September 2015

Dear Osteopath

Check your advertising complies with the Advertising Code

We are writing to all members of the osteopathic profession following an increase in complaints that certain claims made on osteopaths' websites might be misleading. Typically, the complaints have concerned claims to help certain conditions with osteopathy that the complainants believe cannot be substantiated and therefore might not meet the requirements of the UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (known as the 'CAP Code').

The CAP Code is written and overseen by the Committee of Advertising Practice (CAP), which also provides advice and training on the Code to advertisers. The CAP Code is administered and enforced separately by the Advertising Standards Authority (ASA).

All advertisers, including osteopaths, who promote their services online and elsewhere, have an obligation to comply with the CAP Code. In relation to misleading advertising, these rules reflect the law as contained in European Directives on unfair business-to-consumer commercial practices. The UK Government and the Courts recognise the ASA as the *established means* for enforcing these regulations in relation to advertising.

Consequently, the *Osteopathic Practice Standards* – specifically Standard D14 – places on all osteopaths a duty to ensure that their advertising is legal, decent, honest and truthful, and conforms to current guidance, such as the CAP Code.

An osteopath's failure to comply with the CAP Code or failure to ensure their advertising is in line with acceptable claims as established through the ASA's rulings would be likely to be a breach of the *Osteopathic Practice Standards*, which the GOsC would be required to investigate and could result in fitness to practise proceedings against you.

We strongly advise you to act now and review all your advertising to avoid being subject to a complaint that such advertising is in breach of the CAP Code.

You should check regularly that your website/s and publicity materials comply with the CAP Code and guidance, and you must ensure that any staff that work for you are familiar with advertising standards, if they are in any way involved in advertising your practice.

Enclosed with this letter is guidance developed by CAP, including a list of acceptable conditions that osteopaths in their advertising can claim to help.

This guidance has been developed over time, through evidence that has been presented to the ASA during its investigations into complaints about osteopaths' advertising (resulting in a published ASA ruling) and also in conjunction with a review of available published evidence conducted for CAP by an appropriately qualified expert.

Note that the list *excludes* conditions like asthma, sinus and adenoidal problems, infections, whiplash, Down's syndrome, cerebral palsy, dyslexia, ADHD, speech and behavioural problems, learning difficulties, and common infant problems including colic, wind, sleep disturbance and glue ear. The reason for exclusion is that the evidence base for helping these conditions with osteopathy is insufficient and/or they are conditions for which suitable medical supervision should be sought. If you refer to treating such conditions in the advertising you offer to patients and the public (including on your website), you are at risk of being subject to a complaint that your advertising is misleading or potentially harmful and would also risk being found in breach of Standard D14 of the O*steopathic Practice Standards.*

Please review the information in the attachment and assess whether your advertising complies with these requirements; make any changes necessary as soon as possible. If, having read this information, you are still unsure what to do, you can visit the CAP website for further advice and guidance here https://www.cap.org.uk/Advice-Training-on-the-rules.aspx

We trust you will take immediate steps to ensure that the material on your website and in any other advertising communications complies fully with the CAP Code and supporting guidance, as well as with the *Osteopathic Practice Standards.*

Yours faithfully

Tim Walker
Chief Executive and Registrar
General Osteopathic Council

Shahriar Coupal
Director of the Committees
Committee of Advertising Practice

Guy Parker
Chief Executive
Advertising Standards Authority

Enclosure:
Advice from the Committee of Advertising Practice (CAP)