



ADVERTISING

FROM INFORMATION TO DECEIT

THE SYNDIC'S OFFICE WISHES TO REMIND MEMBERS OF THE ORDER OF CERTAIN PROVISIONS OF THE *CODE OF ETHICS OF DENTISTS*, IN PARTICULAR THOSE CONCERNING ADVERTISING. THESE PROVISIONS ARE BEING VIOLATED MORE AND MORE OFTEN, AND STEPS WILL HAVE TO BE TAKEN TO PROTECT THE PUBLIC AND THE CREDIBILITY OF THE PROFESSION.

THE PROVISIONS of the *Code of Ethics* concerning advertising and communications with the general public were adopted in order to prevent any misrepresentation or fraud toward consumers.

Note that the regulation and principles governing professional ethics extend to all media. Websites and social media are the new frontier of unscrupulous advertising and promotion.

ENDORSEMENTS

"My treatment by Dr. X produced extraordinary results. He managed this feat with no pain, in record time and at a lower cost than other dentists would have charged. He helped me find a job and a soulmate. I will be eternally grateful." xxx

The *Code of Ethics* is very clear on this subject. Dentists may not use any endorsements in their advertising. A patient's statement of satisfaction, be it real or fabricated, is certainly no guarantee of a dentist's competency or qualifications. Admiring testimonials cannot be considered credible evaluations that can help members of the public make an informed decision when choosing a professional in whom to place their trust. To the contrary – such endorsements may be particularly misleading, as they enhance

"My new dentures made my wrinkles disappear!"

– G. B., AGE 90



the reputation of the dentist using them as a tool for self-promotion and yet cannot be verified by the target clientele.

All websites and other publications that include endorsements must be edited to bring them into line with the regulatory requirements.

TITLES AND ABBREVIATIONS

The only titles dentists may use in their advertising and on their stationery and business cards are those conferred by universities recognized by the Order. Diplomas issued by institutes, associations and groups of any kind are not recognized certifications and may not be mentioned in dentists' professional identifications.

From what we see, it seems that the ranks of Quebec dentistry include, in addition to specialized clinics, experts and other authorities, degree holders and Fellows, some dentists who claim to be "recognized" for their extraordinary talents and competency. These visionaries have skills exceeding those of practitioners of traditional dentistry, including those specialists certified by the Order.

These individuals seem to have one point in common, however: they tend not to mention in their advertisements that they are general dentists. Whatever the level of skill they may have, whether it is attributed by themselves or some other authority, they are not specialists and may not claim to be. Advertising is intended to attract customers, of course, but members of the general public are not capable of distinguishing between fact and fiction in this case and may be misled.

Note that section 3.09.05 of the *Code of Ethics of Dentists* states that the term to be used is "general dentist" and not general dental surgeon or any other combination or formulation.

SPECIALITIES

There should be no difficulty for members of the public to understand the qualifications officially recognized and attested by university diplomas. There are 10 specialties recognized by the Order. None of them is in implantology, occlusodontics, neuromuscular dentistry, esthetic dentistry or family dentistry.

It is entirely misleading for a dentist to present himself or herself as having particular qualifications or a specialty in a field other than those recognized by the Order. No ambiguity regarding the status of specialist can be tolerated. The obligation incumbent on each and every dentist to mention that he or she is a general dentist when promoting his or her services is specifically intended to avoid any confusion in the eyes of the public. It is not up to patients to distinguish between "orthodontics" and "orthodontist." It is up to the dentist to make sure that there can be no misunderstanding.

LIMITED GUARANTEES

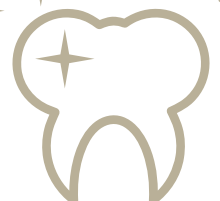
3.04.01. A dentist must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from inserting in a contract for professional services a clause excluding such liability, directly or indirectly, in whole or in part.

The outcome of dental treatments cannot be guaranteed. Clearly, patients who consent to dental care will have some expectations, based on the dentist's prognosis.

For the dentist, elective treatment naturally implies greater obligations than therapeutic treatment in terms of the outcome and consent, and hence in terms of the information to be provided to the patient.

Patients are protected in two ways: first of all, by the dentist's obligation to use all the means recognized by the profession to achieve a desired outcome.

GUARANTEED
provided
you maintain perfect
dental hygiene.



Dr. PRIDE, BA, DMD,
ABC Fellow, Dip DEF,
Cert. GHI, specializing
in green dentistry

In fact, the majority of dentists, when they see that a treatment has been unsuccessful, will not hesitate to correct any work free of charge if they feel that it does not meet recognized standards and their own criteria.

Secondly, patients are covered by the liability insurance that dentists are required to hold in order to practise dentistry.

Dentists are fully responsible for all treatments provided, including laboratory work.

