

SPURIOUS DRUGS IN INDIAN PHARMACEUTICAL INDUSTRY

DHATCHAYINLA,

III year, B.A.LL.B(Hons),
School of law, SASTRA University, Thanjavur, India

Abstract: Generally spurious goods means any fake good is being represented as a genuine good to the consumers and its one of the unfair trade practices adopted by the seller in order to enhance the sales and to earn profit by deceiving the consumer, these kind of goods are really harmful and hazardous to the health of the consumer. Spurious goods is defined in section 2 (43) of consumer protection act 2019 as “Goods which are falsely claimed to be genuine “ actually it’s a great technique used by the manufacturer and product seller consumer being innocent believes it to be true enters a detrimental position. Its a kind of duplication and the fake products bear the identical name of original product, its packaging, graphics, colour pattern, design, and even same name and address as the genuine manufacturer which affects the health of the consumer. In this article I concentrate specifically upon spurious drugs in Indian pharmaceutical sector because drugs are being counterfeited in a large amount because as it is essential commodity for a person its being represented as genuine but its actually not so, In the Pharmaceutical sector many manufacturer adopt this unfair trade practice by manufacturing lots of fake drugs to the consumer the drive and motive is to earn profit so they set a lower price for these spurious drugs which attracts the consumer to buy these spurious drugs over the genuine and branded drugs. Fake medicines forms a big portion of Indias domestic drug Industry and it’s the highest growing markets in country and the biggest centre is delhi and noida they manufacture lots of fake drugs, In this article I will be focusing about the effects and impacts of these spurious drugs, solutions to reduce fake drugs in Indian pharmaceutical sector and to regulate the drugs and cosmetics act in an efficient manner.

Keywords: Spurious drugs, Hazardous, India Pharmaceutical Industry, counterfeit drugs, Genuine, Impacts, Health problems.

INTRODUCTION:

Spurious drugs are evolving in Indian pharmaceutical industry at a huge level which affects the health of the consumers and leads to many harmful effects as drugs being a essential commodity and it’s a basic need for the maintenance of our internal system so it’s the responsibility of the manufacturer to provide genuine goods to the consumers they are not permitted to adulterate or counterfeit the drugs. If the manufacturer producing spurious drugs to the consumer then they are playing with the life of consumer for their selfish motives and interest.

India is actually producing many spurious drugs to the consumers and called as supplier of quack medicines and adulterated drugs manufactured and exported to many parts of the country and paving way for the public danger, Globalization has become the major factor for the motivation to produce spurious drugs. Many number of chemists and druggists stocked drugs of inferior quality for the production which in turn affects the pharmaceutical industry and there is a need for the effective legislation to eradicate the existing evils happening in the country and Indian medical Gazette has given a degrading name to India as a land of quacks, quack traders and quack medicines (chopra, 1935). So its becoming a serious problem nowadays drugs should not be faked at all as it causes lots of side effects to the health of consumer in long term basis.

INDIAN PHARMACEUTICAL INDUSTRY :

It is the highly organized sector and this plays an important role in promoting and retaining the development in the field of global medicine, Indian pharmaceutical industry is one of the largest exporter of many drugs to different countries as its being commercialized now it lead to the market of spurious drugs in order to increase the profits they started to produce fake drugs designed which is so similar to the Branded drugs. These falsification of drugs creates serious impact upon the health of consumers. Actually India ranks third in terms of manufacturing pharma products in huge, The Indian drug and pharmaceutical segment has received lots of foreign direct investment.

Exports from the pharmaceutical Industry have shown a very great buoyancy in growth of the Industry and this export has become the important motivating factor for the industry and has received 50% revenue from the overseas market and A survey taken by FICCI has predicted 16% growth in the export of Indias pharmaceutical growth during 2009 -2010 (Maps of india).

Actually due to this increase in exports made the manufacturer to adopt evil methods to produce more spurious drugs, the increasing desires and capitalistic attitude made the Pharmaceutical sector to produce more fake drugs in the market.

The top most pharmaceutical companies in India are Sun pharma its one of the largest pharmaceutical company, lupin is a branded formulations and advanced drug delivery system, Reddys lab is a generic formulations and has active ingredients, cipla is famous for cardiovascular diseases, aurobinda pharma, cadila healthcare is a best formulations, glaxosmithkilne (gsk) oldest and most experienced players, Glenmark company is for diabetology, divis laboratories for life sciences segment and finally torrent pharmaceuticals for therapeutic realms (Maps of india). These are the branded and leading manufacturers of drugs in India but the sad part is as these branded companies gained trust from the consumers they use this good will and produce many fake drugs and project it to be genuine as it also available in cheap price consumers buy these counterfeited drugs.

