

Dark side of online pharmacies



By Maxmilian Wechsler

Buyers of drugs through the internet beware – they may not be what they seem and you could also face a hefty fine, or much, much worse

International, a leading law firm in Thailand, explains here some of the pitfalls when dealing with online pharmacies.

No place in Thailand

“Online pharmacy websites are extremely popular in Thailand with the booming of the internet and the social media,” said Dr Homhuan. Every business would like to go to the electronic market because it is faster and direct to the consumer. We don’t know how many websites there are but there are a lot.

“To set up an online pharmacy is very easy. Anyone can do it from any location, acquire drugs from anywhere, including pharmacies in Thailand, and ship them anywhere,” Dr Homhuan said.

“An online pharmacy is an establishment that operates over the internet and sends medicines to customers by post, shipping companies or couriers. They can be divided into three categories: Legitimate pharmacies operating within the same country the person is ordering from; legitimate pharmacies operating in a second

country; and illegal pharmacies involved in various criminal activities, including the sale of counterfeit medicines.”

Crucially, the operation of any online pharmacy within Thailand – whether it sells legitimate medications or otherwise – is illegal here, added Dr Homhuan. This is not the case in many other countries, including the United States, where they can operate legally without a fixed location.

The Thai Drug Act B.E. 2510 (1967) explicitly prohibits the operation of online pharmacies as it requires that drugs be dispensed only by pharmacists on duty from a fixed address. Therefore the Drug Act does not allow a “virtual pharmacy” system. It also says that pharmacies must have suitable facilities and equipment, such as machines to dispense and count tablets and refrigeration units. The law covers only the sale of pharmaceuticals like medicines, but not health supplements such as certain vitamins, fish oil, and whey proteins.

“Thailand doesn’t have a law governing the online sale of pharmaceutical products because the Drug Act came into effect in 1967, before the internet and even personal computers existed. The Drug Act is very outdated

WITH their eye-catching designs and grandiose promises, websites are increasingly luring people to buy all kinds of drugs and medicines from online pharmacies.

But there’s a dark side to many of these sites, as ordering drugs from them could seriously harm your health and leave you vulnerable to credit card fraud. You might also find yourself in hot water with the Thai authorities.

Dr Attachai Homhuan, who has 15 years’ experience as a pharmacist and currently works as a senior consultant for the Regulatory and Intellectual Property (IP) Affairs division at Tilleke & Gibbins

and amending it has not been a priority for the Thai government. I hope that, in the future, online pharmacies can operate legally in Thailand and be effectively monitored by the government,” said Dr Homhuan.

The Thai Food and Drug Administration (FDA), an organization under the Ministry of Public Health, is operating under the guidelines of the 1967 Drug Act while a newer act written in 2003 is in the final stages of promulgation. When it becomes effective, many features will be changed accordingly, said Dr Homhuan.

“Many people in Thailand are now taking advantage of loopholes presented by a lack of regulation and selling counterfeit medicines that may contain dangerous ingredients and create deadly risks for patients. The medicines are normally placed in packages labeled as gifts or samples and posted through registered and express mail to customers in Thailand and especially abroad.

“In Thailand online websites consist mostly of advertisements with an e-mail address so the customer can contact them. From my experience, they operate without good ethics. Drugs should be prescribed by a doctor and dispensed by pharmacists. If someone who doesn’t have the knowledge can sell products like this it is very dangerous for the patient.”

He added that legitimate pharmacies in Thailand can and do operate websites, both in Thai and English, but even if they have all necessary permits and licenses they can’t advertise or give any information about the drugs available in their store. “This is illegal. What they can do is promote their store and present advisories; for example, on the value of exercise, how to prevent hypertension, control blood sugar and so on. They can publish the address of the store as well as email address, telephone and fax numbers.

“Illegal online websites originating in Thailand are offering drugs banned or restricted by the FDA. The drugs could also be counterfeit, expired or go bad during transport which cause serious harm or even death. What’s more, customers are at risk of legal action being taken against them by the FDA or Customs if banned or restricted drugs addressed to them are found, for example at a post office. Credit card information

can be stolen because most of the people running illegal online pharmacies are criminals. Another problem is that minors can order controlled substances.

“Ordering drugs banned or restricted in Thailand, which may be legally ordered online in other countries like Canada, the UK or US, won’t excuse customers from prosecution in Thailand,” Dr Homhuan warned.

“Some Thai pharmacies promote their stores on social media like Facebook or Twitter and use this channel as an online pharmacy, but if the FDA finds out about them they may be prosecuted, especially if they are offering risky drugs.



