CHAPTER 42.

An Act to amend the Pharmacy and Poisons Act, 1933, to prohibit certain advertisements relating to medical matters, and to amend the law relating to medicines.

[7th August 1941.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments of principal Act.

Alternative conditions to be complied with by authorised sellers of poisons.

1.—(1) Where a business comprising the retail sale of drugs is being carried on, so far as it concerns the retail sale of drugs, at two or more sets of premises, it shall not be necessary, in order that the person carrying on the business may be an authorised seller of poisons, to comply with the conditions requiring the business to be under the personal control of a registered pharmacist at any of those sets of premises where no poisons included in Part I of the Poisons List are sold, if the following conditions are complied with in lieu thereof—

(*a*) the retail sale of drugs, or of drugs and medical appliances, or of drugs and surgical appliances, or of drugs and medical and surgical appliances must not constitute a substantial part of the business carried on at the premises ;

(*b*) before any drug is sold at the premises, it must have been made up for sale in a container elsewhere than at the premises and the container must not have been opened since the time when the drug was made up for sale therein ;

(*c*) drugs must not be dispensed or compounded on the premises ;

(*d*) prescriptions must not be received at the premises, and drugs dispensed or compounded elsewhere than at the premises for the use of a particular person must not be distributed at the premises or despatched therefrom;

(*e*) subject to the provisions of this section, none of the following titles, descriptions or emblems must be used in connection with the business carried on at the premises, namely—

(i) the title of "member of the Pharmaceutical Society", "pharmaceutical chemist", "pharmaceutist", "pharmacist", "chemist", or "druggist"; or

(ii) the description "pharmacy"; or

(iii) any title, description or emblem reasonably calculated to suggest that the owner of the business or anyone employed therein possesses any qualification in connection with the dispensing, selling or compounding of drugs or poisons;

(*f*) the business carried on at the premises must, so far as it concerns the retail sale of drugs, be conducted in accordance with such other conditions (if any) as may be prescribed by regulations made by the Secretary of State;

(*g*) the premises must be duly registered under section twelve of the principal Act as amended by this section.

(2) The reference in the preceding subsection to conditions requiring the business to be under the personal control of a registered pharmacist shall be construed as a reference to the conditions specified in the following provisions of the principal Act, namely, paragraphs (*a*) and (*b*) of section eight, paragraphs (*b*) and (*c*) of subsection (1) of section nine, and subsection (2) of section ten.

(3) The Secretary of State may make regulations for determining whether, in the circumstances specified in the regulations, the retail sale of drugs, or of drugs and medical appliances, or of drugs and surgical appliances, or of drugs and medical and surgical appliances is or is not to be treated for the purpose of paragraph (*a*) of subsection (1) of this section as constituting a substantial part of the business carried on at any premises.

(4) Paragraph (*e*) of subsection (1) of this section shall not be construed as prohibiting the use on a container in which drugs are made up for sale, or on any label affixed to or document enclosed in such a container, of the title or description of the person by whom, or the address at which, they were made up for sale, not being the title or description of the person carrying on the business at the premises in question or an address where drugs are sold by retail.

(5) All sets of premises which are required to be registered by paragraph (*g*) of subsection (1) of this section shall be entered in a separate part of the register kept under section twelve of the principal Act, and the fee that may be prescribed under that section in respect of the registration or retention on the register of any such set of premises shall not exceed one pound.

(6) Where an authorised seller of poisons carries on business at premises required to be registered by paragraph (*g*) of subsection (1) of this section—

(*a*) every list sent by him to the registrar in pursuance of subsection (1) of section thirteen of the principal Act shall distinguish between the sets of premises so required to be registered and the other sets of premises where his business, so far as it comprises the retail sale of drugs, is being carried on; and

(*b*) in the case of any set of premises so required to be registered, it shall not be necessary for him to comply with the requirements of the said subsection as respects the name of the registered pharmacist having the personal control of the business on each set of premises.

(7) Any regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations shall be annulled, the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(8) In this section—

the expression "dispensed" in relation to a drug, means supplied on and in accordance with a prescription duly given by a registered medical practitioner, a registered dentist or a registered veterinary surgeon;

the expression "medical appliances" includes contraceptives.

