

COMMONWEALTH OF AUSTRALIA

*Therapeutic Goods Act 1989*

Therapeutic Goods (Excluded Goods) Order  
No. 1 of 1992

TG1/1992

I, DERRICK BEECH, a person to whom the Secretary to the Department of Health, Housing and Community Services has delegated the Secretary's powers under subsection 7 (1) of the *Therapeutic Goods Act 1989*, make the following Order under that subsection.

Dated 1 July 1992.



Delegate of the Secretary

Citation

1. This Order may be cited as the Therapeutic Goods (Excluded Goods) Order No. 1 of 1992.

[Note: This Order commences on Gazetted. See *Therapeutic Goods Act 1989*, s. 7 (3).]

Goods that are not therapeutic goods

2. For the purposes of the *Therapeutic Goods Act 1989*, the following goods, being goods intended for use in humans, are declared not to be therapeutic goods:

- (a) hair bleaches, hair dyes, hair colorants or hair-perming preparations;
- (b) household and personal aids, or furniture and utensils, for the disabled;
- (c) menstrual pads or similar hygiene devices, other than tampons;

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- (d) incontinence pads, mattress overlays or mattress protectors;
- (e) non-implantable cosmetic aids including wigs;
- (f) dental bleaches or dental whiteners;
- (g) preparations that are applied topically to the nails to harden, or to deter biting of, the nails;
- (h) compressed nitrogen for use as a power source for therapeutic devices;
- (i) disinfectant and sterilant gases;
- (j) equipment or substances, for use in the purification or treatment of drinking water;
- (k) sanitation, environmental control or environmental detoxification equipment, other than:
  - (i) a negative ion generator; or
  - (ii) a humidifier or vaporiser;
- (l) equipment or apparel intended for use in improving physiological fitness or modifying anatomical physique and appearance, other than equipment used for physiotherapy treatment;
- (m) goods for the measurement of alcohol level either in body fluids or exhaled air;
- (n) goods related to colostomy and ileostomy that are adhesive removers or non-medicated skin cleansers;
- (o) goods for retail sale to the ultimate consumer for retention, cushioning or repairing of dentures;
- (p) fresh viable:
  - (i) human tissue, other than blood; or
  - (ii) human organs; or
  - (iii) parts of human organs; or
  - (iv) human bone marrow;intended for direct donor-to-host transplantation.

Goods that are not therapeutic goods when used or labelled in a particular way

3. For the purposes of the *Therapeutic Goods Act 1989*, the goods specified in column 2 in an item in the Schedule, being goods that:

- (a) are intended for use in humans, and
  - (b) are used or labelled in the way specified in column 3;
- are declared not to be therapeutic goods when used or labelled in the way specified.

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Revocation

4. Therapeutic Goods (Excluded Goods) Order No. 1 of 1991 dated 15 February 1991 is revoked<sup>1</sup>.

SCHEDULE

Clause 3

Column 1 Item	Column 2 Goods	Column 3 Specified use or labelling
1	Deodorant preparations	Use for dermal application or with therapeutic devices
2	Oral hygiene preparations or devices (including dentifrices, mouth washes, breath fresheners, brushes and flosses) that are not included in a Schedule to the Poisons Standard	If, on the label of the goods, benefits claimed to result from the use of the goods are restricted to those consequential on improvements to oral hygiene or the use of fluoride for the prevention of tooth decay
3	Unmedicated dental chewing gums	If, on the label of the goods, benefits claimed to result from the use of the goods are restricted to those consequential on improvements to oral hygiene
4	Creams, lotions or similar products for dermal application, other than: (a) preparations intended for extemporaneous dispensing for therapeutic use; or (b) products intended to provide a barrier against infection	If the goods are used solely for, or are represented on their labels to be for use solely for, emollients, moisturisers, cleansers, or protectants against water or irritant agents
5	Soap and detergent, other than medicated soap and medicated detergent	Use for skin cleansing or hair cleansing
6	Non-sterile protective or safety apparel or equipment	Use in the home or for occupational or recreational use

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## SCHEDULE-continued

Column 1 Item	Column 2 Goods	Column 3 Specified use or labelling
7	Non-sterile apparel (including fitted support or insulating garments)	Use as an aid to physical comfort or relief of discomfort in persons with a disease, ailment, disability or injury
8	Non-prescription spectacles	Use solely for magnification of image or sun protection
9	Jewellery and objects or adornments with reputed remedial powers, but for which no therapeutic claims or representations, whether or not these are included on labels for the goods, are made	Use by wearing the jewellery, object or adornment on the body or the clothes of a person
10	Preparations containing a sunscreening substance, if the primary purpose of the preparations is neither protection of the skin from injury from solar radiation nor another therapeutic purpose	If the labelling of the goods does not include: (a) a statement of a claimed sun protection factor; or (b) a description of a claimed sun protection category; or (c) a reference to another therapeutic use in respect of the goods;
(a)	Depilatory preparations	Use for dermal application
12	Spa waters or natural mineral waters	If the labelling of the goods makes no claims of any therapeutic effect

## NOTE

1. TG1/1991 published in *Commonwealth of Australia Gazette* No. S43 of 15 February 1991.