

Therapeutic Goods Advertising Code 2022

DSA Guide for Direct Sellers



What is the Therapeutic Goods Advertising Code 2022?

The Advertising Code regulates advertising for listed medicines and other therapeutic goods and sets out minimum requirements which must be met when advertising therapeutic goods to the public. **It does not apply to products regulated as cosmetics or foods.**

The overarching goal in regulating the advertising of therapeutic goods is to support informed and rational health choices, to ensure consumers are not misled or deceived, and to promote the safe and proper use of therapeutic goods. Advertising of therapeutic goods requires a higher ethical standard than applies for the advertisement of ordinary consumer goods because:

- therapeutic goods are not normal consumer goods
- consumers rely on therapeutic goods for their health
- an individual promoting the therapeutic product may not have relevant health expertise
- one person's experience may not be applicable to others
- individuals can be very persuasive and their opinions about a product is likely to be subjective.



How will the Advertising Code impact the direct selling industry?

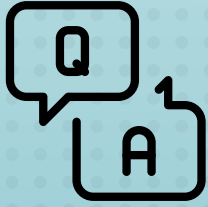
The Advertising Code outlines when testimonials and endorsements about therapeutic goods can be used and refers to people engaged in the production, marketing or supply of the goods. This includes direct sellers and influencers.



What is the difference between an endorsement and a testimonial?

An **endorsement** is an expression of support for a product or brand. The endorsement must not reference the individual's personal experience from using the product. If an endorsement about a therapeutic good references health benefits, then it must be consistent with the typical outcome resulting from use of the good when used according to the label or directions.

A **testimonial** is made when an individual references their personal experience of using the therapeutic good and may include before and after photos.



As a direct seller, how does the Advertising Code affect me?

Direct Sellers and influencers are permitted to promote therapeutic products through endorsements. They are not permitted to make testimonials about these products.



I am a former health professional and now a direct seller. How does the Advertising Code affect me?

The Advertising Code prohibits a current or former health practitioner, health professional or medical researcher; and anyone who represents themselves as being qualified or trained to diagnose, treat or prevent disease, from making an endorsement or a testimonial, whether disclosed or otherwise.



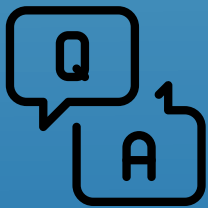
When did the 2022 Advertising Code come into effect?

The updated Advertising Code came into effect on 1 January 2022, with a six-month transition period for compliance in effect until 30 June 2022. From 1 July 2022, all advertising will be assessed against the 2022 Advertising Code. However, the prohibition on direct sellers making testimonials about therapeutic goods has been in effect since 2018 and applied under the old Advertising Code.



As a direct seller, does the Advertising Code apply to all of the products that I market?

The Advertising Code applies to therapeutic products, including products that are required to be included on the Australian Register of Therapeutic Goods (ARTG). Your member company will be able to help you identify relevant products or you can head to www.tga.gov.au and look up any products to determine whether they are listed on the ARTG.



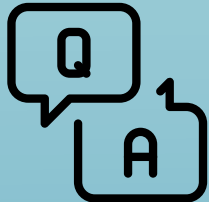
As a direct seller, am I permitted to post customer testimonials if the testimonials are genuine and the customer agrees to it?

Advertisements posted by direct sellers can contain genuine customer testimonials. The advertisement cannot contain testimonials from health professionals or from anyone who received, or would receive, valuable consideration for the testimonial.



As a direct seller I have previously posted testimonial content on my social media platforms. Will I need to remove these?

Yes. As a direct seller, all non-compliant content/testimonials across social media platforms (posts, stories, reels etc) will need to be removed prior to 30 June 2022.



The products I market and sell are listed on the ARTG. What can I post on my social media platforms?

To help assist you with endorsing a therapeutic product in a compliant way on your social media platforms, DSA has collated various examples (below) of permitted and non-permitted content.

Permitted

You may describe or list the product's benefits and credentials as set out in the products permitted indications. You may use images of the product as long as they do not suggest that you are using it.

Non-Permitted

Sharing your personal experience, positive effects, or feelings about a therapeutic good, for example, language such as "I love this product". You should refrain from using images showing you using or consuming the product.

SOCIAL MEDIA CONTENT EXAMPLES





Image	Accompanying Text	Permitted
	<p>Did you know?... Brand-X sunscreen is dermatologist tested and formulated for sensitive skin making it suitable both adults and children. With SPF50+ broad spectrum UVA and UVB protection, it is a summer staple in every household!</p> <p>#independentconsultant</p>	
	<p>I have thoroughly loved using Brand-X sunscreen all summer long. It rubs in easily and my skin is never oily or sticky. Brand-X is the only sunscreen I use on myself and my family.</p> <p>#independentconsultant</p>	





Image	Accompanying Text	Permitted
	<p>I trust Brand-X to help my wellbeing.</p> <p>#independentconsultant</p>	
	<p>I love everything about this product. When I look better, I feel better. Brand-X helps me feel better.</p> <p>#independentconsultant</p>	



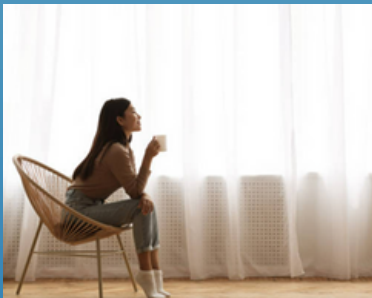

Image	Accompanying Text	Permitted
	<p>Looking after your skin and hair from the inside out with Brand-X Beauty Collagen range.</p> <p>#independentconsultant</p>	
	<p>Looking after my skin and hair from the inside out with Brand-X Beauty Collagen range. I've been taking the original collagen tablets for over a year now, but have recently added the collagen shots.</p> <p>#independentconsultant</p>	











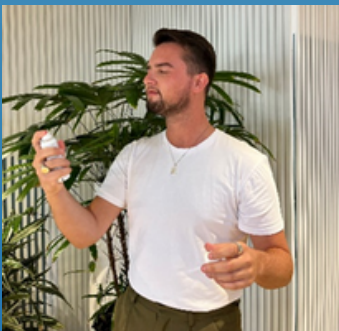
Image	Accompanying Text	Permitted
	<p>As a hairdresser, I look after my hair with regular treatments. Brand-X is my holistic approach to wellbeing.</p> <p>#vitamins #health #independentconsultant</p>	
	<p>As a hairdresser, I look after my hair with regular treatments but since having a baby I worry about losing my hair after it's become so healthy. Brand-X is my holistic approach to wellbeing. I love this product!</p> <p>#vitamins #health #independentconsultant</p>	

Image	Accompanying Text	Permitted
	<p>Did you know Brand-X is specifically formulated to wear under makeup? It sits perfectly under your base and gives your complexion the perfect dewy glow we all know and love. With added healing properties of aloe vera and sea buckthorn, Brand-X calms inflammation and redness.</p> <p>#itrustmyhealthtobrandx #independentconsultant</p>	
	<p>I put my trust in Brand-X. Brand-X is my holistic approach to wellbeing.</p> <p>#independentconsultant</p>	
	<p>I started using Brand-X a few week's ago and my skin has never been better. My overall complexion has changed dramatically. I have less redness and my skin looks and feels calmer.</p> <p>#independentconsultant</p>	