Extension of local authorities' lists.

2.—(1) On the application of an authorised seller of poisons who wishes to sell at any premises poisons included in Part II of the Poisons List, but neither poisons included in Part I of that list nor drugs, the local authority for the area in which the premises are situated shall enter his name in the list kept by them under section twenty-one of the principal Act as a person entitled,

subject to the provisions of that Act, to sell on those premises poisons included in the said Part II :

Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the fees prescribed by rules or who in the opinion of the authority is, for any sufficient reason relating either to him personally or to his premises, not fit to be on the list.

(2) The provisions of subsections (2) to (7) of the said section twenty-one (which relate to appeals from the decision of a local authority to refuse to enter a name in, or to remove a name from, the list, and other incidental matters) shall apply for the purposes of the foregoing provisions of this section as they apply for the purposes of that section.

(3) Where any premises of an authorised seller of poisons are entered in a local authority's list by virtue of this section, it shall be the duty of the authority under subsection (5) of section twenty-five of the principal Act, and not the duty of the Society under subsection (1) of that section, to take all reasonable steps to secure compliance by him, as respects those premises, with the provisions of Part II of the principal Act and of the rules made thereunder so far as those provisions relate to poisons included in Part II of the Poisons List ; and the provisions of subsections (5) to (10) of that section relating to inspectors shall apply accordingly.

Amendment as to separate sets of premises.

3. Where a separate or distinct part, or two or more separate or distinct parts, of any premises at which a business which comprises the retail sale of drugs is carried on, is or are used for the retail sale of drugs, then, for the purposes of this Act and the principal Act, that part or each of those parts, as the case may be, shall be treated as being a separate set of premises.

Amendments as to registration of pharmacists.

4.—(1) Where a person applying to be registered as a pharmacist has been convicted of any such criminal offence or been guilty of such misconduct as would, in the opinion of the Statutory Committee, render him unfit to remain on the register if he were a registered pharmacist, the Committee may, after making inquiry into the case, direct that his name shall not be registered, or shall not be registered until the Committee otherwise directs.

(2) Where a person whose name has been removed from the register under subsection (4) of section one of the principal Act, or a person employed by him in the carrying on of his business, has (whether before or after the removal of his name) been convicted of any such criminal offence as aforesaid or been guilty of such misconduct as aforesaid, the Statutory Committee may, after making inquiry into the case, direct that his name shall not be restored to the register, or shall not be restored until the Committee otherwise directs.

(3) Where directions are given by the Statutory Committee under the foregoing provisions of this section that the name of a person is not to be registered, or is not to be restored to the register, until the Committee otherwise directs, the Committee may further direct that no further application for the registration of his name, or for its restoration to the register, shall be entertained until the expiration of such period or the fulfilment of such conditions as may be specified in the directions.

(4) Where directions are given by the Statutory Committee under subsection (1) of section seven of the principal Act for the removal of the name of a pharmacist from the register, the Committee may further direct that no application made under subsection (2) of that section for the restoration of his name to the register shall be entertained until the expiration of such period or the fulfilment of such conditions as may be specified in the directions.

(5) Subsections (1), (3), (4) and (5) of section fourteen of the principal Act (which relate to directions given by the Statutory Committee and to appeals therefrom to the High Court) shall have effect in relation to a direction under this section as they have effect in relation to a direction under Part I of that Act.

(6) The Society may appear as respondent on any appeal to the High Court under subsection (3) of the said section fourteen, and, for the purpose of the provisions of subsection (4) of that section enabling the High Court to give directions as to the costs of any such appeal, the Society shall be deemed to be a respondent to the appeal, whether they appear on the hearing of the appeal or not.

Powers of Statutory Committee over bodies corporate.

