ASA Advertising Standards Authority

Therapeutic and Health Advertising Code

Effective 1st April 2026 for new ads
Effective 1st July 2026 for all ads

Every ad a responsible ad
www.asa.co.nz

Advertising Standards Code

The Principles and Rules set out in the **Advertising Standards Code** apply to advertising in all media. When applying the Advertising Standards Code to therapeutic and health advertising, a high standard of social responsibility is required.

Therapeutic and Health Advertising Code Introduction

Therapeutic and health advertising must adhere to the Principles and Rules set out in this Code and comply with the Advertising Standards Code where applicable.

This Code is part of the regulatory framework governing therapeutic and health advertising.

Attention is drawn to:

- **the Medicines Act 1981**
- **the Dietary Supplements Regulations 1985**
- **the Health Practitioners Competence Assurance Act 2003**
- **the Australia New Zealand Food Standards Code (particularly 1.2.7 Nutrition, health and related claims)**
- **the New Zealand Food (Supplemented Food) Standard 2016.**

Note: *Many therapeutic and health industry sectors have their own codes with specific advertising requirements, and these should also be referred to by advertisers to ensure their activity is compliant.*

Purpose of the Code

The purpose of this Code is to ensure that advertisers maintain rigorous standards in therapeutic and health advertising.

Application of the Code

The Code, along with the Advertising Standards Code, applies to health and therapeutic advertising placed in any media (including the advertiser's own media channels), including but not limited to social media channels (including Meta [Facebook, Instagram], Snapchat, TikTok, Google [YouTube] and X [formerly Twitter]) and includes user-generated content, content via influencers and content creators, videos, apps, advergaming, out of home (for example, billboards, street posters, bus shelters and buses), streaming services (including subscription-based, on-demand television and radio streaming), digital and digital display, television, connected TV, cinema, radio, print (including newspapers and magazines), native advertising, websites, podcasts, webinars, email, SMS/phone, addressed and unaddressed mail, brochures and point-of-sale material. Visit the **ASA website** for an up-to-date list of current media.

Ultimately, the responsibility for complying with all aspects of advertising regulation is shared among all the parties to an advertisement, including the advertiser, agencies and media organisations.

ASA Codes are made up of three parts:

- Principles: the standards expected in advertising and promotion
- Rules: how the principles are to be interpreted and applied
- Guidelines: information and examples to explain a rule.

This Code covers **all words, visual depictions and conveyed context** in advertising:

- for therapeutic products – medicines and medical devices
- health products – natural health products and complementary health care products, including herbal products, dietary supplements and homeopathic products
- health services.

This Code may also apply when therapeutic or health claims are made in advertisements for other products or services not explicitly referred to in this Code.

This Code does not apply to labels or packaging. However, when a label or packaging appears in an advertisement, it forms part of the advertisement and therefore any visible aspects of the label and/or packaging are covered by this Code. Visit Our Jurisdiction on the ASA website for more information.

Interpreting the Code

Social responsibility in advertising is embodied in the Principles and Rules of the ASA Codes. In interpreting the Codes, emphasis must be placed on compliance with their spirit and intention.

It is possible for advertising to be in breach of one or more of the Principles in the Codes without being in breach of a specific rule.

In determining whether a Principle has been breached, the Complaints Board will have regard to all relevant matters, including:

- generally prevailing community standards
- previous decisions
- the consumer takeout from the advertisement
- the context, medium and intended audience
- the product or service being advertised.

For the avoidance of doubt, where legislation relevant to this Code has been updated and/or if a conflict occurs in relation to legislative and code requirements, legislative requirements will prevail.

Definitions for the purposes of this Code

Advertising and Advertisement(s) means any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

Disease includes any injury, ailment, deformity, disorder, or adverse condition, whether of body or mind.

Endorsement (which could be expressed directly or indirectly or implied) means a form of support, approval, or sanction of a product, person or service. It is different to a Testimonial, which involves a person(s) claiming to have personally used the good or service.

Health Product means products often referred to as natural health products or complementary health care products. Health Products include:

- herbal products
- dietary supplements
- homeopathic products.

A Health Product has the primary purpose of providing support for an individual's normal and natural health.

Health Service means a service that offers:

- a method of treatment for one or more medical conditions or
- support for normal healthy body functions.

Providers may or may not be registered health professionals (as defined in the Medicines Act) and may include (but not limited to) services for medicines, surgery, physiotherapy, nursing, rehabilitation, diagnostics, psychotherapy, counselling, fertility, sterilisation, relaxation massage, homeopathy, hypnotherapy, naturopathy, chiropractic, acupuncture, traditional Chinese medicine and ayurvedic medicine.

Health Service Provider means anyone offering a Health Service who is not regulated by the Health Practitioners Competence Assurance Act.

