

Ratified 20 August 2015

COMPLAINTS RESOLUTION PANEL

MEETING HELD THURSDAY 16 JULY 2015

9.30 am – 4.00 pm

Regus Australia Square Boardroom, Level 4, 95 Pitt Street, Sydney

MINUTES

1. Attendance and Welcome

1.1 Present

Presiding

ASMI

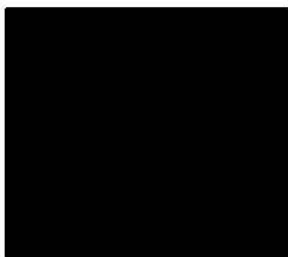
ATMS

CHC

CHF

PGA/PSA

TGA



1.2 Apologies

None

Subregulation 42Z(3) provides that: "If the chairperson or chairperson's alternate is absent from a meeting, a member nominated by the chairperson or, if no member is nominated, a member chosen by the members of the Panel present at the meeting, is to preside."

It was proposed that that [REDACTED] be the presiding member for this meeting.

This proposal was moved by [REDACTED] (PGA/PSA) and seconded by [REDACTED] (CHC).

Carried.

2. Declarations of any possible conflict of interest

No conflict of interest was declared.

3. Minutes of the meeting held on 4 June, 18 June and 2 July 2015

The minutes of the meetings held on Thursdays 4 June, 18 June and 2 July 2015 were adopted.

4. Matters arising from the minutes of the last meeting

There were no matters arising from the minutes.

5. Follow up from previous complaints

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Recommendations to the Secretary

2014/06/005 Caroline's Cream
2014/06/007 Caroline's Cream Health Writer Hub
2014/10/001 Health Care Squalene 100mg (out-of-session)
2014/10/003 Garcinia Cambogia Ultramax
2014/09/008 Caruso's Vitamin K2
2014/11/018 BICOM Remedia (out of session)
2014/10/031 A Bit Hippy
2014/06/021 InBody Australia Body Composition Analysis (on the basis of correspondence from the complainant which demonstrated ongoing lack of compliance with the determination, despite an undertaking given previously)

Compliance indicated

2014/10/026 Health Care Garcinia Cambogia
2014/10/037 Hope's Relief
2014/10/027 Nature's Help Garcinia Extreme (Discount Vitamins Express)
2014/09/009 Amcal Website

6. Approval of final determinations

The Panel approved the following final determinations.

2014/10/022 Ultraceuticals SunActive Range
2015/01/003 Green Organics Personal Lubricant
2014/12/008 Life Space Probiotics
2014/08/017 Moxie Organics Tampons
2014/11/006 Oz Garcinia

7. TGA Report

7.1 TGA - restructuring

The TGA representative outlined the effects of the recent restructuring involving the TGA, NICNAS and the Office of Gene Technology, all of which now are under the banner of the Secretary of the Department of Health. Within the TGA, goods are regulated by stream (medicine or device) for both pre or post market matters. As a result, advertising now falls within the Complementary and OTC Medicines Branch (headed by Trisha Garrett – previously Head of the Complementary Medicines Branch) and the Advertising Unit has been rebadged to the Therapeutic Goods Advertising Compliance Unit (headed by Mick O'Connor).

7.2 Cancellations

One product's listing has been cancelled (Bone Essential) because of insufficient evidence and failure to comply a condition of listing.

7.3 Recommendations to the Secretary.

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The Advertising Unit currently has approximately 30 recommendations to the Secretary. In many cases, following work with the sponsor by the TGA, compliance is achieved.

8. Consideration of complaints

8.1 Complaints determined

2015/05/005 MooGoo Nappy Balm
2015/05/017 A Bit Hippy Facebook Post
2015/05/018 A Bit Hippy Cradle Cap and Eczema Cream
2015/04/003 Caroline's Lip Balm – Doward
2015/05/001 Electromagnetic Foot Massager Circulation Booster
2015/05/022 Bioflow Magnotherapy
2015/05/025 Forelife Fertility Care Lubricant – Priceline
2015/05/026 Forelife Fertility Care Lubricant - Vitamin King
2015/05/027 Forelife Fertility Care Lubricant - Forelife Direct
2015/06/001 Aromatherapy Clinic
2015/06/006 Hemaview
2015/06/007 NaturePharm Garcinia Cambogia HCA

8.2 Complaints deferred to a future meeting

None

8.3 Complaints treated as withdrawn per Regulation 42ZCAF (c)

2015/05/009 MooGoo Facebook Post
2015/05/013 MooGoo Facebook Post

9. Matters arising from consideration of complaints

Panel members noted the ongoing confusion of some sponsors as evidenced by the lack of understanding of the difference between the market entry listing requirements and advertising requirements. It was suggested that a statement on the ARTG entry website, to point out that self-entering an indication on the Register does not necessarily mean that the indication for the product can be advertised, would be helpful for sponsors.

10. Complaints status as at 8 July 2015

Number of complaints yet to be considered 29 (14 of which are on this agenda)

Determinations on the forum	13 (5 on this agenda)
Determinations in progress JB/JoB/JK	29
Determinations not allocated	26 (meetings 21/5/15, 4/6/15, 18/6/15, 2/7/15)
Total	68 (29 Jan 15 = 89)

The report was noted.

11. Other business

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There was no other business.

12. Date of the next meeting

The next meeting is to be the face-to-face meeting held on Thursday 20 August 2015 in the Macquarie House Boardroom on Level 13, 167 Macquarie Street, Sydney.