

COMPETITION COMMISSION OF PAKISTAN

ENQUIRY REPORT

(Under the provisions of Section 37(2) of the Competition Act, 2010)

**IN THE MATTER OF DECEPTIVE MARKETING PRACTICES BY
AL HAJ MIAN LIAQUAT ALI OF LIAQUAT HOSPITAL LAHORE**

BY

Noman Laiq & Marryum Pervaiz

Dated: 07/04/14

1. BACKGROUND:

- 1.1. This enquiry report has been prepared pursuant to Section 37 (2) of the Competition Act, 2010 (the “Act”) when a complaint was received by Competition Commission of Pakistan (the “Commission”) against the advertisement of Al Haj Mian Liaquat Ali (the “Respondent”) of Liaquat Hospital Lahore for alleged violation of Section 10 of the Act i.e. Deceptive Marketing Practices.
- 1.2. The complaint was submitted to the Commission through an email by Ms. Tehmina Shabbir (Annex-1). It was alleged in the complaint that certain TV channels are running advertisement of the Respondent claiming to completely cure many types of diseases which is actually not possible. The complainant highlighted that it is a very serious issue which needs to be addressed by the Commission under Section 10 of the Act.
- 1.3. After the primary investigation the Commission decided to initiate an enquiry under Section 37 (2) of the Act by appointing Mr. Noman Laiq, Joint Director (OFT) and Ms. Marryum Pervaiz, Assistant Director (OFT) as enquiry officers into the, *prima facie*, violation of Section 10 of the Act by the Respondent. The enquiry officers were directed to carry out the enquiry on the issues raised in the complaint and to submit the enquiry report by giving their findings and recommendations *inter alia* on the following issues:
 - i. Whether the conduct of the Respondent is capable of harming the business interest of other doctors in violation of Section 10(2)(a) of the Act?
 - ii. Whether the Respondent is disseminating false/misleading information to the consumers that is lacking a reasonable basis, related to character, properties, or quality of services in violation of Section 10(2)(b) of the Act?

2. COMPLAINT:

- 2.1. A complaint was filed through an email to the Commission, for alleged violations of Section 10 of the Act by the Respondent in his advertisement. The complainant alleged that the advertisement of the Respondent is running frequently on Sabz Baat SBN channel (Annex-A). In the said advertisement there are various deceptive claims such as complete cure of Diabetes,

Hepatitis A, B & C. The Respondent also claimed that by using his prescription every person will be able to reduce weight, remove all freckle and wrinkles, and will be able to enhance the beauty.

- 2.2. The complainant further submitted that such advertisements easily convince the viewers to believe that the advertiser can cure all type of diseases. According to the advertisement the medicines can be delivered through parcel at the door step of the patients. She alleged that this is a very serious issue that now the doctors are advertising them on Television channels and are claiming to cure every single disease completely.
- 2.3. The complainant requested the Commission to take action as all the claims have been made without any reasonable basis and Justification in violation of Section 10 of the Act.

3. DECEPTIVE MARKETING PRACTICES BY RESPONDENT

- 3.1 It was observed that the Respondent has started deceptive advertising campaign on different Tv channels including **Sabz Baat SBN** channel. The advertisement runs for more than half an hour. Certain images of the advertisement are as follow:





- 3.2 The Respondent in his advertisement has made various absolute claims which appear to be *prima facie* deceptive. Few of those claims are explained below.
- i. Hepatitis A, B and C are viral infections that cause the inflammation of the liver and in severe cases, can even turn out to be fatal. The Respondent claims in his advertisement that he can **completely cure** these diseases. The patient can even donate blood after the treatment of the Respondent.
 - ii. Moreover, diabetes mellitus is a disease which has many different types. While a few of them can be cured, insulin injection is a necessary treatment to control blood sugar level in diabetes. Some patients also take medicine permanently to control the sugar level. The Respondent claims in his advertisement that he can **completely cure all types of diabetes within 3 months**. He also claims that there would be no need for insulin injection or any diet control after his treatment. He claimed that after his treatment, you can take as much sugar as you want, without any restriction.
 - iii. He further claims that he can make people **lose 30 pounds weight and reduce their waists by 5 inches within 30 days**. While making this claim, he does not mention any side effects that this treatment would have on people using the medicine.

