



## College of Homeopaths of Ontario

163 Queen Street East, 4<sup>th</sup> Floor, Toronto, Ontario, M5A 1S1

TEL 416-862-4780 OR 1-844-862-4780

FAX 416-874-4077

www.collegeofhomeopaths.on.ca

## STANDARDS AND GUIDELINES

**TITLE:** ADVERTISING  
**DOC #:** Standard 6  
**STATUS:** Approved by Council  
**CIRCULATION DATE:** March – June 2013  
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**APPROVAL DATE:** July 29, 2013

*Note to Readers: In the event of any inconsistency between this document and the legislation that affects homeopathic practice, the legislation governs.*

*College publications contain practice parameters and standards which should be considered by all Ontario homeopaths in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.*

### POLICY

The College of Homeopaths of Ontario (the College) supports registrants' use of appropriate advertising to communicate the type and availability of services to the public or other health professionals so that potential patients and referral sources can make informed choices based on their respective needs.

### INTENT

The intent of this standard is to provide guidance to registrants on the appropriate and acceptable methods of advertising their practice, and when educating members of the public. Specifically the intent of this standard is:

1. To ensure all advertisements serve the public interest and that advertisements are clear and readily comprehensible by the persons to whom they are directed.
2. To educate the public on what is available for their homeopathic health care.
3. To ensure, as much as possible, that the public has the information to make informed choices for their care.
4. To assist the public in obtaining the services of a homeopath of their choice.
5. To maintain a professional image by use of tasteful and appropriate public exposure for the profession.
6. To clearly delineate standards that maintain a balance between the freedom of expression under the Canadian Charter of Rights and Freedoms and the professional conduct by which Registrants are bound.

### PREAMBLE

A communication by a Registrant to a patient or prospective patient for the purposes of soliciting business shall be appropriate to the context and shall be respectful of patient choice, and not involve undue pressure and not promote unnecessary products or services. Additionally, the public reasonably expects that advertising by regulated health professionals is not false, misleading or deceptive.



## DESCRIPTION OF STANDARD

This standard applies to the following items, unless otherwise noted by exception in the body of this document:

- a. Opening notices
- b. Letterheads and Business Cards
- c. Referral Slips
- d. Any other form of written advertising (e.g. brochures, handouts, newsletters, etc.)
- e. Newspapers
- f. Magazines
- g. Journals
- h. Computer-based advertising
- i. Any voice or visual media
- j. Websites

Promotional materials for use within the office **only** are not considered advertising, and as such are not subject to these guidelines.

### A Registrant demonstrates the standard by ensuring that:

1. Registrants' advertisements are accurate, ethical, relevant, comprehensible to the intended audience, professionally appropriate within the Ontario health care system, in good taste, and in compliance with the standards of practice of the profession. Registrants take reasonable steps to ensure that advertisements placed by others (e.g. employers, facility operators, etc.) about their services meet these standards.
2. Professional advertising must provide the public with accurate, factual information that is independent of personal feelings, beliefs opinions or interpretations. Statements must be verifiable. Subjective opinions may cause confusion and lack of trust.
3. Any reference to the cure of symptoms or diseases, or appealing to the public's fears does not meet the standard.
4. Any references to professional qualifications used in advertisements are consistent with the College's Practice Guideline on Titles and Credentials.
5. The Registrant may only refer to being registered with the College of Homeopaths of Ontario, so as not to confuse the public and cause comparisons to other registrants. Disclosure of related professional associations, societies or bodies, including but not limited to the College, may only be communicated on a curriculum vitae, business stationery/letterhead, website<sup>1</sup> and recognized public displays. In the case of dual registration affiliation, references are consistent with the College's Standard of Practice on Dual Registration.

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<sup>1</sup> While a website is considered advertising, it is appropriate to disclose related professional associations for the benefit of public information and education.



