

**From:** Philippa Davies  
**Sent:** Wednesday, 12 August 2015 3:40 p.m.  
**To:** 'Hilary Souter'  
**Subject:** ASA Consultation on the draft Code for Therapeutic and Health Advertising

Hi Hilary

Thank you for consulting with us on the *Draft Code for Therapeutic and Health Advertising and Draft Guidance Notes*.

Medicines New Zealand is the industry association representing companies engaged in the research, development, manufacture and marketing of prescription medicines and vaccines. We have therefore viewed this consultation from the perspective of advertising of prescription medicines and vaccines only.

Comments on the Draft Code:

1. Page 1. Definition of Therapeutic Product. We suggest using the terms 'consent to distribute' rather than 'registered' because this aligns with the terminology in the Medicines Act. By defining a therapeutic product this way however excludes products that are exempt from consent requirements e.g. extemporaneously compounded therapeutic products (refer pg 52 Codes of Practice 2013). If this is not your intent then we suggest an amendment to the definition of therapeutic product is required.
2. Page 2. Meaning of therapeutic purpose. A product can also become a medicine by virtue of any claims that are made for it i.e. if a claim for a therapeutic purpose is made then the product would be considered a medicine and consent for distribution would be required before advertisement. We consider it is important that the draft Code or the draft Guidance Notes are clear on this so that distributors etc. do not rely on the medicines classification schedule to determine whether a product is a medicine or not.
3. Page 3 . Guidelines 1. Medicines. In this paragraph we suggest adding the words 'and all updates' of the Medicines Act 1984 etc. With regards to reference to the Medicines New Zealand Code of Practice, we understand this to mean that non-members of Medicines New Zealand must comply with Medicines New Zealand Code of Practice in order to meet the requirements of the *Code of Therapeutic and Health Advertising*. Can you please clarify this is your intent.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Philippa Davies

**Regulatory, Compliance and Market Access Manager, PGDipBusAdmin  
Medicines New Zealand**

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**From:** Hilary Souter [<mailto:hilary@asa.co.nz>]

**Sent:** Thursday, 2 July 2015 2:06 p.m.

**To:** Philippa Davies <[Philippa.davies@medicinesnz.co.nz](mailto:Philippa.davies@medicinesnz.co.nz)>

**Subject:** ASA Consultation on the draft Code for Therapeutic and Health Advertising

Dear Philippa

Please see the attached letter inviting comment on draft code and guidance notes, also attached.

Kind regards, Hilary

**Hilary Souter** | Chief Executive | **Advertising Standards Authority**

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