

Introduction to Dietary Supplements (NHP) Promotion in New Zealand.

Prepared November 2024

(Date of origination: November 2024 / Review Date: April 2026)

NHP = Natural Health Products

Dietary Supplements (NHP) | Housekeeping

- If you have a question during webinar please use the CHATROOM Function.
There are two TAPS Adjudicators who will be monitor all the questions posted on the CHATROOM and will answer any straightforward questions during the webinar
- TAPS will be generating a Q&A document after the meeting based on all questions asked during the webinar via the CHATROOM
- The Slide Resources used during the webinar will be posted on the ANZA TAPS website under TAPS Briefing. <https://www.anza.co.nz/taps>
- If time allows after the presentation a selection of some of the main questions asked via the chatroom will be addressed in person as well as through the chatroom

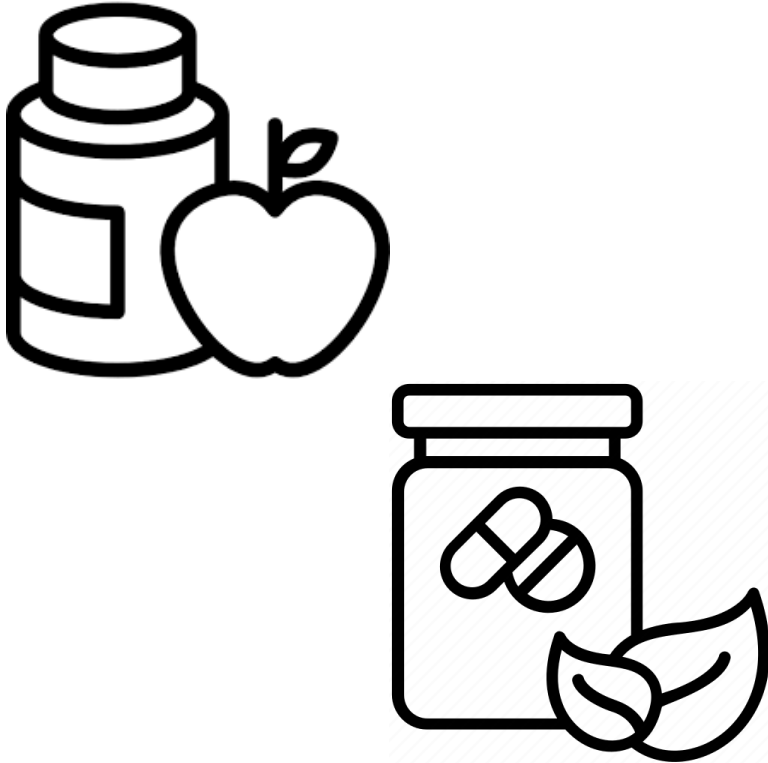
Dietary Supplements (NHP) | Content

- **Legislative & Regulatory Overview**
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- **TAPS Guidance**
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Legislative & Regulatory Overview

Dietary Supplements / Natural Health Product in New Zealand

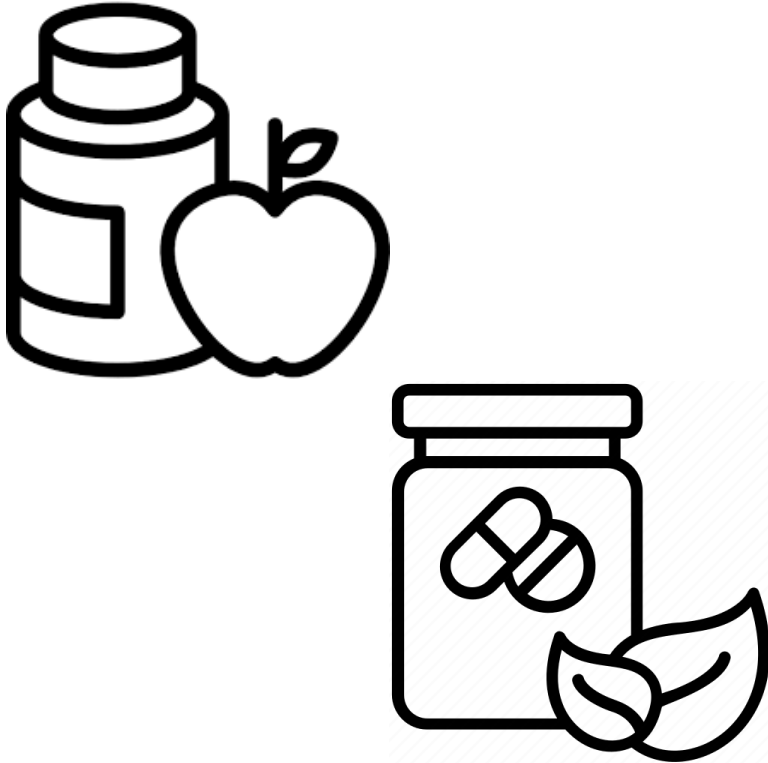
Dietary Supplements (NHP) | Legislative & Regulatory Overview