It is absolutely unethical to allow a patient to believe that there is a conditional or limited guarantee for any treatment whatsoever. Giving a patient a conditional "guarantee"

amounts to limiting this liability, since it implies that this "guarantee" will be invalidated if the conditions are not met. Simply mentioning a guarantee violates the principle of the patient's rights to unlimited recourse. For example:

"The treatment is guaranteed for two years and will be redone free of charge, provided that you maintain perfect dental hygiene and have a check-up and cleaning every six months, without fail."

The patient is convinced by the guarantee and accepts the conditions that may seem reasonable under the circumstances. The fact remains, though, that the conditions imposed are highly debatable, since the dentist may not limit his or her liability. The guarantee also does not appear to be included in the cost of the service, since the patient must pay for the check-ups. In addition, the conditions are entirely at the dentist's discretion, since they depend on his or her assessment of the patient's oral hygiene.

This underhanded way of attracting clients and holding them captive is particularly inappropriate and unacceptable.

HYPOTHETICAL GUARANTEES

"Implant-supported prostheses give you back the feeling of natural teeth and let you enjoy eating again."

It is best not to be overly optimistic when describing the benefits of treatments before examining or assessing a patient's situation, rather than promising what may be unrealistic results.

ONLINE PURCHASES AND DISCOUNTS

"60% off the cost of orthodontic treatment valued at \$8,550. Pay only \$3,420."

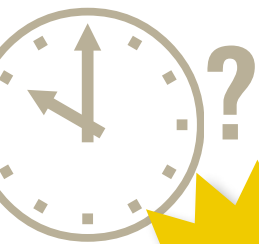
This form of promotion is based on a very rough evaluation of the services concerned, without even an examination of the patient. It offers a supposedly very attractive price, without any chance for the client to closely analyze the service offered.

This sort of promotion is of no use to the public, especially since a large proportion of this amount will be paid to a third party who is not a dentist, even before the service is provided.

This is certainly not information that will allow the public to make informed decisions.

DISCOUNTS OF ANY KIND

The *Code of Ethics* is very explicit when it comes to discounts. They must be highly detailed and leave the dentist no latitude as to their application. For instance, a "20% discount for seniors" means nothing to consumers. The *Code of Ethics* lists dentists' obligations concerning the promotion of exceptional prices. These requirements are intended to confirm to the public that dentists are subject to consumer protection legislation like everyone else.



COMPARATIVE ADVERTISING

(3.09.03)

“If you’ve been told that you must have a bone graft in order to have implants, come talk to us. Dr. King can help you avoid this painful and costly procedure required for ‘traditional’ techniques. With his avant-garde method, he’ll restore your smile and your bite with one simple, painless treatment.”

NEW APPROACH

designed for nervous patients

This approach is contrary to the basic principles of respect for fellow dentists, who are – unless otherwise proven – just as competent as this supposedly “avant-garde” dentist. Recognized standards in dentistry are not revised each time a so-called “avant-garde” technique appears on the market. “Conventional” disciplines are not pushed aside to make room for new dental “panaceas.”

It is indelicate, to say the least, for a dentist to promote his or her practice by suggesting that colleagues’ knowledge and the operator techniques practised by at least 95% of other dentists are outmoded or totally out of date.

EXCERPTS FROM THE CODE OF ETHICS OF DENTISTS

3.09.01. A dentist’s advertising shall contain only information that will help the public to make an enlightened choice and that will facilitate the public’s access to useful or necessary dental services.

The information shall be such that it informs persons having no particular knowledge of dentistry.

3.09.02. A dentist may not engage in, or allow the use of, by any means whatsoever, advertising that is false, misleading, incomplete or liable to mislead. (...)

DRAWS AND CONTESTS / DISCOUNT COUPONS

These forms of promotion represent an advantage or rebate within the meaning of section 3.05.05. They in no way meet the criteria in the regulations governing advertising. In addition, patients must receive treatment worth a certain amount before they are eligible for the promotion, which then becomes a rebate on the cost of treatment, paid to the patient himself or herself.

WIN

a root canal treatment, worth \$750 to \$1,500 (not transferable).



EXCERPTS FROM A SUPREME COURT DECISION

(Rocket v. Royal College of Dental Surgeons of Ontario, [1990] 2 SCR 232)

Consumers of dental services would be highly vulnerable to unregulated advertising. As non specialists, they would lack the ability to evaluate competing claims as to the quality of different dentists. (...)

Indeed, having regard to the importance of promoting professionalism and preventing irresponsible and misleading advertising, a consideration that should outweigh the protection of any commercial interests of professionals, a heavy duty rests on professional bodies to adopt appropriate regulations that do so without restricting unduly the freedom of expression of their members.

The purpose of this article is to make dentists aware of how certain kinds of advertising fail to meet established standards. It is also intended as a plea for a return to communications with the public without the commercial aspects that tarnish the image of the profession and constitute a clear lack of respect for consumers, who certainly deserve better than such misleading practices.

Dentists’ credibility depends on their self-discipline and their readiness to remain within the proper boundaries when promoting their services, so that potential clients can make informed choices. ●