

New Zealand Food Safety Authority

**Agricultural Compounds and
Veterinary Medicines Group
Operational Policy**

PRODUCT ADVERTISING POLICY

164 ACVM 03/03

Approval

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Date:	Date:	Date:

APPROVAL CHECKLIST

Before formal approval of this policy can be given, the policy must have been considered by all ACVM Group business managers to ensure that any impact on their team has been properly addressed. Each business manager must sign below to confirm that the policy either has no effect on their team or that any impact has been addressed.

The appropriate Decision Making Committee(s) must also approve the policy.

Title	Signature	Date
Director ACVM Group	_____	_____
Programme Manager (Technical Policy)	_____	_____
Programme Manager (Verification)	_____	_____
Programme Manager (Toxicology/Residues)	_____	_____
Programme Manager (Operations)	_____	_____
Executive Manager (Business Services)	_____	_____
Decision Making Committees		
Veterinary Medicines	_____	_____
Plant Compounds	_____	_____

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ACVM GROUP Rule -

PRODUCT ADVERTISING POLICY

1 BACKGROUND

Under the ACVM Act 1997 there is no specific section regarding the advertising of trade name products. Section 23 Conditions on trade name products (1)(d) states that;

'The Director-General may register a trade name product in accordance with section 21, subject to all or any of the following conditions: -

...
(d) A condition specifying the labelling, advertising, or other information requirements for the trade name product.'

Therefore the following policy addresses advertising under the ACVM Act 1997.

2 DEFINITIONS

Advertisement means 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 agricultural compound; and to advertise has a corresponding meaning.

(Ref: section 2 ACVM Act 1997)

3 POLICY

- 3.1 All product registrations (or as a condition on an exemption from registration) shall have a condition imposed to the effect that any advertisement, by any person, of the product must comply with the relevant ACVM Labelling Guide and, if a registered product, be consistent with any specific advertising conditions on the registration.
- 3.2 The only websites that can be referenced on the approved label content and in an advertisement for a registered product are those where the content of the website is under the complete control of the registrant. The registrant who uses a website to advertise a product will be responsible for ensuring that the advertisement is consistent with the registration or the conditions on the exemption from registration. Any third party that advertises a product via a website will be held responsible for the compliance of that advertisement.
- 3.3 No advertisement for a trade name product may make reference to the registration of that product, except for a statement that it has been registered under the ACVM Act.
- 3.4 Where there are restrictions on the use of a trade name product, every advertisement of that trade name product shall contain a statement to that effect.
- 3.5 No advertisement may be made for a trade name product that is:
 - not registered but is required to be; or
 - that is subject to a provisional registration/research approval if the product is not a registered product; or
 - that is subject to a provisional registration/research approval and is a registered product where the advertisement is inconsistent with what is already approved in the full registration, or
 - where the advertising is inconsistent with the conditions imposed by the ACVM Regulations 2001.
- 3.6 Where registration is imminent, i.e. only administrative approval remains to be undertaken, advertisement or promotion may be undertaken with the written permission of the appropriate

ACVM Decision Maker, via the ACVM Group. This permission is likely to be given only under exceptional circumstances, e.g. for presentations to professional bodies, scientific forums etc.

- 3.7 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.
- 3.8 Where an advertisement contains any inaccurate or misleading statements or contravenes any conditions of registration or exemption from registration, the person advertising the product shall 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 ACVM Decision Maker for prior approval.
- 3.9 where any part of an advertisement includes reference to diseases/pests that do not occur in New Zealand, a disclaimer for those diseases/pests must be included in the advertisement.
- 3.10 every advertisement for a registered trade name product must contain the registration phrase: 'Registered pursuant to the ACVM Act 1997 No....' with the registration number to be included in the phrase.
- 3.11 Every advertisement for a veterinary medicine that has been classified as Prescription Animal Remedy (PAR) veterinary medicine must contain the appropriate PAR phrase for that product. The appropriate phrases are:

Prescription Animal Remedy (P.A.R) Class I

For use only under the authority or prescription of a veterinarian

Prescription Animal Remedy (PAR) Class II

For use only in the presence of a veterinarian

Prescription Animal Remedy (PAR) Class III

For use only by a veterinarian

Class II and III PAR products must not be advertised in any way to the general public. It is acceptable for registrants or third parties to advertise (either directly or via trade specific publications such as special branch newsletters, the veterinary journal or Vetscript) class II or III PAR products to veterinarians who have the right to prescribe them. It is not acceptable to advertise such products to the general public or even to particular user groups.

Class 1 PAR products may be advertised under certain circumstances. The advertisements must be technically correct and factual. Any product claims must be able to be substantiated (and consistent with the claims approved as part of the product's registration). There must be no distortion through exaggeration, misleading statements or untrue emphasis. There must be no reference to websites that are not under the control of the registrant and that may present the product in a manner or make claims that are inconsistent with its registration.

Registrants may draw attention (including television advertisement) to their products in a factual and technically correct manner. However, there must not be any inducement offered or any presentation of the product in a manner to the end user that causes undue influence on the prescribing veterinarian.

Prescription animal remedy (PAR class I, II or III) products must not be displayed for general sale.

- 3.12 No human medicine may be advertised for use on animals.
- 3.13 Where it is brought to the attention of the 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 ACVM Group shall advise that party of the inconsistencies in their advertisement with that product's registration, or ACVM Regulations 2001 and/or ACVM Act 1997. They will be advised that they may be committing an offence under section 55 of the Act.

- 3.14 The ACVM Group will provide a service to assess advertisements and give advice to parties who are unsure if their advertisement conforms to the product's registration. Obtaining the ACVM Group's advice on advertisement is not compulsory. Where advice is requested the requester will be charged on an hourly basis.
- 3.15 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 the ACVM Group and ERMA NZ requirements should be met, however ACVM Group will only enforce the requirements imposed under the ACVM Act.

4 REFERENCES

ACVM Regulations 2001
ACVM Labelling Guide for Veterinary Medicines
ACVM Labelling Guide for Plant Compounds