Dietary supplements are:

- are not products of normal / general commerce
- are not foods or supplemented foods
- are not able to imply a therapeutic purpose
- are not medicines
 - cannot contain ingredients that are scheduled as prescription medicines, restricted (pharmacist-only) medicines or pharmacy-only medicines under the Medicines Act 1981

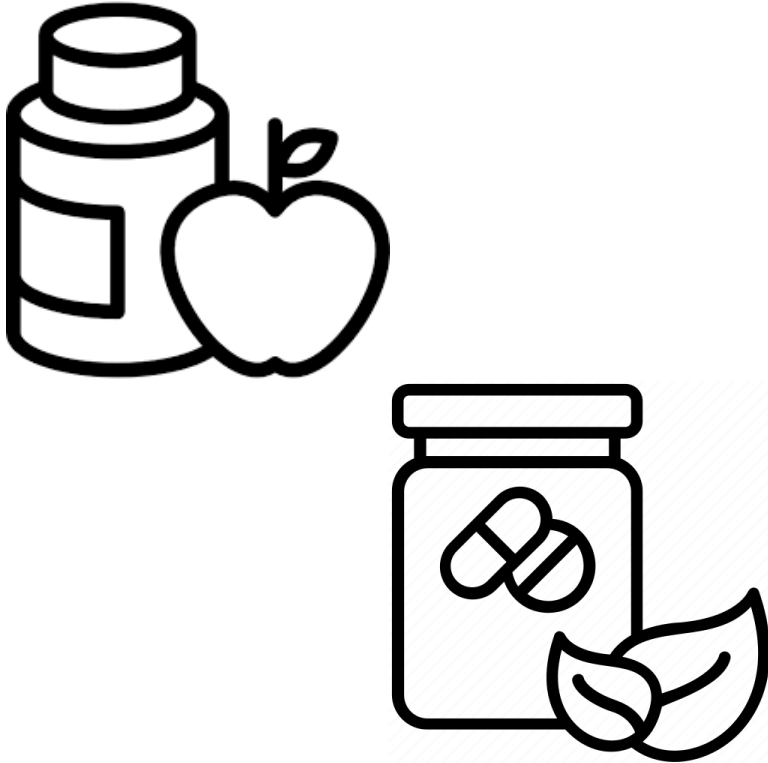
Dietary Supplements (NHP) | Legislative & Regulatory Overview



Dietary supplements are:

- are amino acids, edible substances, herbs, minerals, synthetic nutrients, or vitamins sold by themselves or in a mixture, intended for ingestion orally
- are sold in a controlled dosage form as a liquid, powder, or tablet (which might be described on the label as a cachet, capsule, lozenge, or pastille instead of as a tablet)
- are intended to supplement the amount of the amino acid, edible substance, herb, mineral, synthetic nutrient, or vitamin normally derived from food

Dietary Supplements (NHP) | Legislative & Regulatory Overview



What Rules and Regulations matter with respect to Dietary Supplements

- Medicines Act 1981 and Medicines Regulations
- Medsafe Guidelines and statements
- Dietary Supplements Regulations 1985
- Advertising Standards Authority's Therapeutic and Health Advertising Code
- Fair Trading Act 1986

Dietary Supplements (NHP) | Legislative & Regulatory Overview



What Rules and Regulations DO NOT matter with respect to Dietary Supplements

- Food Standards Australia New Zealand Act 1991(FSANZ) including Section 4 Nutrition, health and related claims

Dietary Supplements (NHP) | Legislative & Regulatory Overview

Medicines Act, Section 4: Meaning of Therapeutic Purpose

In this Act, unless the context otherwise requires, therapeutic purpose means any of the following purposes, or a purpose in connection with any of the following purposes:

- a) preventing, diagnosing, monitoring, alleviating, treating, curing, or compensating for, a disease, ailment, defect, or injury; or
- b) influencing, inhibiting, or modifying a physiological process; or
- c) testing the susceptibility of persons to a disease or ailment; or
- d) influencing, controlling, or preventing conception; or
- e) testing for pregnancy; or
- f) investigating, replacing, or modifying parts of the human anatomy.

