

*The College is updating its documents to reflect the transition to regulation under the Health Professions Act and College Bylaws. The principles and requirements outlined in this document continue to apply to dentists and CDAs.*

## **Guidelines for Promotional Activities**

### **General Comments**

Dentists and certified dental assistants must refrain from statements in promotional activity which contain misrepresentations of fact or which omit facts such that, when the promotional activity is considered as a whole, it leaves a confusing, deceiving or misleading impression.

When reviewing promotional activity, the College will look at the advertisement as a whole and consider how the average member of the public would perceive the advertisement, rather than focusing on precise wording or technical meanings.

Dentists who advertise services, procedures or features which are generally provided by all registrants should ensure that the advertising is not misleading. For example, if an advertisement states “we use sterilization procedures” this statement may be misleading (or may take advantage of the public’s lack of knowledge of dental subject matters) because patients may conclude that they should patronize the advertising dentist because other dentists may not use sterilization procedures.

### **Reference to Symptoms**

Registrants should exercise caution about making reference in promotional activity to possible signs and symptoms that people may experience because a lay person may become unduly alarmed or fearful or overreact to such references due to their lack of knowledge of dental subject matters.

### **Testimonials**

The use of patient testimonials is not, of itself, problematic, but registrants should understand that they are responsible for the content of any testimonial referring to them or to their practice, even though they themselves did not create or issue the testimonial. Testimonials must comply with the requirements of Part 12 of the Bylaws.

### **Articles/Newsletters/Communication**

If a dental health article or newsletter is published or communicated under a dentist’s name to the public, without making full disclosure of the source and authorship, that dentist may be engaged in making a false, misleading or deceptive representation to the public, as it may suggest that the dentist is the author of the article when this is not, in fact, the case.

### **Name of Practice and Trade Names**

Since the name under which dentists conduct their practice may be a factor in the selection process for the patient, dentists should refrain from the use of a trade name or an assumed name that is misleading, confusing, comparative or which may create unreasonable expectations. For example, the following trade names would be considered problematic:

- Gentlest Dentistry
- The Caring Dentists
- Pain-free Dental Clinic



All trade names must comply with Part 12 of the Bylaws, and registrants must therefore obtain approval from the Registrar of the College before using a trade name.

Registrants are also reminded of Part 12.03 of the Bylaws which requires every registrant to conspicuously display their proper name on a sign at their place of practice. This is particularly important in group practice settings to ensure that the public can easily identify the dentist who provided services to them should the need arise.

If a retired registrant's name is being used or displayed in a practice (for example, as part of the agreement for the sale of a retired registrant's practice), the signage should include a notation that the registrant is retired in order to avoid confusing or misleading the public.

### **Market Advocacy/Product Endorsements**

Registrants should exercise caution in lending their name to or endorsing dental products. This is particularly important when such endorsements are being made to the public at large because of the public's lack of knowledge regarding dental subject matters.

Using one's status as a dentist to publicly promote or endorse non-dental products is considered to be generally contrary to the honour and dignity of the dental profession.

### **Listing of Services**

General practitioners who wish to list their services in their promotional activity (or by their trade name) should take care to avoid communications that express or imply specialization.

If dentists should choose to limit their practice to a particular area, and if they then render services outside that area, they will be in contravention of the Bylaws.

If a general dentist lists services for which there is a specialty certification available (such as orthodontics or pediatric dentistry) the public may be misled into assuming that those dentists are, in fact, specialists. Therefore, the College reminds registrants to ensure that their promotional activity does not mislead the public as to the licensed status of the dentist (general dentist/certified specialist).

Referring to oneself, for example, as a "biological dentist" or a "holistic dentist" may also be confusing or misleading to the public as it may tend to suggest a specialty where no such specialty exists or it may suggest a special qualification when currently there is no objective, recognized qualification in this area.

The use of terms such as "complete services" or "comprehensive services" in promotional activity could also be misleading since few dental offices truly offer every conceivable dental service in-house.

### **Specialists**

Part 6.08 of the Bylaws explains the use of titles reserved for certified specialists and specialists, restricted to specialty. Part 6.05 of the Bylaws recognizes the following fields within the practice of dentistry as specialties:



- (a) oral and maxillofacial surgery
- (b) orthodontics and dentofacial orthopedics
- (c) endodontics
- (d) pediatric dentistry
- (e) periodontics
- (f) dental public health
- (g) prosthodontics
- (h) oral and maxillofacial radiology
- (i) oral medicine
- (j) oral pathology
- (k) oral medicine and pathology (combined)

### **Inflammatory Statements**

An example of promotional activity which may be inconsistent with Part 12 of the Bylaws is wording which may have the effect of unduly alarming members of the public, such that they become overly concerned about their dental health. For example, this may be the case if a registrant's promotional activity stated "we remove poisonous metal fillings."

