



## **Guidance on Advertising to the Public**

This guidance must be read in conjunction with The Code (2016) prepared by the General Chiropractic Council (GCC), which sets out standards for conduct, performance and ethics for chiropractors to ensure the competent and safe practice of chiropractic.

To note: The GCC will review this guidance as necessary and update it as appropriate, and reapply the principles of the Code to any critical changes or new situations that may emerge. This guidance should also be read alongside the following documents issued by the Committee of Advertising Practice (CAP) and enforced by the Advertising Standards Authority (ASA):

- the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code) – see <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>
- Health: Chiropractic advice online (updated 3 November 2017) – see <https://www.asa.org.uk/advice-online/health-chiropractic.html>
- Chiropractic: ASA review and guidance for marketing claims (published 9 November 2017) – see <https://www.asa.org.uk/resource/chiropractic-asa-guidance-on-sciatica-sports-injuries-whiplash-and-the-treatment-of-babies-children-pregnant-women.html>

This guidance is not intended to provide you with advice about steps you can take to ensure your advertising complies with the ASA/CAP requirements. It is only intended to assist you in applying the broad principles of the GCC's Code of Practice with regard to advertising, drawing your attention to key factors so that you can take them into account and ensure you act at all times in the interests of your patients and public protection.

The ASA is the UK advertising regulator and may take independent action against chiropractic websites that break the advertising rules. Information about the ASA/CAP's processes is set out on their website – see <https://www.asa.org.uk/about-asa-and-cap.html>.

If you are a member of a chiropractic professional body, they may be able to assist you.

CAP also provides the facility to check specific wording of non-broadcast advertising with their Copy Advice Team – see <https://www.asa.org.uk/advice-and-resources/bespoke-copy-advice.html>

Please note that the GCC has issued separate guidance about obtaining informed consent from patients. This document therefore does not include any advice or guidance in relation to information to be provided to patients during the assessment, diagnosis or treatment process, as it is targeted solely at advertising to the public.

## What standards do the GCC set in relation to advertising?

The standard set by the GCC within The Code is:

**B3:**

*Use only honest, legal and verifiable information when publicising yourself as a chiropractor, advertising your work and/or your practice including on your website. The information must comply with all relevant regulatory standards.*

Another relevant standard is:

**B2:**

*Ensure you, and any chiropractor who works with you on a contractual basis, are properly qualified, registered and insured.*

## What are the “relevant regulatory standards” referred to in B3?

The ASA is the independent regulator for advertising in the UK. Its sister organisation, the CAP is responsible for the CAP Code – which requires anyone advertising services/products to ensure they are in possession of evidence that supports any claims they make in advertising<sup>1</sup>.

The ASA investigates complaints about advertising, taking account of the consumer protection regulations. If an advertisement is found by the ASA to be misleading or unfair to consumers, and the advertiser fails to comply with the ASA ruling, the ASA may, ultimately, refer them to Trading Standards for legal action to be taken under the relevant consumer protection regulations.

When advertising your services, you must comply with the CAP Code and any other guidance issued by the ASA/CAP about chiropractic, in order to meet standard B3 of the GCC Code.

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<sup>1</sup> This applies to advertising claims that are capable of objective substantiation.

## **What counts as “advertising”?**

Advertising can be any information or claim(s) that you present or make public about your practice. This includes (but is not limited to) information and/ or claims that are:

- printed and included on: notices/signage;
- published on a website (including marketing or social media websites);
- sent via email;
- broadcast on TV/radio/similar;
- included within media reports or articles that you contribute to (or which are attributed to you).

Any form of endorsement of others’ comments (e.g. “liking” Facebook posts, or “re-tweeting”) may be regarded as including those comments within your own marketing/advertising activities.

You are personally accountable for information about your services, whether or not you wrote that information yourself. If you have concerns about information your employer/a colleague publishes about your services, you should raise those concerns with them, in writing if necessary.

The CAP Code’s scope is more specific (for example it excludes content that is not either paid for/directly connected with the supply to chiropractic services, or which is sent to existing patients) and is set out on the ASA website at:

[https://www.asa.org.uk/type/non\\_broadcast/code\\_folder/scope-of-the-code.html](https://www.asa.org.uk/type/non_broadcast/code_folder/scope-of-the-code.html)

## **What does the GCC mean by “verifiable”?**

B3 within the GCC Code requires all advertising or promotion of chiropractors or their services to be “honest, legal and verifiable”.

“Honest” and “legal” are terms that are generally understood, and do not require further definition here.