It can be seen from the above definition that it is quite comprehensive and therefore quite limiting on the claims that can be made about a product that is not a medicine

Ref: Medicines Act 1981

Dietary Supplements (NHP) | Legislative & Regulatory Overview

Medicines Act, Schedule 1

List of disease and conditions for which claims can only be made by a medicine

Part 1

- Alcoholism Appendicitis **Arteriosclerosis Arthritis Baldness Blood pressure**, disorders of Bust, underdevelopment of, Cancer Cataract Central nervous system, disorders of Diabetes Diphtheria, Dropsy, Epilepsy, Gallstones, kidney stones, bladder stones, Gangrene, Glaucoma, Goitre, **Heart disease**, Infertility, Leukemia, Menopause disorders of, Menstrual flow disorders of, Mental disorders, Nephritis, Pernicious anaemia, Pleurisy, Pneumonia, Poliomyelitis, **Prostate gland**, disorders of Septicaemia, **Sexual impotence**, Smallpox, Tetanus, Thrombosis, Trachoma, Tuberculosis, Tumours, Typhoid Fever, Ulcers of the gastro-intestinal tract, Venereal diseases

Part 2

- **Asthma**, Blindness, **Common cold**, Dental decay, **Disorders arising from the ingestion of alcohol**, **Gout** Haemorrhoids, Hernias, Impaired hearing, Impetigo, **Influenza**, Obesity, **Psoriasis**, Pyorrhoea, **Rheumatism**, Varicose ulcers, Varicose veins

Dietary Supplements (NHP) | Legislative & Regulatory Overview

ASA Therapeutic and Health Advertising Code

The purpose of this Code is to ensure that advertisers maintain rigorous standards in therapeutic and health advertising. All advertising shall adhere to the laws of New Zealand and the Principles and Rules set out in this Code. The ASA Advertising Standards Code should also be consulted. Many sectors in this category have their own codes with specific advertising requirements and these should also be taken into account by advertisers.



Dietary Supplements (NHP) | Legislative & Regulatory Overview

ASA Therapeutic and Health Advertising Code

Application of the Code

This Code covers all words and visual depictions in all advertising for therapeutic products natural health products and dietary supplements, health services and methods of treatment.

This Code does not apply to labels or packaging. However, when a label or packaging appears in an advertisement it forms part of the advertisement and therefore any visible aspects are covered by this Code.



Dietary Supplements (NHP) | Legislative & Regulatory Overview

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Dietary Supplements (NHP) | Legislative & Regulatory Overview

ASA Therapeutic and Health Advertising Code

PRINCIPLE 1: SOCIAL RESPONSIBILITY

Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing

PRINCIPLE 2: TRUTHFUL PRESENTATION

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

Dietary Supplements (NHP) | Legislative & Regulatory Overview

ASA Therapeutic and Health Advertising Code

The Therapeutic Advertising Pre-Vetting Service (TAPS) is a user-pays service available to all advertisers making therapeutic and health claims to help minimise the risk of breaching the ASA Codes of Practice as well as other industry codes and relevant legislation. Information about TAPS is available at <http://www.anza.co.nz>.



Dietary Supplements (NHP) | What is Advertising in New Zealand?

Definition of Advertising – CHPNZ / SMEI Code of Practice

An advertisement for any Therapeutic Product or Natural Health Product must:

- comply with the statutory and regulatory requirements and with applicable Codes of the New Zealand Advertising Standards Authority.
- contain only correct valid balanced and verified statements and claims based on current knowledge and evidence.
- be pre-vetted for compliance with requirements of the Therapeutic Advertising Pre-vetting System (TAPS) established by the Association of New Zealand Advertisers prior to publication and where appropriate or required bear the appropriate approval number issued.
- encourage consumers to read and follow label directions.

What is advertising in New Zealand

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | What is Advertising in New Zealand?

Definition of Advertising - Advertising Standards Authority (ASA)

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.”