5.—(1) The following subsection shall be substituted for subsection (3) of section nine of the principal Act—

"(3) If—

(*a*) a body corporate has been convicted of an offence under the Pharmacy Acts; or

(*b*) any member of the board or any officer of a body corporate, or any person employed by a body corporate in carrying on a business, has been convicted of any such criminal offence, or been guilty of any such misconduct as in the opinion of the Statutory Committee, renders him, or would if he were a registered pharmacist render him, unfit to be on the register;

then, whether the body corporate was or was not an authorised seller of poisons at the time when the offence or misconduct was committed, the Committee may inquire into the case and may, subject to the provisions of this Act, direct—

(i) that the body corporate shall, in a case where it is an authorised seller of poisons, cease to be such

a seller and, in any case, be disqualified, for such period as may be specified in the directions, from being an authorised seller of poisons; or

(ii) that all or any of the premises of the body corporate shall, in a case where they are registered in the register of premises, be removed from that register and, in any case, be disqualified, for such period as may be specified in the directions, from being registered therein".

(2) Subsection (2) of section fourteen of the principal Act (which provides that directions given by the Statutory Committee shall not take effect for three months) shall not apply to directions given under the said subsection (3) as respects a body corporate which is not, at the time when the directions are given, an authorised seller of poisons.

Exercise of jurisdiction of Statutory Committee.

6.—(1) No directions shall be given by the Statutory Committee under section four of this Act, or under subsection (3) of section nine of the principal Act as amended by this Act, except with the assent of the chairman of the Committee.

(2) Subsection (1) of section eleven of the principal Act (which restricts the power of the Statutory Committee to give directions under the foregoing provisions of that Act in cases of default by an employee) shall have effect as if the reference therein to the foregoing provisions of that Act included a reference to the provisions of this Act.

(3) Paragraph 3 of the First Schedule to the principal Act (which empowers the Statutory Committee to make regulations as to the procedure to be followed in exercising the jurisdiction conferred on it by that Act) shall have effect as if the reference therein to that Act included a reference to this Act.

Commencement of ss. 4, 5 and 6.

7. The last three preceding sections shall come into operation on such date as His Majesty may by Order in Council appoint.

Advertisements.

Prohibition of advertisements relating to certain diseases.

8.—(1) Subject to the provisions of this Act, 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 the purpose of the treatment of human beings for any of the following diseases, namely, Bright's disease, cataract, diabetes, epilepsy or fits, glaucoma, locomotor ataxy, paralysis or tuberculosis:

Provided that this subsection shall not apply to an advertisement published by a local authority, or by the governing

body of a voluntary hospital, or by any person acting with the sanction of the Secretary of State or the Minister of Health.

(2) In any proceedings for a contravention of the foregoing provisions of this section, it shall be a defence for the person charged to prove that the advertisement to which the proceedings relate was published only so far as was reasonably necessary to bring it to the notice of persons of the following classes or of one or some of them, that is to say,—

(*a*) members of either House of Parliament;

(*b*) members of a local authority;

(*c*) members of the governing body of a voluntary hospital;

(*d*) registered medical practitioners;

(*e*) registered nurses;

(*f*) registered pharmacists and authorised sellers of poisons;

(*g*) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;

(*h*) persons carrying on a business which includes the sale or supply of surgical appliances.

(3) In this section the expression "hospital" includes a clinic, dispensary or other institution for the reception of the sick, whether as in-patients or out-patients.

Prohibition of advertisements relating to abortion.

9. Subject to the provisions of this Act, 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.

Provisions as to offences under two preceding sections.

10.—(1) If any person contravenes any of the provisions of the last two preceding sections, he shall, subject to the provisions of this Act, be liable on summary conviction—

(*a*) in the case of a first conviction, to a fine not exceeding fifty pounds; and

(*b*) in the case of a subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Where, in any proceedings for a contravention of any of the provisions of the last two preceding sections, it is proved—

(*a*) that an advertisement was published referring to any article, or articles of any description, in terms calculated to lead to the use of that article or articles of that description—

(i) in the case of a contravention of section eight of this Act, for the treatment of human beings for

any such disease as is mentioned in subsection (1) of that section; or

(ii) in the case of a contravention of section nine of this Act, for procuring the miscarriage of women; and

(*b*) that the advertisement also referred to the article or articles in terms calculated to indicate that it or they were manufactured, produced, imported, sold or offered for sale by the person charged;

then, unless the contrary is proved, it shall be presumed for the purpose of those proceedings that that person took part in the publication of the advertisement, but without prejudice to the liability of any other person.

