



Cancer Act 1939

1939 CHAPTER 13 2 and 3 Geo 6

4 Prohibition of certain advertisements

- (1) No person shall take any part in the publication of any advertisement—
 - (a) containing an offer to treat any person for cancer, or to prescribe any remedy therefor, or to give any advice in connection with the treatment thereof; or
 - (b) 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, in the treatment of cancer.
- (2) If any person contravenes any of the provisions of the foregoing subsection, he shall be liable on summary conviction, in the case of a first conviction, to a fine not exceeding fifty pounds, and, 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.
- (3) Where, in any proceedings for a contravention of subsection (1) of this section 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 in the treatment of cancer; 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.
- (4) In any proceedings for a contravention of subsection (1) of this section, it shall be a defence for the person charged to prove—
 - (a) 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,—
 - (i) members of either House of Parliament or of a local authority or of the governing body of a voluntary hospital;

Status: This is the original version (as it was originally enacted).

- (ii) (without prejudice to the generality of the foregoing sub-paragraph) persons concerned in making or carrying into effect arrangements under section one of this Act;
 - (iii) registered medical practitioners;
 - (iv) registered nurses;
 - (v) registered pharmacists and authorised sellers of poisons;
 - (vi) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;
 - (vii) persons carrying on a business which includes the sale or supply of surgical appliances; or
- (b) that the said advertisement was published only in a publication of a technical character intended for circulation mainly amongst persons of the classes mentioned in the last preceding paragraph or one or some of those classes; or
 - (c) that the said advertisement 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.
- (5) Nothing in this section shall apply in respect of any 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 Minister.
- (6) A prosecution for an offence under this section shall not be instituted in England or Wales without the consent of the Attorney-General or the Solicitor-General.
- (7) Subject to the provisions of the last foregoing subsection, it shall be the duty of the council of every county and county borough to institute proceedings under this section.
- (8) In this section the expression " advertisement " includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting sounds.