

**Judith Brimer**

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**From:** Judith Brimer  
**Sent:** Monday, 18 February 2013 1:40 PM  
**To:** 'Ellie Barrington'  
**Subject:** RE: Complaint 2012/04/022 Black Salve  
**Attachments:** 2012-04-022 Black Salve Letter JFR 180213.pdf

Dear Ms Barrington,

The letter of recommendation from the Complaints Resolution Panel (and the annexures) were addressed to the Secretary of the Department of Health & Ageing. A copy of the letter was provided to you as a courtesy so that you would be aware of the recommendation.

Please now find attached, formal notice of the recommendation, pursuant to Regulation 42ZCAI.

Yours sincerely,

Judith Brimer  
Executive Officer  
Therapeutic Goods Advertising Code Council and  
Complaints Resolution Panel  
Tel: 02 9460 2796  
Fax: 02 9460 2798

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**From:** Ellie Barrington [<mailto:ellie.barrington@jamesfuggle.com.au>]  
**Sent:** Thursday, 14 February 2013 2:24 PM  
**To:** Judith Brimer  
**Subject:** RE: Complaint 2012/04/022 Black Salve

Dear Ms Brimer

Thank you for your email.

fortunately the annexures to the letter, being a copy of the determination and the material which you considered when you made the determination about the complaint, were not attached to the letter. Would you please forward these documents.

Regards,

Yours faithfully,  
Ellen Barrington



**JAMES FUGGLE RUMMARY SOLICITORS**  
Level 1, 73 Magellan Street, Lismore NSW 2480  
PO Box 95, DX 7711  
Email: [ellie.barrington@jamesfuggle.com.au](mailto:ellie.barrington@jamesfuggle.com.au)  
Ph: (02) 6621 2475, Fax: (02) 6622 1402

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**From:** Judith Brimer [mailto:jbrimer@tgacc.com.au]  
**Sent:** Thursday, 14 February 2013 12:16 PM  
**To:** Ellie Barrington  
**Subject:** Complaint 2012/04/022 Black Salve

14 February 2013

Dear Sirs,

**Complaint 2012/04/022 Black Salve**

I write to you in your capacity as acting on behalf of Meryl Dorey and the Australian Vaccination Network.

This note is to inform you that, in relation to the above complaint, the Complaints Resolution Panel has made a recommendation to the Secretary per subregulations 42ZCA(3) and (4) of the Therapeutic Goods Regulations 1990.

A copy of the recommendation is attached.

Yours sincerely

Judith Brimer  
Executive Officer  
Therapeutic Goods Advertising Code Council and  
Complaints Resolution Panel  
Tel: 02 9460 2796  
Fax: 02 9460 2798

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**Melbourne:** Fri 10 May, Thurs 28 November

**Adelaide:** Mon 8 July

**Perth:** Fri 2 August

**Advanced**

**Sydney:** Wed 17 April, Wed 18 September

**Brisbane:** Fri 8 November

**Melbourne:** Fri 29 November

*emailed 18/2/13*

## COMPLAINTS RESOLUTION PANEL

Integrity in Healthcare Advertising

Ellie Barrington  
James Fuggle Rummery Solicitors  
Level 1, 73 Magellan Street  
Lismore NSW 2480

18 February 2013

Dear Ms Barrington,

### **Complaint 2012/04/022 Black Salve**

Pursuant to sub-regulation 42ZCAI(5) of the Therapeutic Goods Regulations 1990 ("Regulations"), you are hereby given written notice of a decision made by the Complaints Resolution Panel ("Panel") under sub-regulation 42ZCAI(3) of the Regulations.

By letter dated 4 December 2012, the Panel Secretary sent to James Fuggle Rummery Solicitors, acting on behalf of Australian Vaccination Network Inc, the person responsible for the advertisement, a copy of the Panel's determination for the above complaint, requesting the withdrawal of the advertisement subject of the complaints, withdrawal of representations that are outlined in the determination, and the publication of a retraction.

The Panel requested that evidence of compliance be provided within 14 days. The determination drew the sponsor's attention to the provisions of sub-regulations 42ZCAI(3) and (4) which permit a recommendation to be made to the Secretary in the event of non-compliance with a request of the Panel.

At its meeting of 17 January 2013, the Panel noted that no response to the determination had been received. The Panel was satisfied that its determination for the complaint had made findings of breaches of the Therapeutic Goods Advertising Code ("Code"), the Regulations, and/or the Therapeutic Goods Act 1989 ("Act"), and that the sanctions requested in the determination were appropriate and necessary to address those breaches.

For the reasons that:

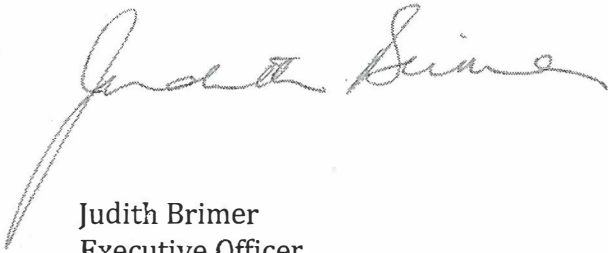
- the determination identified breaches of the Code, Regulations, and/or Act
- the sanctions requested in the determination were appropriate and necessary to address those breaches
- The Australian Vaccination Network provided no evidence or indication to the Panel that it would comply with the requested sanctions

Complaints Resolution Panel

Suite 2202, Level 22, 141 Walker Street North Sydney NSW 2060 Postal Address CRP, C/O PO Box 764 North Sydney NSW 2059  
Phone: 61 2 9460 2796 Fax: 61 2 9460 2798 Website: [www.tgacrp.com.au](http://www.tgacrp.com.au) Email: [jbrimer@tgacrp.com.au](mailto:jbrimer@tgacrp.com.au)

the Panel decided to recommend pursuant to sub-regulations 42ZCAI(3) and 42ZCAI(4) that the Secretary make orders that Australian Vaccination Network Inc comply with the requests made in the determination.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Judith Brimer', with a long, sweeping underline that extends to the left.

Judith Brimer  
Executive Officer