

10 February 2014

To all our clients and friends

INFORMATION LETTER

regarding amendments to the Republic of Kazakhstan legislation on pharmaceuticals advertising

The new rules for issuing permits to advertise medications, medical products and medical equipment (hereinafter collectively referred to as the "Goods")¹ entered into force in Kazakhstan starting 1 December 2013.

In addition to the previously existing legal regulations in this sphere, the said normative act provides for the new requirements, as follows.

1. The list of information, which does not require advertising permit, has been changed. From now on, information related to person's health status or diseases is added to exceptions from the general rule on Goods advertising under permitting procedure². At the same time, the advertising information used in décor on showcases (windows), outdoor and door-mounted signboards and posters, and in interior décor of healthcare organizations, if these relate to Goods designation and sale, has been excluded from the list of information, which does not require advertising permit.
2. The new rules provide for requirements regarding mandatory elements to be contained in the advertising of Goods for their correct and rational use. At the same time, the rules provide for specific requirements to different categories of Goods – medications, medical products and medical equipment. Furthermore, the rules separately identify the requirements to the advertising content for TV and radio channels.
3. The rules provide for requirements to advertising slogans; particularly, these are to be executed in a form to make it clear that the advertised Goods are medications, medical products and medical equipment. Advertising slogans must facilitate the rational use of Goods and cannot exaggerate pharmaceutical properties and therapeutic indications of the advertised medications, the sphere of application of the medical products and medical equipment, etc.
4. The Goods advertising for public cannot use information, which:
 - a) describes illness symptoms or case history, which may lead to misdiagnosis or self-diagnosis;

¹ Order No. 167 of the RK Minister of Health "On Approval of the Rules for Issuing Permits for Advertising of Medications, Medical Products and Medical Equipment in the Republic of Kazakhstan" dated 20 March 2013.

² No advertising permit is required for: 1) medical use instructions, sales catalogues, price lists, reference materials, scientific-and-information materials, medical methodological and teaching materials; 2) information on individuals or legal entities manufacturing or selling medications; 3) application of logos, trade names and/or international non-proprietary names on industrial products distributed among healthcare professionals and pharmacists (pens, notebooks, handbags, doctor's overalls, etc.). Please note that the permit is not required, provided that the above information contains no references or advertising statements about Goods.



- b) creates an illusion that medical consultations and surgical operations are not required;
- c) uses images reflecting changes in human body or body parts before and after administration;
- d) persuades that human health may be deteriorated by non-administration (non-use) of the advertised products;
- e) contains references to recovery stories.

We would be happy to provide you with more detailed information on the updated procedure for Goods advertising permit obtainment upon your further query.

Best regards,

AEQUITAS Law Firm