

**THERAPEUTIC GOODS AND COSMETICS
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 69, 1974.

An Act to make further provisions with respect to the advertising of therapeutic goods, cosmetics and articles of food; for this purpose to amend the Therapeutic Goods and Cosmetics Act, 1972; and for purposes connected therewith. [Assented to, 22nd October, 1974.]

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No. 69, 1974

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:—

Short title.

1. This Act may be cited as the "Therapeutic Goods and Cosmetics (Amendment) Act, 1974".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 4 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.

Amendment of Act No. 14, 1972.

3. The Therapeutic Goods and Cosmetics Act, 1972, is amended—

Sec. 4. (Interpretation.)

(a) by inserting in the definition of "advertisement" in section 4 (1) after the word "sale" the words "or use";

Sec. 28. (Order prohibiting false or misleading representations or names.)

- (b) (i) by inserting in section 28 (1) after the words "therapeutic goods," the words "or a claim, if made in respect of a cosmetic,";
- (ii) by inserting in section 28 (1) after the word "representation" where secondly occurring the words "or claim";
- (iii) by inserting in section 28 (1) after the word "goods" where secondly occurring the words "or cosmetic";
- (iv) by inserting in section 28 (2) after the word "goods" where firstly occurring the words "or cosmetic";
- (v) by inserting in section 28 (2) after the word "goods" where secondly and thirdly occurring the words "or that cosmetic".

Therapeutic Goods and Cosmetics (Amendment).

4. The Therapeutic Goods and Cosmetics Act, 1972, is No. 69, 1974 further amended—

(a) by omitting section 26 (1), (2), (3), (4) and (5) and by inserting instead the following subsections :—

(1) In this Part, “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) A person shall not publish an advertisement in respect of—

- (a) any therapeutic goods or article of food if it contains a representation prescribed as a prohibited representation;
- (b) any prescribed therapeutic goods or prescribed article of food if it contains a representation prescribed as a prohibited representation;
- (c) any prescribed therapeutic goods or prescribed article of food unless it contains a representation prescribed as a required representation; or

(d)

Further amendment of Act No. 14, 1972.
Sec. 26.
(Prohibition of certain representations in advertisements.)

Therapeutic Goods and Cosmetics (Amendment).

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(d) any prescribed therapeutic goods or prescribed article of food if it contains a representation other than a representation prescribed as a required representation under paragraph (c).

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

(4) A person shall not publish an 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).

(5) The regulations may prescribe in relation to any prescribed therapeutic goods or prescribed article of food or all therapeutic goods or articles of food a representation for the purposes of subsection (2) (a), (b) and (c) 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)".

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