

MALAYSIA



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1. Case Report:	Communications and Multimedia Forum of Content in Malaysia
Topic:	The coming into effect of the Content Code with regards to Advertising to Children
When:	2006
What Happened:	<p>The Communications and Multimedia Forum of Content in Malaysia was established in 2001 to govern content and address content related issues disseminated by way of electronic networked medium.</p> <p>Through its Content Code, guidelines and procedures for good practice and standards of content disseminated for public consumption by service providers in the communications and multimedia industry would be set out, and a commitment towards self-regulation by the industry in compliance with the Communications and Multimedia Act 1998 would be demonstrated.</p> <p>Part 3 of the Code, particularly paragraph 7.2, makes specific provisions for advertising and children. Clear illustrations are provided to avoid ambiguous interpretation of its substance, e.g. illustration (iii) which provides that medicines, disinfectants, antiseptics, caustic substances, pesticides and all aerosol preparations must not be shown within the reach of children without close parental supervision. Neither can they be shown using them.</p>
Comment:	The Content Code would seek to identify offensive and objectionable content while spelling out the obligations of content providers within the context of social values in Malaysia.

2. Case Report:	Malaysian Health Promotion Board Act 2006
Topic:	Enactment of Law to promote Health
When:	Came into effect on 29 th June 2006
What Happened:	<p>The Malaysian Health Promotion Board Act was given its royal assent on 15th June 2006. The Act establishes the Health Promotion Board to supervise matters incidental to health, i.e. any action or activity that strengthens the health skills and capabilities of individuals, groups and communities in Malaysia as well as enhances social and environmental conditions so as to improve their health status.</p> <p>The Malaysian Health Promotion Board functions as follows: (a) to develop the capacity of organizations including health related and community based organizations for health promotion; (b) to plan and implement health promotion programmes and activities for the benefit of the community, with a particular focus on youth; (c) to develop and support multi-strategy programmes that promote and support healthy lifestyles and healthy environments through various settings and sectors; (d) to develop and support programmes to improve population health by preventing, reducing or stopping the use of tobacco products; (e) to fund research relevant to health promotion; (f) to fund and support sporting, recreational and cultural organizations to promote healthy lifestyles and healthy environments; and (g) to liaise, assist and collaborate with other international organizations with similar missions and objectives for mutual support and development as well as further the development and progress of health promotion in the world.</p>
Comment:	The Board would now oversee and supervise organizations that are involved in

	promoting and developing health and its related issues to the community
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3. Case Report:	Electronic Commerce Act 2006
Topic:	Enactment of Law to recognize electronic messages
When:	Came into effect on 19 th October 2006
What Happened:	<p>The Malaysian Electronic Commerce Act was given its royal assent on 30th August 2006. The Act provides for legal recognition of electronic messages in commercial transactions, the use of the electronic messages to fulfill legal requirements and to enable and facilitate commercial transactions through the use of electronic means and other matters connected therewith.</p> <p>It further provides that it is not mandatory for a person to use, provide or accept any electronic message in any commercial transaction unless the person consents to the using, providing or accepting of the electronic message; and that a person's consent to use, provide or accept any electronic message in any commercial transaction may be inferred from the person's conduct.</p>
Comment:	The implementation of the Act would now enable consumers making purchases via the internet to bring their cases to the tribunal without going through courts. The Act can now be used as there has been an increase in internet usages for online purchasing, as prior to this, there were no laws governing internet transactions and the public are not able to bring their cases to the tribunal if fraud occurs

