

ADVERTISING IN DENTISTRY

1 Introduction

- 1.1 For many years, advertising by dentists was restricted by Government legislation, through State Dental Acts and their Codes of Practice, and the Australian Dental Association's (ADA) Policy Statement 5.4 "Principles of Ethical Dental Practice". Recent changes to laws have relaxed many of the previous restrictions on advertising for all health providers, giving dentists much wider opportunities to communicate directly with the public.
- 1.2 The regulatory framework for advertising dental services includes both Commonwealth Government and State/Territory components. The most important of these are the Commonwealth Trade Practices Act, and, at State and Territory level, the various Fair Trading Acts and Dental Acts and Regulations. There are also responsibilities under common law.
- 1.3 The website of the Australian Competition & Consumer Commission (ACCC) provides access to the publication "*Fair Treatment?: Summary of the Guide to the Trade Practices Act 1974 for the advertising or promotion of medical and health services*".
- 1.4 **Definitions**
 - 1.4.1 ADVERTISING is the attracting of attention to, and the provision of information about, a product or service by means of announcements, broadcasts or printed material.
 - 1.4.2 DENTAL ACT is any Federal, State or Territory Act that has a primary purpose to regulate the practice of dentistry.
 - 1.4.3 BOARD is a Federal, State or Territory dental registration board.

2 Principles

- 2.1 Advertising by dentists may be directed to fellow members of their profession, allied dental personnel or the public.
- 2.2 Advertising to fellow members of the profession provides a mechanism for dentists with special qualifications and skills to inform their colleagues of the services they provide.
- 2.3 In advertising to the public, it should be recognised that the needs of patients are diverse and, therefore, the information provided may need to differ due to cultural, language, and knowledge differences. Advertising can assist patients in selecting a practitioner who provides services which meet their needs.
- 2.4 Given the large number of variables involved in the treatment of each patient, it is difficult to advertise an accurate fee for a dental service, resulting in a significant potential for such information to be inaccurate or misleading.
- 2.5 The use of graphic or visual representations in dental advertising, such as before and after photographs of patients, diagrams or cartoons, has a significant potential to be misleading

or deceptive and may convey inappropriately high expectations of treatment outcomes.

- 2.6 Dental legislation, administered by Boards, must include appropriate provisions, to ensure the legitimacy of the advertising to:
- protect public health and safety;
 - ensure only competent dental care providers are able to practise; and
 - maintain public confidence in the dental profession.
- 2.7 This Policy Statement applies equally to any dentist, registered allied dental care provider, dental company or dental association.

3 Policy

- 3.1 The purpose of advertising dental services should be to convey to patients or referring dental practitioners information which is needed by them to make informed decisions in selecting dentists who can provide the services they require.
- 3.2 Dentists need to make themselves familiar with their legal obligations so that any advertising complies with the statutory requirements of the relevant Federal, State and Territory legislation.
- 3.3 Any advertising of the practice of dentistry must identify the dentist, registered allied dental care provider, dental company or dental association by name in that advertising.
- 3.4 Advertising should be limited to:
- the contact details of the provider, including the address, telephone number/s and, if applicable, email address and website;
 - a statement of the regular office hours of the practice and after hours services if available;
 - a statement of the services provided;
 - details of access for the disabled;
 - languages spoken by the practitioner and/or staff; and
 - non-enhanced photos of the dental practitioner or practice premises.
- 3.5 Information presented in the advertising of dental services should:
- be presented in a manner which is accurate and balanced;
 - be in terminology that is readily understood by the targets of the advertising;
 - avoid the use of self-evident exaggeration; and
 - include any health risks or limitations in outcomes of the treatment.
- 3.6 A dentist must not advertise the practice of dentistry if the advertisement:
- is false, misleading or deceptive or likely to be misleading or deceptive;
 - promotes the unnecessary, inappropriate or harmful use of dental services;
 - offers a discount, gift or other inducement to attract a person to use a dental service unless the advertisement also states the terms of the offer;
 - refers to, uses, or cites endorsements or testimonials about the dental practitioner or dental services;
 - is disparaging of other dental providers;
 - uses graphic or visual representations such as before and after photographs, diagrams or cartoons.
- 3.7 A dentist must not claim expertise in a field of practice of dentistry unless the practitioner has the registration, skills, knowledge, training and/or qualifications necessary to practice in that field.

- 3.8 In advertising, a dentist should only use the title dentist or dental surgeon or, if a registered specialist, the associated specialist title.

Policy Statement 5.13

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