

ADVERTISING

BACKGROUND

The Code of Conduct states:

“Responsibilities to Society

- 31.2 When informing the public about services, you shall:
 - 31.2.1 provide information which is factual, exact and verifiable;
 - 31.2.2 not use superlative or comparative adjectives or descriptions regarding the quality of the services, products or personnel referred to in the advertising;
 - 31.2.3 not use testimonials advocating for the personnel referred to in the advertisement;
 - 31.2.4 not use unsuitable, false, misleading or deceptive information;
 - 31.2.5 not promote one's services in a pressing and/or repetitive manner. This is soliciting and is inappropriate.

...

SCOPE

This Statement applies to all advertising by physicians.

"Advertising" is defined in its broadest sense. It includes communication by any method by or on behalf of a physician that has as its substantial purpose the promotion of the physician or the physician's practice of medicine or an area of medicine or the facility with which the physician is associated. It includes but is not limited to:

- signs,
- nameplates,
- professional cards,
- announcements,
- letterheads,
- listings,
- facility names,
- brochures,
- media appearances and announcements.

CHARTER PROTECTION

The College recognizes that commercial advertising by physicians is protected as free speech pursuant to the Charter of Rights and Freedoms, and constraints should be minimal and reasonable. However, since the average consumer is unlikely to be able to verify claims made by physicians and since the quality of physician services are not susceptible to precise measurement by members of the public, the public should be protected from irresponsible or misleading advertising. Public notices designed to make the public aware of medical services provided by a medical practitioner are acceptable. However, advertising must be in good taste, accurate and not capable of misleading the public.

No. 122

GUIDING PRINCIPLE

The guiding principle of communications with the public is to serve and to inform the public. Communications with the public shall not:

- a. contravene the Code of Conduct; or
- b. be undignified or offensive in nature, or bring the profession into disrepute.

PHOTOGRAPHS

In advertisements, a physician must not display “before and after” photographs except where the physician has personally performed the procedure or provided the treatment to the patient depicted in the photograph.

FACILITY NAMES

- *The Medical Act, s. 62*, requires that members and medical corporations practise under the name registered with the College, except where the College has given written approval for use of an alternative name.
- In considering requests for approval of facility names, the College takes into account the following:
 - The facility name shall not imply expertise inconsistent with the qualifications of the physicians practising at the facility.
 - The facility name shall not mislead persons as to the nature of the facility by using terms intended to impress rather than inform.
- Regardless of the facility name, the name of each physician practising at that facility shall be clearly posted for the information of patients, either in the reception area or on the exterior of the facility.

CREDENTIALS

- Any statement as to a physician’s specialty status shall comply with that physician’s status as recorded on the Manitoba Medical Register.
- A physician not registered as a specialist **may not** imply specialist status.

First Print	L&E	05-94
Revision	Exec	04-02

A statement is a formal position of the College with which members shall comply.