



# australian nursing federation

27 August 2010

The Project Officer  
Advertising Consultation  
Regulatory Reform  
Therapeutic Goods Administration  
PO Box 100  
WODEN ACT 2606

Dear Sir/Madam

## ***Consultation: Improving advertising arrangements for Therapeutic Goods***

The Australian Nursing Federation (ANF) welcomes the opportunity to support the Therapeutic Goods Administration (TGA) for undertaking a review of the arrangements for regulation of therapeutic goods advertisements.

With a membership of over 190,000, the ANF is the largest industrial and professional organisation in Australia for nurses, midwives and assistants in nursing. With members employed across urban, rural and remote locations in both the public and private health and aged care sectors, the ANF has an interest in the way in which medicines and other therapeutic products are advertised for use in healthcare treatment regimes.

It is the view of the ANF that information from the manufacturers and retailers of all therapeutic goods should be presented in advertising materials in such a way to enable both health professionals and consumers of health and aged care services to be able to make informed decisions about their use without fear of misrepresentation of the efficacy of the products.

In relation to the issues raised in the consultation paper, the ANF supports the following proposals:

1. That the TGA regularly publish on its website those products that have been removed from the Australian Register of Therapeutic Goods (ARTG) as a result of a regulatory decision.

The ANF agrees that this would be an important step in improving transparency of regulatory processes to health professionals and to the general public.

Use of the website for retrieval of information is now common place in the community. This means that there is an expectation from health professionals and consumers of health and aged care that they will be able to locate all relevant information they require for decision making on therapeutic goods.

2. That the Complaints Resolution Panel (CRP) be reconstituted as an independent body.

The ANF considers the separation of the complaints panel members from therapeutic goods and advertising industry interests to be vital in ensuring impartiality in decision making on complaints made to the CRP.

Complainants need to be assured that their complaint will be managed by people who not only have no vested interest from their own company perspective but who will also not be influenced by broader industry interests.

3. That complaints about all forms of advertising be directed to the CRP for initial consideration.

It is the view of the ANF that there is merit in a consistent approach to managing complaints about advertising of therapeutic goods. This reduces confusion as to which pathway to take for making a complaint; provides a central point for the collection of data on complaints; and reduces the possibility for complaints on advertised therapeutic goods to 'slip through the cracks' and not be dealt with adequately/at all.

Following initial consideration, the CRP could then refer on to the TGA complaints relating to the efficacy of products.

Despite the fact that many complaints currently handled by the CRP are seen to be of a trivial nature, the ANF takes the position that there is still merit in a single point of entry of complaints – from all forms of advertising, and about all categories of therapeutic goods. Simplifying the complaints pathway should lead to improved outcomes in terms of greater protection of the public from receipt of inaccurate information.

4. That the sanctions regime under the legislation be strengthened to include civil penalty contravention provisions and court-imposed remedial action for advertising breaches.

Due to the potential for harm to the public from misleading advertising the ANF considers that there should be serious disincentives applied to breaches by manufacturers and retailers of therapeutic goods. Unless there is a mechanism to enforce nationally consistent standards, the safety and quality of care to consumers of health and aged care will continue to be compromised.

It is the view of the ANF that the most effective mechanism for deterrence will be that which carries penalties under legislation.

The ANF submits these brief comments to assist with your deliberations on reforming the regulatory arrangements for advertising therapeutic goods.

Should you require any additional information or wish to discuss this matter further please contact Elizabeth Foley on (03) 9602 8500 or [elizabethf@anf.org.au](mailto:elizabethf@anf.org.au).

Yours sincerely,



**Lee Thomas**  
Federal Secretary

The industrial and professional organisation for nurses and midwives in Australia

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