

## ADVERTISING



### Guideline G-016

Advertising Committee

Approved by Council: January 13, 1996

Amended: September 21, 2002, June 22, 2007, November 29, 2007, September 24, 2009, September 22, 2011, June 22 2012, February 28, 2017, April 30, 2019

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*Note to readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.*

### INTENT

The advertising guideline is designed to detail Standard of Practice S-016: Advertising, and to give members guidance when educating members of the public. Advertisements should help the public make informed choices regarding their health care. To assist members of the public in making knowledgeable choices, advertisements must be informative and maintain a professional image.

### DESCRIPTION OF GUIDELINE

### *Explanation*

1. An advertisement must:

(a) be accurate, factual and contain information that is verifiable;

*Providing the public with accurate, factual, objective and verifiable information to make an informed choice in health care is in the public's best interest. Subjective opinions may cause confusion and lack of trust.*

(b) be readily comprehensible by the persons to whom it is directed.

*Advertisements should be readily understandable so the general public is not confused by the message.*

- (c) clearly communicate that the member is a registered chiropractor in Ontario and a member of the College of Chiropractors of Ontario, and have a link to the CCO website [www.cco.on.ca](http://www.cco.on.ca), on a member's professional website and social media page.

*It is important that the public be made aware that the member is a regulated health professional, a member of CCO and of CCO's role in regulating chiropractic in Ontario.*

*Advertisements must not mislead the public that the member belongs to another regulated health profession, such as the College of Physicians and Surgeons of Ontario or the College of Traditional Chinese Medicine and Acupuncturists of Ontario. Using titles or representations which include but are not limited to the terms "medicine", "physician", "osteopath" or "neurologist" are misleading to the public. A member may list adjunctive therapies and modalities offered, such as acupuncture and nutritional or exercise counselling; however, it must be clear that they are offering these services as a chiropractor.*

2. An advertisement may:

- (a) name a specific diagnostic or therapeutic procedure or modality but cannot claim superiority or endorse the exclusive use of such procedures, services, techniques, modalities or products. References to specific diagnostic or therapeutic procedures must comply with the standard of practice (S-001: Chiropractic Scope of Practice);

*Such references assist the public in finding a particular type of chiropractic care and allow an informed choice*

*Members may advertise services (e.g., acupuncture, ultrasound, radiography), adjunctive techniques, and other procedures within the public domain (e.g. orthotics, nutritional products). Members should understand exhaustive lists of everything possible may confuse the public and are not advised.*

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- (b) make reference to the member being a specialist, provided the member is recognized pursuant to CCO's policy as a specialist, and the specialty is disclosed. Refer to Policy P-029: Chiropractic Specialties, for the list of specialties currently recognized by CCO;
- Members may only use terms such as "specialist" and "specializing in" in reference to the specialties recognized by CCO. Use of terms such as "Paediatric Chiropractor", "Obstetric Chiropractor", or "Chiropractic Neurologists" will be perceived as a representation of a speciality. A member cannot advertise a specialty in area(s) not recognized by CCO. A member may express an "interest in" or "focus on" an area of practice.*
- (c) make reference to the member being affiliated with any professional association, society or body, other than CCO, only on curriculum vitae, business stationery and recognized public displays;
- Advertising a member's affiliations in any other medium may confuse the public and may cause comparisons to other members, which is not permitted. In electronic media, a member may include professional associations other than CCO, only in the curriculum vitae/biography section of a website or social media home page.*
- (d) allow an individual or organization to endorse a member, provided:
- An unqualified endorsement from a source with little or no expertise is not in the public's best interest and undermines the public's trust. The public has a right to know if there was any exchange in benefit for an endorsement.*
- (i) the individual or organization proposing the endorsement has sufficient expertise, according to CCO, relevant to the subject matter being endorsed;
- (ii) the member has been appropriately assessed as providing the subject matter being endorsed;
- (iii) the member has disclosed any financial or other benefit given or received for the endorsement, if such a benefit has been exchanged;