(3) In any proceedings for a contravention of any of the provisions of the last two preceding sections, it shall be a defence for the person charged to prove—

(*a*) that the advertisement to which the proceedings relate was published in such circumstances that he did not know and had no reason to believe that he was taking part in the publication thereof; or

(*b*) that the said advertisement 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, that is to say—

(i) registered medical practitioners;

(ii) registered nurses;

(iii) registered pharmacists and authorised sellers of poisons;

(iv) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;

(v) persons carrying on a business which includes the sale or supply of surgical appliances.

(4) No prosecution for a contravention of any of the provisions of the last two preceding sections shall be instituted without the consent of the Attorney General or Solicitor General.

Medicines.

Disclosure of composition of medicines.

11.—(1) Subject to the provisions of this Act, 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:

Provided that this subsection 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 subsection—

(*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 subsection (1) of section eighteen of the principal Act;

(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 approximate 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.

(3) If any person sells or supplies an article in contravention of the preceding provisions of this section, he shall, subject to the provisions of this Act, be liable on summary conviction—

(*a*) in the case of a first conviction, to a fine not exceeding twenty pounds; and

(*b*) in the case of a subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) This section shall come into operation on the first day of July, nineteen hundred and forty-two.

Restriction of sale of medicines by unauthorised persons.

12.—(1) Subject to the provisions of this Act, no person shall sell by retail any article consisting of or comprising a substance recommended as a medicine unless he is—

(*a*) a registered medical practitioner or a registered dentist; or

(*b*) an authorised seller of poisons; or

(*c*) a person not being a registered medical practitioner or a registered dentist or an authorised seller of poisons, but being a person who—

(i) has served a regular apprenticeship to a registered pharmacist, or to a body corporate authorised to sell poisons by virtue of section nine of the principal Act; and

(ii) is at the date of the passing of this Act carrying on on his own account a business which comprises the retail sale of drugs.

(2) Subject to the provisions of this Act—

(*a*) an authorised seller of poisons shall not sell by retail any article consisting of or comprising a substance recommended as a medicine unless the sale is effected at premises duly registered under Part I of the principal Act, not being premises required to be registered by paragraph (*g*) of subsection (1) of section one of this Act; and

(*b*) a person mentioned in paragraph (*c*) of the preceding subsection shall not sell by retail any such article unless the sale is effected at a shop and the business carried on at that shop, so far as it concerns the retail sale of drugs, is under the personal control of that person.

(3) If any person sells an article in contravention of any of the preceding provisions of this section, he shall, subject to the provisions of this Act, be liable on summary conviction—

(*a*) in the case of a first conviction, to a fine not exceeding twenty pounds; and

(*b*) in the case of a subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

(4) It shall be a defence for a person charged with selling an article in contravention of subsection (1) or subsection (2) of this section to prove that the sale was effected at a shop, and that the article consisted wholly either—

(*a*) of a substance produced by drying, crushing, or comminuting (but not subjecting to any other process) a plant or plants or any part thereof, or of a mixture the sole ingredients whereof are two or more such substances, or of a mixture the sole ingredients whereof are one or more of such substances and water; or

(*b*) of a natural mineral water, or an artificial imitation thereof.

(5) It shall also be a defence for a person charged with selling in contravention of subsection (1) or subsection (2) of this section an article consisting of or comprising a substance recommended as a medicine to prove that the sale was effected at a shop, and that the article was sold under a proprietary designation, and either—

(*a*) that the substance recommended as a medicine, as distinguished from individual constituents or ingredients of that substance, was not described in any of the monographs contained in the edition of the British Pharmacopœia or British Pharmaceutical Codex which was last published before the date of the passing of this Act or the date on which the substance was first sold by retail under the proprietary designation, whichever date is the later; or

(*b*) if the said substance was described in such a monograph, that the article was not sold under a title which included, in addition to the proprietary designation, any word or words which constitute or form part of the description set out at the head of that monograph; or

(*c*) if the said substance was described in such a monograph and the article was sold under such a title, that at the date of the passing of this Act—

(i) the said substance was ordinarily being sold by retail under that title; and

(ii) not more than one other substance recommended as a medicine, being a substance described in any other such monograph, was ordinarily being sold by retail under a title which included both the same proprietary designation and any word or words which constitute or form part of the description set out at the head of that other monograph.

