

CONSUMER PROTECTION IN DRUGS AND COSMETICS SECTOR

OVERVIEW:

Drugs are medicines for internal and external use of human beings and animals which are used for treatment, diagnosis, prevention of any disease or disorder. It is a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

Cosmetics are substances used to enhance the appearance or fragrance of the body. Many cosmetics are designed for applying to the face, body and hair. These are generally mixtures of chemical compounds some of which are derived from natural sources and also from synthetics.

ADULTERATION OF DRUGS AND COSMETICS:

A drug is said to be adulterated

- if it consists of any filthy or decomposed substance
- if it is prepared, packed or stored under insanitary condition.
- if the container is composed of any poisonous substance
- if it contains any harmful or toxic substances.
- if any substance is mixed so as to reduce its quality or strength.

A cosmetic is said to be adulterated

- if it consists of any filthy or decomposed substance
- if it is prepared packed or stored under insanitary condition
- if the container is composed of any poisonous substance or if it contains any harmful or toxic substances
- if it bears any colour for the purpose of colouring only, a colour which is not prescribed
- if it contains any harmful or toxic substances which is injurious to health
- if any substance is mixed so as to reduce its quality or strength.

PENALTY FOR IMPORTING ADULTERATED DRUGS AND COSMETICS:

If any person by himself or on behalf of any other person imports any drug which is deemed to be adulterated or spurious or any cosmetic which is deemed to be adulterated shall be punishable with imprisonment for a term which may extend to three years and a fine which may extend to five thousand rupees.

PENALTY FOR MANUFACTURING ADULTERATED DRUGS AND COSMETICS:

Any drug which is deemed to be adulterated the defaulter shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with

fine which shall not be less than one lakh rupees or three times the value of the drugs confiscated, whichever is more. The Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than three years and of fine of less than one lakh.

Any cosmetic deemed to be spurious or adulterated the defaulter shall be punishable with imprisonment for a term which may extend to three years and with fine which shall not be less than fifty thousand rupees or three times to value of the cosmetics confiscated, whichever is more.

GROUND FOR COMPLAINTS:

- Skin problems
- Use of few cosmetics may sometimes lead to cancer
- Hair fall
- Few Cosmetics are known to contain neurotoxin that can affect the nervous system leading to high blood-pressure, allergies, behavioral abnormalities and even decreased rates of fertility

REGULATORY BODY:

Central Drugs Standard Control Organization

The Central Drugs Standard Control Organization (CDSCO) is the Central Drug Authority for discharging functions assigned to the Central Government under the Drugs and Cosmetics Act. CDSCO has six zonal offices, four sub-zonal offices, 13 port offices and seven laboratories under its control.

Its main functions include regulating control over the import of drugs, approval of new drugs and clinical trials, meetings of Drugs Consultative Committee (DCC) and Drugs Technical Advisory Board (DTAB).It also performs functions like the approval of licenses.

ACTS:

The Drugs and Cosmetics Act, 1940

The Drugs and Cosmetics Rules, 1945

(As amended up to the 31st December, 2016)

The link given below will guide the consumers to the Act and Rules

<http://www.cdsc0.nic.in/writereaddata/2016Drugs%20and%20Cosmetics%20Act%201940%20&%20Rules%201945.pdf>

The Drugs and Cosmetics (Amendment) Act, 2008

<http://cdsco.nic.in/writereaddata/DCA2008.pdf>

PROCEEDING IN ACCORDANCE WITH THE CONSUMER PROTECTION ACT 1986:

One can file a case in the respective consumer forums/Commission either in case of getting relief or to appeal.

http://clap.nls.ac.in/?page_id=102

REFERENCE:

<http://www.cdsco.nic.in/writereaddata/2016Drugs%20and%20Cosmetics%20Act%201940%20&%20Rules%201945.pdf>

<https://www.merriam-webster.com/dictionary/drug>