Dr Attachai Homhuan

“In addition, they need to be careful about advertisements. For example, they cannot say that they sell oral contraceptives or drugs for erectile dysfunction.

“The FDA can’t do very much against websites that originate abroad but they can take action against those originating in Thailand.”

Dangerous drugs

The FDA is also watching online pharmacies that send out illegal and potentially dangerous medicines that induce abortion. “These are used by women with an unwanted pregnancy and who are afraid or ashamed to consult a doctor. Almost all illegal online pharmacies offer these medicines,” Dr Homhuan said.

“Apart from that, many medicines offered by pharmacies online are intended to treat sexual dysfunction. Medicines like Viagra should be prescribed by a doctor. In addition, there are a number of medicines, like those for allergy rhinitis, which are banned in Thailand or only available with a doctor’s prescription.

“I want to emphasize that online pharmacies commonly dispense strong drugs classed as narcotics, like for pain relief, and also psychotropic medications and sleeping pills. These drugs are often misused and as a result create social problems. They are also extremely dangerous when mixed with other medicines.

“However, you can find all of these products offered in Thailand on the internet, usually in the form of a spam email.”

The government is watching

Dr Homhuan said the FDA coordinates with the Ministry of Information and Communication Technology (MICT), which takes care of electronic websites and also with the National Broadcasting and Telecommunication Commission (NBTC) to monitor the advertisement of healthcare products via the internet.

“Recently, the FDA hosted a seminar with the NBTC regarding the advertisement of healthcare products via electronic media. The seminar was beneficial for entrepreneurs and other business people working within the healthcare sector. Attendees discussed what kind of advertisements should be allowed on the internet, radio and television.

“Some Thais order drugs from online pharmacies based abroad or websites like eBay or Amazon because they can’t find them in Thailand or they are more expensive here.

“On the other hand, people in the United States or Europe say that some products available in Thailand, made by the company holding the patent are identical in quality and much cheaper in Thailand than in their own countries.”

In fact, the purchase of veterinary drugs and vaccines for animals in Thailand by foreigners has long been a topical issue and many foreigners are now looking to buy these products from online

operators in Thailand. Dr Homhuan cautioned that drugs for animals or people that are imported to Thailand must be registered properly with the Thai FDA. If a specific product is not registered it is illegal to sell it in Thailand.

"It is not only medicines people are ordering online but also cosmetics and health supplements.

"This is another 'grey area' because the products can be imported, then advertised on social media and the business can start. Websites offering cosmetics and health supplements aren't illegal but the products must also be registered correctly with the Thai FDA as a safeguard to ensure safety, quality and effectiveness of the products."

Dead on delivery

"Imagine, when you order a medicine from another country it will pass through many steps," said Dr Homhuan. "Variations in temperature alone can cause the product to deteriorate. What's more, online sellers can give the customer anything – it may be expired or counterfeit. It is very difficult for the customer to really know what he or she is buying. The packaging could say, for example, Viagra, but inside contains something else.

"Many times the Thai FDA has found products sent to customers that were counterfeited and contained

totally different ingredients which could endanger health or even life. Therefore, the Thai government is trying to educate people to avoid consuming or ordering medicines through the internet.

"Medicines ordered by customers in Thailand are usually sent by parcel

“Be careful when you consider buying drugs online. Do not think just in terms of saving 100 or 200 baht. These products can be harmful as we don't know what is in them. It is very difficult to establish the quality of drugs and medicine.”

via the general postal service, and if the person ordering is lucky the parcel will go through. Some packages are opened and checked by the post office or Customs. If Thai authorities find banned or regulated medicines, especially narcotics, they will seize them and find

the person the parcel is addressed to and punish them according to the law.

"However, if it is not an illegal drug and the person can provide evidence they need the product, no legal action will be taken. If the person – and this applies mainly to foreigners – orders a drug which is only available on prescription in Thailand, he or she can show proof of prescription to the FDA and Customs.

The buyer then has to pay a tax and the product will be delivered to them. However, in most cases the products are destroyed."

International courier companies operate under strict regulations and if they suspect a shipment could have some problems they may reject it in the first place.

"As for deliveries from online pharmacy distributors to customers in Thailand, the buyer will transfer the payment to the seller's bank account. After the seller has received the payment, the seller will schedule a date with the buyer for delivery of the products. Frequently, sellers will request delivery of the products via messenger or motorcycle taxi.

"In contrast to other online businesses, it is not common for the buyer to use credit cards and expect that their orders will be delivered to their homes. This is because online pharmacies in Thailand are considered an illegal business."

