosmetic products as follows:

No.	Items	Mistakes	Recommended
Cosmetic Product			
1	Hair and scalp care products	<ul style="list-style-type: none"> • Prevents dandruff formation • Permanently remove dandruff • Restore hair cells • Loss of hair can be treated or reversed • Boost/promote hair growth • Hereditary hormonal hair loss e.g. Baldness/Alopecia • Prevent White/grey hair 	<ul style="list-style-type: none"> • Control/prevent dandruff • Anti-hair loss/hair fall or treatment/control of hair loss/hair fall* ** due to physical factor e.g. hair breakage, • Increase volume of hair/thicken hair** due to physical effect of the product e.g. to temporary add volume & body to thin/flat hair • Strengthen hair root/follicles • Promote growth of healthy hair

2	Skin product	<ul style="list-style-type: none"> • Prevent, reduced or reversed physiology changes and degeneration condition due to ageing • Improve blood circulation • Improve/boost collagen synthesis • Delay ageing process • Prevent the formation of cellulite/ help to prevent cellulite/ treat cellulite • Remove/ treat scars • Heals/treats/stops acne or pimple • Treat cellulite, warts, keloids • Refer to the effect of slimming, trimming centimeter/inch loss, fat loss, fat burnt • Refer to the removal of excess body fluid e.g. draining/drainage, swelling/oedema 	<ul style="list-style-type: none"> • Cleanse, smoothen, moisturise, whiten skin • Helps to nourish/rejuvenate/regenerate cell • Delay signs of ageing • Skin looks younger • Reduce cellulite • Repair/reduce appearance of scar • Control/ reduce pimple/acne • Reduce repeated, thick skin, hard skin, callous • Shaping, reshape, contour, firming • Anti-wrinkles, blemish, pigmentation, freckles
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No.	Items	Mistakes	Recommended
		<ul style="list-style-type: none"> • Referring to rejuvenating blood circulation/ micro circulation • Fungicidal, virucidal action or action on fungi, virus • Gives a feeling of numbness to the skin • Referring to any claim to treat skin diseases such as eczema, hyper pigmentation, atopic dermatitis etc. 	<ul style="list-style-type: none"> • stimulate/increase/accelerate skin cell turnover/stimulates epidermal exfoliation/gently stimulates new fresh skin cells/stimulates cell turnover/promote cell renewal
3	Oral or dental hygiene product	<ul style="list-style-type: none"> • Treatment for gum boil, inflammation, mouth ulcer, periodontitis, periodontal disease, stomatitis or any mouth disease or infection in the mouth • Bleeding gum • Referring to pain/effect to the teeth nerve 	<p>To whiten teeth/bleaching</p> <ul style="list-style-type: none"> • Reducing/prevention of teeth plaque • Relief for sensitive teeth • Keep gum healthy
4	Deodorant & Anti-perspiration	<ul style="list-style-type: none"> • Completely prevents or stop sweating /perspiration 	<ul style="list-style-type: none"> • Prevent body odor • Get rid of body odor
5	Perfumes/ fragrances/ colognes	<ul style="list-style-type: none"> • Sexual attraction or Aphrodisiacs 	<ul style="list-style-type: none"> • To perfume/keep body fresh
6	Massage oil/Aromatherapy	<ul style="list-style-type: none"> • Claims which refer to insomnia, disturbed sleep, neurological effect, muscle/body/joint pain, immune system, blood circulation, other illness conditions • stomach wind, bloatedness 	<ul style="list-style-type: none"> • Calming/relaxing • Soften the skin • Moisturise the skin
7	<p>Feminine/male hygienic products</p> <ul style="list-style-type: none"> • Cleaning/rinsing only 	<ul style="list-style-type: none"> • Refer to anything related to sexual • Tighten vaginal muscle • Refer to disease, infection and inflammation • Reduce discharge, white discharge, itchiness 	<ul style="list-style-type: none"> • Deodorizing/removing smell • pH balanced, pH control • External Cleaning of sexual organ • Whiten the skin
8	Breast product	<ul style="list-style-type: none"> • Increase the size/breast volume 	<ul style="list-style-type: none"> • Firming • Bust firming/bust up/bust lifting

