



# 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
  - <sup>F1</sup>(b) .....

- (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 [<sup>F2</sup>level 3 on the standard scale], and, in the case of a subsequent conviction, to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

<sup>F3</sup>(3) .....

- (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 a governing body of a voluntary hospital;

<sup>F4</sup>(ii) .....

- (iii) registered medical practitioners;

- (iv) registered nurses;

- (v) registered pharmacists and [<sup>F5</sup>persons lawfully conducting a retail pharmacy business in accordance with section 69 of the <sup>M1</sup>Medicines Act 1968];

- (vi) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;

<sup>F6</sup>(vii) .....

*Changes to legislation: Cancer Act 1939, Section 4 is up to date with all changes known to be in force on or before 01 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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 of 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.

<sup>F7</sup>(6) .....

[<sup>F8</sup>(7) Each of the following may institute proceedings under this section—

- (a) a county council in England;
- (b) a non-metropolitan district council for an area in England for which there is no county council;
- (c) a London borough council;
- (d) the Common Council of the City of London; or
- (e) a county council or county borough council in Wales.]

(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.

#### Textual Amendments

- F1** S. 4(1)(b) repealed by [Medicines Act 1968 \(c. 67\)](#), [Sch. 6](#)
- F2** Words in s. 4(2) substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), [ss. 35, 37, 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [ss. 289E-289G](#)
- F3** S. 4(3) repealed by [Medicines Act 1968 \(c. 67\)](#), [Sch. 6](#)
- F4** S. (4)(a)(ii) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)
- F5** Words substituted by [Medicines Act 1968 \(c. 67\)](#), [Sch. 5 para. 10](#)
- F6** S. 4(4)(a) (vii) repealed by [Medicines Act 1968 \(c. 67\)](#), [Sch. 6](#)
- F7** S. 4(6) repealed (30.10.2008) by [Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), arts. 1(1), [2\(a\)](#)
- F8** S. 4(7) substituted (30.10.2008) by [Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), arts. 1(1), [2\(b\)](#)

#### Marginal Citations

- M1** [1968 c. 67.](#)

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**Changes and effects yet to be applied to :**

- s. 4(2) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)