

Alberta Veterinary Medical Association MARKETING ACTIVITY GUIDELINES

PURPOSE

Marketing by members and veterinary practices is undertaken in the interest of promoting individual veterinary practices. The veterinary profession, like most regulated professions, has placed certain restrictions on advertising by members of the profession, in the interest of protection of the public and protection of the integrity of the profession.

The ABVMA encourages members, permit holders and VPEs to communicate with the public regarding the professional services they offer and promote the profession of veterinary medicine.

These Guidelines serve to inform members of the expected professional standard to be met when undertaking marketing activities. All members, permit holders and VPE's are expected to abide by these Guidelines. Failure to do so may result in an allegation or finding of unprofessional conduct.

DEFINITION

A Marketing Activity may be defined in general terms as "the activity of promoting one's services to members of the general public or to any segment of the public"

Any member, permit holder or veterinary practice entity (VPE) may undertake marketing activities that are in compliance with this guideline. For the purposes of these Guidelines, a marketing activity is further defined as:

- i) any advertisement, which is defined as the use of paid or unpaid space or time, in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting the professional services or goods, or enhancing the image of the member, permit holder or VPE, or
- ii) any broadcasting or publication in any medium or any communication with the public, or with any client or prospective client in the nature of an advertisement, promotional material, a listing in a directory, a public appearance, use of internet or social media or any other means by which veterinary services are promoted, or
- iii) contact with a member of the public initiated by a member, permit holder or VPE in a manner which can fairly be regarded as directly or indirectly having for its purpose attracting clients.

A marketing activity does not include a treatment plan or protocol that is communicated directly to a client in the context of a valid Veterinary-Client-Patient-Relationship (VCPR) as defined in the General Regulation, section 21.2.

GUIDELINES

A) GUIDING PRINCIPLES

A member, permit holder or VPE who uses or benefits from any marketing activity shall do so:

- i) in a fair and responsible manner.
- ii) in accordance with the Veterinary Profession Act, General Regulation, Bylaws, Council Guidelines, Council Policies and provincial and federal law.
- iii) in accordance with personal privacy information legislation.
- iv) as not to put at risk the interests of animals, their owners, members of the public or society in general.
- v) as to maintain the integrity of the veterinary profession.

B) GENERAL REQUIREMENTS

Any marketing activity undertaken or authorized by a member, permit holder or VPE must:

- i) be true and objective;
- ii) be complete, accurate, factual and verifiable;
- iii) not be reasonably capable of misleading the recipient or intended recipient;
- iv) be worded so that it does not abuse the trust, emotional involvement or exploit the lack of experience or knowledge of members of the public on matters of animal health and veterinary medicine;
- v) not contain any material that, if read, heard, or seen by children, is likely to exploit their credulity, their lack of experience or their emotional involvement with animals;
- vi) not be in bad taste, self-laudatory or otherwise contrary to the honor and dignity of the veterinary profession;
- vii) must comply with section 16.1(f) of the General Regulation as it relates to the obligations of professional confidentiality of a member or permit holder towards his or her client;
- viii) not offer to make a diagnosis, advise, prescribe or provide treatment in relation to any animal without an examination of the animal;
- ix) not play on the fears of animal owners by making inappropriate reference to the existence, extent or expectation of disease situations with a view to persuading such owners to consult the member, permit holder or VPE;
- x) not advertise services to the public unless the member, permit holder or VPE is able to provide these services in a reasonable period of time to the number of persons who may be likely to respond to the advertisement.

C) PROHIBITIONS

Marketing activities that are prohibited include:

- i) claims of professional superiority,
- ii) claims respecting other practitioners, their services, or their products,
- iii) claims of guaranteed success,
- iv) claims respecting products or services that cannot be provided as promised,
- v) direct or indirect suggestions that a member, permit holder or VPE has access to or uses a superior, exclusive or secret treatment, procedure or method,
- vi) aggrandizing the skill or reputation of a member, permit holder or VPE,
- vii) soliciting, which is defined as a specific activity of persuading or recruiting an individual as a client, as opposed to simply conveying a message.

