

# Commercial Insights

## The dos and don'ts of COVID-19 vaccine promotion

The roll-out of the Pfizer/BioNTech vaccine and Oxford/AstraZeneca vaccine has begun. Generally, the advertising of vaccines to consumers is prohibited in Australia, however some exceptions are now in place to support the roll-out of COVID-19 vaccines.

To explain these exceptions, the Therapeutic Goods Administration (**TGA**) has issued a fact sheet which shows how vaccine providers and other parties can lawfully provide information about and promote COVID-19 vaccines. The TGA fact sheet is summarised in this article.

### Dos of vaccine promotion

It is acceptable to:

- use Australian Commonwealth, State or Territory Government produced materials to promote COVID-19 vaccines
- add practical factual information to government materials to assist the public in obtaining the vaccine such as:
  - the location of the COVID-19 vaccination service
  - times vaccines are administered or opening hours of the service provider, and
  - whether there is a need for an appointment to receive the vaccination and, if so, how to make one, and
- provide the factual information listed above, independently of government materials, to assist the public in obtaining the vaccine.

When using government materials, vaccine providers must ensure that the materials are:

- genuine
- not altered or added to, other than to record the factual information described above, and
- not used in a way that may alter the take-home message for consumers, through either placement of the materials or proximity to other promotional materials.

### Don'ts of vaccine promotion

It is prohibited to use self-developed advertising about COVID-19 vaccines. In using government materials, be careful not to add:

- the tradename and/or active ingredient of the specific vaccine
- statements or the implication that harmful effects will result from not receiving the vaccine
- statements or the implication that the vaccine offered is superior to other vaccines (e.g. a statement about the efficacy against a particular strain)
- incentives to encourage a consumer to obtain the service or vaccine, and

- any comparisons between vaccines (even if supported by evidence).

To avoid contravention of the *Therapeutic Goods Act 1989* (Cth), vaccine providers and parties wishing to promote either the Pfizer/BioNTech vaccine or the Oxford/AstraZeneca vaccine should ensure that they adhere to these guidelines.

The TGA fact sheet in its entirety can be accessed [here](#).

**This article was written by Special Counsel, Hayley Bowman and Solicitor, Yashila de Silva. If you have any questions about COVID-19 vaccine promotion, please contact Hayley Bowman.**



**Hayley Bowman**

**Special Counsel**

+61 3 9810 6723

[hbowman@meridianlawyers.com.au](mailto:hbowman@meridianlawyers.com.au)



**Yashila de Silva**

**Solicitor**

+61 3 9002 2149

[ydesilva@meridianlawyers.com.au](mailto:ydesilva@meridianlawyers.com.au)

Disclaimer: This information is current as of April 2021. This article does not constitute legal advice and does not give rise to any solicitor/client relationship between Meridian Lawyers and the reader. Professional legal advice should be sought before acting or relying upon the content of this article.