

House of Representatives

Supplementary Order Paper

Tuesday, 18 July 2023

Therapeutic Products Bill

Proposed amendment

Dr Shane Reti, in Committee, to move the following amendment:

Clause 194

In *clause 194(1)(c)*, after “how the advertisement is distributed” (page 125, lines 23 and 24), insert “, notwithstanding that advertising to the general public of medicinal products which are only available on medical prescription (DTCA-PM) is prohibited”.

Explanatory note

This Supplementary Order Paper (SOP) amends the Therapeutic Products Bill. New Zealand and the United States are the only two countries to allow full direct-to-consumer advertising of prescription medicines (DTCA-PM). All other jurisdictions have determined that the harms to public health of such advertising are of sufficient magnitude to override the protections in their Bill of Rights Act equivalent legislation. Prescribers describe inappropriate advertising pressure arising from DTCA and patient expectations to prescribe. They describe how DTCA-driven pressure on prescribers promotes inappropriate prescribing, expensive substitution, and rapid uptake of new medicines before full safety data are known. Examples are cited where large numbers of patients have been harmed as a result. This SOP will bring our regulatory framework back in to line with international best practice. Active campaigning against DTCA for more than two decades has been led by consumer advocacy groups such as ConsumerNZ and the public health and primary care sector. An open letter from the New Zealand Council of Medical Colleges has been signed by several hundred distinguished leaders in health and science: academics, researchers, and health practitioners together with leading patient and consumer advocates. Taking these factors into

account, this SOP seeks to prohibit DTCA of prescription medicines for human use in New Zealand.
