

Advertising Rules for Health Professionals

AHPRA Guidelines Summary - December 2020

Under **section 133 of the National Law**, you must not advertise in a way that:

"(a) is false, misleading or deceptive... (b) offers a gift, discount or other inducement... unless the advertisement also states the terms and conditions... (c) uses testimonials... (d) creates an unreasonable expectation of beneficial treatment; or (e) directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services." (p.21)

- 1. False or misleading:** Claims must be accurate and supported by acceptable evidence (peer-reviewed research).
- 2. Title misuse:** Only use "specialist" with registration. "Dr" must state profession if not a medical practitioner.
- 3. Gifts/discounts:** Any inducement must clearly state conditions.
- 4. Testimonials:** Cannot publish patient reviews about clinical outcomes on platforms you control. Third-party platforms (e.g. Google) are OK.
- 5. Unrealistic expectations:** No "guaranteed results", "miracle cure", "risk-free", or misleading before/after images.
- 6. Unnecessary treatment:** No artificial urgency or promoting treatment without clinical indication.

Bottom Line for Health Professionals

YOU CAN:

- ✓ Provide factual, evidence-based information
- ✓ List qualifications accurately
- ✓ Have third-party reviews you do not control
- ✓ Offer discounts with clear terms
- ✓ Invite patients to leave reviews on independent third-party platforms (provided you don't republish them)

YOU CANNOT:

- ✗ Use testimonials in advertising you control
- ✗ Exaggerate outcomes
- ✗ Imply specialist status without registration
- ✗ Guarantee results
- ✗ Create unnecessary urgency
- ✗ Encourage treatment without clinical need

1. No False or Misleading Claims

"Advertisers... must be able to substantiate claims made in advertising." (p.10)

In practice:

- Claims must be supported by acceptable evidence (generally peer-reviewed research)
- No exaggeration of outcomes
- No selective or incomplete comparisons
- No implying skills, qualifications or registration you do not hold
- If you claim something works, you must be able to defend it scientifically

2. Titles and Specialist Claims

You cannot claim to be a specialist unless you hold recognised specialist registration.

"A practitioner may not "claim to be a 'specialist'... when they do not hold specialist registration." (p.11)

Use of "Dr": If 'Dr' is used and does not refer to a registered medical practitioner, "the profession... should be made clear." (p.13) **EXAMPLE:** Dr Smith (Podiatrist)

3. Gifts and Discounts

You may advertise discounts or inducements only if:

"the advertisement also states the terms and conditions of the offer." (p.21)

Terms must be clear and accessible (p.14). **You cannot:**

- Advertise "free" if costs are recovered elsewhere
- Hide eligibility restrictions
- Create misleading offers

4. Testimonials (Strict Rule)

You must not use testimonials in advertising.

"positive statements about the clinical aspects of a regulated health service used in advertising." (p.15)

Clinical aspects include symptoms, diagnosis, treatment, or outcomes.

You cannot: Publish patient outcome reviews on your website, share clinical "success stories", republish Google reviews, or use edited/selective reviews.

Third-party sites: The prohibition "does not affect patients sharing information... posting reviews on review platforms." (p.15)

Simple rule: If you control the platform, you are responsible. If you don't control it (e.g. Google), patients may post reviews.

5. No Unrealistic Expectations

"create an unreasonable expectation of beneficial treatment." (p.21)

This includes: "Guaranteed results", "Miracle cure", "Risk-free", Before/after images implying typical outcomes.

6. No Encouraging Unnecessary Treatment

"directly or indirectly encourage the indiscriminate or unnecessary use" of services (p.21)

This includes:

- Creating urgency without clinical basis ("act now")
- Encouraging routine appointments without indication
- Offering large prizes to drive treatment uptake (p.18)