



Advertising compliance checklist – consumer advertising

The following checklist has been designed to assist advertisers to assess their consumer advertising for compliance with the [Therapeutic Goods Act 1989](#) (the Act) and the [Therapeutic Goods Advertising Code \(No.2\) 2018](#) (the Code). It does not apply to labels, consumer medicine information or patient information leaflets.

The checklist should be used in conjunction with the Act, the Code and published [guidance](#).

The use of this checklist when assessing a particular advertisement for compliance with the Act and the Code is not a guarantee of compliance or protection from [compliance action](#). However, the TGA will take the appropriate use of the checklist in relation to an advertisement into account as a demonstration of an advertiser's willingness to comply.



Note: When assessing compliance, advertising must be considered in terms of:

- the total presentation of the advertisement and the context in which it will appear
- the likely impact on the reasonable consumer within the target audience for the advertisement

No.	Requirement	Check
1	<i>The good is not prohibited from being advertised to the public</i> Section 42DL of the Act prohibits certain types of goods from being advertised to consumers. Use the decision tree on the TGA Advertising hub to confirm that the therapeutic good you want to advertise can be lawfully advertised to the public.	<input type="checkbox"/>
2	<i>Any 'prohibited representations' in the advertisement have been permitted by the TGA</i> Certain representations, including references to the treatment or prevention of cancer, sexually transmitted diseases and mental illnesses, are prohibited in advertising . See section 30 of the Code. Under section 42DL of the Act, these representations can only be used if the TGA has permitted them under section 42DK of the Act.	<input type="checkbox"/>

No.	Requirement	Check
3	<p>Any ‘restricted representations’ in the advertisement have been authorised by the TGA</p> <p>A representation in an advertisement about therapeutic goods that refers to a serious form (see section 28 of the Code) of a disease, condition, ailment or defect is a restricted representation. Under section 42DL of the Act, they can only be used with prior approval or permission from the TGA.</p> <p>If there is no existing permission under section 42DK of the Act for the use of the representation, an individual advertiser can apply to the TGA for approval to use it.</p>	<input type="checkbox"/>
4	<p>The advertisement meets all accuracy requirements (section 9 of the Code)</p> <p>(a) Each claim in the advertisement is valid, accurate and substantiated.</p> <p>(b) The advertisement is truthful, balanced and not misleading or likely to be misleading.</p> <p>(c) Comparative advertising doesn’t imply comparator goods are harmful or ineffectual.</p> <p>(d) The advertisement is consistent with entry for the goods in the Australian Register of Therapeutic Goods (if applicable).</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5	<p>The advertisement will not have an inappropriate effect on consumers (section 10 of the Code)</p> <p>(a) The advertisement:</p> <ul style="list-style-type: none"> – presents the goods in accordance with directions/instructions for use – does not exaggerate efficacy or performance <p>(b) The advertisement is unlikely to result in consumers delaying medical attention or failing to use a prescribed treatment.</p> <p>(c) The advertisement does not encourage inappropriate or excessive use.</p> <p>(d) The advertisement does not contain the following prohibited messages (whether express or implied):</p> <ul style="list-style-type: none"> (i) the goods are safe, cannot cause harm, no side effects (ii) the goods are effective in all cases of a condition, guaranteed, sure cure (iii) the goods are infallible, unfailing, magical or miraculous (iv) harmful consequences may result from not using the goods. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6	<p>The advertisement contains all the mandatory information specified for that type of advertisement by the TGA decision tree Mandatory information required in advertising for therapeutic goods</p>	<input type="checkbox"/>

No.	Requirement	Check
12	<p data-bbox="240 226 1251 259"><i>Any offers of samples in the advertisement comply with section 20 of the Code</i></p> <p data-bbox="240 286 1182 320">Samples of goods that may be offered in advertising to the public are limited to:</p> <ul data-bbox="240 338 874 539" style="list-style-type: none"> <li data-bbox="240 338 389 371">• condoms <li data-bbox="240 394 874 427">• a therapeutic good that is or contains a sunscreen <li data-bbox="240 450 707 483">• stoma devices for self-management <li data-bbox="240 506 868 539">• continence catheter devices for self-management 	<input data-bbox="1362 286 1402 320" type="checkbox"/>
13	<p data-bbox="240 577 1262 645"><i>The advertisement does not conflict with or undermine public health campaigns (see section 20 of the Code)</i></p> <p data-bbox="240 667 1262 734">The advertisement is not inconsistent with current public health campaigns/messages, including:</p> <ul data-bbox="240 745 1110 947" style="list-style-type: none"> <li data-bbox="240 745 775 779">• Australian Government health promotions <li data-bbox="240 801 1110 835">• Australian Government Department of Health Programs & Campaigns <li data-bbox="240 857 826 891">• Queensland Department of Health campaigns <li data-bbox="240 913 533 947">• VicHealth campaigns 	<input data-bbox="1362 667 1402 701" type="checkbox"/>