CNHC
Complementary & Natural Healthcare Council

CNHC Guidance Sheet

Advertising

1. Introduction

1.1 As the regulatory body for the complementary healthcare sector set up with government support, CNHC has produced a Code of Conduct, Ethics and Performance (the CNHC Code) for all registered practitioners.

1.2 The CNHC Code sets out the standards and behaviours required of all those on the CNHC register and is designed to be a day-to-day resource.

1.3 The CNHC Code is deliberately designed to give generic professional principles-based advice and guidance and CNHC recognises that there will be occasions where additional information is required. Such advice is likely to be:

i) either where profession specific advice is needed
ii) or where additional generic information is required;

1.4 In the case of profession specific advice, such advice would appropriately come from professional associations relating to the profession concerned.

1.5 Where additional generic information is required, CNHC will provide short guidance sheets on the subject in hand, prepared in conjunction with representatives of the professions themselves and designed to give examples of good and/or poor practice. This is the first guidance sheet of that nature.

2 What does CNHC's Code of Conduct, Ethics and Performance say about advertising?

2.1 Section C.4 of the CNHC Code states:

"You or anyone acting on your behalf must use only factual and verifiable information when advertising your work or practice. You must keep in mind that the best available research evidence, while appropriate for Evidence Based Practice, may not be of a sufficient standard to substantiate claims you may make in your advertising. Advertising must not:

a) break the law, including Section 4 of the Cancer Act 1939
b) make unsubstantiated claims
c) abuse the trust of members of the public
d) exploit their lack of experience or knowledge about health matters
e) instil fear of future ill-health
f) mislead
g) put pressure on people to use your services
h) bring the profession into disrepute."

2.2 We would particularly draw your attention to CNHC guidance on Section 4 of the **Cancer Act 1939**

2.3 Section C5 of the CNHC Code states:

"You must not use any title or qualification in a way that may mislead the public about its meaning or significance, or to claim you are better than other registrants."

2.4 Any complaint about advertising made to CNHC would be considered in the light of the above sections of the CNHC Code and the associated guidance and helpful information that is included in the Code.

3 What is the CAP Code and how does it apply to you?

3.1 The Committee of Advertising Practice (CAP) is the organisation responsible for writing and maintaining the UK Advertising Codes. There is one Code for broadcast media such as TV and radio, and another Code for non-broadcast media such as leaflets, posters and websites.

3.2 The Advertising Standards Authority (ASA) is the organisation responsible for administering the CAP Codes and for receiving complaints about advertising.

3.3 All those involved in advertising in any way (not just healthcare professionals) are required to be aware of the requirements of CAP and the ASA.

3.4 This means you need to make sure that your advertising meets the Committee of Advertising Practice (CAP) Code. Unless you are advertising on broadcast media such as TV, the CAP Code that applies to you is the one for non-broadcast media.

3.5 You can see the CAP Code at www.cap.org.uk.

4 What type of advertising is covered by the CAP Code?

4.1 Since 1 March 2011, the CAP Code has applied to :

"Advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for space online under their control, that are directly connected with the supply or transfer of goods, services, opportunities and gifts, or which consist of direct solicitations of donations as part of their own fund-raising activities."

In other words, advertising means anywhere that you advertise your services including your website, any leaflets, posters or other printed materials and any social media sites where you make claims about your services. This includes Facebook, Twitter, LinkedIn and other sites.

Under the Cancer Act 1939 it also includes what you say if you are offering services which relate to patients who have cancer.

4.2 The following clauses from the CAP Code are relevant:

12.1 Objective claims must be backed by evidence, if relevant consisting of trials conducted on people. If relevant, the rules in this section apply to claims for products for animals. Substantiation will be assessed on the basis of the available scientific knowledge.

12.2 Marketers must not discourage essential treatment for conditions for which medical supervision should be sought. For example, they must not offer specific advice on, diagnosis of or treatment for such conditions unless that advice, diagnosis or treatment is conducted under the supervision of a suitably qualified health professional. Accurate and responsible general information about such conditions may, however, be offered.

Health professionals will be deemed suitably qualified only if they can provide suitable credentials; for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.

5 Why evidence is so important

5.1 The Committee of Advertising Practice (CAP) has stated that in the event of a complaint to the Advertising Standards Authority (ASA), the key issue will be the evidence base for any statement made in an advert. Currently they require evidence from randomised controlled trials.

5.2 In others words, the ASA will want to see the research evidence to back up any claims you make in your advertising about your therapy or practice.

5.3 CNHC is currently pursuing discussions with CAP about the hierarchy of evidence and supporting the work of the Research Council for Complementary Medicine to identify the type and level of such evidence that would be considered acceptable in the event of a complaint.

5.4 You can quote individuals, with their permission, who have found your services helpful, in the form of testimonials. In terms of the CAP Code, marketers must hold documentary evidence that '.....a testimonial or endorsement used in a marketing communication is genuine, unless it is obviously fictitious, and hold contact details for the person who, or organisation that, gives it'.

6 How can you get help with meeting the CAP Code?

6.1 The CAP Copy Advice Team provides a free advice service and will check advertising claims prior to publication – usually within 24 hours (please ensure you leave ample time between seeking advice and amending your advertising prior to publication).

6.2 They can be contacted through the CAP website athttp://www.cap.org.uk/Advice-Training-on-the-rules/Bespoke-Copy-Advice.aspx . Additional helpful information and advice on advertising is also available on the Advertising Standards Agency website at www.asa.org.uk

6.3 The 12th edition of The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) came into force on 1 September 2010. It replaces all other editions.

7 Your Professional Association

Several professional associations have produced helpful detailed guidance on advertising and you should check to see if this is the case for your own organisation(s).

8 CNHC contact details

Web: www.cnhc.org.uk
Email: info@cnhc.org.uk
Tel: 020 3668 0406

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