- iv. He claims that he has a treatment which would bring an *end to dandruff and hair fall in few days*. Moreover, he has medicines which would *enhance the beauty of the person in few days*.
- v. He also claims that his treatment can *increase the height of men and women, by 6 to 8 inches* without distinguishing any age group. It should be noted that men and women have the potential to increase their heights till a certain age, after which the chances of height increase are diminished.
- vi. He also claims that he can *completely cure all kinds of joints pain in people*, whereas it should be noted that people suffering from arthritis can not get rid of this pain permanently.
- vii. Vitiligo is a skin condition in which white spots appear on the skin of the patient. Dr. Liaquat claims to *completely cure vitiligo or phulbehri* and *guarantees that the disease will not turn back again*.
- viii. Another claim that he makes is *guaranteeing the birth of a son* after his treatment. This is not even scientifically possible and the obvious reason for the inclusion of this claim in the advertisement is to attract people emotionally as many people in Pakistan wish for the birth of a son.
- ix. Dr. Liaquat also says that he would give *treatment on telephone to people*, who cannot travel to the hospital for any reason, after verbally listening to their problems. Here it should be noted that most of the people do not know what disease they have or what is the location of the various body organs within their body, how would they be able to explain on the telephone what problem they have and how would the doctor be able to give them treatment without having any kind of tests. There is a huge possibility that the doctor misunderstands the disease and as a result prescribes the wrong treatment. Moreover, no information is given regarding whether the people who ask for treatment on the telephone would be required to make some payment by any means or not.

3.3 It is pertinent to mention here that in addition to making all these claims, the Respondent also attempts to incite people religiously by giving reference from the Verse of Holy Quran. To induce the choice of patients he includes the interviews of few people in the advertisement, claiming to be cure after his treatment.



4. RESPONDENT'S REPLY

- 4.1 Since these absolute claims regarding the cure of various diseases have been disseminated in order to induce the customers to prefer Respondent's hospital over others, the advertisement of the Respondent found, *prima facie*, deceptive in terms of the provisions of Section 10 of the Competition Act, 2010, in specific 10(2)(a) & (b) of the Act. It was decided to ask the Respondent to clarify and explain, along with necessary documents, the basis for making all these claims. In this regard a letter was written to the Respondent on July 17, 2013.

- 4.2 In the letter the Respondent was asked to clarify following absolute claims made by him in his advertisement:
- a) Complete cure of Hepatitis A,B and C
 - b) Complete cure of all type of Diabetes within 3 months
 - c) Lose 30 pounds weight and reduce waists by 5 inches within 30 days
 - d) End of dandruff and hair fall in few days
 - e) Enhance the beauty of the person in few days
 - f) Increase in height of men and women by 6 to 8 inches without distinguishing any age group
 - g) Complete cure of all kinds of joints pain
 - h) Complete cure of vitiligo or phulbehri with the guarantees that the disease will not turn back again
 - i) Guarantee for the birth of a son
- 4.3 The Respondent was requested to clarify and explain the basis of making all the aforementioned claims along with the supporting documents and the certificate of incorporation of the Hospital
- 4.4 A reply was submitted by Syed Mansoor Ali Bukhari, Advocate Supreme Court, on behalf of the Respondent (Annex-B).
- 4.5 He submitted that his client is engaged in the profession of Homeopathic Doctor and obtained a degree in 1994 from Orthopadic Medical College, Ichra Shopping Centre 91, Ferozpur Road, Lahore.
- 4.6 He further submitted that the advertisement is often played in Television and it was never undertaken by the Respondent on Oath. The work of the Respondent is only to provide medicine to the clients and to give health is solely in the hands of Almighty Allah, while the Respondent never gave guarantee/ assurance to any person for health.
- 4.7 He alleged that the provisions of Section 10 of the Act are not attracted to the Respondent and the complaint has been made in order to blackmail the Respondent. He requested for the withdrawal of the said complaint.