- When an advertiser controls the content of a message – be that directly or indirectly – in order to influence choice, opinion or behaviour – then the published or broadcast activity is likely to be advertising.
- Advertorials, advertiser websites, advertiser-controlled content within Influencers content e.g. blogs & vlogs and ‘native advertising’ are all considered advertising under this definition

Ref: <https://www.asa.co.nz>

Dietary Supplements (NHP) | What is advertising in New Zealand?

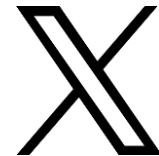
The ASA definition of advertising therefore covers a wide range of activities and material.

- TVC's / Online Videos / Cinema advertising
- Trade display / stand materials
- Magazine advertising and advertorials including CWH catalogues
- Radio advertising
- Product labels (for claims)
- Press Releases
- Sales team materials whether for selling to or education of retailers
- Point of sale material
- Print materials eg: patient / consumer leaflets / brochures

Dietary Supplements (NHP) | What is advertising in New Zealand

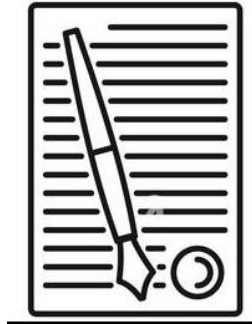
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- **Digital advertising** eg: AdWords, web-banners / MREC / OLVs etc
- **Social media posts** – facebook / instagram / linked-in / tik tok etc
- **Websites** - own and Trade websites including advertorials and any copy content on your products
- **eMAILS** to customers other than commercial information
- **Influencer briefs and posts**
- **Multi-media platforms**



Dietary Supplements (NHP) | Summary of NZ environment

WHAT CAN WE TAKE OUT OF THE DEFINITION OF ADVERTISING & THE LEGISLATION / REGULATION ENVIRONMENT IN NEW ZEALAND



The definitions of advertising is very broad across all the various legislation, regulations and codes



There is no exceptions any media channels in terms of the definitions of advertising



There is no exceptions for any product types in terms of the definitions of advertising

Dietary Supplements (NHP)| ASA Complaints Information

Product Category	2022	2021	2020	2019	2018
Complementary products / Dietary Supplements (NHP)	4	14	25	22	38
Cosmetic	3	7	3	3	1
Pharmacy / OTC medicines	4	5	6	3	1
Prescription	4	2	1	4	2
Medical Devices	9	2			
Weight Management	3	2	1	0	0
Others*	6	7	15	8	6

Breakdown by Product Category

- Others includes Gadgets, Food and Beverage and Toiletries for example.
- Table does not include complaints under ASA-T&HAC in terms of Health Services for which there were 30,

Dietary Supplements (NHP) | Why use TAPS

- *There is a very high proportion of complaints against “therapeutic and health” advertisements that are upheld – most (if not all) without TAPS numbers.*
- *The low number of complaints in 2021/22 in ASA views is probably due to the Society for Science Based Health Claims group not being as prolific as it was pre-COVID*

TAPS Guidance

Dietary Supplements / Natural Health Product in New Zealand

TAPS Guidance

Dietary Supplements / Natural Health Product in New Zealand

The following TAPS Guidance subjects relate to the most common feedback and comments provided by TAPS to Dietary Supplement companies

The Guidance provided are to help companies comply with the legislation and regulations as expected in a self-regulation environment and reduce the risk of non-compliance

TAPS Guidance on wording

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | TAPS Guidance on wording

- The wording of claims for Dietary Supplements must be written with the Medicines Act definition of a therapeutic purpose in mind and to imply directly or indirectly a therapeutic purpose is to promote an unapproved medicine

The definition is comprehensive and therefore limiting on the claims that can be made about a product that is not a medicine ie: a Dietary Supplement / Natural Product

- a) preventing, diagnosing, monitoring, alleviating, treating, curing, or compensating for, a disease, ailment, defect, or injury; or
- b) influencing, inhibiting, or modifying a physiological process; or
- c) testing the susceptibility of persons to a disease or ailment; or
- d) influencing, controlling, or preventing conception; or
- e) testing for pregnancy; or
- f) investigating, replacing, or modifying parts of the human anatomy.

Dietary Supplements (NHP) | TAPS Guidance on Wording

- The wording of claims for Dietary Supplements must be written with the Medicines Act definition of a therapeutic purpose in mind and to imply directly or indirectly a therapeutic purpose is to promote an unapproved medicine

Implied claims are more subtle

- Often the way in which phrases are written or how images are presented determines if there is a therapeutic claim or not
- One good rule of thumb is to consider the phrase or imagery from a consumer's perspective.
- If the consumer is likely to interpret the wording or image as a therapeutic purpose claim, then it is likely the advertisement is making a therapeutic claim.

