

## ACCC Video Conference - Medicines Australia Edition 16

17 November 2009 - Loretta Marron - Consumer

***"There must be a level playing field that applies equally across all parts of the therapeutics sector, something that is entirely achievable without the need for government regulation"***

.... MA Chairman, Will Delaat, 9 November 2009

<http://www.pharmainfocus.com.au/news.asp?newsid=2993>

I have looked at the MA Edition 16 changes and I think that they are excellent. However, I still have two areas of concern, primarily related to non-prescription drugs and the complaints process, which I would like to submit for future review.

### **Non-prescription drugs:**

At this time the MA Code can only relate to prescription medicine and the manufacturers/sponsors of non-prescription drugs (and devices) are taking advantage of this situation to target vulnerable consumers. Without a level playing field, consumers will continue to be encouraged to take drugs (and devices) that may have no proof of efficacy or may offer questionable health benefits and will continue to be persuaded to self-medicate by the relentless marketing campaigns that currently swamp all facets of the media. In my opinion we are becoming a nation of non-prescription drug addicts.

For example:

- can't advertise Xenical – but can advertise Xantrax (& many other ineffective weight loss products & programs)
- can't advertise Viagra – but can advertise Horny Goat Weed (& many other ineffective aphrodisiacs & programs)
- can't advertise prescription pain killers – but can advertise magnetic therapy (claiming it is equivalent to deep tissue massage)
- can't advertise HRT for hot flushes – but can advertise red clover (no evidence to support claims) and black cohosh (questionable efficacy and which has caused liver damage)
- can advertise that fish oil pills are the strongest on the market (without claims) or claim that products 'unlock energy', 'improve wellbeing', 'put your health first' etc which are fairly meaningless & misunderstood expressions.

The self-regulation of the CM industry offers little consumer protection, as reflected by the significant increase in the number of advertising complaints submitted to the Complaints Resolution Panel for breaches in the Therapeutic Goods Act. Challenging therapeutic advertising can take in excess of four months and in recent times even the TGA accept that the system is not working (as seen with the writing of new weight loss guidelines).

Despite the size of the CM industry, the majority of their products offer little in the way of measurable health benefits to consumers with the most vulnerable groups usually being targeted. These include overweight consumers, seniors (menopause/impotence/arthritis/failing memory) & the parents of young children. Natural does not equal safe.

I would therefore like to see zero therapeutic advertising (except for public interest items):

Acceptable advertising would include for example:

- major Governments supported campaigns (eg cervical cancer & flu vaccines)
- when a new effective product or program is launched – with a comment to 'talk to your doctor/pharmacist'

I believe that therapeutic marketing frightens consumers, making them feel that if they don't self medicate that

- they will get diseases common to advanced years, such as cancer.
- they will be responsible for any negative health conditions they or their children may get in the future.
- they are bad parents (give children vitamins – 'vita-minis', fish oil for brain development etc)

### **Complaints:**

I would like to see one place where consumers would know where to submit complaints to and where they get a response to their complaint.

At the moment

- therapeutic goods – Complaints Resolution Panel (often act as gate keeper)
- therapeutic goods considered food (eg Vitamin b17, laetrile as a cancer cure – Food Standards)
- Doctors/Pharmacists – professional boards
- natural therapists - ?? (ACCC, HCCC Or Fair Trading)