5. CORRESPONDENCE WITH OTHER INSTITUTES/ REGULATORS

- 5.1 In order to have a firm opinion on the issues raised in the complaint, letters were written by the enquiry officers to the *'College of Physician and Surgeons Pakistan'* and *'Pakistan Medical and Dental Council'* dated: July 31, 2013 (Annex-C1 & C2).

- 5.2 They were provided with the copy of the complaint along with the correspondence made by the Commission and the reply received from the Respondent. They were requested to keenly analyze the case and give their detail and firm opinion on it.
- 5.3 The enquiry officers have also written letters to the '**National Council for Homeopathy**' and '**PEMRA**' (Annex-C3 & C4) for their opinion and review.
- 5.4 A letter was received by the enquiry officers from Chief Legal Officer of PMDC Islamabad (Annex-D). The letter was originally addressed to the EDO (Executive District Officer) Health and was forwarded to the enquiry officers and Secretary Health Department, Government of Punjab for information purpose. It referred to the letter already written by the enquiry officers to PMDC along with the copy of complaint. The EOD was requested to investigate the matter and if allegation found correct he was directed to proceed against the Respondent/ quack as per law. The EOD was also authorized to file the case against him under Section 7 of the Medical & Dental Degree Ordinance 1982 and Allopathic System (Prevention of misuse) Ordinance LXV of 1962.
- 5.5 The Chief Legal Officer PMDC has further stated that the doctor is reported to practice allopathic medicine and his counsel has stated that he is qualified from 'Orthopadic Medical College'. She also gave directions to check the functioning of Orthopadic Medical College Iera Shopping Centre 91, Ferozpur Lahore.
- 5.6 Reference was quoted to new Medical and Dental Council Act No. XIX of 2012 which is stated as under:

“22A. Establishment and running of medical and dental institutions without recognition:

No person shall run nor establish any institution for training or grant or both training or grant of medical or dental qualifications, additional medical or dental education, training for house job, internship or foundation year or an organization for continuous professional development opportunity neither shall any university grant affiliation to any such an institution nor any such institution shall award any degree unless recognition has been granted to such college or institution under this Ordinance.

22B. Penalty: (1) *Whoever runs or establishes or endorses any institution or advertises admissions in an institution for imparting education in medicine or dentistry, which is not recognized under sections 11,11A,16, 16A or 18 or in respect of which recognition has been withdrawn under section 22, shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but shall not be less than a year or with fine which may extend to ten million rupees but shall not be less than five million rupees or with both and shall also be liable to closure of such institution.*

(2) *Where any contravention of this Ordinance has been committed by a body corporate or institution and it appears from the relevant documents that such offence has been committed with the consent or connivance of or is attributed to any negligence on the part of any director, partner, manager, secretary or other officer of the body corporate or institution such director, partner, manager, secretary or other officer of the body corporate or institution, shall be deemed guilty of such contravention along with the body corporate or institution and shall be punished accordingly:*

Provided that in the case of a company as defined under the Companies Ordinance, 1984 (XLVII of 1984), only its chief executive shall be liable under this section.

Explanation— *For the purposes of this section, "body corporate or institution" includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Co-operative Societies Act, 1925 (VII of 1925).*

(3) *Where any contravention of this Act has been committed by any Government agency, local authority or local council and it appears from the relevant documents that such contravention has been committed with the consent or connivance of or is attributable to any negligence on the part of the head or any other officer of the Government agency, local authority or local council, such head or other officer shall also be deemed guilty of such contravention alongwith the Government agency, local authority or local council and*

shall be liable to be proceeded against and punished accordingly.”.

31. Amendment of section 28, Ordinance XXXII of 1962: -

In the said Ordinance, for section 28 the following shall be substituted, namely:-

“28. Penalty for fraudulent representation or registration:-

Whoever falsely pretends to be registered under this Ordinance as a medical practitioner or dentist and uses with his name or title any words or letters representing that he is so registered with the Council or uses the word “doctor” without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall, on conviction before a Magistrate of the first class, be punishable with fine which may extend to one hundred thousand rupees or with imprisonment for a term which may extend to six months or with both. Any person found aiding and abetting him shall also be prosecuted and punished.”