For the information contained in your advertising to be “verifiable” in accordance with B3, you must be able to prove its accuracy on the basis of evidence in your possession at the time the advertising is issued. This means you must be able to provide evidence supporting anything you say about yourself, the work you do, and the results of the treatments or services that you offer.

Any information provided about the efficacy of treatments/services must be supported by evidence of the standard required by the CAP Code. Further details about this are provided below.

## **What do the ASA/CAP Code require, and is that different to the GCC’s requirements?**

The CAP Code sets a number of detailed rules that apply to advertising. This guidance note does not attempt to summarise or refer to them in any detail. The CAP Code can be found at: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>.

The first rule within the CAP Code is that marketing communications should be legal, decent, honest and truthful<sup>2</sup>.

Another important rule within the CAP Code is that marketing communications must not “materially mislead” the consumer or be likely to do so (including by leaving out or hiding important information, or including ambiguous or unclear statements)<sup>3</sup>. The principle behind this is that consumers (i.e. patients or potential patients) should not be misled by the advertising into making a decision they would not otherwise have made (for example, decisions about their care/treatment).

The CAP Code requires the advertiser to hold “documentary evidence” that backs up (or “substantiates”) any claim being made which a consumer might regard as being an “objective claim”<sup>4</sup>. For example, if a chiropractor includes on their website a testimonial from a patient that their chiropractic treatment has relieved their hayfever, that would be in breach of the CAP Code unless the chiropractor was in possession of documentary evidence proving that chiropractic can relieve hayfever<sup>5</sup>.

The ASA’s approach when applying the CAP Code is that any advertising must not:

- Offer absolute guarantees of cure;
- Claim that chiropractic treatment is free of risk or safer than other healthcare treatments (e.g. because it is ‘natural’);
- Present anecdotal evidence as being proven or scientific;
- Discourage an individual from seeking medical treatment from a general medical practitioner if appropriate;<sup>6</sup>
- Claim that chiropractic care or treatment can treat any condition unless that claim is substantiated in compliance with the CAP Code.

The CAP Code contains detailed requirements about the quality of the evidence required to substantiate any claim which varies according to the type of claim being made. Some further information about this is set out below.

As B3 within the GCC Code requires compliance with all relevant regulatory standards, any breach of the CAP Code or other ASA/CAP requirements could amount to a breach of the GCC’s Code. You should make sure that you are familiar with the CAP Code, and satisfy yourself that your advertising complies in particular with the Rules contained in sections 1, 3 and 12. (see <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>).

### **The CAP Code and guidance about “substantiation”**

Chiropractors who follow the guidance issued by the CAP about the conditions chiropractic can advertised as a treatment for (see further details below) should be less likely to be the

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<sup>2</sup> Rule 1.1

<sup>3</sup> Rules 3.1 and 3.3

<sup>4</sup> Rule 3.7

<sup>5</sup> A complaint about this type of claim was upheld by the ASA in 2015 – see <https://www.asa.org.uk/rulings/chiropractic-life-a15-293323.html>

<sup>6</sup> Rule 12.2

subject of an investigation by the ASA. However, all advertising must comply with the CAP Code.

Rule 12.1 of the CAP Code indicates that that all “objective claims” must be backed up (or “substantiated”) by evidence, if relevant, consisting of trials conducted on people. Whether or not the advertiser is able to “substantiate” their claim will be decided based on the available scientific knowledge<sup>7</sup>.

A separate CAP guidance document that relates to substantiation of health, beauty and slimming claims (<https://www.asa.org.uk/resource/health-beauty-and-slimming-claims-substantiation.html>) explains the different quality of evidence that will be required in order to back up any “objective” claims in these areas. A distinction is drawn between objective claims that are uncontroversial and objective claims about “new” or “breakthrough” areas of treatment.

The document sets out that in order to back up any new “objective claims” (e.g. any claims to be able to treat conditions where there is no published guidelines or authoritative reports to back those claims up) detailed and technical requirements about evidence must be followed. For example, the guidance sets out that:

- “...*sound data, relevant to the claim made, should be collated to form a body of evidence*”, which may include “*conducting a systematic review of all available scientific evidence and evaluating it for its relevance*”
- “*a body of evidence*” can include evidence from various categories, including single or double-blind clinical trials and observational human studies. For the complete list of categories of evidence see <https://www.asa.org.uk/resource/health-beauty-and-slimming-claims-substantiation.html>
- The “*body of evidence*” should normally include at least one adequately controlled experimental human study but an adequately controlled observational study may be adequate in some circumstances (only if the ASA/CAP experts accept that the data is “sound” and an experimental study would be futile/impractical).
- Specific requirements must be met in terms of the methodology, size, duration and nature of the study group used. Confounding factors/variables must be taken into account and the results must be statistically significant.
- An objective review of the data will be required if the study has not been published in a reputable peer-reviewed journal.

