

Therapeutic Goods Administration faced with boom in complaints



Tom McIlroy | *Political reporter*

Oct 30, 2019 — 6.30pm

A prominent public health academic has questioned the effectiveness of the national medicines regulator in monitoring new advertising rules, warning the current compliance regime was failing.

[Alternative health therapies critic Ken Harvey](#) said the Therapeutic Goods Administration had not met some performance standards for the 70,000 goods marketed to the public.

The latest report on more than 1400 complaints to the TGA shows a higher than anticipated number were received last financial year, leading to time targets for case resolution being missed in medium and critical cases.

The complaints relate to over-the-counter medicines, complementary products, illegal medicines and devices considered low risk to users.

Dr Harvey said: "A scandalous reason for the TGA's failure to meet their key performance indicators was that 74 staff positions were lost to boost the government's aged care initiatives in a government zero-sum game."

Dr Harvey representative of consumer advocacy group Choice, said enhanced investigative and compliance powers given to the TGA were not being applied, leading to the possibility that profits from breaches of the rules by manufacturers could outweigh the cost of any penalties.

"Greater use of strict liability penalties is required to ensure that the penalties for non-compliance are greater than profit that comes from breaking the law," he said.

Dr Harvey, an associate professor at Melbourne's Monash University, is a long-time critic of complementary and alternative medicines. He quit his position at La Trobe University in 2014 after it entered into a research deal with [vitamin giant Swisse](#).

Among complaints yet to be dealt with by the regulator are those related to a series of weight loss products, commercial hangover cures and advertising with misleading or deceptive claims.

Health Minister Greg Hunt referred questions about the TGA Act to the Health Department.

A spokeswoman said all complaints about the advertising of therapeutic goods were subject to a triage system and were handled in accordance with the published [advertising complaints handling framework](#).

She said performance measures were met in 100 per cent of cases considered high priority and 87.5 per cent of critical cases.

"The Department of Health, which includes the TGA, must manage its resources and budget appropriately," the spokeswoman said.

"The total number of workers — public service staff and contractors — at the TGA are similar this financial year to last financial year, with some growth in advertising compliance staff.

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"However, due to the TGA's comprehensive education campaign for both advertisers and consumers, and a new streamlined complaints lodgement process, the number of complaints received has been more than anticipated."

The TGA highlighted cases resulting in fines of as much as \$10 million for breaches of the mandatory advertising rules, the marketing of cancelled therapeutic goods and the advertising of prescription-only substances.

Dr Harvey has recommended Choice lobby Mr Hunt further on the concerns.