32. Insertion of new sections 28A and 28B, Ordinance XXXII of 1962:-

In the said Ordinance, after section 2, substituted as aforesaid, the following new sections shall be inserted, namely:-

“28A. Penalty of practicing without registration:-

(1) No person, other than a registered medical or dental practitioner, shall practice medicine or dentistry.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years but shall be not less than six months or with fine which may extend to two hundred thousand rupees but shall not be less than one hundred thousand rupees or with both.

28B. Cognizance of offences:-

(1) No court shall take cognizance of any offence or matter under this Ordinance except upon complaint in writing made by the authorized officer of the Council.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Ordinance even if such sentence exceeds his powers under section 32 of the said Code.”

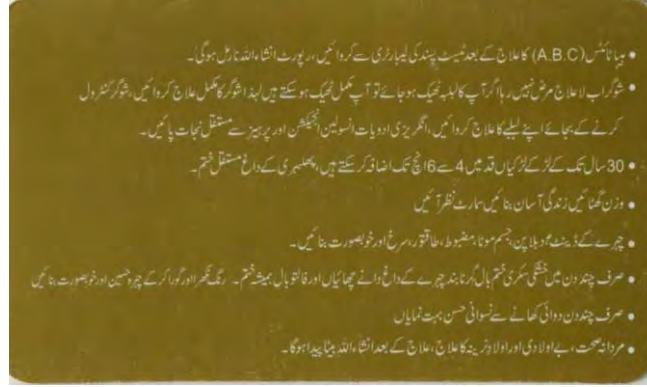
- 5.7 On September 13, 2013 another letter was received by the enquiry officer from Secretary CPSP (College of Physician and Surgeon Pakistan). He clearly mentioned that the ‘Doctor’ is actually not a medical doctor and he should be reported to the Anti Quackery Committee of PMDC and Pakistan Medical Association. He further stated that showing such advertisements on TV channels is unethical & liable to mislead and harm public health (Annex-E).
- 5.8 On September 17, 2013, another letter was received by the enquiry officer from the Deputy Registrar (judicial), Islamabad High Court. The letter forwarded the information about the Court’s Order dated September 13, 2013, passed in the case of the Respondent. It revealed that the Respondent has filed a Writ Petition No. 3436/ 2013, under Article 199 of the Constitution of Pakistan of Islamic Republic of Pakistan, 1973, as petitioner against Government of Pakistan through its Secretary, Ministry of Health and Competition Commission of Pakistan through Marryum Pervaiz (One of the enquiry officer).
- 5.9 The order reflects that the counsel for the petitioner (Respondent) submitted that the petitioner (Respondent) would be satisfied if a direction is issued to the enquiry officer to decide complaint after providing opportunity of hearing to him, expeditiously preferably within three months.
- 5.10 Two other letters were forwarded by the District Officer Health to the enquiry officer for information purpose only dated: September 26, 2013 & October 23, 2013. The letters were originally addressed to the Deputy District officer Health. They were in continuation to the process of enquiry initiated by PMDC on the directions of Chief Legal Officer, PMDC as discussed above in para 5.4 & 5.6. It is pertinent to mention here again that the case of Respondent was forwarded by the enquiry officers of CCP to PMDC. In the said letters the Deputy District officer Health was reminded to

submit the enquiry report in the case of Respondent without further loss of time (Annex-F).

6. ANALYSIS

- 6.1 Liaquat Hospital is partnership firm owned by two partners, the Respondent and Dr. Shazia Liaquat. Each of the partners holds 50% shares in the firm. (Partnership deed attached as Annex-G1).
- 6.2 The enquiry officers visited the hospital as well as the educational institute of the Respondent during October, 2013, for further investigation. They were informed that the doctor is not in the hospital but he can check the patients on telephone call. The medicine for three months can be parceled to the patients upon the payment of a fee of approximately Rs:6,000/- (Rupees Six thousand).
- 6.3 It has been observed that the visiting card of the doctor only include the word 'Doctor' in it without referring to his homeopathic status. The word Homeopathic was also not given with the name of the hospital on the visiting card. It identified many claims reflected on its back side. Images of the same are as under:





- 6.4 Before going to analyze the claims in detail it is important to examine the advertising campaign launched by the Respondent. It has been observed by the enquiry officers that the Respondent has used the word ‘Doctor’ only instead of using ‘Homeopathic Doctor’ on the visiting cards as well as during the television advertisements.
- 6.5 The Respondent has been registered as a ‘**Homoeopathic doctor**’ by the National Council for Homeopathy (certificate attached as Annex-G2). Let’s have a brief description of the National Council for Homeopathy (NCH) and its functions. NCH is a body Corporate Constituted under Unani Ayurvedic and Homoeopathic Practitioners Act, 1965 to regulate the qualifications and to provide for the Registrations of Practitioners of Unani Ayurvedic and Homoeopathic Practitioners.
- 6.6 Following are the main functions of the NCH:-
- i. To consider applications for recognition under Ayurvedic and Homoeopathic Practitioners Act made by institutions imparting or desiring to impart instruction in the system of medicine.
 - ii. To secure the maintenance of an adequate standard of education in Recognized Institutions.
 - iii. To make arrangements for the registration of duly qualified persons.
 - iv. To provide for research in the system of Medicine.
- 6.7 Whereas section 35 of the Unani Ayurvedic and Homoeopathic Practitioners Act, 1965 i.e. prohibitions against use of title, description etc is elaborated as under:

a) No person shall add to his name, title or description any letters or abbreviations which imply or are calculated to lead to the belief that he holds a degree,

diploma, license or certificate as his qualification to practice the Unani, Ayurvedic or

b) Homoeopathic System of Medicine, unless he holds such degree, diploma, license or certificate and such degree, diploma, license or certificate: -

i) is recognized by any law for the time being in force in Pakistan or in any part thereof, or

ii) has been conferred, granted or issued by a body or institution authorized under this Act in this behalf; or

iii) has been conferred, granted or issued by an authority empowered or recognized as competent by the Federal Government or the Provincial Government to confer, grant or issue such degree Diploma, License or Certificate.

c) Notwithstanding anything contained in any other law for the time being in force, no Tabib or Vaid shall describe himself as a Doctor but a Homoeopath may use the expression “Homoeopathic Doctor” both the words “Homoeopathic” and “Doctor” having equal prominence.

d) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term which shall not be less than one year nor more than five years and also with fine which may extend to twenty thousand rupees.

6.8 The term used by the Respondent throughout the advertisement is ‘AL HAAJ DR. MIAN LIAQUAT ALI’. Same has been shown in writing during the advertisement without the use of word ‘Homeopathic’. The Respondent in the advertisement introduced himself as ‘Professor Doctor Mian Liaquat Ali’. It is evident from the submissions made by the Respondent that he is a Homeopathic Doctor but the same expression has not been used by the Respondent neither in the advertisements nor on the visiting cards. Whereas Section 35 of the Unani Ayurvedic and Homoeopathic Practitioners Act, 1965, has made it clear that both the words “Homoeopathic” and “Doctor” shall have equal prominence. Further the contravention of the provisions of the said section results in imprisonment for a term which shall not be less than one year nor more than five years and also with fine which may extend to twenty thousand rupees

- 6.9 It is also pertinent to mention here that the Respondent has registered his firm with the title '*M/s Liaquat Homeopathic Hospital*' (Annex-H) but the word 'Homeopathic' has not been reflected by him on the display board outside the Hospital. Whereas the registration certificate of the Respondent reveals that he qualified from Noor Homeopathic Medical College Lahore. Images of the hospital without using the word 'Homeopathic' and educational institute, as taken by the enquiry officers are as under:

IMAGES OF THE HOSPITAL





IMAGE OF THE EDUCATIONAL INSTITUTE
NOOR MEMORIAL HOMEOPATHIC MEDICAL DEGREE COLLEGE



6.10 The Respondent by not using the term 'Homeopathic' in his advertisement and visiting cards has made it clear in the mind of the customers that he is an allopathic doctor. He is intentionally using the word 'Doctor' alone so that the viewer of the advertisement will believe that he is an allopathic doctor. Such fraudulent representation is also strictly prohibited under Medical and Dental Council Act. The Respondent in this way is not only violating Unani Ayurvedic and Homoeopathic Practitioners Act but also Medical and Dental Council Act. In the light of the Medical and Dental Council Act No. XIX of 2012 (as already referred by PMDC in its reply) penalty for such fraudulent representation or registration is as under:

“28. Penalty for fraudulent representation or registration:-

Whoever falsely pretends to be registered under this Ordinance as a medical practitioner or dentist and uses with his name or title any words or letters representing that he is so registered with the Council or uses the word “doctor” without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall, on conviction before a Magistrate of the first class, be punishable with fine which may extend to one hundred thousand rupees or with imprisonment for a term which may extend to six months or with both. Any person found aiding and abetting him shall also be prosecuted and punished.”

6.11 Whereas Section 10 (1) & (2) (a) (b) of the Act prohibits the undertaking from entering into deceptive marketing practices which also includes dispersing misleading and fraudulent information to the general public. The same for the ease of reference is elaborated as under:

(1) No undertaking shall enter into deceptive marketing practices.

(2) The deceptive marketing practices shall be deemed to have been resorted to or continued if an Undertaking resorts to—

(a) The distribution of false or misleading information that is capable of harming the business interests of another undertaking;

(b) The distribution of false or misleading information to consumers, including the distribution of information lacking a reasonable basis, related to the price, character, method or place of production, properties, suitability for use, or quality of goods;

6.12 The Respondent by not showing his status of Homeopathic during the advertisement, on his visiting cards and on the display board of the hospital is not only disseminating misleading information that is capable of harming the business interest of the other doctors in medicine profession but is also distributing information that lacks a reasonable basis related to character, properties, or quality of services in violation of Section 10(2) (a) & (b) of the Act.

6.13 Now we need to focus on the claims made by the Respondent. On December 28, 2013, a letter was received from the counsel of the Respondent 'Syed Mansoor Ali Bukhari'. They requested the enquiry officers to highlight the objectionable points in the advertisement. They also show their willingness to stop the said advertisement.

6.14 The enquiry officers conducted a meeting with the counsel of the Respondent in the light of Court's Order dated September 13, 2013. Before going in the details of the meeting it is important to recall all the claims of the Respondents made in the advertisement.

- Complete cure of Hepatitis A,B and C
- Complete cure of all type of Diabetes within 3 months
- Lose 30 pounds weight and reduce waists by 5 inches within 30 days
- End of dandruff and hair fall in few days
- Enhance the beauty of the person in few days
- Increase in height of men and women by 6 to 8 inches without distinguishing any age group
- Complete cure of all kinds of joints pain
- Complete cure of vitiligo or phulbehri with the guarantees that the disease will not turn back again
- Guarantee for the birth of a son

6.15 The counsel during the meeting has asked about the status of the complainant. He was clarified that the complaint was received through an email to the Commission and the copy of the same was provided to the Respondent by the enquiry officers with their first letter. The enquiry officers played the whole Television advertisement during the meeting and asked the Respondent's counsel to clarify the basis of making all above

absolute claims. The Counsel of the Respondent alleged that the advertisement contain the words like ‘InshaAllah’ which means that the doctor is not responsible for the complete cure of all the diseases. Thus they failed to satisfy the enquiry officers even on the single claim made by the Respondent in the advertisement. They were asked to provide the copy of the power of attorney to act on behalf of Respondent. The same was provided to the enquiry officers later.