Health Support Claim means any one of the following:

- a statement that is in support of the normal and natural physiological structure and function of the body
- nutritional support
- vitamin or mineral supplementation support
- supporting the normal structure or natural function of the body.

Health Support Claims in advertisements for a Health Product must be supported by scientific or traditional substantiation. Only products that meet the definition of a Health Product in this Code may make a health support claim in advertisements.

Note: There is a different definition of a health claim in relation to food products. More information is available in the ANZ Food Standards Code.

Healthcare Professional (HCP) in this Code has the same meaning and interpretation as the Medicines Act; i.e., a health practitioner who is, or is deemed to be, registered with an authority established or continued by the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession. HCP includes members of the medical, dental, pharmacy or nursing professions and any other persons who, in the course of their professional activities, may prescribe, supply, recommend or administer a medicine. See Schedule 2 of the Health Practitioners Competence Assurance Act 2003 for the named professions.

Mandatory information is the required legislative and/or industry Code information that must be included in advertising in whatever format or platform such advertising may appear. It provides the consumer with additional information that promotes the safe and effective use of the product and helps the advertising be socially responsible.

Medicine means any substance or article or active ingredient that is manufactured, imported, sold, or supplied wholly or principally for administering to one or more human beings for a therapeutic purpose (see definition below for therapeutic purpose). A medicine achieves, or is likely to achieve, the principal intended action in or on the human body by pharmacological, immunological or metabolic means.

Only medicines that have been evaluated by Medsafe and have consent to distribute may be advertised in New Zealand. The advertised medicine(s) may be available on prescription or may be purchased over the counter.

A product can be a medicine in several ways:

- It is or contains a scheduled ingredient.
- Its label or advertisement implies or suggests a therapeutic purpose.
- It is intended for a therapeutic purpose.
- It is a product with consent to distribute.

Medical Device means a device that has a Therapeutic Purpose (see definition below for Therapeutic Purpose). A product can appear to be a Medical Device based on how it works or the claims made on the label or in advertisements. See Section 3(a) of the Medicines Act 1981 (Meaning of Medical Device).

Method of Treatment means any method of treatment for reward undertaken, or represented to be undertaken, for a therapeutic purpose.

Substantiation is the requirement for verification, confirmation, evidence or proof that a claim made by an advertiser is true. Consumers need to have confidence that the advertiser has a reasonable basis for making the claim. Therefore, claims should be supported by sound, relevant, clear and robust evidence. When making a claim, advertisers should ensure they have the evidence to prove it. The level of evidence will depend on the type of product or service and the claim being made.

Testimonial means a statement about a product or service made by a person or group of persons who claim to have used that product or service personally or while caring for someone else. It represents one or a very limited number of people's opinions or experiences, is anecdotal and is not representative of the market.

Therapeutic Purpose – The Medicines Act provides the following definition:

(a) preventing, diagnosing, monitoring, alleviating, treating, curing, or compensating for, a disease, ailment, defect, or injury; or

(b) influencing, inhibiting, or modifying a physiological process; or

(c) testing the susceptibility of persons to a disease or ailment; or

(d) influencing, controlling, or preventing conception; or

(e) testing for pregnancy; or

(f) investigating, replacing, or modifying parts of the human anatomy.

Only medicines with consent to distribute in New Zealand and medical devices can claim to have a therapeutic purpose in advertisements.

Therapeutic Purpose Claim in an advertisement will likely refer to a medicine(s) or medical device that has a therapeutic effect on an actual or implied medical condition, disease or physiological process.

A therapeutic purpose claim may be accompanied by words such as enhance, improve, prevent, interfere with, terminate, reduce, increase, accelerate, inhibit, boost, treat, relieve, diagnose and stimulate (this is not an exhaustive list). For medicines, the therapeutic claim(s) must be consistent with the indication(s) that have been registered for the product. For medical devices, any therapeutic purpose claims must be in line with the product's intended purpose as detailed in WAND (Web Assisted Notification of Devices).

Additional Guidance

In New Zealand, the Association of New Zealand Advertisers (ANZA) facilitates a service from independent adjudicators called the Therapeutic Advertising Pre-Vetting Service (TAPS). TAPS is a user-pays pre-vetting process for advertisers. To access the formal TAPS service for the review of individual advertising materials, an advertiser must first register with ANZA, which is free of charge.

TAPS has also developed guidance documents on a range of matters for therapeutic and health products and services to support responsible advertising. These documents are available free of charge on the TAPS website.

Principle 1
Social Responsibility

Therapeutic and health advertisements must observe a high standard of social responsibility, particularly as consumers often rely on such products, devices and services for their health and well-being.

Rule 1(a)
Mandatory information

Advertisements must contain the mandatory information relevant to the product or service being advertised.