D) SPECIALISTS

The term specialist may be used in marketing activities if the veterinarian is recognized by the ABVMA as a specialist in accordance with section 5.1 of the General Regulation.

- i) Members not recognized by Council as specialists are not entitled to use the term “specialist” or “specialty” in any marketing activity.
- ii) Notwithstanding (i) above, members may choose to limit their practice and communicate this to the public by using the term “Practice Limited to”.
- iii) Members who have advanced training, qualifications or experience in a given species or discipline may communicate this to the public provided terms that imply specialist recognition (such as “specialist” or “specialty”) are not used.

E) ADVERTISEMENT OF SERVICE AVAILABILITY

A member or permit holder may use marketing activities to inform the public of all services offered by a VPE, provided the marketing activities comply with this guideline.

F) ADVERTISEMENT OF PRODUCT AVAILABILITY

A member, permit holder or VPE:

- i) shall not advertise the availability of specific pharmaceutical, biological, or other medical product [PB1] by brand name or otherwise,
- ii) may advertise the availability of
 - a) therapeutic and non-therapeutic diets,
 - b) general categories of pharmaceutical, biological or other medical products,
 - c) non-medical products
- iii) shall not include in any marketing activity any reference to the brand or trade name of any pharmaceutical, biological, or other medical products, other than the actual drug name

G) RESPONSIBILITY

- i) The onus is on the member or permit holder to ensure that any marketing activity undertaken is in compliance with this guideline.
- ii) A member or permit holder must take reasonable steps to ensure that any marketing activity undertaken by other parties that benefits the member, permit holder or VPE is in compliance with this guideline.
- iii) All employees of the veterinary practice entity are responsible for ensuring compliance with this guideline.

H) CHARITABLE DONATIONS

A member, permit holder or VPE may give awards or contributions to charitable, cultural, community or other groups as a marketing activity. These awards or contributions may be monetary, goods or services.

- i) Goods may not include prescription medications, or therapeutic diets.
- ii) Non-prescription goods may be donated provided the conditions of “Council Guidelines Regarding Prescribing, Dispensing, Compounding and Selling Pharmaceuticals” are met.
- iii) A monetary donation with a fixed and stated value (gift certificate) may be given and displayed.

- iv) A donation of a specific goods or services may be given and displayed provided it does not reflect the specific price of the goods or services.
- v) Recognition of the donation or gift provided by the charitable, cultural or community or other groups for the benefit of the member, permit holder or VPE must comply with this guideline.

I) DIGITAL MEDIA MARKETING

A member, permit holder or VPE may advertise using the internet and social media.

- i) Given the broad distribution and enduring nature of digital marketing, special caution is warranted.
- ii) A member, permit holder or VPE is responsible to ensure that advertising and marketing contained in websites and social media pages are in compliance with this guideline.
- iii) A member, permit holder or VPE is responsible to ensure that advertising and marketing contained in websites and social media pages that are linked to clinic websites, personal websites or social media accounts is in compliance with this guideline.

J) TESTIMONIALS

- 1) Pursuant to section 44 of the General Regulations,

Testimonials

44 *Members of the Association shall not write testimonials as to the virtue of proprietary remedies or foods except to report the results of properly controlled experiments or clinical studies, which reports may be published through a veterinary journal or at a meeting of a veterinary association.*

Members of the association shall not write testimonials as to the virtue of proprietary remedies or foods.

Client Testimonials

- 2) Testimonials from clients regarding the services of a member, permit holder or VPE may be used in a marketing activity by a member, permit holder or VPE provided the testimonial is in compliance with these guidelines.

K) USE OF ABVMA NAME

Pursuant to section 48 of the General Regulations: members of the association shall not use the name of the Alberta Veterinary Medical Association without written permission of Council.

Use of Association's Name

48 *Without the written permission of the Council, no member or employee of the Association shall use the name of the Association in connection with the promotion or advertising of any commercial product or service, or in any way that would imply the endorsement by the Association of a product or service.*

Council permission is granted for use of the ABVMA name by members through the approval of the Council Policy for Use of ABVMA Logo

L) USE OF ABVMA LOGO

A member, permit holder or VPE may use the ABVMA logo in any marketing activity provided that it is in compliance with the Policy for Use of the ABVMA Logo and this guideline.

