STATUTORY INSTRUMENTS

# 1977 No. 172

# MEDICINES

## The Medicines (Bal Jivan Chamcho Prohibition) Order 1977

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| *Made - - -* | *4th February* 1977 |
| *Laid before Parliament* | *9th February* 1977 |
| *Coming into Operation* | 10*th February* 1977 |

The Secretaries of State respectively concerned with health in England, in Wales and in Scotland and the Department of Health and Social Services for Northern Ireland, acting jointly, in exercise of powers conferred by section 62(1)(*a*), (3), (4) and (7) of the Medicines Act 1968(**a**) and now vested in them(**b**) and of all other powers enabling them in that behalf, it appearing to them to be necessary in the interests of safety to make the following order and to make the said order with immediate effect to avoid serious danger to the health of human beings, hereby make the following order:—

*Citation, commencement and interpretation*

**1.**—(1) This order which may be cited as the Medicines (Bal Jivan Chamcho Prohibition) Order 1977 shall come into operation on 10th February 1977 and, having been made in circumstances in which neither the appropriate committee nor the Medicines Commission have considered the proposals to make this order, shall cease to have effect after the end of the period of 3 months from that date.

(2) In this order, unless the context otherwise requires, "the Act" means the Medicines Act 1968 and other expressions have the same meanings as in the Act.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

*Prohibition of sale, supply and importation of Bal Jivan Chamcho*

**2.**—(1) The medicinal products specified in paragraph (2) below are hereby designated for the purposes of section 62(1)(*a*) of the Act and, subject to paragraph (3) below, their sale, supply and importation is hereby prohibited.

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(**a**) 1968 c. 67.

(**b**) In the case of the Secretaries of State concerned with health in England and in Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388 (1969 I, p. 1070)), and in the case of the Department of Health and Social Services for Northern Ireland by virtue of section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36), and paragraph 2(1)(*b*) of Schedule 1 to the Northern Ireland Act 1974 (c. 28).

(**c**) 1889 c. 63.

(2) The medicinal products referred to in paragraph (1) above are those products that are presented for sale or supply as a baby tonic under the name of BAL JIVAN CHAMCHO consisting of a dark brown aromatic solid substance affixed to a spoon-shaped metal appliance which is contained in a cardboard container measuring approximately 12 x 4 x 2 centimetres and labelled in pink type in three languages, that is to say English, Gujarati and Hindi, with directions in English as follows:—

"CHILDREN DISEASES VIZ VARADH-CAPILLARY, BRONCHITIES, GREENISH DIARRHOEA, RICKETS, COUGH, CONVULSIONS ETC. RUBBING THE MEDICINE WITH WATER OR MILK TILL IT GETS COLOUR TO BE TAKEN TWICE A DAY.".

(3) The prohibition imposed by paragraph (1) above shall not apply to the sale or supply of any medicinal product as aforesaid where the sale or supply is to any of the following persons:—

(*a*) a public analyst appointed under section 89 of the Food and Drugs Act 1955(**a**), section 27 of the Food and Drugs (Scotland) Act 1956(**b**) or section 31 of the Food and Drugs Act (Northern Ireland) 1958(**c**);

(*b*) a sampling officer within the meaning of the Food and Drugs Act 1955, the Food and Drugs (Scotland) Act 1956 or the Food and Drugs Act (Northern Ireland) 1958;

(*c*) a sampling officer within the meaning of Schedule 3 to the Act;

(*d*) a person duly authorised by an enforcement authority under sections 111 and 112 of the Act;

(*e*) an inspector appointed by the Pharmaceutical Society of Great Britain under section 25 of the Pharmacy and Poisons Act 1933(**d**).

*David Ennals,*
Secretary of State for Social Services.

2nd February 1977.

*John Morris,*
Secretary of State for Wales.

2nd February 1977.

*Bruce Millan,*
Secretary of State for Scotland.

3rd February 1977.

(**a**) 1955 (4 & 5 Eliz. 2.) c. 16.
(**b**) 1956 c. 30.
(**c**) 1958 c. 27 (N.I.).
(**d**) 1933 c. 25.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 4th day of February 1977.

(L.S.)

*N. Dugdale,*
Permanent Secretary.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order prohibits for a further period of three months the sale, supply and importation of a medicinal product presented as a baby tonic under the name of BAL JIVAN CHAMCHO. Details of the product and its container are given in Article 2(2). To avoid serious danger to the health of human beings the Order is brought into immediate effect before consultation with the Committee on Safety of Medicines, the Medicines Commission or representative organisations. The prohibition was previously imposed by the Medicines (Bal Jivan Chamcho Prohibition) Order 1976 (S.I. 1976/1861).

SI 1977/172
ISBN 0-11-070172-0

