

Check your advertising:

Examples of chiropractic advertising claims that are not compliant



June 2017

This document outlines examples of advertising claims that don't meet the legal requirements and how to make them compliant. The Australian Health Practitioner Regulation Agency (AHPRA) and the Chiropractic Board of Australia are sharing these examples to help you check your own advertising to ensure you comply with your obligations under the National Law¹.

Why the advertising is non-compliant and how the specific examples could be corrected is based on our assessment of advertising complaints we have received for the chiropractic profession. To do this we apply the National Law and any further guidance that National Boards and AHPRA publish, including the *Advertising guidelines* and resources on our websites.

The examples below are specific to chiropractors and are some of the most common mistakes we see. We have also published common examples on our website, which highlight advertising from various regulated health professions but are still important to help you make your advertising compliant.

Important information

Check if your advertising complies with legal requirements

There are many ways advertising can be false, misleading or deceptive.

Always be clear about the level of evidence to support a claim. You should not make claims about the effectiveness of the treatment or services you provide if those claims cannot be substantiated with acceptable evidence.

We have published a *Summary of advertising obligations* on our website to help explain the legal requirements for advertising a regulated health service.

You should also refer to the full *Guidelines for advertising regulated health services*.

If your advertising is about non-musculoskeletal conditions, be particularly careful!

The limited research evidence across manual therapies is not supportive of practitioners making advertising claims that they can effectively treat non-musculoskeletal conditions. However, sometimes chiropractic care may benefit aspects of some non-musculoskeletal conditions and syndromes. For example, manual therapy may help with musculoskeletal aspects of a non-musculoskeletal condition such as muscular tension often associated with asthma, and in these circumstances chiropractic care could be helpful in managing the condition alongside care from other practitioners.

If advertising refers to a specific non-musculoskeletal condition, it should be clear that the practitioner is treating the aspects of the condition amenable to manual therapy and the role of the treatment should not be overstated.

¹ The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

Examples of non-compliant advertising and how to correct it

These examples highlight non-compliant advertising by chiropractors and/or chiropractic related websites, social media sites such as Facebook, print advertisements and/or advertising by chiropractors or chiropractic clinics on third party websites.

Key

● **Text in green** means this content is okay and is unlikely to mislead consumers.

● **Text in orange** means it can depend. If you have provided the appropriate context and clarification in your advertising, it is unlikely to be misleading to consumers.

● **Text in red** means this advertising is in breach of the legal requirements, and you should remove it from your advertising.

Advertising content

Chiropractic treatment can help with:

- **Back pain**
- **Neck pain**
- **Asthma**
- **Ear infections**
- **Behaviour disorders**

Why it is non-compliant

This advertising is considered misleading and deceptive.

Parts of this advertising are unqualified and/or are not supported by acceptable evidence and therefore may mislead consumers.

Changes that would help this advertising to comply

Chiropractic may be able to help manage symptoms often associated with asthma (e.g. muscular tension) rather than treating the condition itself. If this is made clear in your advertising that this is the case then you will be unlikely to mislead consumers.

Ear infections and behaviour disorders are non-musculoskeletal conditions and have no clear musculoskeletal symptoms. They do not justify a reference to these conditions in advertising by a chiropractor.

This statement could be corrected to read:

Chiropractic treatment can help with:

- **Back pain**
- **Neck pain**
- **Managing symptoms such as muscular tension often associated with asthma**

Pay particular attention to:

- the use of a list of health conditions in advertising as this is often misleading, and
- claims by chiropractors about treating non-musculoskeletal conditions are more likely to be misleading. It is often not appropriate to include them in your advertising.

The Board is particularly concerned about treatment claims that suggest there is a relationship between manual therapy (e.g. manipulation) for spinal problems and treating various organic diseases and infections, such as ear infections.

Are you pregnant?

Chiropractic treatment can help with:

- **back pain**
- **other pregnancy related musculoskeletal pains**
- **morning sickness**
- **optimal foetal positioning, including correcting breech position, and**
- **shorter labour times.**

This advertising is considered misleading and deceptive.

Parts of this advertising are not supported by acceptable evidence and therefore may mislead consumers.

