

Advertising must comply with guidelines

Advertising/promoting (see box below) products registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM Act) is controlled. As a condition of registration (and exemption from registration), advertising of ACVM products must comply with the relevant ACVM labelling and advertising guide:

- NZ Labelling and Advertising Guide for Veterinary Medicines Requiring Registration
- NZ Labelling and Advertising Guide for Plant Compounds (now Agricultural Chemicals) Requiring Registration
- NZ Labelling and Advertising Guide for Vertebrate Toxic Agents Requiring Registration.

These are all available on the NZFSA website:
http://www.nzfsa.govt.nz/acvm/publications/labelling_guides.

NZFSA regards 'Advertisement' as:

Any publication to the community or to any section of the community of any words, whether written, printed, spoken, or in any electronic form, or of any pictorial representation or design or device *used to promote the sale of any ag compound*; and 'to advertise' has a corresponding meaning (ref: section 2 ACVM Act). Advertising does not include general information transfer or disease state awareness.

Advertising in general

- Every advertisement for a registered trade name product must contain the phrase: 'Registered pursuant to the ACVM Act 1997 No...' with the registration number included in the phrase.
- Claims published in advertisements must not exceed those that have been approved during the registration of the trade name product or exceed the use(s) specified in the relevant exemption from registration.
- If any part of an advertisement includes reference to diseases/parasites that don't occur in New Zealand, a disclaimer for those diseases/parasites must be included in the advertisement.
- No human medicines may be advertised for use on animals.
- No advertisement may be made for a trade name product:
 - that isn't registered but is required to be, or
 - that is subject to a provisional or research approval if the product is not a registered product, or
 - where advertising is inconsistent with the current registration conditions (eg off-label use).
 - where the advertising is inconsistent with the conditions imposed on an exemption from registration under the ACVM Regulations 2001.

Class determination

If you are not sure if a product requires registration, the Approvals and ACVM Group can conduct a class determination, which determines if the product is exempt or requires registration (or how the label/ advertising material can be altered to meet the exemption conditions). This is necessary for all imported products. There is a fee for this service.

See:

<http://www.nzfsa.govt.nz/acvm/publications/forms/class.htm>

And:

<http://www.nzfsa.govt.nz/acvm/publications/information-papers/info-classification-rules-2005.pdf>

Review service

The Approvals and ACVM Group will review advertisements and give advice if you are unsure if your advertisement conforms to your product's registration. Obtaining this advice is not compulsory. If you request advice, you will be charged on an hourly basis.

Imminent registration

Even if registration is imminent (ie waiting only for administrative approval), advertisement or promotion may not be undertaken without written permission from the Approvals and ACVM Group.

Compliance with conditions

If an advertisement contains any inaccurate or misleading statements or contravenes any conditions of registration or exemption from registration, the person advertising the product must modify the advertisement in such a manner as to be in compliance. The ACVM decision maker may require that every subsequent advertisement to be published by the offender in relation to that trade name product be submitted to the Approvals and ACVM Group for prior approval (at their expense).

Offences under the ACVM Act

When it is brought to the attention of the Approvals and ACVM Group that any party is advertising a product in a way that is inconsistent with the registration, or the conditions on exemption from registration, the Group advises that party of the situation. They may be committing an offence under section 55 of the ACVM Act.

Other relevant legislation

Registrants will be referred to ERMA NZ (www.ermanz.govt.nz) for the advertising requirements imposed under the Hazardous Substances and New Organisms Act 1996.

Both NZFSA and ERMA NZ requirements should be met. However, the Approvals and ACVM Group enforce only the requirements imposed under the ACVM Act.



What you need to know about:

Advertising/ Promoting ACVM Products

**For further information:
Approvals and ACVM Group
New Zealand Food Safety Authority
PO Box 2835, Wellington 6041
Tel: 04 894 2550
Email: acvm@nzfsa.govt.nz**

This publication is intended only as a guide. It is not a legal interpretation of the legislation discussed.

**Agricultural Compounds and
Veterinary Medicines Act 1997
Compliance**