6. The professional services offered by a registrant advertising in his or her capacity as a homeopath are within the scope of practice of homeopathy.
7. References to fees or prices used in advertisements may:
  - a. display or distribute a fee schedule and/or an explanation of the way fees are calculated;
  - b. provide information about fees or charges in response to a request for this information;
  - c. provide information on the funding models or insurance plans accepted;
  - d. indicate the forms of payment accepted;
  - e. contain accurate, complete and clear disclosure of what is and is not included in the fee;
  - f. expressly state the timeframe to be honoured for any complimentary or discounted service; and
  - g. provide the public equal opportunity to obtain complimentary or discounted services without limiting the offer to a specific number or type of participants;
8. A communication by a Registrant to a patient or prospective patient for the purposes of soliciting business shall be appropriate to the context and shall be respectful of patient choice, and not involve undue pressure and not promote unnecessary products or services.
9. Registrant should not target advertising to an individual or use communication techniques that can pressure potentially vulnerable persons. He or she may not directly or indirectly solicit communication with a member of the public to invite them to use his/her services in person, by telephone, in writing, through electronic communication or by similar means of communication without prior consent. This includes using a computerized, random-dialing message service that is not considered to be a public medium. This does not prevent the registrant from:
  - a. advertising to the general public;
  - b. calling/emailing a patient to remind him or her of an upcoming appointment/service;
  - c. periodically contacting current or former patients or patients for goodwill purposes, or
  - d. providing information to prospective referral sources.
10. His or her participation in the promotion or advertising of health care products or services is consistent with the College's Interpretative Guide on Professional Conflict of Interest.
11. Advertisements MAY contain, but are not limited to the following:
  - a. Registrant's name: The registrant's common name as it appears on the College Register.
  - b. Clinic/Centre Name: The use of a Clinic or Centre name is permitted, providing it adheres to the general advertisement guidelines, as outlined in this Standard.
  - c. General practice information: Hours of operation, address and telephone number, fax numbers, after hours or emergency phone numbers, email address, website address.
  - d. Office location: Directions, description of geographic location, accessibility for the disabled, availability of parking.
  - e. Title and qualifications: Title, affixes, or designations are permitted, providing they adhere to the Practice Guideline on Title and Credentials.
  - f. Facilities: List and description of staff, along with their educational qualifications.



- g. Information on the types of services available including home visits and references to services, techniques, and other procedures within the public domain.
- h. Languages spoken.
- i. Payment methods including credit cards.
- j. General information describing the nature of homeopathic treatment.
- k. Visual Enhancements: May include photographs of a professional office, office building and adjacent property, personal photographs, videotapes, audio tapes, recognizable symbols and logos, and other graphic media, is permitted, providing it adheres to the general advertisement guidelines, as outlined in this Standard.

12. Advertisements may NOT contain the following:

- a. Anything that is false or misleading, or any statements or information made by either omitting relevant information or including non-relevant information.
- b. Anything that could be interpreted as intending to promote a demand for unnecessary services.
- c. A promise of a result that cannot always be delivered or a guarantee of the success of the service provided.
- d. Claims about treatments that cannot be verified including statements of cure.
- e. Information that could be interpreted to be an endorsement of a homeopath or his or her practice from an individual or an organization.
- f. An expressed or implied endorsement or recommendation for the exclusive use of a product, brand or service used or sold in the practice. See College's Interpretative Guide on Professional Conflict of Interest.
- g. Public or written endorsement of a product or a line of products, or permitting her/his name to be associated with the advertisement of any product or services other than the Registrant's services).
- h. Anything that is undignified and in poor taste.
- i. Anything that will promote an image that will negatively impact on public confidence in the delivery of health care services.
- j. Any sexual innuendo or language of a sexual nature.
- k. Any before and after pictures or other visual information about a treatment.
- l. Any statements that discriminate on the basis of a protected status under human rights legislation.
- m. Any statement that may be considered slanderous in accordance with the Criminal Code.
- n. Any comparison to another Registrant's practice, qualifications or expertise.
- o. A comparative or superlative statement about service quality, products or people.
- p. A comparison, superlative, or suggestion of uniqueness, appealing to a person's fears or creating an unreasonable expectation of a favourable result.
- q. Any remarks that can be considered slanderous about another professional.
- r. Any references to free initial consultations, diagnostic or treatment services<sup>2</sup>.
- s. Any wording that would imply that staff members of the facility are registrants of the College or any regulatory College when they are not.

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<sup>2</sup> Pre-consultations may be conducted for free. Discounts are permitted on initial consultations and follow-up visits, provided that options for discounted rates are clearly posted with the fee schedule and available to all individuals. See the College's Standard of Practice on Fees and Billing.



- t. A misleading or inappropriate testimonial by any patient, former patient or other person in respect of the Registrant's practice.

### **In Office Materials**

#### **Testimonials**

Testimonials are **not permitted in advertising** or on websites.

Testimonials that refer to the benefits of homeopathy and not to a particular registrant/clinic are permissible provided they are not false or misleading. Registrants are reminded that any reference to a patient by name, in office promotional materials, is a breach of patient confidentiality unless the patient has consented to the release of this information. Registrants must comply with the current privacy legislation and obtain the patient's consent prior to using his/her testimonial.

Testimonials may be kept in the office waiting rooms for patient viewing. Inappropriate titles or slanderous comments regarding other individuals or professions must be blocked out with black marker or other appropriate blocking methods.

#### **Introductory and Public Educational Sessions**

The College **does** permit Registrants to conduct in-office and public introductory or educational sessions that provide new/prospective patients with information about concepts of homeopathy, the practitioner, and homeopathic medicines. Professional conduct must be maintained at all times and no coercion or pressure tactics may be used. Being intrusive to the public within a public place, harassing the public or using pressure tactics are unprofessional and undermines the public's trust.