MEANING OF SPURIOUS DRUGS :

Spurious drugs is defined under section 9B of drugs and cosmetics act 1940 :

- If it is imported under a name which belongs to another drug
- If it is an imitation of ,or a substitute for another drug or resembles another drug in a manner to deceive or its label or container the name of another drug and its lack of identity with such other drug
- If the label or the container bears the name of an individual or company purporting to be product of a manufacturer of the drug ,individual or company is fictitious
- If it has been substituted wholly or in part by another drug or substance
- If it purports to be the product of a manufacturer of whom it is not truly a product .

Production of spurious drugs is against Personal liberty :

Spurious drugs are strictly against right to life and personal liberty because it's the duty of the seller to provide safe and quality drugs to the consumer and its guaranteed under the directive principles of state policy to provide healthy and safety living to the consumer ,right to an adequate means of livelihood to all citizens so it's a duty of all pharmaceutical company to produce genuine drugs and not to be harmful to the health of the consumer every citizen has a right to life and personal liberty so it's a duty of the producer to provide safety goods to the consumer to ensure a healthy living to all the citizens If any spurious drugs are being produced then its against Article 21 of the Indian constitution so manufacturing of spurious drugs should not be encouraged

INSTANCES OF SPURIOUS DRUGS IN INDIAN MARKET :

Actually India is blamed for being the major source of counterfeit drugs globally but in reality the substandard drugs are a very big problem than the counterfeit drugs so the claim is on even the topmost pharmaceutical company produce substandard drugs they are not manufacturing drugs of good quality and standards that's a very big shock happening in reality but that doesn't mean there are no spurious drugs that is also being produced simultaneously ,the major problem is spurious drugs and substandard drugs .

Sun Pharma company :

For instance sun pharma popular medicine brands pantocid and Pantocid DSR it was marked for not following the quality tests and samples of these were resulted to be spurious drug .

Glenmark Pharmaceuticals :

India is now a growing diabetes drug market as there are large number of diabetic patients present pharmaceutical companies used this health condition of Indians Glenmark it patented a anti diabetic drug branded remo with Japanese partner offered at significant discount and at very cheap price to the high priced brands but at a lower quality . (economic times)

Torrent pharma Indrad plant :

There was an inspection about the indrad plant of the company about the drugs manufactured by them it was found its not following and violating the Food drugs and cosmetics act found to bbe spurious .

Surveys in India says proportion of substandard drugs at about 3% of the total drugs are substandard and 0.28% were found to be spurious and fake so there is problem in Indian pharmaceutical industry where there is low quality drugs and fake drugs its great pity to Indian consumers (somvanshi, 2019).

Majority of the drugs produced in India ate found to be Fake and mostly ineffective the drugs which are given by the doctors are adulterated to greater extent the data says 35 per cent of spurious drugs are sold around the globe and the spurious drug market are nearly Rs 4000 crore and 20 % of drugs sold in India are mostly fake and medicines prescribed for cold and cough or headache are fully fake or of poor quality many reports are conducted by food safety officers and drug administration (india, 2017)

Lipitor tablets are produced by Pfizer are counterfeited more than 18million tablets are faked which is more identical to Lipitor tablets , Pfizer also produces Viagra tablets are also faked by many producers its faked with brick dust it causes damage of kidneys, liver and body functions .

The most top list of fake drugs are novomax, ciprofloxacin, sporidex, pencillin ,Ranticidine , paracetamol ,crocin and cofdex . Crocin and Betadine :

Many drugs are being faked in the name of crocin and betadine because its design is very familiar it can be faked by many manufacturers at cheap price to deceive the consumers and around 25 to 40 percent these crocin tablets are being faked where consumers believe it very easily and bus these fake drugs (sharma, 2019)

Benadryl syrups are counterfeited to larger extent because the craftsmanship of fake drug manufacturer are so talented they print same details and labels which is so similar to Benadryl syrup the consumers are unable to identify these fake drugs being available in the market .

IMPACTS OF SPURIOUS DRUGS :

Spurious drugs creates lots of impacts upon the health of the consumer the major problem is loss of trust on health system from the side of consumer which actually affects genuine and true producers of drugs their sales is also getting affected due the loss of trust due to the spurious drug manufacturers created fear in the minds of people , and it lead to life threatening issues .