Operation Pangea VI

ACCORDING to INTERPOL, some 100 countries took part in a recent global operation to disrupt the criminal networks behind the illegal sale of medicines online, resulting in 58 arrests worldwide and the seizure of 9.8 million potentially dangerous medicines worth around US\$41 million. As the largest ever global internet-based operation focusing on illicit websites selling fake or counterfeit medicines, Operation Pangea VI engaged police, customs and national regulatory authorities to target websites supplying fake and controlled medicines.

Operation Pangea VI, held between June 18-27 this year, was coordinated by INTERPOL, the US FDA, the World Customs Organization, the Permanent Forum of International Pharmaceutical Crime, Europol, other law enforcement organizations and medical organizations, as well as companies like Visa, MasterCard and PayPal.

A dedicated operations centre at INTERPOL's General Secretariat headquarters in Lyon, France served as a centre for information exchange among the participating countries and agencies.

During the week-long operation, more than 9,000 websites linked to online pharmacies were identified and shut down. In addition the operation resulted in the suspension of payment facilities of illegitimate pharmacies and the disruption of a staggering number of spam messages. As well as the raids at addresses linked to the illicit pharmaceutical websites, about 522,000 packages were inspected by customs and regulatory authorities, of which 58,000 were seized.

Among the fake medicines seized during Operation Pangea VI were antibiotics, cancer medication, anti-depression pills, food supplements and erectile dysfunction medications.

"Transnational criminal networks are taking advantage of the internet to deceive consumers into buying fake and often dangerous medicines

Counterfeit control

The role of Tilleke & Gibbins is primarily to assist their corporate clients in monitoring counterfeit products. “We coordinate with the patent-holding company and if we can find the source of the counterfeits we inform them and help provide appropriate measures to prevent and eradicate the problem,” explained Dr Homhuan. “Sometimes dissatisfied customers of online pharmacies will also contact our law firm.

“In either case we will contact the FDA through our IP department and try to work out a solution. The FDA works with other organizations such as the Department of Special Investigation and MICT that have the authority to investigate internet-related crimes. The FDA is very strict in Thailand but they don’t have enough manpower, especially



now when the lawbreakers can take advantage of advanced technology.”

Dr Homhuan said the majority of pharmacies in Thailand comply with the Drug Act but some persist in selling counterfeit products because they can make a lot of money. He warned, however, that there are tough penalties for those who violate the Drug Act by running online pharmacies, including high fines.

“At first the offender will be charged under the Drug Act. The FDA will investigate whether or not the particular website advertised anything illegally. If they find that it did, they will impose the relevant penalties. If the case impacts on the health and safety of the consumer, penalties under other laws such as the Psychotropic Substances Act and the

Narcotics Act can be imposed.”

In closing, Dr Homhuan had this advice for potential online pharmacy customers: “Be careful when you consider buying drugs online. Do not think just in terms of saving 100 or 200 baht. These products can be harmful as we don’t know what is in them. It is different from products like clothes, which you can judge the quality by the workmanship, or foods, which you can taste and smell. It is very difficult to establish the quality of drugs and medicines.

“If you suspect you have been given a counterfeit product, contact the FDA or our law firm. We will contact the company that makes the legitimate product to investigate the matter. We are working closely with the FDA, and if we can overcome this problem we can improve the quality of life in Thailand.”



with a wanton disregard for the health risks this poses to unsuspecting buyers,” said INTERPOL Secretary General Ronald K. Noble.

Aline Plançon, Assistant Director of INTERPOL’s Medical Products Counterfeiting and Pharmaceutical Crime Sub-directorate, said: “Ultimately, we hope that by increasing public awareness of the risks associated with illegal online pharmacies, people will take greater care the next time they turn to the internet to purchase medicines.”

Raids in Thailand and the US

AS a part of Operation Pangea VI, Thai FDA agents together with police last June seized counterfeit Viagra tablets produced illegally in Bangkok worth more than 10 million baht following a raid on the offices of an illegal online pharmacy in a building off Sri Nakharin Road. Other kinds of counterfeit medications were also found. The raid followed a complaint received by the FDA.

The police arrested one man who was allegedly in charge of the operation. He faces four charges related to production and marketing of medications without a license. According to the police, the suspect was marketing the medications through two US-based websites. Thai authorities say the suspect distributed his medications to a licensed pharmacy which has had its operating license temporarily suspended.

In another action, the US FDA together with other agencies closed down the websites of 1,677 illegal online pharmacies in the US during the crackdown in June. Many of the closed sites were allegedly offshoots of an organized crime network and displayed counterfeit medical licenses to convince people that the medications they were buying were legitimate. This operation also targeted websites selling unapproved drugs that might pose health risks because of uncertainties in their ingredients. The operation involved the screening of medicines intercepted in international mail facilities.