

No. , 1973.

A BILL

To make further provisions with respect to the advertising of therapeutic goods and articles of food; for this purpose to amend the Therapeutic Goods and Cosmetics Act, 1972; and for purposes connected therewith.

[Mr JAGO—3 April, 1973.]

BE

Therapeutic Goods and Cosmetics (Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Therapeutic Goods and Short title. Cosmetics (Amendment) Act, 1973".

10 2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Therapeutic Goods and Cosmetics Act, 1972, is amended— Amendment of Act No. 14, 1972.

15 (a) by omitting section 26 (1), (2), (3), (4) and (5) and by inserting instead the following subsections :— Sec. 26. (Prohibition of certain representations in advertisements.)

20 (1) In this section, "representation", in relation to any therapeutic goods or article of food, means a representation, whether express or implied, with respect to the use or consumption of those goods or that article for the purpose of or in connection with—

- 25 (a) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in man ;
(b) influencing, inhibiting or modifying a physiological process in man ;
(c) testing the susceptibility of man to a disease or ailment ; or
(d) destroying or inhibiting any micro-organisms that may be harmful to man or animal.

(2)

Therapeutic Goods and Cosmetics (Amendment).

(2) A person shall not publish an advertisement in respect of—

- 5 (a) any prescribed therapeutic goods if it contains any representation;
- (b) any therapeutic goods or article of food if it contains a representation prescribed as a prohibited representation;
- 10 (c) any prescribed therapeutic goods or prescribed article of food if it contains a representation prescribed as a prohibited representation;
- (d) any prescribed therapeutic goods or prescribed article of food unless it contains a representation prescribed as a required representation; or
- 15 (e) any prescribed therapeutic goods or prescribed article of food if it contains a representation other than a representation prescribed as a required representation
- 20 under paragraph (d).

(3) A person shall not publish an advertisement in respect of any prescribed therapeutic goods.

25 (4) A person shall not publish any advertisement that contains any representation if the advertisement contains any comment, reference or explanation that expressly or impliedly contradicts, qualifies or modifies any representation prescribed for the purposes of subsection (2).

30 (5) The regulations may prescribe in relation to any prescribed therapeutic goods or article of food or all therapeutic goods or articles of food a representation for the purposes of paragraphs (b),

(c)

Therapeutic Goods and Cosmetics (Amendment).

- 5 (c) and (d) of subsection (2) notwithstanding that the regulations prescribe a representation in relation to those therapeutic goods or that article or those articles of food for the purposes of all other or another of those paragraphs.
- (b) by omitting from section 26 (6) the words "one or two of this section" and by inserting instead the matter "(2) or (3)".

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[5c]

PROOF

**THERAPEUTIC GOODS AND COSMETICS (AMENDMENT) BILL,
1973**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to amend the Therapeutic Goods and Cosmetics Act, 1972, so as to—
 - (i) prohibit advertisements in respect of certain therapeutic goods; and
 - (ii) regulate representations that may be made in advertisements in respect of therapeutic goods and articles of food; and
- (b) to make other provisions of a minor or ancillary nature.

1971

THEATRE, BOOKS AND COSMETICS

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BOOKS

COSMETICS

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[Mr JAGO—3 April, 1973.]

BE

Therapeutic Goods and Cosmetics (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Therapeutic Goods and Cosmetics (Amendment) Act, 1973". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Therapeutic Goods and Cosmetics Act, 1972, is amended— Amendment of Act No. 14, 1972.

(a) by omitting section 26 (1), (2), (3), (4) and (5) and by inserting instead the following subsections :— Sec. 26. (Prohibition of certain representations in advertisements.)

(1) In this section, "representation", in relation to any therapeutic goods or article of food, means a representation, whether express or implied, with respect to the use or consumption of those goods or that article for the purpose of or in connection with—

- (a) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in man ;
- (b) influencing, inhibiting or modifying a physiological process in man ;
- (c) testing the susceptibility of man to a disease or ailment ; or
- (d) destroying or inhibiting any micro-organisms that may be harmful to man or animal.

(2)

Therapeutic Goods and Cosmetics (Amendment).

(2) A person shall not publish an advertisement in respect of—

- 5 (a) any prescribed therapeutic goods if it contains any representation;
- (b) any therapeutic goods or article of food if it contains a representation prescribed as a prohibited representation;
- 10 (c) any prescribed therapeutic goods or prescribed article of food if it contains a representation prescribed as a prohibited representation;
- (d) any prescribed therapeutic goods or prescribed article of food unless it contains a representation prescribed as a required representation; or
- 15 (e) any prescribed therapeutic goods or prescribed article of food if it contains a representation other than a representation prescribed as a required representation
- 20 under paragraph (d).

(3) A person shall not publish an advertisement in respect of any prescribed therapeutic goods.

25 (4) A person shall not publish any advertisement that contains any representation if the advertisement contains any comment, reference or explanation that expressly or impliedly contradicts, qualifies or modifies any representation prescribed for the purposes of subsection (2).

30 (5) The regulations may prescribe in relation to any prescribed therapeutic goods or article of food or all therapeutic goods or articles of food a representation for the purposes of paragraphs (b),

(c)

Therapeutic Goods and Cosmetics (Amendment).

5

(c) and (d) of subsection (2) notwithstanding that the regulations prescribe a representation in relation to those therapeutic goods or that article or those articles of food for the purposes of all other or another of those paragraphs.

(b) by omitting from section 26 (6) the words "one or two of this section" and by inserting instead the matter "(2) or (3)".

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973