



**Code for Promotion of
Agricultural Compounds
And
Veterinary Medicines**

I INTRODUCTION & SCOPE

1. Current statutory requirements manage the quality and efficacy standards of Agricultural Compounds (AC) and Veterinary Medicines (VM). Standards for promotional conduct however, cannot be controlled as easily with these tools. Rather (in addition to current legislation) the agricultural compounds and veterinary medicine industry needs to set standards.
2. The vehicle for promotional self regulation is the Forum for Agricultural Compounds and Animal Health Industry Regulation of Advertising (FairAd).
3. The FairAd Code is an amalgamation of the current AGCARM, NZVA and ARPPA codes. It recognises the commitment of the AC and VM industry to high ethical standards of promotional conduct and the provision of on-going, objective, technically correct and scientifically valid information and educational material to all audiences (E.g. agricultural contractors, veterinarians, traders, distributors, resellers, end users and the general public). The code states the basic principles and sets standards of behaviour (conduct) and may be used by individuals or companies (including distributors, retailers and veterinary practices) involved in the promotion of AC and VM.
4. For the Code to be effective the AC and VM industry must be committed to both the letter and the spirit of this Code.
5. The FairAd Code complements the Advertising Standards Authority Codes of Practice as they relate to the industry and the promotion of agricultural compounds and veterinary medicines in NZ. This code applies to all promotional activities of agricultural compound and veterinary medicine companies directed towards all audiences (E.g. agricultural contractors, veterinarians, traders, distributors, resellers, end users and the general public.).

II DEFINITIONS

- ACVM - Agricultural Compounds and Veterinary Medicines. The ACVM Group is part of NZFSA.
- AGCARM - New Zealand Association for Animal Health and Crop Protection.
- Agricultural Compound (AC) – Any substance, mixture of substances, or biological compound, used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed.
- ARPPA - Animal Remedy and Plant Protectant Association Inc.
- End User - means all those persons to whom the promotion may be directed other than veterinarians and members of veterinary practices.
- FairAd - Forum for Agricultural Compounds and Animal Health Industry Regulation of Advertising.
- FairAd Code for Promotion of Veterinary Medicines - “The Code” is a document that states the basic principles and sets standards of behaviour (conduct) for the promotion of Agricultural Compounds (AC) and Veterinary Medicines (VM).
- NZFSA - New Zealand Food Safety Authority.
- NZVA - New Zealand Veterinary Association Inc.
- Promotion - Promotion means to encourage the sale, prescription, supply or use of a company's product by any means. Promotion includes but is not limited to; promotional purposes, promotional material,

advertising, journal and direct mail marketing, 'teaser' campaigns, the use of films and other audio-visual material and exhibitions, the activities of representatives, and the provision of samples, gifts and hospitality.

- RVM - Restricted Veterinary Medicine.
- Trader - An entity authorised by ACVM to sell Restricted Veterinary Medicines.
- Veterinary Medicines - a product intended for the use in or on animals which includes any substance, mixture of substances, or biological compound(s) used or intended for use in the direct management of an animal. It includes all, but is not exclusive to, veterinary medicines (both Restricted and OTC) as defined under the ACVM Act and is synonymous with animal remedies, animal health products or trade name products.

III THE CODE RULES

1. GENERAL

1.1. In addition to complying with this Code all promotions, where applicable, must comply with the:

- a. Laws of NZ (e.g. ACVM Act, HSNO Act, Fair Trading Act, Commerce Act).
- b. Advertising Standards Authority Codes of Practice.
- c. The ACVM New Zealand Labelling and Advertising Guide for Veterinary Medicines Requiring Registration. Note an up to date copy is available at <http://www.nzfsa.govt.nz/acvm/publications/labelling-guides/vet-medicines/index.htm>.
- d. Article 11 of the FAO International Code of Conduct on the Distribution and Use of Pesticides

1.2. Promotions must:

- a. Be clearly recognized as a promotion; where there could be doubt, it should be clearly labelled with the word "advertisement".
- b. Not encourage inappropriate or excessive use of AC or VM.