It also explains which types of evidence are likely to be considered unacceptable in order to substantiate such claims.

### **Advertising treatment of conditions CAP accepts chiropractic can treat**

CAP has issued guidance about the conditions chiropractors may claim to treat (“Health: Chiropractic advice online” (published 3 November 2017) and, alongside the ASA guidance published on 3 November 2017 (“Chiropractic: ASA review and guidance for marketing

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<sup>7</sup> Rule 12.1

claims”) CAP has issued online advice about the conditions it is accepted chiropractors can claim to treat. The conditions listed are:

Ankle sprain (short term management)

Cramp

Elbow pain and tennis elbow (lateral epicondylitis) arising from associated musculoskeletal conditions of the back and neck, but not isolated occurrences

Headache arising from the neck (cervicogenic)

Inability to relax

Joint pains

Joint pains including hip and knee pain from osteoarthritis as an adjunct to core osteoarthritis treatments and exercise

General, acute & chronic backache, back pain (not arising from injury or accident)

Generalised aches and pains

Lumbago

Mechanical neck pain (as opposed to neck pain following injury i.e. whiplash)

Migraine prevention

Minor sports injuries and tensions

Muscle spasms

Plantar fasciitis (short term management)

Rotator cuff injuries, disease or disorders

Sciatica

Shoulder complaints (dysfunction, disorders and pain)

Soft tissue disorders of the shoulder

Please note that the issue of this CAP advice about specific conditions does **not** mean that *any* advertising about treating those conditions would always be treated as acceptable by the ASA/CAP. Advertising about treatment of these conditions still has to comply with the CAP Code.

### **Advertising treatment of other conditions**

Advertising treatment of any condition must comply with the CAP Code’s provisions about the evidence required to back up (“substantiate”) any claim made (Rule 12.1).

Particular care will need to be taken when advertising treatment of a condition that falls *outside* the categories which the CAP guidance recognises as capable of being treated by chiropractors.

The CAP Code’s requirements are technical and detailed. If you are intending to include claims about treating a condition other than those conditions the CAP guidance recognises chiropractors can claim to treat, it is recommended that you review the CAP Code and guidance documents in detail, and potentially seek further advice from the CAP Copy Advice team, before proceeding.

## **Referring to your professional status or qualifications in advertising**

If you are suspended or removed from the GCC register it is a criminal offence to say or imply that you are a chiropractor. In those circumstances you should ensure that any information in the public domain (including any material published by your employer) that refers to your being a chiropractor is immediately withdrawn until your suspension is listed/your restoration to the register.

If you have not paid the practising fee for that registration year, any description of you (or the services you offer) must not refer to your being a chiropractor or imply that you can provide chiropractic care. If you move from paying the practising fee to paying the non-practising fee, you must make sure that any information in the public domain that refers to your being a chiropractor is promptly withdrawn.

If you use the courtesy title “doctor” you must make it clear within the text of any information you put into the public domain that you are not a registered medical practitioner but that you are a “Doctor of Chiropractic”. Failure to do so could lead to an allegation of misconduct. The ASA will take action in relation to advertisements implying that chiropractors are medical practitioners.

A separate advice note setting out the ASA’s views about the use of the title “doctor” by chiropractors is available from: <https://www.asa.org.uk/advice-online/use-of-the-term-dr-chiropractors.html>

## **What action can the GCC take about a breach of B3?**

Any allegation about a breach of B3 in the GCC’s Code of Standards with in accordance with the process agreed by the GCC’s Council in March 2015 (see <http://www.gcc-uk.org/UserFiles/Docs/Council%20Meetings/2015/March%202015%20Council%20papers%20open.pdf> pages 23-24). This means that some allegations will be referred to the Investigating Committee, and others may first be referred to the ASA for it to consider taking action.

**History of revisions to the Guidance on Advertising:**

This document was revised in December 2017 to reflect the guidance on the use of chiropractic in relation to babies and children issued by the ASA/Committee on Advertising Practice on 9 November 2017. It was first published on 8 January 2018.

**Previous editions:**

Guidance on Advertising, April 2016.

Advertising Guidance for Chiropractors, March 2010

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