

21 December 2018

Director, Scheduling Project Management
Regulatory Engagement and Planning Branch
Regulatory Practice and Support Division
Therapeutic Goods Administration
PO Box 100
WODEN ACT 2606

Dear Committee,

Response to regulatory options for appropriate access and safety controls for alkyl nitrites

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment.

We are grateful that the TGA has sought public feedback on their proposal to reschedule alkyl nitrite products and appreciate the opportunity to provide an industry perspective.

Impact of Rescheduling on Adults-Only Retailers

As was noted in the Consultation Paper unscheduled alkyl nitrites are currently being sold at adults-only retail stores for industrial and personal care use including acting as a leather cleaning and lubricating product.

As was noted in our original submission to the TGA,¹ we believe that rescheduling alkyl nitrite products to Schedule 9 is disproportionate to the risk of misuse and unnecessarily penalises retailers for consumer misuse.

A Smarter Regulatory Approach to Sex Related Products

It is Eros' position that the current regulation of sexual health products and what are colloquially known as 'sexual enhancers' is currently ineffective and is increasing the risks to Australian consumers.

¹ Eros Association Submission dated 3 October 2018

As alkyl nitrites are currently being misused in pursuit of a sexual health benefit,² it is proposed that a smarter regulatory approach be adopted for low-risk sexual health products.

Many sexual health products are being rescheduled to being 'pharmacy only' – heavily restricting the range of products currently being legally offered in Australia.

Sexual health products are not well suited to the general pharmacy environment as many products include packaging and labelling which is sexually explicit and more suitable to age-restricted areas. Moreover, many consumers experience embarrassment in buying sexual health products in a general pharmacy environment.

As such, many consumers are purchasing these products from overseas and online retailers increasing the risks associated with such products.

An analogous model for regulation could be the current regulation of complementary medicines in Australia, with low risk products being formally registered of Australian Register of Therapeutic Goods but not subject to pharmacy-only scheduling.

It would also be beneficial to have greater communication between the TGA and adults-only businesses to ensure the safety of consumers.

Eros would appreciate the opportunity to provide further comment on this rescheduling at the public hearings planned in Melbourne in early 2019. We can also be contacted for a separate meeting if necessary.

Kind regards,

Rachel Payne

General Manager

The Eros Association

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² Regulatory options for appropriate access and safety controls for alkyl nitrites – seeking public feedback, Therapeutic Goods Administration, 28 November 2018