

Cancer of inferior medicines targeted

Celebrities who endorse fake or substandard pharmaceutical products will face criminal and civil liability, following a judicial interpretation that takes effect today.

"If these people know the nature of fake and inferior drugs but still help promote them, they will be dealt with as accomplices of producers and dealers of the products," the new interpretation by the Supreme People's Court (SPC) and the Supreme People's Procuratorate stated.

The regulations also cover people who provide loans and grant production licenses to the makers and dealers of the inferior products, those who give support in the form of production and management venues, those involved in the delivery and storage of the products, and those who contribute production technologies, raw materials, side materials and materials for packaging.

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A number of major cases involving the production and sale of fake or substandard drugs have come to light in the past three years, SPC vice-president Xiong Xuanguo told a press conference jointly held by the two judicial organs and the State Food and Drug Administration yesterday.

The cases seriously endanger people's health, as well as the country's international image, the official said.

The latest judicial interpretation sparked heated online debate soon after it was announced.



May 2006: Eleven people die from the Armillarisin A injection by Qiqihar No 2 Pharmaceutical Co, Heilongjiang province. The drug was designed to treat gall bladder, liver and gastric disorders.

August 2006: At least 6 people die from the Xinfu antibiotic injection, by Anhui Huayuan Worldbest Biology Pharmacy Co Ltd.

December 2006: Police raid an underground laboratory run by Hainan Sanjiu Healthcare Products Co Ltd. The lab produces more than 18 types of fake abortion drugs and birth control pills.

August 2007: A gang of 17 people in Heilongjiang province produce and sell bogus rabies vaccines made with starch and water for human use.

Source: Media reports Graphics by Tian Di

Among the nearly 3,000 comments on major portal Sina.com by 7 pm, most people applauded the efforts but many also focused on the fact that celebrities had to be aware of the dubious nature of the products they were endorsing before they could be made liable for punishment.

"Who will confess she or he has endorsed such products under the awareness of its fake and substandard nature?" asked a netizen from Jiangsu province. "If no one makes such a confession, no celebrity will be suitably punished then the law will be meaningless."

Han Yusheng, a law professor with Renmin University of China, suggested that judicial departments make such judgments based on the standard of "common sense".

"If most people can tell that the drug a celebrity endorses is fake or substandard, judicial authorities should not simply listen to any defendant's possible claim to be ignorant of such products," Han told China Daily.

Many Chinese celebrities endorse drugs and healthcare products even without using the products themselves, the professor said.

A few have been involved in scandals when products turned out to be fake or inferior, but punishments often only called for celebrities to return part of their fee.

"Some should face civil and even criminal liability if the fake drugs they helped promote have a serious impact on consumers," said Han, adding that the Criminal Law has clear stipulation for the "false

advertisement crime".

Qiu Baochang, dean of Beijing-based Huijia Law firm, agreed and urged newspapers and TV stations to also take more responsibility.

"They need to be more prudent and strict in examining the qualifications of drug ads applications," Qiu told China Daily. "Under the new stipulations they should also be dealt with as accomplices if they promote drugs that are easily distinguished as fake or inferior."

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