M) STEERING

A member, permit holder or VPE may not directly or indirectly enter into an agreement with any person or corporation which involves:

- 1) that person or corporation directing clients to the member, permit holder or VPE in return for receiving a portion of the fee paid by the client, a credit or other benefit, or
- 2) the member, permit holder or VPE directing clients to that person or corporation in return for receiving a credit or other benefit

Steering does not include patient referral programs that provide a token gift, reward or benefit from the member, permit holder or VPE for referral of an individual client.

N) FEES AND PRICES

Fees for services, prices of any products or any indication of a discount may not be included in or referred to in any marketing activity by a member, permit holder or VPE.

This includes, but is not limited to, use of the terms “free”, “complimentary”, “special offer”, “time limited”, “% discount”, “sale”, “promotion”, “affordable” and others.

The publishing of a price list of goods and services in any form is not permitted.

Notwithstanding the above,

- i) A member or VPE may have direct, individual communication with a member of the public who has initiated contact with the member or VPE regarding the fee for a specific service or price of a specific product.
- ii) A member or VPE may utilize a password protected website to inform authorized persons of the price of non-medical products and non-therapeutic diets.
- iii) Veterinarians offering referral services may inform other members, permit holders and VPEs of their fees.

O) PROMOTIONS **NEW**

A member, permit holder or VPE may offer promotions for veterinary services and products.

Marketing of such promotions must be in compliance with these Guidelines.

Examples of promotions include “*Dental Health Month*” and “*Equine Dental Day*”. Marketing may include an invitation to contact the veterinary practice entity for details and is permitted under these guidelines.

P) PRIVATE LABELED PRODUCTS

A member, permit holder or VPE may enter into an arrangement with a supplier, distributor or manufacturer where by a custom or private label is applied to a product or products that would indicate that the product is manufactured by or for the member, permit holder or VPE. Despite Council reservations regarding this private labeling of products, the practice does not violate this Guideline.

Should a member, permit holder or VPE choose to undertake marketing of private label products, the marketing activities must be in compliance with this guideline and the private labeled products must:

- be non prescription medications,
- be a non DIN product, and
- be labeled in a manner that is not confusing to the public.

A member, permit holder or VPE that undertakes private labeling is cautioned that this activity may expose them to certain risks in the event of an adverse reaction to the product.

A member, permit holder or VPE that undertakes private labeling is expected to comply with all relevant provincial and federal legislation regarding the product that is privately labeled.

Q) NON COMPLIANCE

Contravention of the marketing activity guidelines may be considered to be unprofessional conduct. The *Veterinary Profession General Regulations* state:

Rules governing advertising

28(1) The Council may establish rules governing advertising by registered veterinarians and permit holders.

(2) A rule made under subsection (1) does not come into force unless it has been approved by a majority of the registered veterinarians voting in a vote conducted in accordance with the bylaws.

(3) Every registered veterinarian and permit holder shall comply with the rules that have been approved under subsection (2).

R) ADVERTISEMENT OF APPROVED VPE NAME

A member, permit holder or VPE may only use the name approved by the PIPS Committee in accordance with section 4.8 of the ABVMA Bylaws.

A member, permit holder or VPE that undertakes a marketing activity must include the approved name of the VPE.

Only the approved name of the VPE may appear on signage, advertisements and marketing activity for the VPE.

S) CORPORATE OR GROUP NAME

VPEs that are part of a group or corporate owned may identify a practice as part of a group or corporation but must not use the group or corporate name in place of the approved practice name.

The group or corporate name, if displayed, must comply with these Guidelines. (not false, claim superiority or misleading).

T) SLOGANS, MOTTOS AND TAG LINES

Slogans, mottos and tag lines appearing near the name of a veterinary practice in a logo must be distinguishable from the approved practice name.

Slogans, mottos and tag lines must be in compliance with these guidelines.

U) REGISTERED MEMBER NAME

The name of an individual engaged in the practice of veterinary medicine that is used and advertised by a member, permit holder or VPE must be the same as the name entered in the register of the ABVMA.