

The *College of Audiologists and Speech-Language Pathologists of Manitoba* (CASLPM) offers practice advice on matters pertaining to *Standards of Practice, Legislation*, and College expectations. It is granted this authority under *The Regulated Health Professions Act* (RHPA) with the duty to serve and protect the public. Practice directions are provided in response to specific inquiries and may not be relevant in all circumstances. The intention is to support practice but does not replace professional judgement nor legal advice. All practice directions should be read in conjunction with RHPA and regulations, the bylaws, and the Code of Ethics.

The College has received inquiries regarding advertising from different parties including members of the public, audiologists, speech-language pathologists, and employers. Advertising is a form of marketing communication used to promote or sell a business, product, or service. *The Regulated Health Professions Act (76) Prohibition of False Advertising* states no member or health profession corporation shall engage in advertising that is untruthful, inaccurate, or otherwise capable of misleading or misinforming the public. This practice direction is CASLPM's interpretation and does not supersede any provisions contained in the Act. This practice direction shall supersede any provisions outlined by an employer.

I. DEFINITIONS

Advertisement: a representation to the public by any means for the purpose of promoting goods or services

Endorsement: an act of giving one's public approval or support to someone or something

Public Medium: any form of communication that is equally available to anyone who chooses to use it and that it is directed to the public, or a specific subsection of the public rather than to an individual person or persons

Registered member/registrant: an individual who meets the CASLPM regulatory requirements to practice as an Audiologist or Speech-Language Pathologist in Manitoba

Testimonial: a written (or recorded) recommendation from a satisfied customer affirming the performance, quality, and/or value of a product or service

Third Party: any entity, company, or website that exists outside of the registrant's influence or control

II. PERFORMANCE REQUIREMENTS

1. A registrant of the College is responsible for all advertising related to their practice, including advertising conducted directly by the registrant and advertising conducted on behalf of the registrant.
2. An advertisement must be communicated through a public medium.
3. An advertisement must be true and accurate.
 - 3.1 A registrant must be able to verify any claims or statements made in an advertisement.
 - 3.2 Any representations made in an advertisement as to training and competency must be accurate.
 - 3.3 An advertisement cannot make guarantees as to success or results.
 - 3.4 An advertisement must not mislead or misinform the public.
 - 3.4.1 Testimonials, including social media commentary that can be perceived as testimonials, resources that have testimonials, or endorsements of audiology or SLP service, have the potential to mislead the public, and are prohibited.
 - 3.4.2 A registrant who chooses to advertise professional services on platforms that allow for unsolicited comments must take steps where possible to ensure that all unsolicited comments that are testimonial in nature are removed.
 - 3.4.3 A registrant must not solicit reviews or testimonials.
 - 3.5 A registrant is responsible for the truthfulness and accuracy of information provided in an advertisement unless the advertisement clearly states that:
 - 3.5.1 The information is created by a third party, and
 - 3.5.2 The registrant provides no guarantee as to accuracy or truthfulness of the information.
4. An advertisement must be respectful and professional.
 - 4.1 An advertisement must avoid statements that are unethical or unprofessional.
 - 4.1.1 An advertisement that may be reasonably regarded as encouraging the public to partake in unnecessary services is considered unethical and unprofessional.
 - 4.2 An advertisement must refrain from disparaging the skills or services of colleague.
 - 4.2.1 Comparing a registrant's competence, ability, skill, service, equipment, or technique to another registrant's competence, ability, skill, service, equipment, or technique is prohibited.

- 4.2.2 A statement that claims or implies that a registrant is an expert in an area, or that a registrant's services are superior to that of another is prohibited.
 - 4.2.3 An endorsement in regard to a registrant's practice, implies superiority of service and is prohibited.
5. An advertisement may only relate solely to scope of practice.
- 5.1 An advertisement may only be made in regard to the professional services that are directly related to the registrant's scope of practice.
 - 5.2 An advertisement may not provide an expressed or implied recommendation or endorsement for the use of a drug, product, or particular brand of equipment used to provide services unless developed by that registrant.

REFERENCES:

Canadian Code of Advertising Standards. <http://adstandards.ca/code/>

College of Audiologists and Speech-Language Pathologists of Manitoba. [Code of Ethics](#)

College of Audiologists and Speech-Language Pathologists of Ontario. [Proposed Advertising Regulation Draft 2013.](#)

College of Audiologists and Speech-Language Pathologists of Ontario. [Practice Advice: Advertising- Understanding the Proposed Regulation \(2016\).](#)

College of Dietitians of Manitoba. [Practice Direction 16.0: Advertising \(2021\).](#)

College of Physiotherapists of Manitoba. [Practice Direction 4.14: Advertising \(2017\).](#)

College of Registered Nurses of Manitoba: [Guidelines for Advertising \(2020\).](#)

[Regulated Health Professions Act \(76\) Prohibition of False Advertising \(S.M. 2009, c.15\).](#)

QUESTION:

Why can't we use testimonials?

