Use on animals of products classified in human medicine as medical devices

1. Initial situation

Products presenting a primarily physical effect and that are used on humans for therapeutic purposes are considered to be medical devices. The said devices include implants, pacemakers, syringes, cannulae and catheters. Moreover, this category also includes products for oral or topical use but with a purely physical effect.

The definition of a medical device could in fact also be applied in the veterinary sector. However, article 2, paragraph 2 of the Therapeutic Products Act states that such products might be excluded from the scope of the said act. The Federal Council applied this provision in specifying that the Ordinance on Medical Devices applies to products for human use only.

Inversely, this means that these products are not subject to the Therapeutic Products Act if they are used on animals. Consequently, they are also **not therapeutic products**.

2. Consequences

Since the legislation on therapeutic products does not apply, the relevant, usual legal provisions are thus applicable: for example the law on product safety, on power and electricity, on chemicals or on animal feed. The extent and content of the declaration must therefore be in line with the relevant provisions.
In particular, products marketed as animal feed or chemicals (biocides) may not present any therapeutic health claim, since these claims are specifically forbidden in the corresponding legal basis.

Therapeutic health claims in the veterinary sector are thus exclusively reserved for authorised medicinal products with a pharmacological effect.