- 6.16 They were clearly clarified by the enquiry officers that such deceptive marketing claims may bring fatal results to the society. General public doesn't expect ignorance in advertisements from the profession like medical. They were clarified that such claim without any reasonable basis may leads to the death of many innocent persons. Advertisements for the publicity of a doctor should be made with full care and diligence as it involves a lot health issues and is far more important to the society than any other advertisement to sale the product. During the meeting the Respondent's counsel has shown their willingness to stop the, *prima facie*, deceptive advertisement after the consent of their client.
- 6.17 In the light of the meeting held by the enquiry officers a letter was written to the Respondent. Keeping in view the serious violation of Sec10 of the Act. The Respondent was directed to immediately stop/discontinue the current aired advertisement from all the channels (Tv/Radio) till January 16, 2014. They were also directed to discard all the other advertising material containing the, *prima facie*, deceptive claims (already mentioned above) with in the given time period.
- 6.18 They were also advised that any new aired advertisement or marketing material will only be launched after the prior approval from the Commission. Further any change in the given directions or lapse of time will warrant initiation of proceedings under Sec10 of the Act.
- 6.19 On January 22, 2013, another letter was received by the Respondent's counsel. They submitted that their client i.e. Respondent went outside Pakistan and will be back on January 25, 2014. They alleged that it is not possible to reply back the enquiry officer's letter without his consultation.
- 6.20 On February 13, 2014, another letter was received by the Respondents counsel. In the letter they requested again the enquiry officers to highlight the objectionable points and unobjectionable points during the advertisement. It is pertinent to mention here that the whole advertisement was run for them during the meeting which continuously focused on all the claims indicated by the enquiry officers and the Respondent failed to

substantiate them in any of their reply. They were communicated again and again by the enquiry officers to stop the advertisement immediately as the whole contained, *prima facie*, deceptive claims frequently.

6.21 The Respondent failed to substantiate even a single claim in any of his letter or during the meeting. Despite of providing an opportunity to the Respondent to stop the advertisement, the Respondent aired it daily on different Tv channels and thus refused to comply with the directions given to him by the enquiry officers. The advertisement which includes the interviews of different people keeps on running during January, February, March & April, 2014. The Tv channels on which the advertisement is running includes Mehran, RAAVI, Khyber News, SBN and some other Tv channels.

6.22 The recordings of the aired advertisements after the given deadline are given in the CD already attached as Annex-A.





7. FINDINGS

- 7.1 The Respondent is a Homeopathic doctor but the same fact has not been disclosed during the advertisements, on the visiting cards and on the board displayed outside the hospital. His conduct not only violates Section 10 of the Act but also violating NCH and PMDC law. For this an enquiry has also been initiated against him by PMDC as the medical status of the doctor is not cleared in the advertisement.
- 7.2 The advertisement of the Respondent is aired on different Television channels including Mehran, Raavi, Khyber News and SBN. The advertisement has been played daily on these TV channels for almost an hour. To induce the choice of the general public he includes the interviews of different people with a diverse culture indicating that he can completely cure many diseases.
- 7.3 The Respondent has made many absolute claims in the advertisement but failed to clarify the basis of any of his claim. Despite of the direction given by the enquiry officers in January, 2014, he keeps on running his advertisement on various TV channels till the date of the enquiry report.
- 7.4 It is evident that the Respondent by making the above advertisement is, *prima facie*, entered into deceptive marketing practices in terms of Section 10 (1) of the Act. Furthermore, he is, *prima facie*, distributing false and misleading information that is capable of harming the business interest of other doctors in the same profession in terms of Section 10 (2) (a) and is also distributing information to customers that lacks reasonable basis about the

character, properties and quality of his services in terms of Section 10 (2) (b) of the Act.

- 7.5 In every society people have a great respect and honor for the professional like medicine. Dispersing the information that lacks a reasonable basis in the medical advertisements might cause serious health issues or it may results in the death of the patients. This is not only unethical but is also harmful for the health of the society.

8. RECOMMENDATION

- 8.1 Deceptive marketing practices as discussed in this enquiry report have a great impact on public at large. They induce the patients to rely on the services offered by the specific doctor and hence give him a competitive edge over other doctors. Hence, it is in the interest of the public that the Respondent should be stopped to advertise his services in deceptive manner and be encouraged to resort to the advertising practices, which are transparent and gives consumers true and correct information about the health treatments he is offering, rather than making misleading and false claims.
- 8.2 *Prima facie* violations under the Act in terms of the findings of this enquiry report warrant initiation of proceedings against both the partners of M/s Liaquat Homeopathic Hospital Lahore i.e. the Respondent and Dr. Shazia Liaquat, under Section 30 of the Act in accordance with law.

Marryum Pervaiz
(Enquiry Officer)

Noman Laiq
(Enquiry Officer)