4. Case Report:	Malaysian Medical Association's Circulars Advice to Consumers
Topic:	Advise on online Advertisements of Drugs/Treatments
When:	7 th June 2006
What Happened:	<p>The Malaysian Medical Association advised the Malaysian public against purchasing drugs or medicine online without a doctor's prescriptions saying that those who do so may run the risk of being cheated or worse still receive the wrong prescriptions and advice for their ailments.</p> <p>The Medicines (Advertisement & Sales) Act 1956 prohibits promotion of medicine for a number of diseases including AIDS, tuberculosis, cancer, etc. Only drugs approved by the Medicine Advertisement Board can be advertised. It is important to ensure that advertising and marketing via the Internet should not encourage irresponsible self-medication, purchase of medicines that are inappropriate or purchases of larger quantities of medicines than required for the patient's medical condition.</p> <p>Consumers must be encouraged to treat medicines as special products to be stored and used with care, in accordance with professional advice, when necessary. It is vitally important that people should be encouraged to seek medical advice where that is the right course of action and there should be no inappropriate marketing of medicinal products available for sale online without medical prescription.</p> <p>Although advertising online is helpful in informing people about medicines available for self-medication, it should always be responsible and should support rather than inhibit the advisory role of health professionals.</p>
Comment:	It is important to ensure that advertising and marketing via the Internet should not encourage irresponsible self-medication, purchase of medicines that are inappropriate or purchases of larger quantities of medicines than required for the patient's medical condition.

5. Case Report:	Government Considering Ban on Fast Foods Advertisements
Topic:	Fast Food a Health Concern
When:	23 rd February 2007
What Happened:	<p>The Malaysian government recently issued an immediate directive that all advertisements concerning fast foods are to be stopped with immediate effect.</p> <p>This action gained public attention in the wake of the government's concern over the increase of health problems in the country, with fast food products being touted as being the main reason. The Health Ministry is already making recommendations of banning such advertisements to the Cabinet.</p> <p>The trend of the fast food industry has over the past few years adopted a cultural trend of linking their products with entertainment, especially with movie and cartoon characters to address consumers. Brand-name foods and drinks such as Mc Donald's and Coca-Cola appear on toy cars and helicopters; fast-food chains promote "educational" games and "scratch-and-win" contests.</p> <p>The banning of advertising of fast food products was primarily motivated by the increasing number of Malaysians suffering from "affluent" diseases, such as diabetes, hypertension causes and the critical rise in obesity among children and adults.</p> <p>The Health Ministry also added that the move would also cover endorsements of events linked to fast food. To further support the stand, a fast food "sin tax" is also being considered.</p>
Comment:	<p>This move would affect several companies and operators of fast food outlets, as revenue from fast food advertising on TV, newspapers and billboards totaled millions of ringgit annually.</p> <p>Although the Information Ministry admitted that this move would have an adverse impact on the advertising industry in Malaysia, the people's health is the top most priority concern. If this is left unprotected, the quality of health will drop and the government has to spend millions of ringgit to tackle the problem.</p>

6. Case Report:	Government Against Pan-Asian Models
Topic:	Banning of Pan Malaysian Models from local advertising
When:	25 th February 2007
What Happened:	<p>The Information Ministry announced the enforcement of the ban on foreign flavoured advertisements and models with Pan-Asian looks that were being featured on private television channels, newspapers and billboards.</p> <p>According to the Information Ministry, the ban had been long imposed by the nation's premier broadcaster, Radio Televisyen Malaysia (RTM) and it would still be maintained.</p> <p>According to a survey conducted to gather feedback on the subject matter, opinions surrounding Pan-Asians monopolizing the market, the desire to have more ethnic looking faces in commercials, the displeasure of seeing locally made goods being endorsed by foreign looking models, and the importance in letting viewers understand the Malaysian culture and tradition instead of them staring at good looking models were the primary concerns.</p> <p>A ban on Pan-Asian faces is already in force at two government owned televisions, the print media and billboards The Ministry said that the ban would cover all media, but it was not clear when it would take effect.</p>
Comment:	<p>This move would affect several companies and operators of advertising agencies, as revenue from such advertising on TV, newspapers and billboards totaled millions of ringgit annually. It could also affect the livelihood of pan-asian models that rely heavily on these opportunities to make their income.</p>

	<p>On the other hand should no such ban be brought about it could have a psychological effect of inferior complexity in respect of looks amongst the Malaysian community.</p>
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