

30.04 - Medicaments (excluding goods of heading 30.02, 30.05 or 30.06) consisting of mixed or unmixed products for therapeutic or prophylactic uses, put up in measured doses (including those in the form of transdermal administration systems) or in forms or packings for retail sale.

- 3004.10 - Containing penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives
- 3004.20 - Other, containing antibiotics
 - Other, containing hormones or other products of heading 29.37 :
- 3004.31 -- Containing insulin
- 3004.32 -- Containing corticosteroid hormones, their derivatives or structural analogues
- 3004.39 -- Other
 - Other, containing alkaloids or derivatives thereof :
- 3004.41 -- Containing ephedrine or its salts
- 3004.42 -- Containing pseudoephedrine (INN) or its salts
- 3004.43 -- Containing norephedrine or its salts
- 3004.49 -- Other
- 3004.50 - Other, containing vitamins or other products of heading 29.36
- 3004.60 - Other, containing antimalarial active principles described in Subheading Note 2 to this Chapter
- 3004.90 - Other

This heading covers medicaments consisting of mixed or unmixed products, **provided they are :**

- (a) Put up **in measured doses** or in forms such as tablets, ampoules (for example, re-distilled water, in ampoules of 1.25 to 10 cm³, for use either for the direct treatment of certain diseases, e.g., alcoholism, diabetic coma or as a solvent for the preparation of injectible medicinal solutions), capsules, cachets, drops or pastilles, medicaments in the form of transdermal administration systems, or small quantities of powder, ready for taking as single doses for therapeutic or prophylactic use.

The heading also includes measured doses in the form of transdermal administration systems which are generally put up in the form of self-adhesive patches (usually rectangular or round) and which are applied directly to the skin of patients. The active substance is contained in a reservoir which is closed by a porous membrane on the side entering into contact with the skin. The active substance released from the reservoir is absorbed by passive molecular diffusion through the skin and passes directly into the bloodstream. These systems should not be confused with medical adhesive plasters of heading 30.05.

The heading applies to such single doses whether in bulk, in packings for retail sale, etc.; or

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- (b) **In packings for retail sale for therapeutic or prophylactic use.** This refers to products (for example, sodium bicarbonate and tamarind powder) which, because of their packing and, in particular, the presence of appropriate indications (statement of disease or condition for which they are to be used, method of use or application, statement of dose, etc.) are clearly intended for sale directly to users (private persons, hospitals, etc.) without repacking, for the above purposes.

These indications (in any language) may be given by label, literature or otherwise. However, the mere indication of pharmaceutical or other degree of purity is not alone sufficient to justify classification in this heading.

On the other hand, even if no indications are given, unmixed products are to be regarded as being put up for retail sale for therapeutic or prophylactic use if they are put up in a form clearly specialised for such use.

Medicaments consisting of mixed products for therapeutic or prophylactic uses and not put up in measured doses or in forms or packings for retail sale are classified in **heading 30.03** (see the corresponding Explanatory Note).

Under the terms of Chapter Note 3, the following are also regarded as unmixed products :

- (1) Unmixed products dissolved in water.
- (2) All goods of Chapter 28 or 29. Such products include colloidal sulphur and stabilised solutions of hydrogen peroxide.
- (3) Single vegetable extracts of heading 13.02, merely standardised or dissolved in any solvent (see the Explanatory Note to heading 13.02).

It should be noted, however, that unmixed products of **headings 28.43 to 28.46 and 28.52** are always **excluded** from heading 30.04, even if they satisfy the requirements of paragraph (a) or (b) above. For example, colloidal silver remains classified in **heading 28.43** even if put up in measured doses or packed and presented as a medicament.

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This heading includes pastilles, tablets, drops, etc., of a kind suitable **only** for medicinal purposes, such as those based on sulphur, charcoal, sodium tetraborate, sodium benzoate, potassium chlorate or magnesia.

However, preparations put up as throat pastilles or cough drops, consisting essentially of sugars (whether or not with other foodstuffs such as gelatin, starch or flour) and flavouring agents (including substances having medicinal properties, such as benzyl alcohol, menthol, eucalyptol and tolu balsam) fall in **heading 17.04**. Throat pastilles or cough drops containing substances having medicinal properties, other than flavouring agents, remain classified in this heading when put up in measured doses or in forms or packings for retail sale, **provided** that the proportion of those substances in each pastille or drop is such that they are thereby given therapeutic or prophylactic uses.

The heading also covers the following products, provided they are put up as prescribed in paragraph (a) or (b) above :

- (1) Organic surface-active products and preparations, with active cation (e.g., quaternary ammonium salts), having antiseptic, disinfectant, bactericidal or germicidal properties.
- (2) Poly(vinyl pyrrolidone)-iodine, being a reaction product of iodine and poly(vinyl pyrrolidone).
- (3) Bone graft substitutes, such as those made from surgical grade calcium sulfate, which are injected into a cavity of the fractured bone and spontaneously resorbed and replaced by bone tissue; these products provide a crystalline matrix on which new bone can grow as the matrix is resorbed.

However, the heading **excludes** bone reconstruction cements, usually containing a hardener (curing agent) and an activator and used, e.g., for attaching prosthetic implants to existing bone (**heading 30.06**).

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The provisions of the heading text do not apply to foodstuffs or beverages such as dietetic, diabetic or fortified foods, tonic beverages or mineral waters (natural or artificial), which fall to be classified under **their own appropriate headings**. This is essentially the case as regards food preparations containing only nutritional substances. The major nutritional substances in food are proteins, carbohydrates and fats. Vitamins and mineral salts also play a part in nutrition.

Similarly foodstuffs and beverages containing medicinal substances are **excluded** from the heading if those substances are added solely to ensure a better dietetic balance, to increase the energy-giving or nutritional value of the product or to improve its flavour, always provided that the product retains its character of a foodstuff or a beverage.

Moreover, products consisting of a mixture of plants or parts of plants or consisting of plants or parts of plants mixed with other substances, used for making herbal infusions or herbal "teas" (e.g., those having laxative, purgative, diuretic or carminative properties), and claimed to offer relief from ailments or contribute to general health and well-being, are also **excluded** from this heading (**heading 21.06**).

Further, this heading **excludes** food supplements containing vitamins or mineral salts which are put up for the purpose of maintaining health or well-being but have no indication as to use for the prevention or treatment of any disease or ailment. These products which are usually in liquid form but may also be put up in powder or tablet form, are generally classified in **heading 21.06** or **Chapter 22**.

On the other hand, the heading covers preparations in which the foodstuff or the beverage merely serves as a support, vehicle or sweetening agent for the medicinal substances (e.g., in order to facilitate ingestion).

The heading also **excludes** :

- (a) Snake or bee venom, not put up as medicaments (**heading 30.01**).
- (b) Goods of **heading 30.02, 30.05** or **30.06**, however they are put up.
- (c) Aqueous distillates or aqueous solutions of essential oils and preparations of headings 33.03 to 33.07, even if they have therapeutic or prophylactic properties (**Chapter 33**).
- (d) Medicated soaps however they are put up (**heading 34.01**).
- (e) Insecticides, disinfectants, etc., of **heading 38.08**, not put up for internal or external use as medicines.
- (f) Preparations, such as tablets, chewing gum or patches (transdermal systems), intended to assist smokers to stop smoking (**heading 21.06** or **38.24**).