

NOT-SO-NATURAL REMEDIES

SPECIFIC CRITERIA FOR 'NATURAL' CLAIMS.

Unlike 'natural' cosmetics claims, therapeutic goods should now meet specific criteria to claim they are natural.

The Therapeutic Goods Administration (TGA) recently released guidelines which set a high bar for the use of 'natural' claims in advertising medicines and medical devices (ie therapeutic goods) including on product labels and names. Many therapeutic goods claiming 'natural' origins will need to remove those claims or face potential penalties for failing to comply with the Therapeutic Goods Advertising Code (No.2) 2018 (**Code**).

PURPOSE OF TGA GUIDELINES.

The Code requires claims in advertisements of Therapeutic Goods be true, substantiated and not misleading.

The TGA guidelines clarify TGA's interpretation of 'natural' by setting specific criteria that should be met in order to make a natural claim.

MEANING OF 'NATURAL'

The TGA guidelines provide 3 requirements that should be met for a 'natural' claim to be made:

- (a) The raw ingredient from which a therapeutic good is derived must be found in nature (eg plants, animals, minerals)
- (b) Manufacturing of the ingredient or therapeutic good must involve only 'minimal processing' (eg freezing, drying, fermentation, filtering, concentration)
- (c) The finished ingredient must be chemically identical to the raw ingredient (eg cannot be transformed into a derivative or salt form)

Therapeutic goods that don't meet these 3 requirements may still make a 'natural' claim, provided it is qualified to avoid misleading consumers.



ALL NATURAL OR ALMOST NATURAL?

Claiming a therapeutic good is natural implies each ingredient meets the 3 requirements. You should therefore check each ingredient against the requirements before making a general product claim or using 'natural' in the product name.

If a product partly made from natural ingredients qualifications must be specific to avoid misleading consumers. (eg contains 50% natural [INGREDIENT]).

WHAT ELSE? TAKE CARE WHEN USING 'NATURAL'.

You should also take care when using 'natural' in the following ways:

(a) As part of your company, product or brand name

Make sure it is clear to consumers that the name and all logos and associated trade marks relate to the company or brand only, and not to the therapeutic goods advertised under that name.

(b) To refer to a physiological process stimulated by the therapeutic good

Make sure the claim is not presented as implying the good itself is natural.

(c) To imply the therapeutic good is safer or more effective than alternative goods

Consumers may believe a 'natural' good is safer or more effective and may therefore pay a premium. Representations in advertisements implying the good is safe or free from side effects are prohibited.

NEED ADVICE? OUR TRADE, TRANSPORT AND REGULATORY TEAM IS READY TO HELP.



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