



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

June 2019

Testimonials in health advertising

A tool to help you get it right

Why are testimonials in advertising prohibited?

Under section 133(1)(c) of the National Law¹, a person must not advertise a regulated health service in a way that uses a testimonial or purported testimonial. This means the National Law does not allow the use of testimonials to advertise regulated health services or a business that provides a regulated health service.

'Testimonial' means a statement, review, view or feedback about a service received or provided. In the context of the National Law, a testimonial involves recommendations or positive statements about clinical aspects of a regulated health service.

The National Law defines a regulated health service as a service provided by, or usually provided by, a registered health practitioner. If a review is not about a regulated health service then it is not covered by the National Law.

Advertising is the public promotion of a regulated health service to attract users to the health provider or encourage the use of the health provider's service.

The National Law only bans testimonials used in advertising a regulated health service.

Testimonials are prohibited in advertising by registered health practitioners because:

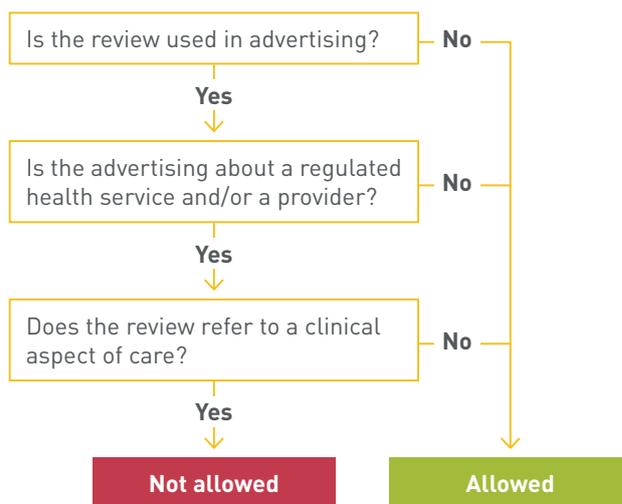
- they are often personal opinions and have no scientific or objective basis as a recommendation of a health practitioner's services
- the outcomes experienced by one patient do not necessarily reflect outcomes available to all consumers or the likely outcomes
- they are not usually a balanced source of information, as they typically include a narrow selection of positive comments about patient experiences and therefore don't tell the whole story about a practitioner's services (i.e. they can be misleading), and
- patients may place too much weight on testimonials because they do not have the expert knowledge to accurately assess the validity of the claims.

How to decide if a testimonial about you or your regulated health service is allowed under the National Law

The National Law does not stop consumers providing feedback or reviews in social or other media. Consumers are free to share their views and experiences online and elsewhere, for example, by posting a review.

For example, a review on a third party website or platform that the advertiser does not control is not considered advertising. An advertiser is not responsible for removing (or trying to have removed) testimonials published on a website or in social media over which they do not have control². However, a breach of the National Law may occur if a health service provider uses the review to advertise, by responding to the review or by re-publishing it on their website.

The person who is in control of the advertising of a regulated health service is responsible for ensuring that it meets the requirements of the National Law, including the prohibition on testimonials. Depending on the structure of a practice, the principal practitioner, practice owner, or director (in the case of a group practice) may be the person responsible for the practice's advertising.

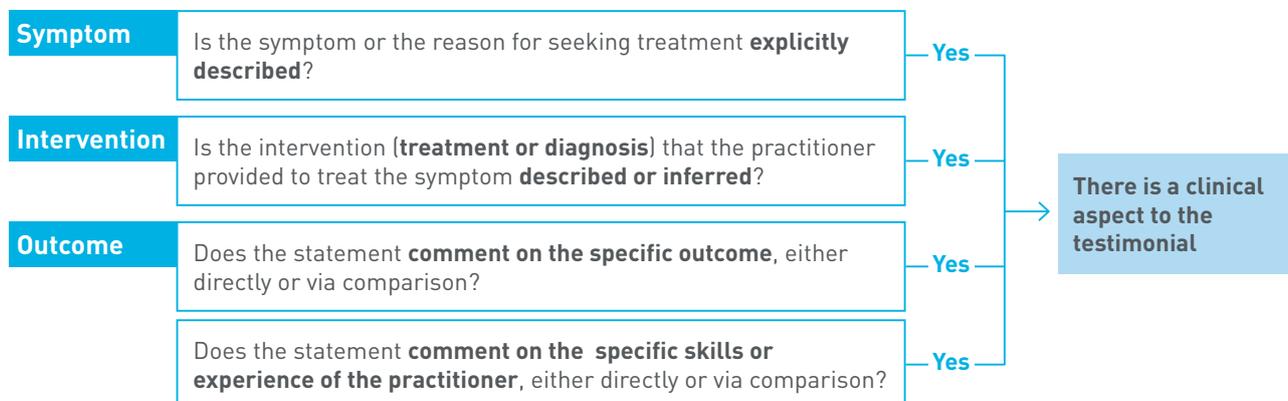


¹ The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

² For the purposes of this tool, if the Australian Health Practitioner Regulation Agency (AHPRA) receives a complaint about your advertising, you are deemed to have control of the advertising if you directly publish content (regardless of who authored the content), request a third party, such as a staff member or marketing agency, to draft and/or publish content or if there is a mechanism for you to modify or remove content published by an unrelated publisher.

How to decide if a testimonial about you or your regulated health service includes a clinical aspect

Advertising about a regulated health service is in breach of the National Law if it includes a testimonial (review, experience, comment and/or statement) that mentions a clinical aspect.



Selectively editing reviews or testimonials may break the law

Selectively editing reviews or testimonials has the potential to be false, misleading or deceptive and to breach the advertising requirements in the National Law. For example, it is inherently misleading to:

- edit a review that is negative to make it positive, as this falsely presents the feedback
- edit a review that has a mix of negative and positive comments so that the published review only has positive comments, as this falsely implies that the reviewer only had positive feedback, or
- edit a review so that it no longer accurately reflects all the reviewer's feedback and presents an inaccurate or false impression of the reviewer's views.

AHPRA and the National Boards do not advise advertisers to edit reviews or testimonials to meet the National Law advertising requirements due to the high risk that the edited reviews will be misleading or deceptive. Reviews and testimonials must not be edited in a way that makes them misleading or deceptive.

Therefore, only publishing complete and unedited reviews that are not testimonials will help to avoid breaching the National Law requirements. Any moderation guideline used by an advertiser of a regulated health service must comply with the National Law and the Australian Consumer Law.

Reviews (i.e. feedback about healthcare experiences that does not refer to clinical aspects of care) in advertising are allowed. But if edited, either by removing part of the review or by selectively including/excluding whole reviews, then publishing reviews has the potential to become misleading advertising (even if it's not a breach of the ban on using testimonials to advertise a regulated health service).

For more information and other resources to help you check and correct your advertising so it complies with the National Law, see the [Advertising resources](#) section of the AHPRA [website](#).