### **Guaranteeing Success**

Statements in promotional activity which give the impression of guaranteeing success are considered misleading and are also contrary to the Code of Ethics.

### **Listing Days and Hours of Operation**

Registrants should take care when stating days and hours of operation to ensure that the public is not misled or confused.

### **Fees**

References to fees in promotional activity are not, in themselves, problematic. However, registrants should ensure that statements of fees for specific dental services sufficiently describe the fees and services so as to enable the public to understand the nature and extent of the work to be performed and the true cost to the client.

When listing fees for specific dental services in promotional activity, a registrant should use the terminology employed in the current fee guide of the British Columbia Dental Association, in order to reduce the possibility of the public being confused or misled by different dentists describing dental services using different terminology.

It would be misleading for a registrant to state a fee for a dental service but to then charge the patient an additional amount for elements of that service which are typically included. For example, it would be misleading to state a fee for fillings, but to then charge extra for freezing.

If a registrant wishes to offer a specific dental service for a reduced fee for a limited time only, the time limit should be clearly stated to avoid misleading the public.



Registrants should exercise caution when referring to “free” services so as to ensure that the public is not misled. If there are any conditions attached to the free service (e.g. free teeth whitening only if the patient pays for an examination and check up), such conditions should be clearly stated.

### **Limitations on Promotional Activity**

Part 12 of the Bylaws describes promotional activity that dentists and certified dental assistants may not authorize or engage in. Including the following:

*No registrant will authorize or engage in promotional activity that...*

*12.02(1) (e) contains claims or assertions which cannot be verified by a member of the public acting as a reasonable consumer of dental health care services.*

Examples of promotional activity wording which may be inconsistent with Part 12 of the Bylaws are: “our efforts in cosmetic dentistry will result in the brightest smiles in your community” or “our relaxed atmosphere reduces our clients’ pain and anxiety” or “50% better smiles after only two visits.”

*No registrant will authorize or engage in promotional activity that...*

*12.02(1) (f) uses comparative statements that include reference to fees, services, products or facilities.*

Comparative statements are problematic because, by their nature, they are nonobjective and usually are not verifiable by members of the public. Comparative advertising also encourages more comparative advertising, all of which undermines a professional image.

Examples of promotional activity wording which would be considered comparative:

“Lower cost dental care”  
“No other dentists will meet your expectations like we can”  
“Our digital x-ray equipment exposes you to less radiation than the traditional process used by most dentists”  
“We provide the whitest smiles”  
“State of the art dentistry”

Trade names such as “Gentlest Dental Care” or “Best Dental Care.”

Conversely, statements such as “convenient parking” or “we strive to provide excellent dental care” would likely not be considered comparative.



*No registrant will authorize or engage in promotional activity that...*

*12.02(1) (g) tends to undermine the professionalism, ethics, integrity or dignity of the dental profession or otherwise brings the dental profession into disrepute.*

This provision is intended to prohibit promotional activity which is not merely distasteful but which has a tendency to seriously undermine the professional image of dentistry as a whole.

For example, if a registrant engaged in promotional activity which referred to the clinic staff being “HIV-negative” or “screened for HIV”, this would very likely be considered to undermine the professional image of dentistry.

Further examples include statements such as “Cheap Dental Services Provided” or “Cut Rate Dental Services.”

Registrants should also be cautious in publicly endorsing any dental products to ensure that the manner and tone of any such endorsement does not have the effect of undermining the professional image of dentistry as a whole.

### **Reference to Qualifications**

As per Part 12.05 of the Bylaws:

*A dentist may, when referring to qualifications in promotional activity, refer only to:*

*(a) academic and professional degrees, diplomas and credentials earned by examination through*

*(i) a listed general dentistry program, listed specialty program, or other general dentistry program or specialty program that has been accredited by the Commission on Dental Accreditation of Canada or the Commission on Dental Accreditation of the American Dental Association, or*

*(ii) a general dentistry program or specialty program at a post-secondary institution outside of Canada and the United States that is verifiable to the satisfaction of the registrar,*

*(b) the Royal College of Dentists of Canada fellowships or memberships,*

*(c) certification from a Specialty Board approved by the House of Delegates of the American Dental Association, or*

*(d) other qualifications approved by the board, or which the dentist is authorized to use under these bylaws.*

*Dentists must not refer, in promotional activity or in any other communications with the public, to qualifications or memberships in dental associations or organizations granted without examination.*



When referring to degrees, diplomas or credentials in promotional activity, the recognized formal title of the academic institution should be used. For instance, the description of an academic institution as a “U.S. University” or a “European University” has the potential to mislead or confuse the public.