



Medicines
Australia

12 June 2018

Advertising Compliance Unit
Regulatory Practice, Education and Compliance Branch
Therapeutic Goods Administration
PO Box 100
WODEN ACT 2606

Dear Sir/Madam

Consultation: Complaints handling – Advertising therapeutic goods to the public

Medicines Australia welcomes the opportunity to review and provide our comments on the abovementioned model for managing complaints relating to advertising of therapeutic goods.

We commend the TGA on its commitment to ongoing improvement and consideration of how advancements in technology can have a positive impact on the receipt, triaging resolution and reporting of complaints. Medicines Australia supports the TGA in its approach to promoting compliance, and the drive to being consistent and transparent.

Medicines Australia acknowledges that the model defined in the consultation paper is primarily intended for managing complaints about products advertised to the general public, and specifically excludes activities directed towards healthcare professionals. This will result in mainly complaints about advertising of non-prescription products being directed through this process. We know from experience, however, that the TGA is occasionally in receipt of complaints relating to advertisements for therapeutic goods, whether from consumers or healthcare professionals, that do not fit this specific requirement – for example, a complaint about an advertisement for a prescription product directed at a healthcare professional. To date, these complaints have been directed to the appropriate industry association, such as Medicines Australia, to manage the complaint through their well-established processes. Therefore, whilst Medicines Australia supports the TGA's single-body approach to complaints about advertising therapeutic goods to the general public, this must remain confined to therapeutic products advertised to the general public. The existing framework of referring complaints about advertisements directed at healthcare professionals to the relevant industry association should not be changed.

Medicines Australia recognises that the proposed TGA complaints management system would be applicable to all Sponsors, regardless of their membership of an industry association, and that new sanctions have been made available to the TGA. We recommend that this new model could enhance the existing framework of delegating complaints to industry associations. The TGA could consider what authority it has over Sponsors that are



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not members of an industry association and which decline to have any complaints heard through an association's complaint process. This would facilitate a more level playing field and potentially reduce non-compliant behavior, which is currently not being modified through existing frameworks.

Finally, we note the establishment of a Therapeutic Goods Advertising Committee to enhance engagement on issues relating to the compliance framework. Medicines Australia wishes to continue our involvement in this process and requests that our representative be appointed to this Committee representing the therapeutic goods industry. Medicines Australia previously was an Observer on the now dissolved Therapeutic Goods Advertising Code Council and consider it is important for our representation in this important area to continue.

Thank you again for the opportunity to provide our input to the proposed advertising complaints model.

Yours sincerely,

Elizabeth de Somer
CEO