



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

National Law: Summary of advertising obligations

The Australian public is entitled to receive good quality information about their healthcare services. Health practitioners, as trusted professionals, have regulatory obligations when advertising a regulated health service. These requirements are summarised below and do not replace the Guidelines for advertising regulated health services which should be read in full.

1. Advertising must not be false, misleading or deceptive, or likely to be misleading or deceptive.

There are many ways advertisements can be false, misleading or deceptive. Common misleading advertising includes:

- advertising that makes therapeutic claims that are not supported by acceptable evidence
- advertising that lists health conditions a practitioner can ‘assist with’ or ‘treat’ but does not clearly specify what aspect of the health condition or associated symptoms the treatment will focus on or help (unqualified claims)
- statements about the effectiveness of the treatment that are not supported by acceptable evidence and offer the treatment as an alternative to other treatment options (comparative statements), and/or
- the misleading use of titles, in particular when specialist titles are used or words that imply a practitioner is a registered specialist when they are not.

2. Any claims made in advertising must be able to be substantiated.

A practitioner must have acceptable evidence to support any claim made that their treatments benefit patients. What can be said in advertising is different to what might be said to a patient in practice. In practice a practitioner is able to give context so there is less risk of being misleading.

3. When advertising offers a gift, discount or other inducement, it must be accompanied by the terms and conditions of the offer.

4. Advertising must not include testimonials about a service or business.

Testimonials are prohibited because they are personal opinions from former patients or clients recommending a health service or business. Testimonials often have no scientific or objective basis which can mislead consumers about clinical services or treatment options. They also may not be a balanced source of information. Advertisers are responsible for all testimonials (solicited or unsolicited) that are published within their control, such as those on their website.

5. Advertising must not create an unreasonable expectation of beneficial treatment.

Advertising must not state or imply a treatment can help consumers in a way that may not be realistic or possible. Practitioners should be careful about using words such as ‘cure’, ‘safe’, ‘effective’ and ‘treats’. Where a surgical (or an invasive) procedure is advertised directly to the public, an advertisement should include a clearly visible warning.

6. Advertising must not directly or indirectly encourage the indiscriminate or unnecessary use of regulated health services.

Advertising must not encourage consumers to seek a treatment they do not need, such as saying (or implying) consumers need regular appointments just to stay healthy.

7. Advertising should not say a practitioner is a registered specialist if they are not or claim that they ‘specialise’ in treating a health condition.

If a practitioner does not hold specialist registration (or endorsement) they may not use the title ‘specialist’, or through advertising or other means, present themselves to the public as holding specialist registration (or endorsement) in a health profession.

Advertisers must meet their obligations which help to keep the public safe

Any person or business advertising a regulated health service¹ must comply with the National Law² and the guidelines, as well as other legislation.

The *Guidelines for advertising regulated health services* explain in more detail the legal obligations about advertising under the National Law. More information about other legislation is on AHPRA's website.

Advertising about regulated health services is the responsibility of the advertiser.

All advertisers, including registered health practitioners, are responsible for all advertising within their control. If a practitioner publishes content copied from another website, or requests a marketing agency or third party to draft it for them, they are still responsible. If a practitioner is the principal health practitioner of a clinic, they are considered responsible for the clinic's advertising including the associated website.

Advertising is a professional conduct issue, which means if a registered health practitioner is non-compliant in their advertising they may be subject to disciplinary action.

Breaking the advertising rules in the National Law is an offence that can be prosecuted and is also a professional conduct issue for which National Boards can take disciplinary action. If a registered health practitioner is found to have non-compliant advertising, a National Board can impose conditions limiting what can be said in their advertising.

¹ A service provided by, or usually provided by, a health practitioner as defined by the National Law.

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

What is meant by advertising?

Advertising is actions by people or businesses to draw attention to their services. The ways people and businesses can promote services are almost limitless and include all forms of printed and electronic media.

These include:

- any public communication using television, radio, motion pictures, newspapers, billboards, books, lists, pictorial representations, designs, mobile communications or other displays
- professional websites, the internet or directories, and
- business cards, announcement cards, office signs, letterhead, telephone directory listings, professional lists, professional directory listings and similar professional notices.

The focus is on the promotional quality of advertising, it also includes situations in which registered health practitioners give information for media reports, magazine articles or advertorials, including where they make comment or provide information on particular products or services, or about other health practitioners.

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