Dietary Supplements (NHP) | TAPS Guidance on Wording

- The wording of claims for Dietary Supplements must be written with the Medicines Act definition of a therapeutic purpose in mind and to imply directly or indirectly a therapeutic purpose is to promote an unapproved medicine

Implied claims are more subtle

- Does the wording and / or imagery directly or indirectly claim the product can move the body from one state to another ?
If so, the wording is 'active' ?

Dietary Supplements (NHP) | TAPS Guidance on Wording

- The wording of claims for Dietary Supplements based on scientific research must be carefully worded and consider the view of the regulator on the subject

The research done for Dietary Supplements often has the effect of making them unapproved medicines because of the claims invariably show or imply a therapeutic effect.

Research is viewed by Medsafe as publicising the therapeutic purpose of the product, and brings it fully under the Medicines Act as a Medicine

Dietary Supplements (NHP) | TAPS Guidance on Wording

- The word “**support**” is a neutral word and allowed by Medsafe in describing health claims in relation to Dietary Supplements. This is in line with Medsafe’s view that dietary supplements support normal operation of a physiological function.
- Advertisers should avoid words like “**improve**”, “**boost**”, “**enhance**”, “**promote**” “**relieves**” “**strengthen**” “**protect**” “**regulates**” “**modulates**” these would be regarded as over and above the normal operation of a physiological function.
- Medsafe has also commented that wording like “help” “assist” “maintain” are regarded as too active and should not be used. TAPS gained agreement that “***supports the maintenance of ...***” would be OK in this context. An alternative is “***helps contribute to the normal function of***”

Dietary Supplements (NHP) | TAPS Guidance on Wording

- In the same way wording that implies the **inhibition** or **slowing down** of the normal operation of a physiological function should be avoided. This would include wording like “**regulate**”, “**inhibit**”, “**slow down**”, “**block**”, “**prevents**” “**increase**” “**decrease**” as there would all imply a therapeutic purpose.
- A key point is to keep the wording in the positive and not mention possible symptoms or disease states as this would then be likely to imply a therapeutic purpose and the perception/take-up by the consumer would be that the product can treat a condition.
- Since the current pandemic Medsafe have advised that claims concerning **immunity** are no longer acceptable, acceptable wording is *supports immune health / support immune system health* or *supports immune defences / supports immune function*.

Dietary Supplements (NHP) | TAPS Guidance on Wording

Unacceptable	Acceptable
Heartburn	Digestive comfort
Indigestion	Digestive comfort
Constipation	Bowel comfort and regularity
Memory Cognition/Cognitive	Brain health Mental clarity and focus
Anxiety	Calmness

Unacceptable	Acceptable
Immunity	Immune defences Immune health
Pain	Comfort
Stiffness	Flexibility, mobility
Inflammation	Comfort
Joint Pain / arthritis	Joint comfort

An AUST L number does not mean that your dietary supplement product claims will be compliant in New Zealand

Dietary Supplements (NHP) | TAPS Guidance on Wording

Support for
Contributes to
Normal, Natural
Soothe. Regular
Nourish



Enhance
Improve
Prevent
Interfere with
Terminate
Reduce
Proven

Accelerate
Inhibit
Boost
Treat
Relief
Regenerate

Regulate
Maintain
Stimulate
Clinically
Tested



This is not an extensive list, it would also include any similar words to those given above
e.g. RELIEF and RELIEVE

Dietary Supplements (NHP) | Guidance on Wording

Cellular

- Feedback from Medsafe to date is that the word cellular is acceptable but context around the use of the word is critical.
- At this stage statements that would appear to be acceptable include
 - Supports cellular health
 - Supports cellular function

Ageing

- Feedback from Medsafe to date is that the word cellular is acceptable but context around the use of the word is critical.
- At this stage statements that would appear to be acceptable include
 - Support for your ageing journey
 - Support ageing normally

TAPS Guidance on mandatory statement

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | Guidance on Mandatory Statement

Mandatory statement is not a disclaimer and is legislated in the regulations :
see ASA Therapeutic & Health Advertising Code Principle 1

What Minimum Mandatory Information needs to be on an advertisement?