Any public in-person or recorded demonstration of homeopathy of any individual or by example in a public forum should incorporate a verbal and written disclaimer to the individual that the demonstration does not constitute an assessment or treatment that will offer relief of any health complaints.

Any material distributed at public events must comply with the College's Advertising Standard.

#### **Other Patient Communication**

A registrant must not contact or communicate with or allow any person to contact or communicate with potential patients, without prior consent, by telephone, in writing, through electronic communication or by similar means without prior consent. This does not prevent a Registrant from providing a reminder or notification to a patient about follow up or recurring services.

#### **Profession to Profession Communication**

Materials which are directed or developed for communication with health care professionals, which do not have the public as the intended audience, may include before and after pictures provided that the patient in the photographs has provided their consent and their privacy is protected. Examples of when such use of before and after pictures are appropriate include, but are not limited to, professional journals, research presentations, research filings, etc.



## DEFINITIONS

For the purpose of this standard the following definitions apply:

### Advertisement

Any message communicating information about a registrant's practice and/or the professional services he or she offers, the content of which he or she controls, directly or indirectly, which is expressed in any language and communicated in any medium to anyone with the intent to influence choice, opinion or behaviour.<sup>3</sup>

### Displays

"Displays" include presentations or other visual material intended for members of the public, in a place normally frequented by the public, by a person or persons who are physically present when such material is distributed or presented.

### Follow-up Visit (Public definition)

Subsequent consultations are often shorter in duration and will involve discussing the changes that have occurred, so that the homeopath can understand how the patient has responded to the remedy and what the next step of treatment will be.<sup>4</sup>

### Homeopath

"Homeopath" means a registrant of the College of Homeopaths of Ontario.

### Homeopathic Service

"Service" is any homeopathic assessment and treatment which may include a pre-consultation, initial consultation, or follow-up visit. Compounding and dispensing is also considered a homeopathic service.

### Homeopathic Treatment

Homeopathic treatment is a specific process of case analysis that results in a homeopathic prescription. Treatment may also include lifestyle suggestions or a referral to another health care professional.

### Information Session

An information session is an education session by invitation or public access which may be attended by more than one person. The session may be at a trade show, public talk, clinic open house or any other similar event. The session provides the audience with information on homeopathy in a general manner, which may include, but is not limited to, how homeopathy works, what to expect from a homeopathic visit, or the types of conditions homeopathy may help.

### Initial Consultation (Public definition)

At the first consultation a homeopath will spend at least one to two hours, sometimes longer, asking detailed questions about the health, medical history, and lifestyle. The homeopath is seeking to understand how the patient

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<sup>3</sup> Ministry of Health and Long-Term Care Guidelines on Advertising Regulations for Regulated Health Professionals revised October 2012.

<sup>4</sup> TC-CHO What is Homeopathy Fact Sheet, June 2010



experiences their symptoms and how they affect the patient's life, so that s/he can assess and prescribe the most appropriate remedy to match the patient's symptoms.<sup>5</sup>

### **Pre-Consultation**

A brief meeting to introduce homeopathy to an individual patient, and their representative, to assist the patient in deciding if homeopathy is right for them. A pre-consultation does not include an in-depth initial assessment or treatment services.

### **Public Medium**

Any form of communication that, generally speaking, is equally available to anyone who chooses to use it and that is directed to the public, or a specific subsection of the public rather than to an individual person or persons. For example, radio, television, websites (but not individually targeted emails), flyers (provided they are distributed publicly and not individually targeted), and the yellow pages are all examples of public media.

### **Registrant**

A Registrant is a member of the College of Homeopaths of Ontario.

### **Testimonial**

A testimonial contains a statement about a patient's personal experience with the treatment method. The testimonial is typically written in the first person by the patient.

## **LEGISLATIVE CONTEXT**

Registrants are reminded that the following provision may apply to this standard under *Homeopathy Act, 2007, Ontario Regulation 315/12, Professional Misconduct* (Note: This regulation is not yet in force. It comes into force on the day named by proclamation of the Lieutenant Governor.):

27. Using or permitting the use of a testimonial from a patient, former patient or other person in the advertising of the member or his or her practice.
28. Permitting the advertising of the member or his or her practice in a manner that is false or misleading.

## **RELATED DOCUMENTS**

- #8 Standard of Practice on Dual Registration
- #2 Guideline on Use of Electronic Communication and Social Media
- #4 Guideline on Titles and Credentials
- #1 Interpretative Guide on Professional Conflict of Interest

## **SOURCE**

- College of Chiropractors of Ontario
- College of Chiropractors of Ontario
- College of Massage Therapists of Ontario
- Board of Directors of Drugless Therapy – Naturopathy
- College of Optometrists of Ontario

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<sup>5</sup> TC-CHO What is Homeopathy Fact Sheet, June 2010