In this advertising there are no clear links between chiropractic treatment and the causes of the non-musculoskeletal conditions listed.

There is no clear evidence provided that chiropractic could effectively treat the conditions listed in **red**, therefore it's not appropriate to make claims about them in advertising.

This statement could be corrected to read:

Are you pregnant? Chiropractic treatment can help pregnant women with:

- **Back pain**
- **Other pregnancy related musculoskeletal pains**

Pay particular attention to:

- the use of a list of health conditions in advertising as this is often misleading, and
- claims by chiropractors about treating non-musculoskeletal conditions are more likely to be misleading. It is often not appropriate to include them in your advertising.

The Board is particularly concerned about chiropractors representing that they provide treatment to the unborn child. Chiropractors are not trained to and should not deliver any treatment to the unborn child.

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Advertising content

Our practice includes Dr Jane McKenzie (chiropractor), who specialises in paediatric chiropractic care.

Why it is non-compliant

This advertising is considered misleading and deceptive as it includes claims about specialising.

If there are no recognised specialist categories for your profession, you cannot use the term 'specialist' when referring to your practice or registration in your advertising or any other materials.

Changes that would help this advertising to comply

Chiropractors cannot use the term 'specialist' when referring to their practice or registration in their advertising or any other materials. There are no recognised specialist categories in the chiropractic profession. Even if you have the appropriate training and experience, you cannot give the impression or advertise that you specialise or are a specialist in paediatrics and/or treating neonates, infants and young children.

This advertising would need to be corrected by removing the reference to specialising in paediatrics.

Instead, Dr McKenzie could say:

I have a particular interest in musculoskeletal issues in children.

Pay particular attention to:

- the use of the word 'specialist' is restricted under the National Law
- the fact that specialist registration applies to only a small number of health professions, and
- chiropractors can only apply for general registration.

Jack, 47, is one of our many patients who experienced great results with chiropractic treatment. He says: 'As a patient who has received this treatment, I confirm that it really does work and my chronic back pain is much improved after only five sessions'.

Sara, 35, says: 'The practice is in a great spot so parking isn't a problem. The staff are lovely and I have been going there for many years'.

This advertising is clearly a testimonial.

Testimonials or purported testimonials about clinical care are prohibited under the National Law when advertising regulated health services.

The testimonial in **red** is about clinical services and is prohibited in advertising, so it will need to be removed. The statement in **green** can be used because it doesn't refer to clinical services.

Pay particular attention to:

- testimonials (real or fake) which can be misleading for consumers, particularly about clinical services. If you're unsure about whether or not the feedback relates to clinical services, it's best to seek legal advice or leave it out.

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Advertising content

Did you know that checking of newborns, toddler and children's spines by a chiropractor for subluxations are essential to help deal with trauma in gestation/birth/childhood and prevent illness later in life? Book a visit for your child now.

Why it is non-compliant

This advertising is considered misleading and deceptive and encourages the unnecessary use of health services.

This statement claims that a check-up with a chiropractor can prevent illness later in life. This claim is not supported by acceptable evidence and therefore may mislead consumers.

This statement also encourages patients to seek treatment when it is not clinically indicated (i.e. in the absence of any particular symptoms).

Changes that would help this advertising to comply

This claim goes further than just recommending a check-up, and links a check-up with a chiropractor to a therapeutic benefit for the consumer for which there is no acceptable evidence. In this case indicating the actual prevention of disease.

This statement is not acceptable in advertising, so it will need to be removed.

Pay particular attention to:

- how language is used in your advertising as consumers could be misled, and
- words such as 'essential' or 'ensure' can be read differently (and sometimes literally) by consumers.

Check out the *Words to be wary about* on the AHPRA website.

The Board is particularly concerned about claims in advertising that there is a relationship between manual therapy (e.g. manipulation) for spinal problems and achieving general wellness or treating various organic diseases and infections.

Disclaimer: The information used in these examples is for guidance only. If, after reviewing the examples listed, you are still unsure if your advertising complies with the National Law we recommend you seek advice from your professional association, insurer and/or independent legal adviser.

Take steps now to check and correct your advertising so you comply.

Helpful resources are on our website at www.ahpra.gov.au/advertising.