



Aboriginal and Torres Strait
Islander health practice
Chinese medicine
Chiropractic
Dental
Medical
Medical radiation practice
Nursing and Midwifery
Occupational therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency



Check and correct your advertising

Self-assessment tool

February 2018

A self-assessment tool to help you comply with the National Law when advertising regulated health services

The Australian public is entitled to accurate and honest information about healthcare services. Any person or business that advertises a regulated health service¹ has an obligation to make sure their advertising complies with the National Law².

This self-assessment tool is just one of the [advertising resources](#) that have been developed to help health practitioners and other advertisers meet their professional and legal obligations. It uses questions to help you assess your advertising and should be read together with the resources listed below.

To help this tool work for you, make sure you read it with other resources available at www.ahpra.gov.au/advertising. The online version of this tool includes easy to follow web-links to further information.

The three steps to compliance – read, identify, review and change

1. Read our resources

All advertising resources, including National Board position statements, are published on the Australian Health Practitioner Regulation Agency (AHPRA) website, see the *Advertising resources* section at www.ahpra.gov.au/advertising.

These resources have been developed to help advertisers of regulated health services **check and correct** their advertising.

They include:

- [Guidelines for advertising regulated health services](#)
- a summary of your [advertising obligations](#)
- [frequently asked questions about advertising](#)
- tips and [words to be wary about](#), and
- examples of [compliant and non-compliant advertising](#).

2. Identify the advertising you are responsible for

Advertising includes, but is not limited to, any public promotion of a regulated health service to attract patients or consumers and/or to encourage the use of your health service.

It includes online advertising (including social media channels) and all print advertising (including flyers and business cards) **that is within your control**.

If you (directly or as the principal health practitioner of a clinic) publish content copied from another website, or request a marketing agency or third party to draft it for you, you are responsible.

3. Review and change

While claims you make in advertising might be clear to you, they can be misunderstood by patients and consumers. Review your draft or published advertising using the tool below and make any necessary changes to ensure your advertising is not false, misleading or deceptive.

Remember, it's the consumer's perception and understanding of your published advertising that counts. Accurate information helps consumers make informed decisions about their healthcare.

¹ Means a service provided by, or usually provided by, a health practitioner (as defined in the National Law).

² The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

Is your advertising in breach of the National Law? Answer these questions to find out.

1. Advertising that makes treatment or health claims about what you can do (i.e. health conditions you can 'treat' or 'help with'), as well as general claims about the benefits of your treatment

→ Does your advertising include treatment claims that are not, or may not be, supported by acceptable evidence?

- Yes
 No 😊
 Unsure

What to do to comply

Remove unsubstantiated claims from your advertising. If you know a claim is not supported by acceptable evidence, then it's likely to be misleading for patients and consumers and is not appropriate to include in advertising.

If you're unsure, remove the claim from your advertising until you can be confident it is substantiated by acceptable evidence. This may mean reviewing the evidence base for the particular claim, consulting with colleagues and/or seeking independent advice.

Only advertise treatments supported by acceptable evidence. Find out what we mean by acceptable evidence, see www.ahpra.gov.au/acceptableevidence.

→ Does your advertising list health conditions you or your practice can 'help with' or 'treat'?

- Yes
 No 😊
 Unsure

What to do to comply

Make sure your advertising makes it clear how your treatment helps each condition listed.

When the claim relates to an associated aspect of a condition it is important that the link between the condition and the associated aspect is substantiated. This includes that it is supported by acceptable evidence and that it is generally accepted that there is a link between the two.

→ Does your advertising include the word 'cure', 'safe' and/or 'effective'?

- Yes
 No 😊
 Unsure

What to do to comply

Consider the use of these words very carefully as they are often used inappropriately and have a high potential to mislead or deceive when used in advertising.

Review our guidance on words to be wary about in advertising, which provides some suggestions.

2. Advertising that offers surgical or invasive procedures or treatments provided by you or your practice

→ Does your advertising include information about surgical or invasive procedures that are offered at your practice?

- Yes
 No 😊
 Unsure

What to do to comply

Ensure that you do not hide or trivialise risks associated with surgical or invasive procedures. This can be achieved through warnings that disclose the health risks associated with treatments such as:

'Any surgical or invasive procedure carries risks'

and/or

'Before proceeding, you should seek a second opinion from an appropriately qualified health practitioner'

3. Advertising that includes information about pricing

→ Does your advertising use phrases like 'as low as' or 'lowest prices', or similar words or phrases when advertising fees for services, prices for products and/or price information?

