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24/1/12

Left voice message on
mobile phone, following up
on public interest criteria
required by 25/1. I ask
[REDACTED] to call me
back. U D 24/1/12 10:15hrs

**Australian Government**

Department of Health and Ageing
Therapeutic Goods Administration

[REDACTED]
Legal Director Asia / Pacific
Specsavers Pty Ltd.
520 Graham Street
PORT MELBOURNE VIC 3207

Dear [REDACTED]

**Application for Approval for the use of 'restricted representation' under section 42DE
of the Therapeutic Goods Act 1989**

I refer to your letter dated 12 December 2011, in which you seek approval under Section 42DF(1) of the *Therapeutic Goods Act 1989* ("the Act") for Digital Retinal Photography sponsored by Specsavers Pty Ltd to be marketed to consumers with "restricted representations".

As set out in subsection 42DF(4)(c) of the *Therapeutic Goods Act 1989*, prior to making a decision, the decision maker must take into consideration the public interest criteria mentioned in the part of the *Therapeutic Goods Advertising Code* dealing with restricted representations. The public interest criteria are set out at the Attachment to this letter.

Your submissions on the application of the public interest criteria to the proposed use of the restricted representation would assist the decision maker in making a decision on this matter.

As you are aware, your application will be referred to the *Therapeutic Goods Advertising Code* Council (TGACC) for consideration at its next meeting, which is scheduled to be held on 1 February 2012. I would therefore appreciate your submission on the application of the public interest criteria before 25 January, in order to ensure that your submission can be considered by the TGACC. Should you have difficulties meeting this deadline please do not hesitate to contact me or the TGA Advertising Unit.