

TAPS | therapeutic advertising pre-vetting service

GUIDELINE 6 NHPaDS	Sponsorship of Patient Support Groups by Natural Health Products and Dietary Supplements
Last Updated	August 2016
What kind of product is this guideline for?	Natural Health Products and Dietary Supplements
What is the purpose of this guideline?	To provide background and guidance on the use of sponsorship statements in advertisements for Natural Health Products and Dietary Supplements.

BACKGROUND

There are a number of examples where the advertiser of a Natural Health Product or Dietary Supplement is a sponsor of a society such as the Arthritis Foundation, Asthma Foundation and Osteoporosis NZ.

While it does not appear to breach any rules for a company to sponsor such an organisation, there are some difficulties when it comes to the mention of product and sponsorship statements in the same advertisement. The product will not have Ministerial Consent as a medicine and therefore cannot make therapeutic purpose claims in the advertisement. However, mention of aspects of the sponsored society name e.g. arthritis, osteoporosis, asthma, can imply a therapeutic purpose claim for the product.

Sponsorship statements should be confined to the advertisers name rather than the product name. For example;

Company X are proud sponsors of Organisation Y

Rather than;

Product X is a product sponsor of Organisation Y

When the sponsorship statement refers to a product in the following way "*For every product xx sold 20c will be donated to Arthritis New Zealand*", there is a risk that there could be an implied therapeutic claim in this statement.

While this has never been challenged under the law and there is no precedent set in law, the practice will carry some risk that if there is a challenge it could be upheld. A decision would affect all sponsorship arrangements. Such a challenge or complaint may come from consumers or competitive companies and this may lead to follow-up and possible court proceedings. It is a situation that TAPS would label "higher risk" with regard to a possible breach of the Medicines Act.

In discussion with Medsafe TAPS has agreed that such sponsorship statements **should not be prominent in the advertisement, and should appear at the end of or to the side of the advertisement to minimize the risk of "claim by implication"**.

Such sponsorships should be factual and have the written approval of the organisation being sponsored.

The ASA Therapeutic and Health Code contains the following Principle and Guidance.

PRINCIPLE 2

Advertisements shall be truthful, balanced and not misleading. Advertisements shall not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

Guidelines

2(d) Advertisements may include reference to the advertiser's sponsorship of any government agency, hospital or other facility providing healthcare services, provided that sponsorship is explicitly acknowledged and cannot be misconstrued as an endorsement of the product, device or service being advertised.

2(e) Advertisements shall not claim or imply endorsement of the product, device or service by any government agency, professional body or independent agency unless there is prior consent, the endorsement is current, verifiable and the agency or body is named.