

## Professional Advertising

This *Practice Advisory*, which replaces the *Guidelines Respecting Advertising* issued by the College in March 1995, is intended to assist you in understanding your legal and professional responsibilities respecting any advertisement which you may use in respect of your practice. The specific paragraphs of the provincial regulations governing professional misconduct relating to advertising (paragraphs 60 and 61 of Section 2 of Ontario Regulation 853/93 as amended by Ontario Regulation 220/94) are included in this Advisory for your information.

From time to time, subsequent advisories or bulletins dealing with specific advertising issues will be provided to further assist you in understanding your obligations to comply with the provincial advertising regulations that govern all Ontario dentists.

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### What does the RCDSO mean by professional advertisement?

The phrase “professional advertisement” as used in this Advisory means any material related to your practice which is published, displayed, distributed or used, whether by you directly or by someone on your behalf. This includes advertisements, announcements, or other information regardless of the form or the manner of distribution.

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### Why is the RCDSO involved with the issue of professional advertising?

The College is involved with the issue of professional advertising in order to:

- protect the public’s interest from false and/or misleading communication;
- ensure that advertisements by dentists do not demean the integrity and dignity of the profession.



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What principles can be followed to ensure that you do not offend your professional responsibilities?

1. You are responsible for any communication that has a bearing on your practice. It is, therefore, important that you ensure that anyone you permit to be involved in communication in respect of your practice understands your professional obligations.

2. Advertising must be:

- truthful (not misleading, fraudulent or deceptive);
- objectively verifiable (able to be proven to be true by facts other than personal feelings, beliefs, opinions or interpretations);
- professional (consider the effect that your advertising might have on your own professional image as well as on the public's overall perception of the dental profession).

3. If your advertisement makes any reference to an area of practice, your expertise, a dental procedure or treatment, or technique or materials, you must clearly disclose whether you are a general practitioner or a specialist, and if a specialist, in what particular specialty you are registered. Specialty areas of the profession are limited to the nine specialties recognized under the Regulations and must be referred to only by those specific titles.

4. If your advertisement makes reference to fees or a reduction in fees, you must ensure that everyone reading the advertisement would clearly understand what you are offering.

- Discounts must be accurately and clearly stated, e.g. 10% off the 1998 Ontario Dental Association Suggested Fee Guide.
- Unless otherwise specified, the fee would be the maximum fee; would be inclusive of all services, including laboratory costs; and would be applicable to all patients, whether or not they are aware of the advertisement, and whether or not they had dental insurance coverage.

5. The following would be considered inappropriate and/or unprofessional and should, therefore, not be included in any form of advertisement.

- Suggesting or implying that there is some element of uniqueness or superiority within your practice or the services which you provide.
- Creating false or unjustified expectations of favourable results or using fear to motivate the public.
- Use of testimonials, coupons, or giveaways to promote your practice.

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What information is considered to be relevant?

Advertisements should include relevant dental practice information to enable the public to make informed choices concerning their dental care and should include your name as it appears on the College Register. The College suggests that you include the following in any advertisement:

- your office address(es) and telephone number(s)
- days and hours of operation
- after-hours telephone number(s)
- other languages spoken
- whether your office is accessible for people with physical disabilities
- whether you are a general practitioner or a registered specialist, and if a specialist, in what specialty

More information about this *Practice Advisory* can be obtained by contacting the College at 416.961.6555, toll-free at 1.800.565.4591, or by e-mail at [info@rcdso.org](mailto:info@rcdso.org).

The College will offer advice with respect of any proposed advertisement. If you wish to obtain advice, please send a copy of the proposed advertisement to the College by fax at 416.961.5814 or by surface mail. Please indicate on the outside of the envelope that it is regarding professional advertising.

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ONTARIO REGULATION 220/94 made under the DENTISTRY ACT, 1991

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Section 2 of Ontario Regulations 853/93 includes the following act of professional misconduct for the purposes of clause 51 (1) (c) of the *Health Professions Procedural Code*:

60. Publishing, displaying, distributing, or using or causing or permitting, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to a member's practice, which,

- as a result of its content or method or frequency of dissemination, may be reasonably regarded by members as likely to demean the integrity or dignity of the profession or bring the profession into disrepute,
- included information that,
  - is false, misleading, fraudulent, deceptive, ambiguous or confusing or likely to mislead or deceive the public because, in context, it makes only partial disclosure of relevant facts.
  - is not relevant to the public's ability to make an informed choice, or

- is not verifiable by facts or can only be verified by a person's personal feelings, beliefs, opinions or interpretations,
- makes comparisons with another practice or member or would be reasonably regarded as suggestive of uniqueness or superiority over another practice or member, or
- is likely to create expectations of favourable results or to appeal to the public's fears.

61. Publishing, displaying, distributing, or using or causing or permitting, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to a member's practice, which makes reference to an area of practice, dental procedure or treatment unless the advertisement, announcement or information discloses whether the member is a specialist or a general practitioner and, if a specialist, in what particular specialty.



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