
Advertising and Public Endorsement

2004. Editorially Revised 2006

1. ADVERTISING OF MEDICAL SERVICES

1. Provision of information about doctors and the services they provide is recognised as being of value to the public. For example, patients need information when choosing a general practitioner and deciding how best to utilise their services. General practitioners need information on specialists to provide proper advice to patients and make appropriate medical referrals.

2. On the other hand, both patients and doctors can be particularly susceptible to persuasive influence and are entitled to appropriate protection from misleading or false advertisements.

3. Australian competition law prohibits professional organisations from restraining advertising such that is likely to lessen competition. It also prohibits advertising that is false, misleading or deceptive or that which is likely to mislead or deceive. The AMA does not condone advertising that tends to bring the profession into disrepute. This stand is supported by some State and Territory laws and local Medical Boards that place restrictions on advertising that compromises the dignity or decorum of the profession.

4. As a general principle, advertisements should contain only factual material. They must be honest and accurate and should be informative rather than persuasive. Doctors should take care that their advertisements are not likely to exploit patients' vulnerability or lack of medical knowledge.

5. The chief purpose of advertising a doctor's services is to present information that is reasonably needed by patients to make informed decisions about the appropriateness and availability of the medical services offered. A General Practitioner, for example, might provide the public with factual information about their professional qualifications, services, and practice arrangements. Similarly, a specialist might want to keep their professional and managerial colleagues, as well as their patients, informed of the services they provide and their practice arrangements.

6. The AMA encourages doctors to familiarise themselves with the *Trade Practices Act 1974* (Cth)^[1] as well as with relevant State and Territory legislation and relevant Codes issued by their Medical Board. Medical Boards and State AMAs will provide further guidance.

2. ENDORSEMENT OF COMMERCIAL PRODUCTS OR SERVICES (editorially revised in November 2006)

1. Careful consideration needs to be given to the ethical and legal implications of endorsement by a doctor of a commercial product or service.

2. The AMA advises doctors against endorsement of therapeutic goods in public advertising.

3. Caution should be exercised in publicly endorsing any particular non-therapeutic good. The AMA affirms that doctors should not have any public association with products that clearly affect health adversely.

4. The AMA advises doctors against overt public endorsement of advertisements for health-related services, such as pharmacies, nursing homes and private clinics. The Association maintains that such advertising may be perceived as being a recommendation and confuse patients.

See Also:

AMA Code of Ethics 2004

AMA Position Statement on Doctors' Relationships With the Pharmaceutical Industry

AMA Position Statement on Endorsement of Products and Services

[1] Doctors may wish to refer to the Australian Competition and Consumer Commission's publications entitled *ACCC info kit for the medical profession (2004)* (refer to section entitled *Straight talking with your patients*) as well as *Fair treatment? Guide to the Trade Practices Act for the advertising or promotion of medical and health services (2000)*.

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