Guidelines

The required information must be legible and/or audible, with care taken to ensure the following:

- Written text must be large enough, clear enough and present long enough to be easily read.
- Spoken language must be clear and at a speed able to be understood by consumers.

Advertisers must be aware that mandatory information that is illegible, inaudible or not easily understood by the chosen audience may be deemed not present within the advertising.

Specific information on the mandatories required for each classification of medicine, medical device, health product and health service can be found in the Medsafe guidelines and on the TAPS website.

Rule 1(b)
Safety and effectiveness

Advertisements must not contain any claim, statement or implication that the products, devices or services advertised:

- **are safe or that their use cannot cause harm or that they have no side effects or risks**
- **are effective in all cases**
- **are infallible, unfailing, magical, miraculous, or that it is a certain, guaranteed or sure cure**
- **are likely to lead consumers to believe that;**
    - **they are suffering from a serious ailment, or**
    - **harmful consequences may result if the therapeutic or health product, device or service is not used**

Rule 1(c)
Vulnerable audiences

Advertisements must not portray unrealistic outcomes, take advantage of consumers, cause distress or misrepresent vulnerable audiences.

For example:

- **Advertisements must not promote inappropriate urgency for purchase that could result in irresponsible consumption.**
- **Advertisements must not promote an unrealistic sense of body image or mental well-being or an unhealthy lifestyle.**
- **Advertisements must not create undue pressure to conform or exploit emotional vulnerability.**

Guidelines

Note: *Factors that may increase audience vulnerability could include mental or physical health issues, age (very young or elderly), limited health literacy and ability to access healthcare, social isolation or challenging circumstances like bereavement or financial issues.*

Principle 2
Truthful Presentation

Advertisements must be truthful, balanced and not misleading.

Rule 2(a)
Truthful presentation

Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or, without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

Guidelines

Advertisements must be accurate, and statements and claims must be valid and able to be substantiated.

Substantiation must exist prior to a claim being made.

For medicines and medical devices, therapeutic purpose claims must be consistent with the registered indication(s) (for medicines) or the WAND* listed intended purpose (for medical devices).

Health Product advertisements must not reference studies that make therapeutic purpose claims. However, advertisers may hold such studies as internal substantiation, provided the advertisement itself does not imply a therapeutic purpose claim. Health Products are not permitted to make therapeutic purpose claims under the Medicines Act.

***Note:** WAND = Web Assisted Notification of Devices. The WAND database is not accessible to members of the public or any other party, except Medsafe and the New Zealand sponsor.*

Rule 2(b)
Inappropriate or excessive use

Advertisements must not encourage, or be likely to encourage, inappropriate or excessive purchase, use or requests for a prescription.

Rule 2(c)
Scientific language and use of data

Where permitted, the use of scientific language in advertisements is acceptable, provided that it is appropriate to, and readily understood by, the audience to whom it is directed.

Guidelines

Advertisements must not use results from tests and surveys, research, or quotations or references from scientific literature in a manner that is misleading or deceptive.

Any scientific research referred to in Health Product advertisements must not contain therapeutic purpose claims.

Rule 2(d)
Comparative advertising

Comparative advertisements, or advertising that identifies a competing product or service, must be factual, accurate, make clear the nature of the comparison, must not denigrate competitors and must be of "like" products or services available in the same market.

Guidelines

Comparative advertisements must be factual, not disparaging, able to be substantiated, referenced to the source and reflective of the body of available evidence.

Comparative advertisements must compare "like with like".

Comparative advertisements must not discourage consumers from following the advice of their healthcare professional.

Product comparisons in direct-to-consumer medicine advertising are prohibited.

Advertisements for Health Products must not include comparisons (either direct or implied) with medicines or medical devices, either specifically or generally.

Where appropriate, comparative advertising claims must be supported by documentary evidence which is easily understood. When referring to a comparative test, such tests should have been conducted by an independent and objective body so that there will be no doubt as to the veracity of the test. In all cases, the test must be supportive of all relevant claims made in the advertising. Comparative advertising claims must not use partial results or stress insignificant differences to cause the consumer to draw an improper conclusion.

Rule 2(e)

Endorsements

Advertisements must not claim or imply endorsement of the product, device or service from Healthcare Professionals or Health Service Providers.

Advertisements from any organisation must not claim or imply endorsement of the product, device or service by any government agency, professional body or independent agency.

Guidelines

Note: *Section 58 of the Medicines Act states no person shall publish any medical advertisement that directly or by implication claims, indicates, or suggests that a medicine or a medical device or the method of treatment, has been used or recommended by a practitioner, nurse, or pharmacist, or by any other person qualified to provide therapeutic treatment in the course of a profession or occupation and registered as a person so qualified, or by a person who is engaged in study or research in relation to any of those professions or occupations or the work performed by persons.*

Rule 2(f)
Testimonials

Patient or consumer testimonials in advertisements, where not prohibited by law, must comply with the Code, be authenticated, genuine, current and typical. Any payment received (money or another exchange of value, products or services) must also be acknowledged.

