

ADVERTISING



Standard of Practice S-016

Advertising Committee

Approved by Council: September 7, 1996

Amended and Approved by Council: September 21, 2002, June 22, 2007,
November 29, 2007, September 24, 2009, June 22, 2012, February 28, 2017,
April 30, 2019 (Came into Effect June 19, 2019)

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

INTENT

1. To uphold the public interest by ensuring that members' advertising is clear, appropriate and maintains a professional image in communicating the delivery of safe, ethical chiropractic care.
2. To ensure that advertising standards of practice and guidelines are consistently applied and enforced.
3. To ensure, as much as possible, that the public has the information to make rational choices for their care.
4. To assist the public in obtaining the services of members of their choice.

ADVERTISING DEFINITION FOR THE PURPOSE OF STANDARD S-016

Advertising is any message communicated through a public medium, promoting chiropractic services and/or products, including electronic media such as websites and social media, and materials and posters in a member's office, that can be seen or heard by the public, or any subset of the public.

This standard applies equally to members acting individually, as a group, such as a multi-disciplinary office, or as a professional health corporation. A member is responsible for any advertising that is produced on their behalf by an employee or third-party and must ensure that any such advertising is compliant with CCO standards of practice and guidelines.

DESCRIPTION OF STANDARD

1. An advertisement must:
 - (a) be accurate, factual and contain information that is verifiable;
 - (b) be readily comprehensible by the persons to whom it is directed.

Standard of Practice S-016: Advertising

- (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, on a member's professional website and social media page.

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 and therapeutic procedures must comply with the standard of practice (S-001: Chiropractic Scope of Practice);
- (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;
- (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;
- (d) allow an individual or organization to endorse a member, provided:
 - (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; and
 - (iii) the member has disclosed any financial or other benefit given or received for the endorsement, if such a benefit has been exchanged.
- (e) include testimonials¹, 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, or testimonials that refer to a particular member or office only in a member's website, provided the testimonials:
 - (i) are accurate, verifiable, and recorded in the patient health record;
 - (ii) are used only in accordance with the written consent of the patient;
 - (iii) are not obtained using any undue pressure, duress, coercion or incentives;

¹ *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."

Standard of Practice S-016: Advertising

- (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,
 - (v) do not include any information, testimonial or narrative about the member providing care to their family members, and
 - (vi) are 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.
3. Any advertisement with respect to a member's practice must not contain:
- (a) anything false or misleading²;
 - (b) an express or implied guaranteed success of care;
 - (c) any comparison to another member's or other health care provider's practice, qualifications or expertise;
 - (d) any expressed or implied endorsement or recommendation for the exclusive use of a product or brand of equipment used to provide services;
 - (e) material that, having regard to all the circumstances, would reasonably be regarded 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;
 - (b) there are no hidden fees/costs;
 - (c) there is no obligation for any follow-up appointment, treatment or services;
 - (d) the member does not bill a third-party payor for the complimentary portion of the diagnostic or treatment service;
 - (e) the advertisement expressly states the timeframe to be honoured for any complimentary or discounted diagnostic or treatment service;

² *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.

Standard of Practice S-016: Advertising

- (f) the advertisement does not limit the offer to a certain number of participants;
 - (g) no obligation is placed on the patient for follow-up appointments as a result of the complimentary or discounted diagnostic or treatment service;
 - (h) the advertisement is presented in a professional manner that maintains the dignity of the profession.
5. A member advertising the exchange of products/services for proceeds/donations to a charity may do so as follows:
- (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");
 - (b) the charity is disclosed in the advertisement;
 - (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;
 - (d) the member may not bill any third-party payor for the diagnostic or treatment services provided in exchange for the charitable proceeds/donation;
 - (e) the member providing diagnostic or treatment services in exchange for the charitable proceeds/donation must comply with all CCO standards of practice.
6. Public presentations or displays³ are permissible provided:
- (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;
 - (c) material distributed complies with the advertising standard⁴;
 - (d) no coercion or pressure tactics are used⁵.
7. A communication by a member to a patient or prospective patient for the purposes of soliciting business must be appropriate to the standards of the profession, must be respectful of patient choice, and must not involve undue pressure, including pressuring a patient to

³ "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.

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

⁵ Voluntary appointments are permitted – i.e., if potential patients ask for the member's business card or request an appointment.

Standard of Practice S-016: Advertising

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.

8. A member must not advertise or permit advertising with respect to their practice in contravention of the regulations or standards of practice.

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.

