



# Advertising to health professionals

Therapeutic goods advertising is subject to the ***requirements of the Therapeutic Goods Act 1989*** (the Act), as administered by the Therapeutic Goods Administration (TGA). The majority of the Act's requirements apply solely to consumer based advertising. Only a small number of requirements in the Act apply to advertising directed exclusively to health professionals. This is because health professionals have the appropriate knowledge and skill to critically analyse advertisements and recognise their persuasive intent.

Exposing consumers to advertising intended for health professionals may disrupt the doctor/patient relationship and create an inappropriate demand for a good, or encourage inappropriate self-diagnosis. Therefore, it is important that consumers do not access advertising meant for health professionals. Advertisers can choose the way advertising is restricted; however, inadequate restriction may lead to advertiser non-compliance.

This information explains how to direct therapeutic goods advertising exclusively to health professionals so that the consumer advertising requirements do not apply.



Advertising meant for health professionals needs adequate shielding from consumers – otherwise it must comply with the Act's requirements for consumer advertising.

## Advertising that is accessible by consumers

Any advertisement for therapeutic goods that is accessible by consumers must meet the Act's requirements for advertising to consumers, even if the goods are not available for purchase by consumers or you think the content clearly targets health professionals.

In addition to the Act requirements, advertisements to consumers must also comply with the [Therapeutic Goods Advertising Code \(No. 2\) 2018 \(the Code\)](#). The Code ensures that the marketing and advertising of therapeutic goods is responsible, promotes quality use of therapeutic goods and does not mislead or deceive.



## Ensuring that advertising is directed exclusively to health professionals

For online advertisements to be considered as directed exclusively to health professionals, the content needs to be secured so that it can only be accessed by confirmed health professionals.

How this is achieved is up to advertisers. However, the following examples demonstrate the degree of separation needed from the public domain to ensure advertising is considered to be 'directed exclusively' to health professionals:

- the material is secured with a username and password, issued by the advertiser (manually or automatically) following confirmation of health professional status through:
  - the provision of a current Australian Health Practitioner Regulation Agency (AHPRA) registration number and associated confirmatory details (such as provider number) for matching against the [AHPRA Practitioner information exchange](#)
  - a declaration that the user is a health professional, in combination with other identity confirmation protections, including an email address with a domain for a hospital, clinic or other business established as providing relevant health services
  - confirmation of health professional status by visiting sales representatives
- other mechanisms to limit the access of the material to specific health professional locations (e.g. material is only accessible from a range of IP addresses used by the hospital concerned or from an application or program configured to run on approved hospital platforms only).

Health workers without an AHPRA registration number (e.g. professionals not regulated by AHPRA or procurement officers in hospitals) may present challenges in establishing health professional status, especially if they are operating outside of a hospital or clinic setting. In these cases, a declaration from the worker themselves and/or their employer may be necessary.

Information provided via email should only be provided once the professional credentials (e.g. AHPRA or other accreditation) of the individual have been established.

Advertisements that appear in publications available only to specific health professional groups, such as the Australian Journal of Pharmacy or Australian Doctor, are considered to be directed exclusively to health professionals

## Who is considered a health professional?

The Act (section 42AA) provides a definition for 'health professional', which includes a range of mainstream and natural health practitioners. For example, medical practitioners, dentists, pharmacists, optometrists, physiotherapists, nurses, naturopaths, nutritionists, traditional Chinese medicine practitioners and podiatrists.

Advertising directed to health practitioners not captured under section 42AA of the Act must comply with the consumer advertising requirements.

## What product information can be made available to the public?

Factual information (such as scientific/medical information) intended for health professionals does not need to be secured, provided that it would not be seen as promotional. For example, a sponsor website that provides access to product information documents for all of their products, accessed via an index ordered solely by product name, is unlikely to be considered promotional. However, providing broad public access to the same documents via an index grouped by medical condition, or allowing searching of such documents by medical conditions, may be promotional. Providing factual information publicly in promotional contexts will likely result in that information being considered part of an advertisement to the public.



### Further information

For more information please visit <https://www.tga.gov.au/advertising-hub>

Advertisers should be aware that their advertisements will also need to comply with the Competition and Consumer Act 2010, which is administered by the Australian Competition and Consumer Commission (ACCC) and state and territory governments.