Guidelines

In complying with this rule, you must also ensure advertising complies with Section 58 of the Medicines Act.

Testimonials in advertisements for health products, medicines*, medical devices or health services must not make a therapeutic purpose claim and must not suggest, either directly or by implication, that the health products, medicines, medical devices or health services have beneficially affected the health of an individual.

***Note:** Testimonials by patients or consumers are not permitted in the direct-to-consumer advertising of prescription medicines.*

Under current legislation, testimony that does not directly or indirectly imply a therapeutic purpose nor reference personal use and/or benefit is permitted. Such testimony should, however, be very carefully considered. It could include customer feedback on "how quickly an order was received" or "how helpful the customer service team were" (without going into specifics on any health condition or product).

Examples of user-generated content in the form of testimonials that could cause issues may include:

- customer comments on platforms controlled by the advertiser
- user-generated comments in response to advertiser-controlled social media posts
- advertiser's use of emojis or similar badges in response to a comment or post if they imply agreement with an unsubstantiated claim from a consumer.

User-generated content:

- If user-generated content is included in advertisements, advertisers and their representatives, including influencers and content creators, are primarily responsible for ensuring that user-generated comments and reviews comply with the Principles and Rules of this Code and relevant legislation.
- User-generated content that tags a brand and appears on a brand's profile is subject to the Code. If any tagged content does not comply with the Code, advertisers must untag their brand or remove the content.

Rule 2(g)
Sponsorship

Advertisements, unless otherwise prohibited by legislation or other relevant industry code, may include reference to the advertiser's sponsorship, if the sponsorship is explicitly acknowledged and cannot be misconstrued as an endorsement of the product, device or service being advertised, nor be a therapeutic claim by implication.

Guidelines

Sponsorship advertising must only mention or portray the advertiser's name briefly and in a subordinate manner and, as a guide, no more than 15% of the space or time available. It may not always be possible to apply the 15% guide, and consideration will be given to the overall look and feel of the advertising.

Focus on the clear association between the advertiser and the sponsored party. Examples of words that may appear in sponsorship advertising that indicate a sponsorship agreement include, but are not limited to:

- Company X are proud sponsors/supporters of ...
- Company X are an official partner of ...

About the Advertising Standards Authority (ASA)

The ASA is the organisation that sets the standards (Advertising Codes) for responsible advertising in New Zealand. The ASA also runs the advertising complaints processes. The ASA is funded by the advertising industry and its member organisations representing advertisers, agencies, and the media.

Making a complaint

Anyone can complain about any advertisement.

All complaints must be received using our online complaints form, via email or via post. Our process requires that we deal with the consumer's concerns in their own words. Our online complaint form is available at **www.asa.co.nz**. Our email address is **asa@asa.co.nz** and our postal address is PO Box 10675, Wellington 6140.

Competitor complaints

Competitor complaints are dealt with via a user-pays process with adjudication hearings. More information is available at the **ASA website**. The process aims to give fast and thorough consideration to conflicts between competitors.

Responding to a complaint

All parties associated with an advertisement are expected to respond to the ASA following a complaint. This includes the advertiser and may also include the agency and the media where the advertisement was placed. The **ASA website** provides guidance on how to respond to a complaint.

Decisions

The Advertising Standards Complaints Board makes decisions about complaints following responses from parties. Decisions may be appealed and if there are grounds for an appeal, the Appeal Board will reconsider the complaint. The ASA membership has no involvement in the work of the Complaints and Appeal Boards.

Decision outcomes have the following meanings:

No Further Action: This means the Chair of the Complaints Board has reviewed the complaint and has ruled a Code has not been breached, and no further action is required. This outcome may occur when a complaint is based on an extreme interpretation or is trivial or vexatious, or if there is a precedent decision that relates to the same or similar advertising.

Upheld: This means the Complaints Board agreed with the issues raised by the complainant and the advertiser is asked to amend or remove the advertisement.

Settled: When an advertiser either withdraws an advertisement or makes immediate changes (that the Chair considers satisfactory) to address the issues raised by the complainant, the complaint can be settled by the Chair.

Not Upheld: This means the Complaints Board does not find the advertisement in breach of the Advertising Codes in relation to the complainant's concerns.

No Jurisdiction: Sometimes a complaint is outside the jurisdiction of the ASA. The ASA deals with complaints about any advertisement that is targeted at New Zealand audiences. Matters of law or complaints about advertisements from outside of New Zealand, which are not targeting New Zealand consumers, are outside the ASA's jurisdiction.

Visit **www.asa.co.nz** for more information on our jurisdiction.

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