(6) This section shall come into operation on the second day of September, nineteen hundred and forty-one.

Provisions as to charges under two preceding sections.

13.—(1) It shall be a defence for a person charged with selling or supplying, in contravention of any of the provisions of the last two preceding sections, an article consisting of or comprising a substance recommended as a medicine to prove—

(*a*) that he did not know, and had no reason to believe, that the article consisted of or comprised such a substance; or

(*b*) that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

(2) In any proceedings for a contravention of any of the provisions of the last two preceding sections, a document purporting to be a certificate signed by a public analyst within the meaning of the Food and Drugs Act, 1938, or a person appointed by the Secretary of State to make analyses for the purpose of the principal Act, and stating the result of an analysis made by him, shall be admissible as evidence of the matters stated therein, but any party to the proceedings may require the person by whom the analysis was made to be called as a witness.

1 & 2 Geo. 6. c. 56.

(3) No prosecution for a contravention of any of the provisions of the last two preceding sections shall be instituted without the consent of the Attorney General or Solicitor General:

Provided that this subsection shall not apply to a prosecution for a contravention of any of the provisions of section eleven instituted by the Society or by a food and drugs authority within the meaning of the Food and Drugs Act, 1938.

Repeal of medicine duties.
42 Geo. 3. c. 56.
44 Geo. 3. c. 73.
52 Geo. 3. c. 150.

14. As from the second day of September, nineteen hundred and forty-one, the duties of excise chargeable under the Medicines Stamp Act, 1802, the Stamp Act, 1804, and the Medicines Stamp Act, 1812, and any enactment amending those Acts shall cease to be charged, and accordingly the enactments specified in the Schedule to this Act shall, as from the said date, be repealed to the extent specified in the third column of that Schedule:

54 & 55 Vict. c. 38.

Provided that so much of that Schedule as relates to section nine of the Stamp Duties Management Act, 1891 (which contains provisions as to allowances for spoiled stamps), shall not come

into operation until the second day of September, nineteen hundred and forty-three, and the said section shall have effect in relation to stamps rendered useless by the provisions of this section as if they had been inadvertently and undesignedly spoiled.

General.

Enforcement by Pharmaceutical Society.

15.—(1) It shall be the duty of the Society to take all reasonable steps to enforce the provisions of sections eight, nine and eleven of this Act and for that purpose the Society may employ the inspectors appointed by them under section twenty-five of the principal Act.

(2) References in the said section twenty-five to Part I and Part II of the principal Act shall be construed as including references to those Parts of that Act as amended by this Act.

Enforcement by food and drugs authorities.

16. A food and drugs authority within the meaning of the Food and Drugs Act, 1938, shall have power to enforce the provisions of sections eight, nine and eleven of this Act and, subject to the provisions of subsection (4) of section ten of this Act, to institute proceedings for a contravention of any of the provisions of those sections.

Interpretation.

17.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them—

" advertisement " includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light or sound ;

" authorised seller of poisons " has the same meaning as in the principal Act ;

" British Pharmaceutical Codex " means the book published by that name by the Society ;

" British Pharmacopœia " means the book published by that name in pursuance of section fifty-four of the Medical Act, 1858 ; 21 & 22 Vict. c. 90.

" Poisons List " has the same meaning as in the principal Act ;

" the principal Act " means the Pharmacy and Poisons Act, 1933 ; 23 & 24 Geo. 5. c. 25.

