

- Although stated by the TGACC, there has been no member representation from the RACGP on the panel for some time
- Determination is published on the CRP website prior to referral to, and resolution by the TGA if required.

Preventing Advertising Breaches

██████ the view that it is better to prevent a breach rather than to try and resolve the issue through a complaints handling process. Prevention of a breach can only be achieved by having a very clear advertising code and accompanying guidelines with examples. Please refer to ██████, ASMI and ACCORD submissions on the revision of the Therapeutic Goods Advertising Code.

Sponsors also will use past determinations or findings or to help shape decisions on the appropriateness/compliance of advertisements. It will be important that the TGA maintains a searchable database of decisions (inclusive of the advertisement, the decision and the reason for the decision).

Specific Comments on the Proposed Complaint Process

With the proposed approach to triaging and prioritisation, it appears that the TGA, with its limited resources will only act on complaints where there is an immediate threat to public health. In reviewing all the complaints heard by the CRP over the past few years there were very few complaints we were able to identify that related to safety issues (there were some that were referred to the TGA for advertising dangerous products like the amber teething beads). We did identify many instances where there were clear breaches of the advertising code. In fact, when considering breaches made over the last few years, a large volume related to misleading and deceptive claims, mainly through unsupported claims. While these breaches are fraudulent they are non-considered a safety or life-threatening issue so we are concerned will go through without any ramifications to the sponsor in breach.

Under the new model proposed, we are worried that these breaches will not be adequately addressed with the speed required. In fact, we are worried that there are unethical sponsors that will look to exploit the framework proposed and deliberately look to push the boundaries and willingly breach the code, knowing that the likely ramifications will be education – and this is likely to occur presumably after a period of time after that the advertisement has been in the public domain, and the damage has been done.

The ideal situation would be to have a complaints handling process that dealt with all breaches (not just safety related complaints) in a quick, efficient and enforceable manner.

Next Steps

[REDACTED] for the opportunity to comment on the framework proposed for complaint handling. We see great value in these consultations and look forward to contributing to the subsequent consultations on this matter.

Please feel free to contact me directly using the details below should you need clarification or need to discuss any of the content in this submission.

Yours sincerely

