



Contested Policy: Mandatory pre-approval of advertisements to cease

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Pre-approval of advertising

Before MMDR

- Pre-approval only applied to specific media
- Pre-approval was delegated to ASMI and CMA

Recommendation #55

The Panel recommends that the whole process of vetting and pre-approval of the advertising of therapeutic products to the public is stopped in favour of a more self-regulatory regime



“Cutting red tape”



 Australian Government
Cutting Red Tape
The Australian Government's online resource for regulation reform



The Trouble With Advertising

- It's not supply and demand; it's the supplier creating demand.
- Advertising laws keep everyone on a level playing field.
- Post-marketing surveillance penalties have not been enforced.
- Without enforcement, the door is open for the advertisement of unregulated, poor quality products.



Pre-approval of advertising to cease

Backlash:



Homeopathic 'scams' could be advertised on prime-time television

Consumer advocate warns lack of regulation could lead public to fall for 'loopy claims'



THE CONVERSATION
Academics | Legal | Journalism | Law

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Scrapping pre-approval of medicine ads will put consumers at risk



NATIONAL HEALTHCARE

Public health groups slam removal of pre-approval of complementary medicine advertisements



Advertisements pre-approval to cease

How contested?



Senator Richard Di Natale (Greens) asked for the Therapeutic Goods Amendment Bill to be reviewed by the Senate Community Affairs Legislation Committee.



Prof. John Braithwaite organised a civil society hearing on Bill at the ANU on 24 Jan 2017. Considerable media publicity resulted.



Advertisements pre-approval to cease

How contested?



Senate committee recommended that the bill pass without amendment.

The Greens provided a strong dissenting report with proposed amendments

Advertisements pre-approval to ~~cease~~ remain

Outcome



Amendment to the Bill:

- Pre-approval to continue for 2 years, with a review at 18 months.
- Amended Bill passed!