

ACCC Digital Platform Services Inquiry

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Re: CMA Submission to Digital Platform Services Inquiry **Report on general online retail marketplaces**

Complementary Medicines Australia (CMA) welcomes the opportunity to provide comments to the Australian Competition and Consumer Commissions (ACCC) examination of general online retail marketplaces, as part of the Digital Platform Services Inquiry, dated July 2021.

Although, the use of general online retail marketplaces in Australia, are currently not as significant as in other countries, online shopping (which the marketplace forms part of) is performing an increasing role. Online shopping has seen significant growth particularly during the COVID-19 pandemic and restrictions, with more Australians using general online retail marketplaces since 2020 as a result of higher consumer demand.

CMA's role in promoting the manufacturing and supply of world class complementary medicines centres largely on advocating for an appropriate risk-based regulation of products via the Therapeutic Goods Administration (TGA). Recently TGA enforcement has focused its efforts on the rising tide of illegal imports of complementary medicines into Australia including via ecommerce. With industry intelligence provided, the TGA has taken appropriate enforcement action on online retailers ¹.

CMA has received complaints that Australian ecommerce platforms have been selling sub-standard and illegal products to consumers that fall well below the Australian standards and could have safety issues for consumers. During a review of the marketplace, over some 400 listings for illegal dietary supplement products were identified and have since been removed on eCommerce platforms in the week commencing 22 June 2021. Amazon Australia has also recently announced that all CM products listed for sale on their platform now need to be listed in Australia (AUST-L) and an ARTG listing certificate must be provided². CMA welcomes this move and supports a similar approach be adopted more broadly across other platforms.

In the case of ecommerce sales of dietary supplements, Amazon Australia now limits the addition of new sellers in certain categories to ensure a high level of quality so that customers are able to buy with confidence from all Amazon sellers. In order to sell Dietary Supplements, sellers will now have to meet the requirements listed below. While Amazons site-wide selling guidelines still apply, the additional requirements for this category are emphasised below and this approach should be adopted more broadly.

Seller requirements

- You must be registered as a seller on the Professional Selling on Amazon program

¹ The TGA regulates online advertisers in the same way as the sponsors of the product on the Australian Register of Therapeutic Goods (ARTG).

² Amazon Seller Central: <https://sellercentral.amazon.com.au/gp/help/external/LBRQSC9HJS9S3QT>

- You must have an inventory of more than one product in this category.
- You must have a return delivery address in the local country or provide free delivery
- You must be able to provide local language support for customer service in the marketplace in which the sale is intended.
- Your own company website is not required, but it is helpful to use for review during the application process.
- You must provide acceptable documentation (for example, valid invoices) and other information that we request about the products that you intend to sell.
- You must be able to provide a copy of the **ARTG certificate** or summary for each product you wish to sell.

Product requirements

- The products that you sell must be new.
- All products must be intended for sale within Australia and comply with all laws and regulations of Australia.
- For each product, a valid barcode (product identifier) registered and associated with the product is required.
- All products offered for sale on an Amazon website must (as a minimum) be labelled in English.
- All products must have an **ARTG number** (where required by Australian law).
- Ingredients for all over-the-counter (OTC) medicines and dietary supplements must be listed in the Inventory File template. Additionally, images of ingredients and or nutritional facts listed on product packaging should be uploaded as secondary product images on product detail pages³.

While a large number of goods are available for sale on general online retail marketplaces, the degree of competition between the marketplaces in Australia that sell complementary medicine products, will need special consideration. To further benefit the adoption of general annexures to seller guidelines as per the example above, CMA suggests working with the peak body on dedicated guidelines that will enhance confidence in this area.

Kind regards,

Complementary Medicines Australia

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³ Within Australia, no seller is permitted to list any of the following products for sale: (i) prescription-only medicines, (ii) pharmacist-only medicines or (iii) pharmacy-only medicine.