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| <p>(e) include testimonials<sup>1</sup>, including self-testimonials or testimonials about the member's own experiences receiving chiropractic care, that refer only to the benefits of chiropractic and not to a particular member or office, with the exception of a member's website which may include testimonials that refer to a particular member or office, provided the testimonials:</p> | <p><i>Testimonials that refer to the benefits of chiropractic and not to a particular member or office are permissible; however, members may continue to use specific testimonials on their websites.</i></p>  |
| <p>(i) are accurate, verifiable, and recorded in the patient health record;</p>  | <p><i>Testimonials must be truthful and verifiable, and evidenced in the patient health record.</i></p>  |
| <p>(ii) are used only in accordance with the written consent of the patient, which may be withdrawn at any time;</p>   | <p><i>There must be documented patient consent related to a particular testimonial, documented in the patient health record.</i></p>   |
| <p>(iii) are not obtained using any undue pressure, duress, coercion or incentives;</p>  | <p><i>Patients may only offer a testimonial under their own free will and not due to any coercion or compensation.</i></p>   |
| <p>(iv) include a disclaimer stating that the results of the testimonial may not be typical of all patients or that results of patients may vary;</p>  | <p><i>Testimonials may not be indicative of results for all patients and often describe a particularly favourable individual patient outcome. A disclaimer communicates to the public to not necessarily expect such an outcome in their case.</i></p> |
| <p>(v) do not include any information about the member providing care to family members, and</p>   | <p><i>Testimonials and narratives about providing care to family members may be unreliable and present a conflict of interest.</i></p>   |

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<sup>1</sup> *Canadian Code of Advertising Standards* from Advertising Standards Canada, section 7 states: "Testimonials, endorsements or representations of opinion or preference, must reflect the genuine, reasonably current opinion of the individual(s), group or organization making such representations, and must be based upon adequate information about or experience with the product or service being advertised, and must not otherwise be deceptive."

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- (vi) otherwise compliant and consistent with Standard of Practice S-016: Advertising, the chiropractic scope of practice, other CCO standards of practice, policies and guidelines and privacy legislation. *As with all advertising, use of testimonials must be consistent with the chiropractic scope of practice, as defined in the Chiropractic Act, 1991, and relevant legislation, standards of practice, policies and guidelines.*
3. Any advertisement with respect to a member's practice must not contain:
- (a) anything false or misleading<sup>2</sup>; *False or misleading statements, which include lying, leading one to wrong conclusions, creating a false impression, leaving out and/or making false or inaccurate claims, undermine public trust in the profession and may result in a complaint to CCO by a colleague or a member of the public.*
- It is advisable to include a reference in an advertisement that indicates the clinic being advertised offers chiropractic care.*
- (b) an express or implied guaranteed success of care; *Claims and guarantees of success are often not verifiable and may appear unprofessional. Members should not use expressions such as "will help" and "does relieve" which imply a guarantee. Members may use expressions such as "may be able to help" or "has been shown to relieve."*
- (c) any comparison to another member's or other health care provider's practice, qualifications or expertise; *Comparison to any facet of another member's practice is unprofessional. The public and the profession are better served by positive and generic chiropractic facts.*

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<sup>2</sup> *The Competition Act, 1985* states that a misleading "general impression" could be created if an advertisement claim is literally true but misleads by failing to disclose additional vital details needed to interpret claims and make informed purchase decisions. The Competition Bureau of Canada has interpreted "false or misleading" under the *Competition Act, 1985*, to mean that the representation leads a person to a course of conduct that, on the basis of the representation, he or she believes to be advantageous. "Material" does not refer to the value of the product to the purchaser but, rather, the degree to which the purchaser is affected by the representation in deciding whether to purchase the product. Please see a link to the Competition Bureau <https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/01315.html> for further information.

*Members should not use adjectives with superlatives (e.g., more or better) in their advertising because they imply a comparison. Members may use words such as “safe” and “effective” to describe the chiropractic profession in general.*

- (d) any expressed or implied endorsement or recommendation for the exclusive use of a product or brand of equipment used to provide services;

*Exclusive endorsements of products suggest superiority and imply a comparison, which is not permitted.*

- (e) material that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional.

*All advertisements must maintain professional integrity and serve the public’s best interest.*

*It is an act of professional misconduct to engage in conduct or perform an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.*

4. A member may advertise their fee(s) for chiropractic services provided:

- (a) the advertisement contains accurate, complete and clear disclosure of what is and what is not included in the fee;

*The public is entitled to full disclosure of what is and what is not included in the advertised fee. This includes any promotions that are offered by gyms, health clubs and other businesses where members are employed.*

- (b) there are no hidden fees/costs;

*The public is entitled to full disclosure of what is and what is not included in the advertised fee.*

- (c) there is no obligation for any follow-up appointment, treatment or services;

*A member may not use an advertisement for complimentary or discounted diagnostic or treatment services to pressure or coerce a member of the public to return for follow-up appointments.*

