

# Lorna Jane fined almost \$40,000 for alleged advertising breaches in relation to COVID-19 and "anti-virus activewear"

17 July 2020

The Therapeutic Goods Administration (TGA), part of the Department of Health, today issued three infringement notices totalling \$39,960 to Brisbane clothing company Lorna Jane Pty Ltd for alleged unlawful advertising in relation to COVID-19.

Lorna Jane allegedly claimed, on its website, that its 'anti-virus activewear' prevents and protects against infectious diseases, implying it is effective against COVID-19.

"This kind of advertising could have detrimental consequences for the Australian community, creating a false sense of security and leading people to be less vigilant about hygiene and social distancing," Adj. Professor John Skerritt, Deputy Secretary of the Department of Health, said.

The TGA alleges that Lorna Jane represented its 'anti-virus activewear' for therapeutic use and therefore believes that it is a therapeutic good within the meaning of the *Therapeutic Goods Act 1989*. Therapeutic goods, including advertising, are subject to the regulations administered by the TGA.

The advertisement referred to therapeutic goods that were not included in the Australian Register of Therapeutic Goods (ARTG). This is required before they can be lawfully supplied or advertised in Australia.

Under the *Therapeutic Goods Act 1989*, any references to COVID-19 (and related terms) in the promotion of these types of goods are restricted representations. A restricted representation refers to a serious form of a disease, condition, ailment or defect. The use of restricted representations in advertisements for therapeutic goods is unlawful without a prior formal approval or permission from the TGA.

It is also a breach of the Therapeutic Goods Advertising Code (No. 2) 2018 to promote a therapeutic good as being safe, harmless or without side-effects.

These advertisements are of significant concern given the current pandemic. The TGA has published a warning to advertisers and consumers about illegal advertising relating to COVID-19.

[The TGA takes action against advertising breaches](#)

The regulatory scheme is critical to the safety of Australian consumers and the TGA investigates suspected illegal activity in relation to therapeutic goods. A range of compliance and enforcement tools are available and may include criminal or civil court proceedings, which can result in substantial penalties, fines or imprisonment.

Any person or business must comply with the requirements for advertising. The TGA encourages online advertising complaints to prevent potentially serious consequences.

We also remind consumers to be on the lookout for misleading ads in its how to spot a dodgy health product ad campaign.

Contact for members of the media

- [news@health.gov.au](mailto:news@health.gov.au)
- 02 6289 7400

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