The most pity situation for the consumer is they buy these spurious drugs because they don't have proper awareness and as they are available in cheap price and its so convincing for them, they are unaware of expired and substandard or degraded products results in wrongful reaction in the the health of the consumer .

Drugs and cosmetics act under section 17 and 17A and 17B spurious drugs are adulterated conceals the real identity and does not contain active ingredients its unlicensed manufacturers ,filth material ,fungus, toxicity ,are present this causes respiratory

problems, lung issues, cancer, failure of proper body functioning ,digestion system also gets disrupted . It contains defects like emulsion , formulation color ,presence of foreign matter it makes the consumer to suffer from confusing adverse events.

Major Impacts upon the consumer are :

- It creates harmful effects upon the health of the consumer
- Loss of trust and confidence in health systems and doctors
- Reduces the profit and sale of genuine manufacturers of drugs
- Economic and financial loss to the health systems and producers and traders in providing medicines
- Human hard work and genuine efforts are wasted due to the fake drugs
- More burden upon the health workers ,medicine regulatory authorities
- Reduces the sales of drugs in a wider range and decrease in profit
- Adverse and harmful effects on important organs of the consumer
- Children and infants health will be affected very badly due to the spurious drugs
- Progression of antimicrobial resistance and drug resistance infections
- Increased mortality ,morbidity and lack of cure of the diseases

public health system is affected very badly and poisoning also happens due to spurious drugs is a great impact.

Impact on Producers :

The major effect upon the producer is total loss of sales and loss of protecting the brands and they have lost their goodwill among the public it leads to loss of revenue in the pharmaceutical industry ,increased cost of security measures they will have to take many safety measures and high cost packing in order to gain trust from the consumers, damage to the brands and its name , undermining innovation of these companies its being discouraged.

Impact on Governments :

Governments will have to put in lots of efforts to take many measures ,huge amount of costs and enforcement measures to be taken in the pharmaceutical sectors lots of efforts and inspection to be taken by the government ,invest lots of amount in laboratories ,loss of confidence or trust in governments and public health programmes so more of therapeutic failures and destroy the credibility and success of health programmes ,increased healthcare costs due to counterfeit medicines adverse effects of damaging drugs leads to poor response .

Impact on Economy :

It has harmful effects on economy and on consumers ,more of environmental pollution these producers of spurious drugs pollutes the environment very badly and harms the society adopt dirty production by taking environmental shortcuts and not following the proper standards in manufacturing the drugs , lost foreign investment it reduces the exports to other countries significant lost opportunities for economic growth and development and increased the cost of tackling complex criminal networks they will have to invest and spend lots of money to curb these criminal networks and reduce the production of counterfeited drugs. (paul N . Newton)

SUGGESTIONS:

As Indian pharmaceutical Industry contains large amount of spurious drugs and substandard drugs it has to be reduced in the market and must provide only quality drugs to the consumer for this we should strengthen the medical regulatory authorities and making the penalties more stringent, Must improve the quality of production and to facilitate the availability of relatively inexpensive and good quality drugs to people .

Drugs and cosmetics act should make some reforms and make it more stringent drug technical advisory board , central drug laboratory and government analyst should improve their techniques and enhanced in a better way and consumer should properly investigate about the product and buy the drugs and the manufacturer has the responsibility to produce quality products .

CONCLUSION:

So there are lots of spurious drugs present in Indian pharmaceutical industry and its creating adverse effects on the health of consumer many people are influenced by these spurious drugs , Government should take proper measures to curb these spurious drugs from the market both the sellers and buyers should be cautious and they have a responsibility to fulfill.

REFERENCES:

- [1]chopra, R. (1935). national library of medicine. Retrieved from ncbi.nlm.nih.gov
- [2]economic times . (n.d.). Retrieved from economicetimes.indiatimes.com
- [3]india, T. (2017, june). socialstory . Retrieved from yourstory.com
- [4]Maps of india . (n.d.). Retrieved from business.mapsofindia.com
- [5]paul N . Newton, M. (n.d.). ELSEVIER. Retrieved from ncbi.nlm.nih.gov/pmc/
- [6]sharma, j. p. (2019, october). Retrieved from outlook : outlookindia.com/magazine
- [7]somvanshi, k. k. (2019, may). Economic times . Retrieved from economicetimes.indiatimes.com