

Check your advertising:

Examples of osteopathy advertising claims that are not compliant



December 2017

This document outlines examples of advertising claims that don't meet the legal requirements and how to make them compliant. The Australian Health Practitioner Regulation Agency (AHPRA) and the Osteopathy Board of Australia are sharing these examples to help you check your own advertising to ensure you comply with your obligations under the National Law¹.

Why the advertising is non-compliant and how the specific examples could be corrected is based on our assessment of advertising complaints we have received for the osteopathy profession. To do this we apply the National Law and any further guidance that National Boards and AHPRA publish, including the *Advertising guidelines* and resources on our websites.

The examples below are specific to osteopaths and are some of the most common mistakes we see. We have also published common examples on our website, which highlight advertising from various regulated health professions but are still important to help you make your advertising compliant.

Important information

Check if your advertising complies with legal requirements

There are many ways advertising can be false, misleading or deceptive.

Always be clear about the level of evidence to support a claim. You should not make claims about the effectiveness of the treatment or services you provide if those claims cannot be substantiated with acceptable evidence. If a complaint is made about your advertising, you will have the opportunity to provide any acceptable evidence in support of your advertising claims.

We have published a *Summary of advertising obligations* on our website to help explain the legal requirements for advertising a regulated health service.

You should also refer to the full *Guidelines for advertising regulated health services*.

If your advertising is about non-musculoskeletal conditions, be particularly careful!

There is no general agreement among osteopaths and other regulated health professions that osteopathy can effectively treat a range of non-musculoskeletal conditions.

While there is no extensive research evidence about the effectiveness of osteopathy treatment generally, the limited research evidence across manual therapies more broadly does not support osteopaths making claims they can effectively treat non-musculoskeletal conditions.

Claims by osteopaths about treating non-musculoskeletal conditions can be misleading and this is an area that has attracted many complaints. If advertising refers to a specific non-musculoskeletal condition, it should be clear that the practitioner is treating the aspects of the condition relevant to their practice of osteopathy (i.e. for osteopaths, there should be a specific reference to what musculoskeletal aspect of the condition is being treated). The role of the treatment should not be overstated and should be supported by acceptable evidence.

¹ The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

Examples of non-compliant advertising and how to correct it

These examples highlight non-compliant advertising by osteopaths and/or osteopathy related websites, social media sites such as Facebook, print advertisements and/or advertising by osteopaths or osteopathy clinics on third party websites.

Key

● **Text in green** means this content is okay and is unlikely to mislead consumers.

● **Text in orange** means it can depend. If you have provided the appropriate context and clarification in your advertising, it is unlikely to be misleading to consumers.

● **Text in red** means this advertising is in breach of the legal requirements, and you should remove it from your advertising.

Advertising content

Osteopathy treatment can help with:

- **Back pain**
- **Neck pain**
- **Asthma**
- **Behaviour disorders**
- **Learning disorders**

Why it is non-compliant

This advertising is considered misleading and deceptive.

Parts of this advertising are unqualified and/or are not supported by acceptable evidence and therefore may mislead consumers.

Changes that would help this advertising to comply

Osteopathy may be able to help manage symptoms often associated with asthma (e.g. muscular tension) rather than treating the condition itself. If this is made clear in your advertising that this is the case then you will be unlikely to mislead consumers.

Behaviour and learning disorders are non-musculoskeletal conditions and have no clear musculoskeletal symptoms. They do not justify a reference to these conditions in advertising by an osteopath.

This statement could be corrected to read:

Osteopathic treatment can help with:

- **Back pain**
- **Neck pain**
- **Managing symptoms such as muscular tension often associated with asthma**

Pay particular attention to:

- the use of a list of health conditions in advertising as this is often misleading, and
- claims by osteopaths about treating non-musculoskeletal conditions can be misleading and this is an area that has attracted many complaints. If advertising refers to a specific non-musculoskeletal condition, it should be clear that the practitioner is treating the aspects of the condition relevant to their practice of osteopathy (i.e. for osteopaths, there should be a specific reference to what musculoskeletal aspect of the condition is being treated. The role of the treatment should not be overstated and should be supported by acceptable evidence.

Are you pregnant?

Osteopathy treatment can help with:

- **back pain**
- **other pregnancy related musculoskeletal pains**
- **morning sickness**
- **managing pain during labour, and**
- **shorter labour times.**

This advertising is considered misleading and deceptive.

