



Complementary & Natural  
Healthcare Council

## CNHC Guidance Sheet

### Advertising

#### 1. Introduction

- 1.1 As the regulatory body for the complementary healthcare sector, CNHC has produced a Code of Conduct, Performance and Ethics (the Code) for all registered practitioners.
- 1.2 The Code sets out the behaviours expected of all those on the CNHC register.
- 1.3 The Code has been well received and is already widely used.
- 1.4 The Code is, however, 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;
- 1.5 In the case of profession specific advice, such advice would appropriately come from professional associations relating to the profession concerned.
- 1.6 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. Background to this issue**

- 2.1. Since September 2009 a number of complaints have been made against certain CNHC registrants in relation to what was considered to be inappropriate advertising.
- 2.2. Following resolution of the initial issues, it was agreed that the most appropriate way to deal with the issues was to ask the practitioners to modify their advertising, including their web sites, and this has subsequently been done.
- 2.3. It was also agreed to provide additional information to all on advertising, to assist practitioners, as we are aware that this is a subject which is likely to come under increasing scrutiny from a variety of sources.

## **3. CNHC Code of Conduct, Performance and Ethics**

- 3.1. Clause 15 of the Code states:

*You must follow CNHC guidelines in relation to advertising your services.*

*'Any advertising you undertake in relation to your professional activities must be accurate. Advertisements must not be misleading, false, unfair or exaggerated. You must not claim that your personal skills, equipment or facilities are better than anyone else's.*

*If you are involved in advertising or promoting any other product or service, you must make sure that you use your knowledge, healthcare skills, qualifications and experience in an accurate and professionally responsible way. You must not make or support unjustifiable statements relating to particular products or services. Any potential financial rewards to you should be made explicit and play no part at all in your advice or recommendations of products and services that you give to patients, clients and users.'*



Complementary & Natural  
Healthcare Council

**3.2. This advice is still relevant and we would strongly advise you to read it carefully and adhere to its contents.** We would particularly draw your attention to the statement regarding 'making or supporting unjustifiable statements'.

3.3. Were a complaint to be made to CNHC it would be considered in the light of the above Clause.

3.4. Do remember that making inappropriate or unsubstantiated claims applies not only to what you write but also what you say, for example on the phone or face to face (even though the CAP Code (see Section 5 below) would not apply to these aspects).

#### **4. Evidence**

4.1. All those involved in advertising in any way (not just healthcare professionals) are required to be aware of the requirements of the Advertising Standards Authority (ASA) and the Committee on Advertising Practice (CAP). As complaints about registrants may be made direct to ASA, we have included comments on their position to assist you.

4.2. Recent discussions with staff from the Committee on Advertising Practice (CAP) have indicated that in the event of a complaint to the Advertising Standards Authority (ASA), the point at issue will be their consideration of the evidence base for any statement.

4.3. CNHC is currently pursuing discussions with various research interests, to identify the type of such evidence which would be considered acceptable in the event of a complaint.

4.4. You can quote individuals, with their permission, who have found your treatment 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'.

## 5. CAP Code

5.1. It is important to review your advertising against the provisions of the Committee of Advertising Practice (CAP) Code at [www.cap.org.uk](http://www.cap.org.uk). 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). They can be contacted at [advice@cap.org.uk](mailto:advice@cap.org.uk) or on 020 7492 2100 Monday to Friday from 9am to 6pm. Additional helpful information and advice on advertising is also available on the Advertising Standards Agency website at [www.asa.org.uk](http://www.asa.org.uk)

5.2. The 12<sup>th</sup> 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.

5.3. Please note that from 1 March 2011, the CAP Code will apply 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."*

The new remit focuses specifically upon material which can be properly accepted as constituting an advertisement or other marketing communication.

5.4. The following clauses from the CAP Code are of relevance:

*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.*

**6. 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).

**7. CNHC contact details**

Web: [www.cnhc.org.uk](http://www.cnhc.org.uk)  
Email: [info@cnhc.org.uk](mailto:info@cnhc.org.uk)  
Tel: 020 3178 2199

Mjw Jan 2011