

**PROPOSED ADVERTISING REGULATION
DRAFT - 2013**

1. For the purposes of this regulation,

“advertisement” means a representation to the public by any means for the purpose of promoting goods or services respecting the practice of the profession, including statements or representations made in a newspaper or other publication, on radio, television, the internet or other electronic media, or contained in any notice, handbill, sign, catalogue, letter, brochure or business card.

2. (1) An advertisement with respect to a member’s practice must not contain:

- a) anything that is false or misleading;
- b) anything that, because of its nature, cannot be verified;
- c) anything that may be reasonably regarded as a representation that the member’s practice may be superior to that of another member’s practice or another member;
- d) anything that may be reasonably regarded as promoting an image that will negatively impact on public confidence in the delivery of health care services;
- e) anything that may be reasonably regarded as promoting a demand for unnecessary health services;
- f) an endorsement of the member or member’s services by an organization or individual, unless the organization or individual proposing to endorse a member or a member’s services:
 - (i) has the expertise relevant to the subject matter of the endorsement;
and
 - (ii) has appropriately assessed the member as providing quality care;
- g) a testimonial by a patient or client or former patient or client or any of their friends or relatives;
- h) any express or implied recommendation or endorsement for the exclusive use of a drug, product or particular brand of equipment used to provide services; or
- i) anything that is distasteful, undignified, unethical or unprofessional.

(2) An advertisement with respect to a member's practice may not contain a reference to an area of practice that is a prescribed specialty, unless the member holds a

specialty certificate of registration issued by the College or designation in the specialty granted by the College and the advertisement states that the member is a specialist in the specialty;

- (3) Subsection (2) shall not prohibit an advertisement that contains a reference to the member's scope of practice, or statement that the member has additional training in a particular area of practice, or a statement that the member's practice is restricted to a particular area of practice.
 - (4) An advertisement must be readily comprehensible to the persons to whom it is directed.
3. A communication by a member to a patient or client or prospective patient or client for the purposes of soliciting business shall be appropriate to the context and shall be respectful of patient or client choice, and not involve undue pressure and not promote unnecessary products or services.