Parts of this advertising are not supported by acceptable evidence and therefore may mislead consumers.

In this advertising there are no clear links between osteopathy treatment and the causes of the non-musculoskeletal conditions listed.

There is no clear evidence provided that osteopathy could effectively treat the conditions listed in **red**, therefore it's not appropriate to make claims about them in advertising.

This statement could be corrected to read:

Are you pregnant? Osteopathy treatment can help pregnant women with:

- **Back pain**
- **Other pregnancy related musculoskeletal pains**

Pay particular attention to:

- the use of a list of health conditions in advertising as this is often misleading, and
- claims by osteopaths about treating non-musculoskeletal conditions can be misleading and this is an area that has attracted many complaints. If advertising refers to a specific non-musculoskeletal condition, it should be clear that the practitioner is treating the aspects of the condition relevant to their practice of osteopathy (i.e. for osteopaths, there should be a specific reference to what musculoskeletal aspect of the condition is being treated. The role of the treatment should not be overstated and should be supported by acceptable evidence.

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Advertising content

Our practice includes Dr Joe Smith (osteopath), **who specialises in paediatric osteopathy.**

Why it is non-compliant

This advertising is considered misleading and deceptive as it includes claims about specialising.

If there are no recognised specialist categories for your profession, you cannot use the term 'specialist' when referring to your practice or registration in your advertising or any other materials.

Changes that would help this advertising to comply

Osteopaths cannot use the term 'specialist' when referring to their practice or registration in their advertising or any other materials. There are no recognised specialist categories in the osteopathy profession. Even if you have the appropriate training and experience, you cannot give the impression or advertise that you specialise or are a specialist in paediatrics and/or treating neonates, infants and young children.

This advertising would need to be corrected by removing the reference to specialising in paediatrics.

Instead, Dr Smith could say:

I have a particular interest in musculoskeletal issues in children.

Pay particular attention to:

- the use of the word 'specialist' is restricted under the National Law
- the fact that specialist registration applies to only a small number of health professions, and
- osteopaths can only apply for general registration.

Jane, 35, is one of many satisfied patients who says: **'As a patient who has received this treatment, I confirm that it really does work and my back pain disappeared after three sessions.'**

Peter, 46, says: 'The practice is really lovely and I have been going there for years. Parking is great and there are lots of magazines in the waiting area.'

This advertising is clearly a testimonial.

Testimonials or purported testimonials about clinical care are prohibited under the National Law when advertising regulated health services.

The testimonial in **red** is about clinical services and is prohibited in advertising, so it will need to be removed. The statement in **green** can be used because it doesn't refer to clinical services.

Pay particular attention to:

- testimonials (real or fake) which can be misleading for consumers, particularly about clinical services. If you're unsure about whether or not the feedback relates to clinical services, it's best to seek legal advice or leave it out.

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Advertising content

Did you know that checking of newborns, toddler and children's spines by an osteopath for any musculoskeletal issues are essential to help deal with trauma in gestation/birth/childhood and prevent illness later in life? Book a visit for your child now.

Why it is non-compliant

This advertising is considered misleading and deceptive and encourages the unnecessary use of health services.

This statement claims that a check-up with an osteopath can prevent illness later in life. This claim is not supported by acceptable evidence and therefore may mislead consumers.

This statement also encourages patients to seek treatment when it is not clinically indicated (i.e. in the absence of any particular symptoms).

Changes that would help this advertising to comply

This claim goes further than just recommending a check-up, and links a check-up with an osteopath to a therapeutic benefit for the consumer for which there is no acceptable evidence. In this case indicating the actual prevention of disease.

This statement is not acceptable in advertising, so it will need to be removed.

Pay particular attention to:

- how language is used in your advertising as consumers could be misled, and
- words such as 'essential' or 'ensure' can be read differently (and sometimes literally) by consumers.

Check out the *Words to be wary about* on the AHPRA website.

Disclaimer: The information used in these examples is for guidance only. If, after reviewing the examples listed, you are still unsure if your advertising complies with the National Law we recommend you seek advice from your professional association, insurer and/or independent legal adviser.

Take steps now to check and correct your advertising so you comply.

Helpful resources are on our website at www.ahpra.gov.au/advertising.