- If your product only contains minerals and/or vitamins, then the minimum information that needs to be on your advertisement is:
 - **Always read the label and used as directed. Dietary Supplements are not a replacement for a balanced diet. Company Name, City in New Zealand.**
- If your product contains other natural health ingredients in addition to minerals and/or vitamins the information that needs to be on your advertisement is:
 - **Always read the label used as directed. Dietary Supplements are not a replacement for a balanced diet. If symptoms persist see your healthcare professional. Company Name, City in New Zealand**

Dietary Supplements (NHP) | Guidance on Mandatory Statement

What size does the Minimum Mandatory Information needs to be on an advertisement ?

The minimum size of the mandatory information is no longer stated in any legislation or codes. However, this information must be legible.

- In the digital environment just zooming in until you can read the copy is unlikely to be regarded as acceptable. If the copy cannot be read at 100% size on a regular screen size or the screen size that most people will use e.g. smart phone for facebook it is unlikely to be considered legible.
- If the content can only be read a few words at a time before having to scroll left or down then it is unlikely to be considered legible e.g. smart phone / facebook
- There has been a case where it was ruled that although the mandatory information was present on the advertisement its small size meant that it could not be easily read by a customer i.e. illegible and so was considered not compliant.

Dietary Supplements (NHP) | Guidance on Mandatory Statement

Other Mandatory Information that needs to be on an advertisement ?

Other major risk information such as contraindications, precautions and adverse effects identified with one or more of the ingredients in the product(s) advertised must also be included ie: a warning statement needs to be made.

For example;

- St Johns Wort – affects the way many prescription medicines work
- Gingko Biloba – affects blood thinning medication or before surgery
- Whole root liquorice – can affect blood pressure and fluid retention
- Valerian – caution for people on hypnotic medicines
- Milk Thistle – may affect diabetes medications

TAPS Guidance on testimonials

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | Guidance on Testimonials

- **Testimonials for Dietary Supplements must not contain any actual or implied therapeutic claim that it has benefited the health of an individual in any way.**
- A testimonial for this group of products would be in breach of the Medicines Act if a therapeutic claim were made in the testimonial. These types of testimonials are therefore prohibited for these products. A testimonial for this type of product should not make a therapeutic claim and should not therefore either directly or by implication suggest that the product has beneficially affected the health of a person through having a therapeutic benefit. Testimonials often stretch the credibility of a product and may be best avoided if the advertiser is uncertain about a possible breach of section 58 (1) (c) (iii) of the Medicines Act.

Dietary Supplements (NHP) | Guidance on Testimonials

- Principle 2, Guideline 2 (f) of the ASA Therapeutic and Health Advertising Code also covers the issue of testimonials with the useful summary that
"Testimonials, in advertisements, where not prohibited by law, shall comply with the Code, be authenticated, genuine, current, typical and acknowledge any valuable contribution. Exceptional cases should be represented as such."
- It is important to have written consent of the person giving the testimonial to support this section of the code.

Dietary Supplements (NHP) | Guidance on Testimonials

At no time can the person providing the testimonial or endorsement claim or imply in any way that the dietary supplement (NHP) has had a therapeutic benefit on their health. For example.

- **Product X has helped keep my active lifestyle going, playing sport and working on the farm**
 - This statement implies that without product X the person giving the testimonial would not have been able to have an active lifestyle (in particular playing sport) or continue working so implies to the consumer it can have a therapeutic effect on their health to such an extent that they could again play sport and or continue a manual labour role. The testimonial implies product X goes beyond the definition of a dietary supplement which is to support physiological function neither diminishing or enhancing it.
 - The statement could be seen as not only breaching Section 58 (1) (c) (iii) of the Medicines Act but also Principle 1 and 2 of the ASA Therapeutic and Health Advertising Code in relation to “high level of social responsibility” and “truthful balanced and not misleading”.
- However, it is acceptable to say ...
 - **Product X helps support my lifestyle, playing sports and working on the farm....**

Dietary Supplements (NHP) | Guidance on Testimonials

INFLUENCERS / CONTENT CREATORS

TAPS recommend that INFLUENCERS / CONTENT CREATORS be used as presenters when used in advertorials / promotional materials

- They can discuss a product's features and benefits as per the guidelines for any advertising/promotion
- They must not claim to have used or personally experienced any health benefits from a product in anyway
- They must not personally recommend people used a product
- They should not use the first person in their material
- They must include the required mandatory information
- The material should have TAPS Approval



TAPS Guidance on comparative ads

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | Guidance on Comparative Advertising

The Principle 2 of the ASA Therapeutic and Health Advertising states:

Comparative advertising shall be balanced and shall not be misleading, or likely to be misleading, either about the product, device or service advertised or classes of products, devices or services, with which the comparison is made.