" proprietary designation ", in relation to the sale of an article consisting of or comprising a substance recommended as a medicine, means a word or words used or proposed to be used in connection with the sale of articles consisting of or comprising the substance for the purpose of indicating that they are the goods of a

particular person by virtue of manufacture, selection, certification, dealing with or offering for sale; and the expression "proprietor", in relation to such a designation, means the person whose goods are indicated or intended to be indicated as aforesaid by the designation;

"registered dentist" and "registered pharmacist" have the same meanings as in the principal Act;

2 & 3 Geo. 5. c. 3. "shop" has the same meaning as in the Shops Act, 1912;

"Society" and "Statutory Committee" have the same meanings as in the principal Act;

"substance" includes a preparation;

"substance recommended as a medicine", in relation to the sale of an article consisting of or comprising a substance so recommended, means a substance which is referred to—

(*a*) on the article, or on any wrapper or container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a wrapper or container; or

(*b*) in any placard or other document exhibited at the place where the article is sold; or

(*c*) in any advertisement published after the passing of this Act by or on behalf of the manufacturer of the article, or the person carrying on the business in the course of which the article was sold, or, in a case where the article was sold under a proprietary designation, the proprietor of the designation;

in terms which are calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury affecting the human body, not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicine;

"word" includes a letter and a numeral.

(2) For the purposes of this Act—

(*a*) an article shall be deemed to be sold under a designation or title if, but not unless, the designation or title is used for naming the article or the substance which it consists of or comprises—

(i) by any person in connection with the sale; or

(ii) on the article, or on any wrapper or container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a wrapper or container;

(*b*) a reference to an edition of the British Pharmacopœia or the British Pharmaceutical Codex published before a certain date shall be construed as a reference to that edition as amended by any addendum thereto published before that date;

(*c*) a reference to a description set out at the head of any monograph contained in an edition of the British Pharmacopœia or the British Pharmaceutical Codex shall be construed as including a reference to any synonym or abbreviation of that description, being a synonym or abbreviation set out at the head of that monograph.

(3) In this section references to the sale of an article include references to the supply of an article as a sample for the purpose of inducing persons to buy by retail the substance of which the article consists or which it comprises.

Application to Scotland

18. This Act shall, in its application to Scotland, have effect subject to the following modifications:—

(*a*) for any reference to the High Court there shall be substituted a reference to the Court of Session;

(*b*) for the reference to a public analyst within the meaning of the Food and Drugs Act, 1938, there shall be substituted a reference to a public analyst appointed under the Food and Drugs (Adulteration) Act, 1928; 18 & 19 Geo. 5. c. 31.

(*c*) subsection (4) of section ten, subsection (3) of section thirteen and section sixteen shall be omitted.

Short title, citation and extent.

19.—(1) This Act may be cited as the Pharmacy and Medicines Act, 1941, and may be cited together with the Pharmacy and Poisons Acts, 1852 to 1933 as the Pharmacy and Poisons Acts, 1852 to 1941.

(2) This Act shall not extend to Northern Ireland.

Section 14.

SCHEDULE.

ENACTMENTS RELATING TO MEDICINE DUTIES REPEALED.

Session and Chapter	Short Title	Extent of Repeal
42 Geo. 3. c. 56 -	The Medicines Stamp Act, 1802.	The whole Act.
43 Geo. 3. c. 73 -	The Medicines Stamp Act, 1803.	The whole Act.
44 Geo. 3. c. 98 -	The Stamp Act, 1804 -	The whole Act.
52 Geo. 3. c. 150 -	The Medicines Stamp Act, 1812.	The whole Act.
55 Geo. 3. c. 184 -	The Stamp Act, 1815 -	Section fifty-four.
8 & 9 Vict. c. 15 -	The Auctioneers Act, 1845	In section six, the words " or patent medicines ".
27 & 28 Vict. c. 56 -	The Revenue (No. 2) Act, 1864.	In section six, the words from " Owners " to " stamp duty ".
38 & 39 Vict. c. 23 -	The Customs and Inland Revenue Act, 1875.	Section eight.
54 & 55 Vict. c. 38 -	The Stamp Duties Management Act, 1891.	In proviso (*c*) to section nine and in section twenty-six, the words " medicines or ", wherever they occur.
8 Edw. 7. c. 16 -	The Finance Act, 1908 -	In subsection (4) of section four, the words " medicines and ".
5 & 6 Geo. 5. c. 89 -	The Finance (No. 2) Act, 1915.	Section eleven.
17 & 18 Geo. 5. c. 10	The Finance Act, 1927 -	Section two.

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