ANSWER:

Testimonials, in whatever format, are considered unreliable and cannot be verified. There is also a lack of balance as negative comments are rarely included. Finally, no one person's experience is the same, especially within the provision of healthcare.

QUESTION:

If I remove a patient's name, does that mean it is no longer a testimonial?

ANSWER:

If a patient, or relative, or friend of the patient is providing a review about your service it is a testimonial and cannot be used in advertising, regardless of whether the patient's name has been included or not. These reviews are still subjective, unreliable and cannot be verified.

WHAT CAN YOU SAY INSTEAD...

The advantages of choosing an audiologist/ speech-language pathologist are:

- Audiologists and speech-language pathologists are regulated.
- They hold a Master's degree or a Professional Doctorate.
- They participate in continuing education.
- You can make a complaint if you are not happy with the care you have received.

QUESTION:

I understand that we cannot use testimonials on our website, but what about unsolicited reviews on social media sites? What should we do about those?

ANSWER:

While the use of social media can be an effective way to advertise your services, should you or your company use such sites, for example, Facebook, Instagram, etc. to advertise, it is your responsibility to monitor your site regularly and to remove any unsolicited patient reviews or testimonials. If it comes to your attention that a patient testimonial has been posted on a site you do not subscribe to, you should make best efforts to get the content removed where possible. You should not solicit testimonials.

WHAT CAN YOU DO INSTEAD....

If you are going to use social media in your advertising strategy, then you must monitor it on a regular basis and consider the following:

- Disable comments.
- Set your accounts to not allow tagging without your permission.
- If it comes to your attention that a testimonial has been inadvertently posted, un-tag it.
- Consider separate work social media accounts from your personal accounts.
- Be cautious about accepting "friend requests" from patients/clients.

QUESTION:

A freelance Public Relations writer has been asked by an audiology clinic to write stories about clients with hearing loss to post on the clinic's website. Is this allowed?

ANSWER:

Yes, this is allowed provided what is written is true, accurate, verifiable, and understandable to the intended audience. The content must be professional, appropriate, meet the standards of practice, and relate to the audiology scope of practice. It must not be misleading nor include the use of testimonials.

QUESTION:

Can I use written reviews from other people, i.e., not patients or patients' relatives, in my advertising?

ANSWER:

These reviews are known as 'endorsements' and are prohibited. An "endorsement" on a social platform such as LinkedIn is not considered an advertising endorsement.

QUESTION:

I understand the requirements regarding the use of testimonials and endorsements, but I work for a company whose owners and managers are not regulated health professionals. They tell me that they are trying to run a business in a competitive market and need to use these strategies in advertising. What should I do?

ANSWER:

While registrants may understand advertising restrictions, some are employed by companies who are not governed by the College's regulations. When faced with a situation where an employer has advertised contrary to the Practice Direction members are expected to notify their employer of the situation as soon as possible. Members should explain to their employer that advertisements cannot include testimonials nor endorsements as a result of specific direction from the College. Document these conversations. Show the employer the Practice Direction that you can find on the College website.

If these strategies are unproductive, call the Registrar to discuss your situation further.

QUESTION:

I have seen companies offer free products (often big-ticket items) or services – is this allowed?

ANSWER:

Many companies have chosen to offer "free" products or services to clients, should they make a purchase or book an appointment. While members can certainly engage in these programs, the advertisements should not be misleading in their offer of "free" products. For example, if a company advertises a "buy one get one free" deal on hearing aids, the cost of the free hearing aid should not be hidden in the cost of the hearing aid purchased. As well, the cost of the service should not be hidden in any subsequent purchases made by the client. Not only is this misleading to the public, and contrary to section 3.4 of the practice direction, such an advertisement would also conflict with the College's Code of Ethics, which requires all audiologists and speech-language pathologists to "be honourable and

truthful in all their professional relationships”. Registered members are discouraged from being influenced by considerations other than what is in the client’s best interest and to ensure that clients are making informed choices based solely upon their health care needs.

QUESTION:

Can I advertise a therapy product or app on my website that I developed? I will receive money from the sale.

ANSWER:

Yes, as long as you declare any conflict of interest such as benefits, including financial, you may receive as a result of the sale.

QUESTION:

Can I advertise that my practice is restricted to a certain area of practice?

ANSWER:

Yes, you can advertise that your practice is restricted to a certain area of practice, as long as you do not hold yourself out to be an ‘expert’ in an area. You can advertise that you practice in certain areas, such as childhood apraxia of speech, voice, tinnitus, stuttering, if it is factual and true. You can state that you have advanced training in a certain area or that your clinic focuses in a certain area, but you cannot say you are an expert in any area.

QUESTION:

I have recently joined a website to promote my private practice. In order to post my business on this site, I have to offer a promotion. Am I able to offer \$20 off the first therapy visit?

ANSWER:

Yes, you are allowed to offer a promotion as long as you do not try and recoup the money by inflating the price of your services elsewhere. As with the offer of free products you are required to practice according to the College’s Code of Ethics and be “honourable and truthful in your professional relationships”.

Adapted with permission from CASLPO: College of Audiologists and Speech-Language Pathologists of Ontario.