

\$10 million bitter pill for Peptide Clinics Australia

The Federal Court ordered that Peptide Clinics Australia pay \$10 million to the Commonwealth for breaches of the mandatory rules for advertising of medicines, including the ban on advertising prescription-only medicines to the public.

The substantial penalties imposed reflect the very real dangers to public health and safety and the egregious conduct of Peptide Clinics, including because the charade of medical practitioners' involvement in the business gave consumers the false impression that those practitioners were acting in their best interests.

The Court accepted the Secretary's submission that Peptide Clinics deliberately and recklessly pursued its own financial self-interest at the expense of its legal obligations and the interests of public health.

The court proceedings were commenced to address a range of contraventions of the *Therapeutic Goods Act 1989* (the Act), the *Therapeutic Goods Advertising Code 2015* and the *Therapeutic Goods Advertising Code (No 2) 2018* (the Advertising Codes). The contraventions included advertising Schedule 4 substances on the website and on social media channels, advertisements using the word "peptides", advertising prohibited and restricted representations, and more.

The Court found Peptide Clinics contravened the Act and the Advertising Codes each day the advertisements appeared on the website and on social media channels.

The website advertising peptides also included references to inappropriate and misleading uses, such as for anxiety, anti-ageing, body building, tanning, weight loss, premature ejaculation, hair loss and insomnia relief. The TGA advises that interfaces that allow consumers to review and self-select prescription-only medicines for subsequent prescribing and supply, and websites that promote general classes of prescription-only medicines, will generally be considered in contravention of the Act.

The significant financial penalties serve as a reminder to businesses that

prescription-only medicines cannot be advertised to the public without significant consequences. This includes being issued with infringement notices, being charged with criminal offences or having civil court proceedings commenced against them.