1.3. Information within promotions that relates to current conditions of registration (i.e. label claims or indications that are subject to ACVM review) must:

- a. Not exceed the particular conditions (claims) set for the particular product.
- b. State or infer that an AC or VM is registered (has a claim for a particular condition or conditions) when it does not; even if substantive data is available.

1.4. All other information (including label statements or claims not assessed as part of registration) used in promotional material must:

- a. Not be exaggerated.
- b. Not be all-embracing.
- c. Avoid superlatives.

- d. Not imply that an AC or VM, or an active ingredient, has some special merit, quality or property unless this can be substantiated.
 - e. Be based on an up-to-date evaluation of all the evidence and should reflect current knowledge or responsible opinion.
 - f. Be accurate, balanced and must not mislead, either directly or by implication, so that critical unbiased judgments and decisions may be made.
 - g. Be capable of substantiation and the substantiation must be provided without delay in response to enquiries. Note such substantiation need not be provided, however, in relation to the validity of approved ACVM conditions of registration.
 - h. Include a clear indication to where each reference can be found when promotional material refers to published or non-published studies.
- 1.5. Apart from published literature no reference may be made to any individual or official body or to unpublished material without the consent of the individual, body or any author concerned.
 - 1.6. Care should be exercised to avoid ascribing claims or views to scientific authors in such a way as to suggest, wrongly, that these represent up-to-date opinions.
 - 1.7. Quotations must accurately reflect the meaning of the author and be of direct relevance to the promotion.
 - 1.8. The word 'safe' must not be used without qualification and it must not be stated categorically that a product has no side-effects or toxic hazards.
 - 1.9. The word 'new' (or its equivalent) should not be used to describe any product or presentation which has been generally available or any therapeutic indication which has been generally promoted, for more than twelve months in New Zealand.
 - 1.10. Promotions should not be so similar to other promotions in general layout, copy, slogans, visual presentation, music, or sound effects as to be likely to mislead or confuse.
 - 1.11. Promotions should not contain any visual representation of any potentially unsafe practices (such as mixing or applying products without the recommended personal protective clothing and equipment, used near food, use by children or in the vicinity of children).

2. COMPARISONS

- 2.1. The competitor(s) should be fairly and properly identified but never in a manner, or tone of voice, that degrades the competitor or their product(s).
- 2.2. Comparative promotions should be factual and informative.
- 2.3. The intent and implication of the promotion should be to inform and not discredit or disparage other AC or VM either directly or by implication.
- 2.4. Comparisons of products must be factual, fair and capable of substantiation. In presenting a comparison, care must be taken to ensure that it does not mislead by distortion, by undue emphasis, or in any other way.
- 2.5. End user testimonials comparing products must not be used.

2.6. Statements comparing the risk or hazard of different AC or VM must not be made.

3. TESTIMONIALS

3.1. Testimonials are considered to be a promotion and must comply with this Code.

3.2. Whether or not the veterinarian is registered in New Zealand, veterinarians' names or photographs must not be used in any way that is contrary to the Veterinary Council of New Zealand's Code of Professional Conduct for Veterinarians.

4. SAMPLES, INDUCEMENTS, SPONSORSHIP, GIFTS AND HOSPITALITY

4.1. Shall not be such as to bring discredit upon, or reduce confidence in the agricultural compounds or veterinary medicines industries.

5. PROMOTION OF RESTRICTED VETERINARY MEDICINES

5.1. When it is intended to promote a new product to the veterinary profession as well as to other users, then the veterinary profession must be informed of the availability and details of the product before promotion is directed towards other users.

5.2. There must not be any inducement offered to the end user that compromises the veterinarian's right to prescribe a specific restricted veterinary medicine.

5.3. For Restricted Veterinary Medicines that have a label condition prohibiting advertisement to end users, Traders may provide information to increase awareness and understanding of disease and treatment/management options only. Traders may:

a. Use company logo, branding and contact information.

b. Use trade name and active ingredient but these must appear as part of other management tools and be in the same font as accompanying text. I.e. they cannot draw undue attention to the product.

c. Not use product images or product logos.

6. PROMOTION OF AGRICULTURAL COMPOUNDS

Products which are restricted to use by an approved handler or other legal requirement must have the restricted availability clearly and prominently displayed in any promotion.