- Comparative advertisements shall not be disparaging and shall be factual, fair and able to be substantiated, referenced to the source and reflective of the body of available evidence.
- Comparative advertisements shall not discourage consumers from following the advice of their healthcare practitioner.
- Comparative advertisements shall compare 'like with like'. Advertisements for Natural Health Products and Dietary Supplements shall not include comparisons with medicines or medical devices either specifically or generally.

Dietary Supplements (NHP) | Guidance on Comparative Advertising

Comparative advertising needs to be considered very carefully both in terms of the specific evidence needed to support any claims and the ability of the consumer to assess that evidence. For example:

Are all Joint Support created equal? Judge for yourself

- This headline represents a comparative claim. The ASA Therapeutic and Health Advertising Code Principle 2 c) i) on Comparative Advertising states;
 - i. **Comparative advertisements shall not be disparaging and shall be factual, fair and able to be substantiated, referenced to the source and reflective of the body of available evidence.**
- The advertisement would need to include specific comparative evidence to support the headline that one Dietary Supplement for joint support is better than another. It also needs to be considered that in providing that evidence no therapeutic effect is claimed directly or indirectly.

Dietary Supplements (NHP) | Guidance on Comparative Advertising

Comparative advertising needs to be considered very carefully both in terms of the specific evidence needed to support any claims and the ability of the consumer to assess that evidence.

Are all Joint Support created equal? Judge for yourself

- 'Judge for yourself' is seen as an implied claim as it implies the product will have a health effect over and above that of any other dietary supplement for joint support. Dietary Supplements are only allowed to claim support for normal operation of a physiological function. That means there is no room for claiming one is better than the other in terms of support of health or wellbeing, without clinical evidence of the elevated effect, which would then show it had a therapeutic purpose.

Comparative advertising needs to be considered very carefully both in terms of the specific evidence needed to support any claims and the ability to assess that evidence

TAPS Guidance on brand names

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | **Guidance on Brand Names**

Brand names approval falls outside the terms of reference for TAPS. However brand names that imply a therapeutic effect if used in an advertisement will result in the advertisement not being able to obtain TAPS Approval

- TAPS recommends to seek immediate guidance from the regulator (MedSafe) concerning a brand name that
 - Implies a therapeutic effect or purpose
 - Includes a prefix or suffix name that is also used by a medicine (Prescription or OTC medicine)

TAPS Service

Dietary Supplements / Natural Health Product in New Zealand

Dietary Supplements (NHP) | Why do we have TAPs

Advertising in New Zealand is run on a self-regulatory model whereby the industry which includes the advertiser, advertising / digital agencies and the media ensure that best practice is followed.

In New Zealand all parties involved with publishing an advertisement / promotional item including the media can be held liable if the advertisement is found not to adhere to the principles of best practice.

Best practice advertising adheres to the following principles

- advertisements must comply with the laws of New Zealand
- advertisements must be truthful, balanced and not misleading. Claims must be valid and have been substantiated
- advertisements must observe a high standard of social responsibility.

Dietary Supplements (NHP) | Why do we have TAPs

Background

Sep 96: ASA introduce Code of Therapeutic Advertising

Feb 99: ASA Introduce Code of Therapeutic and Health Advertising

- Expanded to include, non-prescription medicines, medical services, complementary medicines, and food when a therapeutic purpose is claimed

May 99: TAAS (Therapeutic Advertising Advisory Service) introduced by ANZA

- As a response by the industry as a result of political pressure groups and Government pressure to impose restrictions and central regulation on the advertising of therapeutic and health products and services ANZA establish the Therapeutic Advertising Advisory Service (TAAS), which, from 1 May 1999, provided the pharmaceutical industry with advice and a voluntary 'pre-clearance' service (advice on whether proposed advertisements comply with legal and code requirements) for their advertisements on a user-pays basis.

