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**Complaints handling – Advertising of therapeutic goods to the public**

The Australasian Sleep Association (ASA) is the peak scientific body in Australia & New Zealand representing clinicians, scientists and researchers in the broad area of Sleep. Our vision is the provision of world standard research, education and training, and establishment of clinical standards to ensure clinical best practice in sleep medicine resulting in an informed community with healthy sleep practices.

ASA is supportive of the new Complaints handling – advertising of therapeutic goods to the public, and is appreciative that TGA will now be responsible for this, rather than ACCC. We note that Therapeutic claims can include goods used in connection with preventing, diagnosing curing or alleviating a disease, ailment, defect or injury or influencing, inhibiting or modifying a physiological process. This would therefore include devices such as Continuous Positive Airway Pressure (CPAP), over the counter dental devices and other treatments and herbal remedies which claim to be effective in treating sleep disorders.

The ASA has serious concerns about the advertising practices of many companies that supply CPAP to individuals who have not been diagnosed with Obstructive Sleep Apnoea (OSA) by a qualified sleep medicine practitioner. We note that under the new powers and sanctions the TGA will have the power to introduce Public Warning Notices, and we believe that every CPAP machine should have a notice on it stating “only for use under medical advice”, similar to the rules in place in the USA. It is to be hoped that the new complaints handling process will enable this to be introduced.

Another major concern is the advertisement of over the counter dental devices, treatments such as adhesive strips and herbal remedies that claim to stop snoring, and treat OSA. These unregulated devices may improve snoring, but are unlikely to treat OSA; this effectively removes their reason for seeking treatment for a serious medical condition. Unless managed by a well-trained dentist in partnership with a qualified sleep medicine specialist, the dental devices can also cause dental damage and cause long term damage to the jaw and muscles of the face. The ASA believes that warnings should be placed on all of these devices. Again it is hoped that if sufficient complaints are received from individuals, this could be introduced.

Again we commend the TGA for introducing this new complaints handling process.

Yours sincerely

Peter Eastwood  
President

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Immediate Past President