From:	David Poulton <David.Poulton@tga.gov.au>
Sent:	Monday, 26 August 2013 2:50 PM
Subject:	FYI:Outcomes from Fluoride meeting [DLM=Sensitive:Legal]

Leanne

Results from this mornings meeting were predictable but not necessarily helpfull.

- It remains unclear whether fluoridated drinking water (FDW) is or is not an excluded good despite the entry (Item 10) in Table 1 of the EGO for the substances and at "j" for the equipment. The consensus appeared to be that FDW was not included in Item 7 of table 2.
- The therapeutic goods status of fluoridated water is unresolved vis a vis the TG Act.
- While there is some understanding of the background leading to the current relevant EGO's above, the actual intent of each is either not or only poorly documented.
- The application of the TG Act to actions by the States and Territories is ambiguous. There is some evidence to support the inclusion of s6 as a way to resolve and clarify this and that otherwise stronger language would have been used in s5 were that the intent. However irrespective of intent the Act may not be enforced against the States (s5)
- The Department has advised that caution be exercised in relation to what is an important public health strategy in Australia (ch the the National Oral Health Plan)
- There will be a need to seek external advice to resolve these issues.

I will discuss the advertising issues briefly with Marlene and then give you some advice as to how we might proceed with the two existing complaints and some general process for any future complaints.

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