

Homeopathic medicines containing more than 12% ethyl alcohol should not be sold in bottles more than 30ml – Madras & Bombay High Court Verdict

Case Digest

Drugs and Cosmetics Act, 1940

Section 22 and Rule 106B-Constitution of India, 1950- Article 226 - petition under - for issuance of a writ of Mandamus to forbear the respondents and their subordinate officials from interfering with the right of the petitioner to keep homeopathic dilutions in 500 milliliters pound pack

Section 22 and Rule 106B-Constitution of India, 1950- Article 226 - petition under - for issuance of a writ of Mandamus to forbear the respondents and their subordinate officials from interfering with the right of the petitioner to keep homeopathic dilutions in 500 milliliters pound pack

Homeopathic medicines containing more than 12% ethyl alcohol shall be packed and sold in packing or bottles more than 30 milliliters except that it may be sold to hospital/dispensaries in packing or bottles of not more than 100 milliliters - No homeopathic medicines containing more than 12% ethyl alcohol shall be packed and sold in packing or bottles more than 30 milliliters except that it may be sold to hospital/dispensaries in packing or bottles of not more than 100 milliliters- an interim stay order granted by the High Court on the amended Rule- held that as per section 22, the respondents have every right to carry out inspection in view of the amendment in Rule 106B - the petitioner did not disclose the actual date of purchase of the homeopathic medicine containing more than 12% ethyl alcohol- the High Court held that the restriction contained in Rule 106B and the action taken thereon by the respondents that qua homeopathic medicine with more than 12% alcohol content cannot be said to be either unreasonable or otherwise violative of the right guaranteed to the petitioners under Article 19(1)(g) of the Constitution - petition dismissed - no cost. (*Dr. G.P. Hahnemann vs. The Drug Controller to Tamil Nadu and others, Madras High Court, 2010 (1) Drugs Cases (DC) 229*)

Section 5(2)--- Drugs & Cosmetics Rules, 1945---Rule 106-B-

Prohibition imposed on quantity and percentage of alcohol in homeopathic medicines---contention that mandatory procedural requirements of the Act not followed as the Drugs Technical Advisory Board did not have any representative with an expert knowledge in the field of Homoeopathy untenable---Court cannot mandate any change in statutory provisions relating to Constitution of the Board---sub-committee for homoeopathic science constituted by Board—writ petition dismissed. [*Shrikrishna Homoeo Pharmacy vs. Union of India and others, Bombay High Court, 2006 Drugs Cases (DC) 96*]