

16 October 2017

Advertising Compliance Unit  
Regulatory Practice, Education and Compliance Branch  
Therapeutic Goods Administration  
PO Box 100  
WODEN ACT 2606

**Via email:** [advertising.consultation@tga.gov.au](mailto:advertising.consultation@tga.gov.au)

Dear Sir/Madam

Thank you for the opportunity to respond to *the Consultation: Therapeutic Goods Advertising Code - Proposed improvements including proposed framework for Schedule 3 medicine advertising*.

Medicines Australia represents the discovery-driven pharmaceutical industry in Australia. Our member companies invent, manufacture and supply innovative medicines and vaccines to the Australian community. Those medicines keep Australians out of hospitals, prevent disease and play a pivotal role in ensuring a productive and healthy community.

Our main concern relates to page 12 of the consultation document where the following appears:

*It is also proposed that any disease awareness campaigns by sponsors of therapeutic goods, healthcare professionals, associations and other groups (e.g. Heart Foundation, Cancer Council) require that the campaign must be factual and balanced and support consumers in making informed health choices. Such campaigns must not identify a specific therapeutic good or sponsor either expressly or by implication.*  
[emphasis added]

Medicines Australia is very concerned at this proposed change to the Therapeutic Goods Advertising Code because it could have a significant impact on prescription medicines disease awareness campaigns.

Not allowing the identification of a particular sponsor is contrary in our view, to the principles of transparency for consumers in advertising.

Whilst the Therapeutic Goods Advertising Code is primarily directed at advertising of non-prescription medicines to consumers, sponsors of prescription medicines also engage in disease awareness activities. Therefore, the Code would also apply to sponsors of prescription medicines in this regard.

The Medicines Australia Code of Conduct specifically requires that the name of a sponsor of a disease awareness activity must be identified, but should not be given prominence (Section 13.8.7, Code Edition 18). We consider that it is important that a viewer of an advertisement such as a disease awareness campaign be informed that the campaign has been paid for by a pharmaceutical company.

Medicines Australia has considered whether the association of a specific company's name with a disease awareness activity could suggest a particular product (owned by that company) to a consumer. Whilst this is a risk, we consider that transparency about the sponsorship by a pharmaceutical company is important as it allows a consumer to take such sponsorship into account when viewing the communication. Further, with regard to prescription medicines, the consumer must always seek the advice of their medical practitioner before they can receive a medicine. The medical practitioner may then evaluate whether the consumer does have the condition or disease, whether there is a need for a medicine or other form of treatment and, if so, which is the most appropriate treatment for that consumer.

Medicines Australia therefore recommends that the revised Therapeutic Goods Advertising Code not prohibit the disclosure of a sponsor's name in association with a disease awareness campaign. We would be happy to discuss this in more detail directly.

Another issue we would like to raise relates to proposed section 6.3, "where there is potential for inappropriate use, abuse or misuse". This appears to be an open-ended catch-all and we would suggest that clearer wording is desirable to avoid anyone raising an argument that the ingredient should not have been switched from s4 to s3 if this were a significant concern. The retention of the current proposed wording could present a risk of "pseudo-switching".

Medicines Australia would welcome the opportunity to discuss the issues raised in this response and the next steps intended by the TGA. If you have any questions in the interim please contact Ms Larissa Karpish, Manager Industry and Regulatory Policy at [lkarpish@medaus.com.au](mailto:lkarpish@medaus.com.au) or tel. 6122 8519.

Yours sincerely

A handwritten signature in black ink that reads "Milton Catelin". The signature is written in a cursive style with a long, sweeping underline.

Milton Catelin  
**Chief Executive Medicines Australia**