To Whom It May Concern,

It is understood that the Guidelines provide an explanation of the provisions of the National Law rather than imposing new requirements and seek to improve the clarity and usefulness of the explanatory information rather than adding requirements, however it would be appropriate that at this time of revision, that the existing guidelines also be reassessed on the basis of current relevance and the practicalities of abiding by them.

Following consultation with all the stakeholders within Dental Corporation, please see below comments and suggestions.

* 7.1 (pg. 12) *“For any surgical and/or invasive procedures, the appropriate warning statement in a clearly visible position”.* The requirement that this statement be in the same font and size as the majority of the text within the body of the advertisement is a significant burden since there are often space restrictions associated with the advert. Ads that mention ‘surgical and/or invasive’ procedures tend to be communication of the fact that the procedure is offered. Appropriate discussions around risks of the procedure occur at consultation and make up informed consent and as such are inappropriate within the advertisement.
* A6B *‘Any surgical or invasive procedure carries risks. Before proceeding, you should seek a second opinion from an appropriately qualified health practitioner’.* This statement is best suited as a requirement of “good practice” at the consultation appointment rather than in advertising. Asking that someone seek a second opinion implies that the advertisement qualifies as an initial/first opinion.
* 7.2.3 Testimonials (pg. 14) states that testimonials in advertising include (iii) the use of patient stories. If the patient story is purely factual and without praise or opinion, it should be exempt and allowed for use in advertising.
* 7.2.3 If a testimonial is on a patients wall and linked back to the practice website, “reasonable steps to have the testimonial removed” is simply to remove the ‘link back’ to the practice page. Practitioners cannot be expected to contact patients who choose to write testimonials on their own sites and ask them to remove them.
* 7.2.4 Unreasonable expectation of beneficial treatment states that advertising may contravene the national law when it “omits the necessary warning statement for a surgical or invasive procedure”. As per first comment above.

Furthermore, there are treatments that are considered generally non-invasive/’benign’ that may in fact carry significant risks when performed on particular patients. Consequently, warning patients of the risks of any procedure should be individualised rather than any feeble attempt be made within an advertisement to highlight these risks. A more appropriate clarifying statement would be “Discuss this procedure with your dentist to ascertain whether this procedure is suitable for you”.

* 8.2.1 Use of titles in advertising- given the word count restraints on many of the advertisements within the media, and when the advertisement is obviously for a dental surgery or dental procedures, the use of ‘dentist’ following the practitioner’s name seems unnecessary.

Further clarification on the definition of testimonials would be beneficial. For example, is an endorsement that a practitioner receives on a LinkedIn profile for an aspect of clinical dentistry considered a testimonial?

Most of the concerns regulatory bodies seem to have around advertising would be better dealt with by enforcing principles of best practice and informed consent rather than at the advertising stage of the patient experience.

Your due consideration of the above is very much appreciated.

Regards,

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