



Australian Government

Department of Health and Aged Care

Therapeutic Goods Administration

Our Reference: D24-43509

Dear Cosmetic injections and beauty industry group,

Subject: Adjustment to TGA policy position about references to cosmetic injectables in advertising

To ensure the consistent application of the legislation related to the advertising of therapeutic goods across all industry sectors, the Therapeutic Goods Administration (TGA) has updated our position on references (even in generalised terms) to cosmetic injectables in advertising.

As your members are aware, it is an offence against s42DL(10) and a breach of s42DLB(7) of the [Therapeutic Goods Act 1989](#) (the Act) to advertise where the advertisement refers to substances, or products containing substances, included in Schedule 3, 4 or 8 (but not in Appendix H) to the current [Poisons Standard](#).

The promotion of a health service as a means to obtain a prescription medicine is a form of advertising prescription medicines. Decisions about treatments that involve the use of prescription medicines should be made by a doctor in consultation with each individual patient. It is not legal to influence consumers about the use or supply of prescription medicines through advertising.

For the cosmetic industry this means that while the advertising of the service provided remains outside the jurisdiction of the Act, if such an advertisement refers to a schedule 4 substance or a product containing that substance (even in general terms such as 'wrinkle reducing injection') the advertisement will in almost all cases be considered an unlawful advertisement for therapeutic goods.

To support the consistent application of legislation related to the advertising of therapeutic goods across all industry sectors, on 18 December 2023, previously published guidance which included certain terms considered at the time to be acceptable was removed from our website. These terms included 'anti-wrinkle injections' and 'dermal fillers'. This is because these terms refer to (by drawing the audience's mind to) prescription only products. Alternatives to these references to support advertising of services remain available, for example: 'our clinic can provide consultations on reducing the appearance of wrinkles'.

Following targeted consultation, the TGA will publish revised guidance on the [Advertising for health services](#) webpage on the TGA website by mid to late January 2024. The guidance will clarify that legislation will be applied consistently across all industries and followed by an educational webinar in February 2024.

One of the [TGA's Compliance Priorities for 2023-24](#) is to detect and disrupt unlawful advertising of unapproved and high-risk medicines and medical devices used in the wellness and beauty industries including those intended to alter the body's performance and appearance.

This correspondence forms a timely reminder that the TGA expects the advertising in the cosmetic injectable industry to comply with advertising requirements. The current requirements of the legislation should not be new to your members - the legislation itself has not changed.

For more information on the types of actions we may take in instances of substantiated non-compliance, please see the [Compliance and enforcement hub](#) on the TGA website.

You may like to obtain advice from your industry representatives and or [Regulatory affairs consultants](#) with regards to your advertising.

Yours sincerely,



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