

NFTHD #51: Using imagery in promotional material

This Notes from the Help Desk explores how pictures play a role in promotion.

Firstly, what role does imagery play in terms of a promotional claim? In many situations, the use of an image can really emphasise the promotional nature of material. For example, we know the TGA interprets ‘pack-shots’ of prescription medicine to be promotional. So having a list of your products on your website can be non-promotional – but the minute a picture of the prescription medicine is displayed, the whole page is deemed promotional.

By itself though, an image is not considered a promotional claim. The Code defines a claim to “be a verbal or written statement that conveys positive attributes of a product”. Therefore, if a company was to place pack-shots of their medicines on a website, while definitely being promotional, they don’t constitute a promotional claim. Does one need to reference photos? All promotional claims need to be referenced but imagery is not considered a claim, and therefore Section 1 of the Code related to referencing does not apply.

Companies are responsible for ensuring that “all information, claims and graphical representations are current, accurate, balanced, consistent with the approved product information, and do not mislead directly, by implication, or by omission.” This extends to pictures and imagery, so that imagery needs to be appropriate to the messaging and the product. The Code Committee have previously ruled on imagery breaching the Code where imagery used did not represent the patient population and therefore misled the reader. A lot depends on context and perception, but it highlights the need to be vigilant and choose wisely.

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