- Yes
 No 😊
 Unsure

What to do to comply

Consider the use of these words very carefully as they can be used inappropriately and have a potential to mislead or deceive when used in advertising.

Ensure that if your advertising includes any pricing information, that the total price is outlined, not just initial or part consultations.

4. Advertising that makes claims about specialising in, being a specialist and/or having an endorsement

→ Does your advertising use the words 'specialist' or 'specialises in' or other words, letters or titles that may indicate that you hold specialist registration or are more qualified than another holder of the same registration type?

- Yes
 No 😊
 Unsure

What to do to comply

Review these to make sure you only make claims where you hold specialist registration or an endorsement in that area.

If you are registered in a profession that has specialist registration, but you yourself don't hold specialist registration, remove references that may mislead or deceive a patient and/or consumer into thinking that you are more qualified or more competent than another holder of the same registration type as your own.

If there are no recognised specialist fields for your profession, you cannot use the term 'specialist' (or derivatives of, such as 'specialising in') when referring to your practice or registration in your advertising or any other materials.

Be careful about using a title in advertising that might mislead a patient into believing you hold a specialty where one does not exist.

While 'doctor' is not a protected title, make sure that if you use the title, you also state your profession (if you are not a medical practitioner). For example, Dr Isobel Jones (dentist) or Dr Walter Lin (chiropractor).

5. Advertising that includes references to offers or discounts (or similar inducements)

→ Does your advertising include references to offers and/or discounts without stating the terms and conditions?

- Yes
 No 😊
 Unsure

What to do to comply

Amend these offers to include terms and conditions of the offer or discount.

Any advertisement that offers gifts, prizes or free items must state the terms and conditions of the offer. The use of unclear, unreadable or misleading terms and conditions attached to gifts, discounts and other inducements would not meet this requirement.

For example, the terms and conditions for a discount may be: 'Terms and conditions: This offer is only available to new clients. Limit of one per client'.

→ Does your advertising include discounts or offers that are only available for a limited time?

- Yes
 No 😊
 Unsure

What to do to comply

Ensure that the expiry date of a discount or offer is not imminent so that it does not influence a consumer to make decisions under the pressure of time and money. Offers that highlight or promote that they are time limited may directly or indirectly encourage the indiscriminate use of regulated health services.

6. Advertising that uses testimonials or purported testimonials

→ Does your advertising or any online sites you control such as your Facebook page contain testimonials?

- Yes
 No 😊
 Unsure

What to do to comply

Delete any reviews, recommendations, patient stories, or patient reviews that contain information **about clinical care**, that is: about the symptom, treatment or outcome. This includes comments about the clinical competency of a practitioner.

You can also turn off the *Reviews* function in the *Settings* menu of your clinic or practice's Facebook page.

A testimonial is a positive statement or comment provided (or purportedly provided) by a consumer about the clinical aspect of a regulated health service. You are responsible for removing testimonials on sites that you control.

→ Has someone posted a review or recommendation about your service on an online review site you have no control over?

- Yes
 No 😊
 Unsure

What to do to comply

There are a number of online sites that allow members of the community to provide comment on their experience. If the site is managed by another party and you have no control over the posts, then you are not responsible for the testimonial.

7. Advertising that encourages consumers to use a regulated health service

→ Does your advertising encourage a consumer to attend at specific timeframes or for 'regular check-ups'?

- Yes
 No 😊
 Unsure

What to do to comply

Ensure that this advice is supported by acceptable evidence³.

Advertising that encourages consumers to use a regulated health service when there is no clinical justification to do so is likely to encourage the unnecessary use of health services. To do so is a breach of the National Law.

Public health-endorsed checks-ups and screenings are excluded from this requirement (such as routine dental check-ups, bowel cancer screenings or mole checks).

→ Does your advertising encourage a consumer to attend your health service when there is no health need?

- Yes
 No 😊
 Unsure

What to do to comply

Ensure that this advice is supported by acceptable evidence⁴ and does not encourage consumers to use a regulated health service when there is no clinical justification to do so as this is likely to encourage the unnecessary use of health services.

→ Does your advertising use phrases or wording that suggests urgency to attend or include promotional techniques to encourage consumers to use health services regardless of clinical need?

- Yes
 No 😊
 Unsure

What to do to comply

Amend phrases such as 'don't delay' and other words that may influence a consumer to make a decision under pressure of time or money. Offers that highlight or promote that they are time limited may directly or indirectly encourage the indiscriminate use of regulated health services.

For more information see the [Advertising resources](#) section of the AHPRA website or [contact us](#).

³ See www.ahpra.gov.au/acceptableevidence.

⁴ See www.ahpra.gov.au/acceptableevidence.