Dietary Supplements (NHP) | Why do we have TAPs

Background

Mar 00: Medsafe published results of compliance survey

- Compliance survey into prescription and non-prescription advertising showed an improvement in compliance from 33% in 1998 prior to TAAS to 69% following TAAS in 2000

Aug 00: ASA / ANZA Consultation on proposal to pre-vet therapeutic advertisement

Nov 00: TAPS introduced by ANZA

- Therapeutic Pre-Vetting Advertising Service for all therapeutic and health advertising including medicines (prescriptions / non-prescription) dietary supplements (Natural Health Products) and medical devices .

Dietary Supplements (NHP) | Why do we have TAPs



The rules and regulations in New Zealand do not match those of Australia.

The Food Standards Australia New Zealand do not apply to Dietary Supplements in New Zealand



Dietary Supplements (NHP) | Why do we have TAPs

Regulatory Bodies

- MedSafe
- ASA (NZ)



Regulatory Framework

- Medicines Act 1981 and regulations
- Dietary Supplement Regulations 1985
- MedSafe advice and guidance with respect to Dietary Supplements / Natural Health products and what they regard as claims that fall under the Medicines Acts – “therapeutic purpose”
- Commerce Act 1986
- Fair Trading Act 1986
- ASA - Therapeutic & Health Advertising Code (primarily)
- ASA Advertising Standards Code (General)

Dietary Supplements (NHP) | Why do we have TAPs

Regulatory Bodies

- MedSafe
- ASA (NZ)



Regulatory Power of the MedSafe

- **Medicines Act 1981 – Section 89**
Without limiting subsection (1), if any person referred to in that subsection is convicted of an offence against any of the provisions of [sections 57](#), [58](#), and [61](#) in respect of any container, or of any advertising material or labelling material, the court may in its discretion order that person to withdraw from use all containers or material of the same description until the matter in relation to which the offence was committed has been remedied; and in any such case subsections (2) and (3) shall apply with any necessary modifications.

Dietary Supplements (NHP) | Why do we have TAPs

Regulatory Bodies

- MedSafe
- ASA (NZ)



Regulatory Power of the ASA (NZ)

ASA Complaints Process

- If a complaint is upheld, the advertiser, in accordance with self-regulatory principles, is required to immediately withdraw the advertisement. Additionally the media are similarly required not to publish or broadcast an advertisement which has been held by the Complaints Board to be in breach of the Codes.

Dietary Supplements (NHP) | TAPS Service

Regulatory Bodies

- MedSafe
- ASA (NZ)



TAPS is a **service which assists advertisers**, advertising agencies and the media to comply with New Zealand legislations and regulations.

TAPS is a **voluntary service administers** by ANZA on behalf of media and industry.

Dietary Supplements (NHP) | TAPS Service

- You need to be registered with ANZA to access the TAPS Service but there is no charge for registration
- TAPS reviews can usually take up to 3 working days from receipt of the materials. If you need a more urgent review it is essential to contact your TAPs Adjudicators ideally by phone as well as email to ensure they are aware of the urgency of the review.
- The cost of a TAPS review is \$95 per 15 minutes for ANZA members and \$140 per 15 minutes for non-ANZA members
- How long does it take to carry out a TAPS review?
There is no simple answer to this question as every review is different. Larger and more complicated items, such as websites and e-Detail Aids or slide resources can take longer especially if this is for a new client or product.

Dietary Supplement (NHP) | TAPS Review Process

Step 1: TAPS adjudicator is sent a proposed advertisement / promotional item and will undertake a review of that item within 3 days of receiving the item. It is likely the TAPS Adjudicator will make comments and recommendations for any changes that are required to ensure the advertisement is compliant. The review assesses words and the imagery. There can often be quite a lot of feedback before reaching Step 2.

Step 2: Once amends are completed and revised material is provided, a unique TAPS approval number is allocated as an identifier and included on the material. This gives assurance to the media the material is compliant with NZ legislation and Codes and is OK for them to publish. The TAPS approval number is expressed as TAPS Initials ##### eg TAPS PP1234 and must appear on advertising and promotional materials

A TAPS approval number only has a 'life' of 2 years. This helps to ensure historical claims, which may no longer be acceptable, have a natural expiry date.

Dietary Supplements (NHP) | Guidance on Updating Materials etc

During the 2 years of a TAPS Approval materials may often be updated, especially digital materials such as websites and webpages;

- TAPS Approvals relate to the material supplied at the time for review – date given on documentation.
- The TAPS Approval does not extend to any update of the material after the date given on documentation without first seeking input from your TAPS Adjudicator.

Thank you

Background Information.
Dietary Supplements (NHP)

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