



Complementary Healthcare Council of Australia *Office of Advertising Compliance*

Advertising Review Process Policy

Evaluating Balance / Prominence

July, 2016

Purpose

The purpose of this Policy is to promote consistency of approach across all CHC ACMs¹ and to ensure that applications for advertising approval are assessed in a fair, reasonable and consistent manner.

Scope

This Policy is applicable to all applications for advertising approval reviewed by the CHC.

Responsibility

The ACMs have responsibility for maintaining this Policy, ensuring it is up to date, and that any changes are incorporated and assimilated as soon as possible.

Background

TGAC Section 4(1)(b): An advertisement for therapeutic goods must contain correct and balanced statements only and claims that the sponsor has already verified.

TGAC Section 6(3)(c): An advertisement for therapeutic goods shall contain where applicable, a list of ingredients or the following statement prominently displayed or communicated, i.e. standing out so as to be easily read from a normal viewing distance, and/or heard and understood: ALWAYS READ THE LABEL.

TGAC Section 6(3)(d): An advertisement for therapeutic goods shall contain words to the following effect, prominently displayed or communicated, i.e. standing out so as to be easily read from a normal viewing distance, and/or heard and understood: USE ONLY AS DIRECTED and, in all advertisements other than radio commercials that are 15 seconds or less, for claims relating to symptoms of diseases or conditions, IF SYMPTOMS PERSIST SEE YOUR DOCTOR/HEALTHCARE PROFESSIONAL.

Proposed advertisements are often submitted in a form that does not portray their actual final size or the size they will be when published or shown. This can be particularly problematic when reviewing proposed billboards or outdoor media, making it difficult to assess:

- a) whether important qualifying statements that have been added in a subordinate manner

¹ CHC ACMs (CHC Advertising Compliance Managers) are also referred to as ASMs (Advertising Services Managers) in the TGAC.



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have sufficient prominence to *balance*² prominent statements, and

- b) the required prominent display of the compulsory statements³ in terms of whether or not they meet the requirement to stand out so as to be easily read from a normal viewing distance when considered in the context of the overall advertisement.

Policy

1. To ensure that the CHC considers all applications fairly, reasonably and consistently, where applicable the ACM will view the proposed advertisement onscreen at the largest possible size that shows the entire advertisement. This will enable the ACM to consider the overall context of the proposed advertisement and the display of both qualifying information and the compulsory statements in the overall context of the proposed advertisement.
2. Where qualifying information and/or compulsory statements can be easily read, no enquiries as to balance or prominence are warranted.
3. Where qualifying information and/or compulsory statements cannot be easily read, the ACM must provide the applicant with an opportunity to justify the balance/prominence of the proposed advertisement as submitted with Sections 4(1)(b), 6(3)(c) and (d) as applicable. This enquiry does not replace or remove the ACMs ability to make other or further enquiries in this regard.
4. Due to the difficulty with accurate or consistent visualisation, the CHC can no longer accept specifically nominated physical sizes, for example in the form of specified font sizes or specified viewing distances, for either qualifying information or compulsory statements. This is particularly so in the case of the review of billboards or outdoor media where a physically nominated font size or viewing distance cannot be accurately or consistently visualised.
5. For electronic billboards, in which the content of the advertisement changes, prominence must also be considered in terms of the duration of display in the context of the rest of the

² Balance refers to one of the requirements of Section 4(1)(b)

³ Compulsory statements refers to the relevant combination of statements required to comply with TGAC S. 6(3)(c) and (d).



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advertisement. The ACM may take into consideration that CAD⁴ recommends allowing a minimum of 0.2 seconds per word or 2 seconds minimum if less than 10 words, taking into account all text on screen at the same time as any disclaimer. –

http://www.freetv.com.au/media/CAD/Info_Sheets/Disclaimers_&_Other_Text.pdf

6. Regarding the minimum requirements, all issued approvals must include, as a condition of approval, a statement to the effect that, *“The Minimum Mandatory Statements required by TGAC Section 6(3)(c) and (d) are required to be displayed prominently so as to be easily read from normal viewing distance. It is a condition of approval that the advertisement be compliant in this regard each and every time it is published.”* The inclusion of this condition of approval provides advertisers with the ability to change the prominence of their compulsory statements, depending on the media, so as to ensure that these statements always meet the requirement for prominence.

Relevant Legislation

Therapeutic Goods Advertising Code (TGAC) - as amended from time to time

Therapeutic Goods Regulations – as amended from time to time

History of the Matter

Not applicable.

Document History

Version 1: Issued July 2016

Approved By

Carl Gibson, Chief Executive Officer

⁴ Commercials Advice Pty Ltd



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