

# Practice Standard- Advertising

Approved: June 2012

Revised: June 2022

## Definition

**Advertisement:** Any message communicating information about a member's practice and/or the professional services he or she offers, the content of which he or she controls or influences, directly or indirectly, which is expressed in any language with the intent to influence choice, opinion or behaviour about the member and communicated in any public medium to anyone.

**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. 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.

## Intent

The evolution of kinesiology practice now provides members with more opportunities to directly communicate the availability of their services to the public within the kinesiology scope of practice or with other health care professionals.

In this context, the College supports members' use of appropriate advertising to communicate the type and availability of services to the public or other health care professionals so that potential patients/clients and referral sources can make choices based on their respective needs.

## Objectives

- To describe the College's expectations for members involved in advertising of professional services.
- To ensure that communications about one's practice and professional services are accurate, meaningful and professional.
- To inform members that it is advisable to review this standard in partnership with the other Practice Standards.

## Description of Standard

Members may use any public medium to advertise professional services offered within the scope of practice of kinesiology to members of the public or other health care professionals to assist them in making informed choices about the health care services provided by members.

Members' advertisements will be accurate, verifiable, comprehensible, professionally appropriate and compliant with the practice standards of the profession. Members will also take reasonable<sup>1</sup> steps to ensure that advertisements placed by others (e.g. employers, employees, partners and associates, facility operators, etc.) about their services meet these standards.

**A member demonstrates the standard by ensuring that:**

1. The information in advertisements is:

- accurate,
- true,
- verifiable by the member, and
- is professional and not misleading by either omitting relevant information or including non-relevant information

2. The information contained in advertisements directed at a specific audience is:

- comprehensible to its intended audience, and
- in accordance with the generally accepted standards of good taste of both its intended audience and the profession.

3. The professional services offered by a member advertising in his or her capacity as a member are within the scope of practice of kinesiology.

4. Advertisements do not include anything that could be interpreted as intending to promote a demand for unnecessary services.

5. Advertisements do not contain any information that could be interpreted to be a testimonial and/or endorsement of a member or his or her practice from an individual or an organization.

- A testimonial is the provision by a member of a subjective statement from a client or other individual expressing an opinion about the nature or quality of the member's services. It is distinct from research conducted by others (e.g., prospective clients) gathering information without the involvement of the member.
- An example of an endorsement is where a sports celebrity appears in an advertisement for a member, thereby endorsing the member.

6. Any references to fees or prices used in advertisements meet the expectations for truth and accuracy described in this standard. For example, the fee, which is available to all clients, will include all components of the service that is fairly described. This is not intended to prohibit a member from:

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<sup>1</sup> Reasonable in this context means understanding the expectations in the Standard, ensuring that the employer is also aware of the expectations and requesting changes to any content that does not meet the Standard.

- displaying or distributing a fee schedule and/or an explanation of the way fees are calculated;
- providing information about fees or charges in response to a request for this information;
- providing information on the funding models or insurance plans for which he or she accepts patients/clients; or
- indicating the forms of payment he or she will accept.

7. Advertisements do not contain any statement that may be interpreted to be a:

- guarantee as to the success of the service provided;
- comparative or superlative statement about service quality, products or people;
- testimonial by any person who has obtained, or is related to or acquainted with, a person who has obtained products or services from the practice being advertised;
- express or implied endorsement or recommendation for the exclusive use of a drug, product or brand of equipment used or sold in the practice; or
- communication that is so undignified or in such poor taste as to be unprofessional.

8. He or she does not directly or indirectly solicit patients/clients in person, by telephone, e-mail or any other means of communication that is not considered to be a public medium. This is not intended to prohibit a member from:

- undertaking activities that are considered to be reasonably necessary to carry out normal and required health care notices and reminders with current or former patient/clients;
- periodically contacting current or former patients/clients for goodwill purposes; or
- providing information to prospective referral sources.

9. His or her participation in the promotion or advertising of health care products or services is consistent with the College's Practice Standard on Conflict of Interest.

## **Legislation**

*Regulated Health Professions Act, 1991*

## **Notation**

In the event of any inconsistency between this standard and any legislation that governs the practice of members, the legislation governs.