



QUICKGUIDE:

How to make a complaint about the advertising of a complementary healthcare product

This information sheet aims to assist members should you wish to make a complaint about the advertising of a complementary healthcare product. Please refer to “*How to respond to a complaint*” should a complaint be made against one of your complementary healthcare products.

Advertisements for therapeutic goods (medicines and medical devices) directed to consumers, need to comply with the *Therapeutic Goods Advertising Code 2007* (TGAC) to ensure that the advertisements are socially responsible, promote the quality use of therapeutic goods and do not mislead or deceive consumers. Copies of this code are located at <http://www.comlaw.gov.au>

Lodging a complaint:

Anyone may lodge a complaint about an advertisement for therapeutic goods, including complementary medicines, and all complaints are treated in confidence. Anonymous complaints are also accepted.

If you see an inappropriate advertisement for therapeutic goods you can:

- Go directly to the advertiser of the product to discuss your concerns;
- Utilise mediation offered to CHC members;
- Make a complaint to the CHC’s Complaints Resolution Committee (CRC); or
- Make a complaint to the Complaints Resolution Panel (CRP) established under the *Therapeutic Goods Regulations 1990*.

Tips for lodging a complaint:

The complaint should begin with a concise summary of the content of the complaint.

A copy of the advertisement of concern **MUST** be included. If the complaint is about a website, a copy of **ALL** relevant pages should be included.

- If applicable, include the name of the publication and the date published.
- Include details of what it is about the advertisement that is unacceptable, including the section of the CHC’s *Code of Practice for the Marketing of Complementary Healthcare Products*,
- *Therapeutic Goods Advertising Code 2007* and/or *Therapeutic Goods Act 1989* said to be breached and the basis for contending a breach.
- All pertinent material, including clinical trials and other articles, should be provided in a complete form rather than as an extract.
- All documents, especially photocopies, should be easily legible.



Regulation of Advertising Therapeutic Goods in Australia

Advertisements for therapeutic goods are regulated by both co-regulatory and self-regulatory arrangements with shared operation between the Therapeutic Goods Administration (TGA), the Therapeutic Goods Advertising Code Council (TGACC), the Complementary Healthcare Council (CHC) and the Australian Self-Medication Industry (ASMI).

Complaints about publications such as indoor posters, leaflets, letterbox drops, brochures, catalogues, point-of-sale material, facts sheets, and shelf wobblers are considered by the:

Complaints Resolution Committee (CRC) of the CHC for complementary medicines; or the Australian Self-Medication Industry's (ASMI) Complaints Panel for over-the-counter medicines.

The industry complaints panels are able to consider complaints in terms of their respective codes of practice, both of which reference the *Therapeutic Goods Advertising Code 2007* (TGAC). Complaints are assessed in terms of the TGAC as well as any other requirements that are specific to the individual industry codes. Each panel includes a representative from the TGA as an observer, and each is able to impose a range of sanctions, including corrective advertising and pecuniary fines.

The Complaints Resolution Committee (CRC)

The Complaints Resolution Committee established by the CHC's self-regulatory *Code of Practice for the Marketing of Complementary Healthcare Products* considers complaints received about breaches of the code including those clauses in relation to the *Therapeutic Goods Act 1989* and the TGAC in 'below the line material'.

Included in 'below the line material' for complementary healthcare products are brochures, leaflets, flyers, shelf talkers, newsletters, point of sale material, videos, audio tapes and catalogues as well as any magazine or journals that are not mainstream media. Complaints about advertisements for **complementary medicines** (herbal preparations, vitamin or mineral supplements or homoeopathic preparations) appearing in publications such as leaflets, flyers, brochures, catalogues, or letterbox drops can be directed to:

The Secretariat

**Complaints Resolution Committee
Complementary Healthcare Council
PO Box 405
MAWSON ACT 2607**

A complaint submission form can be found at: www.chc.org.au/Advertising/Complaints

Complaints Resolution Panel (CRP)

Complaints about advertisements for any medicines or devices appearing in radio, television, consumer magazines, newspapers, billboards, cinema or the Internet may be sent to:

The Executive Officer

**Complaints Resolution Panel
PO Box 764
NTH SYDNEY NSW 2059`**

A CRP complaints form can be found at: <http://www.tgacrp.com.au/index.cfm?pageID=9>

Or you can submit a CRP complaint online via: <http://www.tgacrp.com.au/index.cfm?pageID=12>

ASMI Complaints Panel

Complaints about advertisements for **over-the-counter medicines** appearing in publications such as trade journals, leaflets, flyers, brochures, catalogues, or letterbox drops may be sent to:

The Secretariat

**ASMI Complaints Panel
PO Box 764
NTH SYDNEY NSW 2059**