Advertising Guidelines for AACP members

Introduction

The 12th 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. In the UK, the Code is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications. The Code is primarily concerned with the content of marketing communications and not with terms of business or products themselves. In line with the CAP Code, the AACP has produced the following guidelines to assist our members in understanding their responsibilities when advertising. It also includes an example AACP advertisement the copy of which has been approved by the ASA.

Contained in this document is the following information:

1 What the CSP Code of Professional Conduct says about advertising.
2 What are the ASA and CAP?
3 The Advertising Codes.
4 What the Codes mean and the conditions which may not be advertised.
5 What can be advertised?
6 Where to go to for help.

1 What the CSP Code of Professional Conduct says about advertising

All members of the CSP are bound by the Code of Professional Conduct that sets out what is expected of you as a member.

Rule 6. “Advertising” of the CSP Code of Professional Conduct states:
Chartered Physiotherapists shall ensure that advertising in respect of their professional activities is accurate and professionally restrained.

2 What are the ASA and CAP?

The United Kingdom advertising industry is governed by Advertising Codes of Practice. The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) own and write the Advertising Codes. These are administered by the Advertising Standards Authority (ASA), which is the UK’s independent body that endorses and administers the Code to ensure that advertisements are legal, decent, honest and truthful.

The ASA investigates and adjudicates on complaints about broadcast and non-broadcast advertisements, as well as monitoring and taking action against misleading, harmful or offensive advertisements, sales promotions, and direct marketing. It also carries out research on many subjects related to advertising regulation. Much of its work is directly in response to
complaints by the public.

The ASA’s remit extends to advertising across all media, including TV, internet (see below), sales promotions, and direct marketing including:

- print and press advertisements
- posters
- television commercials & radio advertisements
- Internet advertisements: banners, pop-ups and sponsored search. This also includes advertisers’ own marketing communications on their own websites and marketing communications in other non-paid-for space under their control, such as social networking sites like Facebook and Twitter
- email and text messages
- direct mail
- competitions, special offers
- sales promotions
- cinema commercials
- teleshopping

The ASA has a number of sanctions it can apply. If an advertisement breaks the Code, the marketer responsible is told to amend or withdraw it, which most willingly do. The principal sanction is adverse publicity from the adjudications published each Wednesday; this is damaging to the advertiser and serves to warn the public.

If an advertiser refuses to comply with the ASA, further sanctions are possible; however, this is normally reserved for advertisers who fail to comply with the ASA’s adjudication. Both CAP and BCAP provide advice to advertisers and work with the broadcast pre-clearance bodies to ensure compliance with the rules and ASA adjudications.

3 The Advertising Codes

The Advertising Codes, whilst mandatory for all, are self-regulatory and lay down rules for advertisers and media owners to follow. These include general rules that state that advertising must be responsible and must not mislead or offend. There are specific rules that cover advertising to specific sectors; these include, but are not limited to, children and advertisements for alcohol, gambling, motoring, health, and financial products.

The sections of the Codes which are of particular importance to AACP members are:

12.1 Objective claims must be backed by evidence, if relevant consisting of trials conducted on people. Substantiation will be assessed on the basis of the available scientific knowledge.

(Medicinal or medical claims and indications may be made for a medicinal product that is licensed by the MHRA or EMEA, or for a CE-marked medical device). A medicinal claim is a claim that a product or its constituent(s), can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment, or adverse condition, whether of body or mind, in human beings.

12.2 Marketers (which means anyone who provides literature or written statements to
promote themselves or their product) must not discourage essential treatment for conditions for which medical supervision should be sought.

12.3 Marketers offering individual treatments, especially those that are physically invasive, may be asked by the media and the ASA to provide full details together with information about those who supervise and administer them. Practitioners must have relevant and recognised qualifications. Marketers should encourage consumers to take independent medical advice before committing themselves to significant treatments, including those that are physically invasive.

12.4 Marketers must not confuse consumers by using unfamiliar scientific words for common conditions.

12.5 Marketers inviting consumers to diagnose their minor ailments must not make claims that might lead to a mistaken diagnosis.

12.6 Marketers should not falsely claim that a product is able to cure illness, dysfunction or malformations.

12.7 References to the relief of symptoms or the superficial signs of ageing are acceptable if they can be substantiated. Unqualified claims such as ‘cure’ and ‘rejuvenation’ are not generally acceptable, especially for cosmetic products.

12.8 Marketers must hold proof before claiming or implying that a minor addiction or a bad habit can be treated without effort from those suffering.

12.9 Marketers must not encourage consumers to use a product to excess and must hold proof before suggesting their product or therapy is guaranteed to work, absolutely safe or without side effects.

12.10 Marketing communications must not suggest that any product is safe or effective merely because it is ‘natural’ or that it is generally safer because it omits an ingredient in common use.

4 What the Codes mean and the conditions which may not be advertised

The Advertising Codes apply to all advertisers, and the AACP, in common with other similar professional bodies, will require its members to adhere to the Codes. CAP takes the view that acupuncture practitioners should not claim to be able to treat serious or prolonged conditions and that marketers of acupuncture are advised to encourage consumers to take independent medical advice. As physiotherapists we do treat serious and prolonged conditions and the vast majority of us would do so on referral from a doctor. This statement is directed at those independent practitioners who treat without a firm diagnosis or medical referral.
5 What can be advertised?

Any claim that acupuncture can be used to treat a condition has to be backed up by evidence of trials, conducted on people where appropriate. Substantiation is assessed by the ASA on the basis of current scientific knowledge.

Some members may use testimonials within their advertising; however, testimonials referring to conditions for which treatment cannot be substantiated by robust evidence should not be used. Permission should also be gained from the client to use the testimonial. NB Testimonials can be used in more general ways, for example to comment on the service a client has received, or that the client would recommend the practice to friends and family.

6 Where to go to for help

Within CAP there is a Copy Advice Team which provides a fast, free and confidential service to help you to create your communications in line with the CAP Code.

Their advice is informed and impartial and they aim to provide constructive guidance and help you to find solutions. This advice can give you the reassurance that your advertisement is likely to meet the Codes’ requirements. However, if a complaint is made about your advert, the Copy Advice Team will endeavour to ensure that the ASA is aware of the advice given to you.

By submitting your copy/marketing materials you will be alerted to possible Code breaches which will help you to avoid an ASA investigation. The Copy Advice Team asks that you allow enough time in order to make any necessary revisions to your advertising prior to publication.

The AACP submitted an advertisement in autumn 2015, which was approved by the ASA, copy of which can be found on the following page:
Many people are helped by acupuncture every year. A chemical-free, up-to-date and safe way is through western evidence-based acupuncture by a qualified health professional. The AACP, as the largest acupuncture organisation in the UK, represents Chartered Physiotherapists who are qualified to use acupuncture as part of their treatments.

By managing a patient’s pain, acupuncture often enhances physiotherapy treatments, such as exercise, therefore aiding recovery.

Acupuncture is supported by scientific research and clinical evidence and may benefit a range of conditions*, such as Low Back Pain, Osteoarthritis, Tension-type Headaches, Migraines, Anxiety and others.

Your local AACP acupuncture physiotherapist can be found by visiting

www.aacp.org.uk

*references on file at AACP