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- (d) the member does not bill a third-party payor for the complimentary portion of the diagnostic or treatment service; *A member is not permitted to bill any third-party payor or ask for the patient's health insurance information for complimentary diagnostic or treatment services as this practice is unethical and may be professional misconduct.*
- (e) the advertisement expressly states the timeframe to be honoured for any complimentary or discounted diagnostic or treatment service; *To ensure there is no confusion or misunderstanding, the advertisement must indicate the exact timeframe in which the complimentary or discounted diagnostic or treatment services apply.*
- (f) the advertisement does not limit the offer to a certain number of participants; *Members of the public must all be given an equal opportunity to obtain the advertised complimentary or discounted diagnostic or treatment services. An advertisement that limits an offer to a certain number of participants may be misleading.*
- (g) no obligation is placed on the patient for follow-up appointments as a result of the complimentary or discounted diagnostic or treatment service; *A member may not use an advertisement for complimentary or discounted diagnostic or treatment services to pressure or coerce a member of the public to return for follow-up appointments.*
- (h) the advertisement is presented in a professional manner that maintains the dignity of the profession. *All advertisements must be presented in a professional manner, maintain professional integrity, and serve the public's best interest. Although discounted fees may be offered, online coupons, contests and giveaways are inappropriate.*
5. A member advertising the exchange of products/services for proceeds/donations to a charity may do so as follows: *An advertisement that encourages philanthropy, if done professionally and ethically, serves the public's interest.*
- (a) the proceeds/donations are being collected for a registered charity, school or other organization that, in the opinion of the Advertising Committee, serves the public's interest ("charity"); *The charity or organization must serve the public interest.*

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- (b) the charity is disclosed in the advertisement; *The public is entitled to full disclosure regarding the charity or organization for which proceeds are being collected.*
- (c) the member discloses the part of the proceeds/donations to be given to the designated charity and if he/she is taking any proceeds/donations to cover their expenses; *The public is entitled to full disclosure regarding how the proceeds will be divided.*
- (d) the member may not bill any third-party payor for the diagnostic or treatment services provided in exchange for the charitable proceeds/donation; *A member is not permitted to bill any third-party payor for complimentary diagnostic or treatment services as this practice is unethical and may constitute an act of fraud.*
- (e) the member providing diagnostic or treatment services in exchange for the charitable proceeds/donation must comply with all CCO standards of practice. *Members must comply with all CCO standards of practice. If the member is uncertain if the proposed advertisement is appropriate, he/she is encouraged to submit it to the Advertising Committee for review prior to publication. Turnaround time for a response is approximately 10 business days.*
6. Public presentations or displays<sup>3</sup> are permissible provided: *The advertising standard permits public presentations for educational or informational purposes. Being intrusive to the public within a public place, harassing the public or using pressure tactics are unprofessional and undermines the public's trust.*
- (a) member(s) adhere(s) to CCO's regulations and standards of practice (e.g., consent, record keeping);
- (b) professional conduct is maintained at all times;

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<sup>3</sup> "Displays" include presentations or other visual material to members of the public, in a place normally frequented by the public, by a person or persons who are physically present when such material is distributed or presented.



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- (c) material distributed complies with the advertising standard<sup>4</sup>;
- (d) no coercion or pressure tactics are used<sup>5</sup>.
7. A communication by a member to a patient or prospective patient for the purposes of soliciting business shall be appropriate to the standards of the profession and shall be respectful of patient choice, and not involve undue pressure including pressuring a patient to bring a family member or guest to a subsequent treatment or appointment, and not promote unnecessary products or services. A member must not contact or communicate with or allow any person to contact or communicate with potential patients via telemarketing or electronic methods.
- Any communication to patients or prospective patients must be consistent with the advertising standard of practice, within the chiropractic scope of practice, professional and respectful of the public interest, and compliant with Canadian anti-spam legislation, no matter what the medium. Requiring a patient to bring another individual to any future appointment is a breach of privacy and is inappropriate.*
8. A member must not advertise or permit advertising with respect to their practice only in compliance with the regulations or standards of practice.
- A member is responsible for all advertising that is directly or indirectly controlled by that member.*

## LEGISLATIVE CONTEXT

For additional information regarding billing procedures, please refer to Regulation R-008: Professional Misconduct (Business Practices section) and Guideline G-008: Business Practices.

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<sup>4</sup> It is strongly recommended that material to be distributed be pre-approved by the Advertising Committee.

<sup>5</sup> Voluntary appointments are permitted – i.e., potential patients ask for the member’s business card or request an appointment.