No.	Items	Mistakes	Recommended
9	Sunscreen product	<ul style="list-style-type: none"> • Sunblock • Sweat proof • Waterproof • Anti-UV, Infrared • UV block/cut • prevent skin cancer 	<ul style="list-style-type: none"> • Protect the skin from UVA and UVB ray • Prevent sun rays from damaging the skin • Water resistant • Relieve/helps to reduce sunburn
10	Depilatories	<ul style="list-style-type: none"> • Stop/prevent hair growth 	<ul style="list-style-type: none"> • Remove hair
11	Other claims	<ul style="list-style-type: none"> • Antimicrobial • Antiseptic • Disinfectant • Use of supernatural, superstitious elements (e.g. black magic, magic, <i>Saka, Sihir, Badi, Penawar</i>) • Religious claim • Use of reference to Hadith/ Al-Quran/ Bible • Insect bite /mozzi • Cosmeceutical/ mesotherapy/ injection/micro-needling • 100% protection • GMP Logo/Approved by MOH • Use of images deemed to be contrary or offensive to the standard of morality or decency prevailing in the Malaysian society (e.g. indecent images) • Use of graphic/symbol/logo, which refer to internal organ/body part or substance of human origin (heart, kidneys, spleen etc.) 	<ul style="list-style-type: none"> • Anti-bacteria • Protect from germs • Kill germs <p><u>Note:</u> For the above claims, antibacterial agent must be present in the product formulation</p>
12	Example of claims requiring supporting documents	<ul style="list-style-type: none"> • Unverified claims 	<ul style="list-style-type: none"> • Body whitening serum with 95% of pure concentrated vitamin C • "Wrinkles reduced by 58%" • Skin is 8x fairer

No.	Items	Mistakes	Recommended
			<ul style="list-style-type: none"> • Fairer in just 14 days • 2x more effective than other sensitive tooth paste • "24 hours 99.9% anti-bacterial protection" • "Brand X superfast hand wash kills 99.9% of germs faster" • Safe for babies under 1year old • pH5.5 natural skin • 2 times non anti-bacteria protection

Food Products

The advertisement content scenario and correction amendments for food products as follows:

No.	Items	Mistakes	Recommended
Food Products			
1	Statement/ Label display	<ul style="list-style-type: none"> • Approved by MOH 	<ul style="list-style-type: none"> • Not allowed
2	Health claim in advertisements	<ul style="list-style-type: none"> • All health/treatment/prevention claim or declaration • increase...immunisation, fight illness • prevent cancer, heart and etc. • treat disease...eczema, joints and etc. • Reduce illness...diabetes, asthma, etc. • ...drink to overcome (cigarettes & drug) addiction • Secret to brain alertness...(name of products to be taken) • ...design to strengthen brain and mind of a child so as to be more active and alert • ...having thyrophic features good for the heart • ...having content especially to break the cholesterol 	<p>Amongst recommended declaration nutrient function recommended are;</p> <ul style="list-style-type: none"> • Calcium-help to develop bones and teeth • Vitamin C-increase the absorption of iron from food • Vitamin D-help the body to utilize calcium and phosphorus Required for absorption of iron from food • Vitamin E-contains fat in body tissue from oxidation • Iodine-very important to formation of thyroid hormone • Magnesium -to promote absorption and retention of calcium • Beta Glucan (from barley/oat)-helps to lower or reduce cholesterol • DHA & ARA can contribute to development of baby eye sight • Cialic Acid-an important component for brain tissue • Protein -helps to develop and repair body tissue -important for growth and development

No.	Items	Offences	Recommended
Food Product			
			<p>-supply of amino acid required for protein synthesis</p> <ul style="list-style-type: none"> • Lutein –as dominant macular pigment in the retina Lutein can filter blue colour and can protect the eyes • Plant Steroid or plant stanol <p>-helps to lower or reduce cholesterol</p> • Oat soluble fiber–helps to lower or reduced cholesterol
3	Nutrients claim		<ul style="list-style-type: none"> • Claim as to the nutrient contents–Claim on describing the nutrient level in food product. • Claim as to nutrient comparison–Claim which compares the nutrient level and/or energy worth between 2 or more similar food. • Claim as to nutrient function–The claim describe the role of nutrient physiology in the growth, development of normal body physiology. • Claim as to being enriched, increased- Picturing the nutrient level contained in the food.
<p>Note:</p> <p>Each advertisement display particularly for item 1-3 are also required to fulfill other conditions by referring to the provisions of Food Act 1985 or Food Regulations 1985, Labeling Guidelines and Nutritional Claim and General Labeling Guidelines.</p> <p>All items recommended in this annexure are not conclusive and subject to changes in the applicable provisions.</p>			