

# Your Vision Your Message

# Legislative Changes

CAM practitioners have been under pressure due to 3 recent changes in legislation;

- Sept 2010 - New CAP Code from the ASA.
- Feb 2011 - Coalition abandon plans to regulate CAM.
- March 2011 - ASA remit extended to digital.

# The New CAP Code

CAP - Committee of Advertising Practice.

CAP Code is the UK Code of Non-broadcast Advertising, Sales Promotion & Direct Marketing.

CAP Code now incorporates recent legislation;

- Consumer Protection from Unfair Trading Regulations 2008.
- European Regulation on Health and Nutritional Claims.

# CAP Code & CAM

Medical and scientific claims should be backed by evidence. Marketers should hold robust evidence for all claims. (clause 50.1)

- Hypnotherapists & smoking cessation

Marketers should not discourage essential treatment (clause 50.3)

- Chinese Medicine Centre

# CAP Code & CAM

- Marketers should delete all references, including implied references, to medical conditions for which suitably qualified medical advice should be sought;
  - 90 conditions ranging from cancer to whiplash which cannot be referred to
  - 120 conditions ranging from hayfever to phobias which can be referred to but ASA may ask for evidence
- Marketers should not encourage readers to mistakenly self-diagnose or shun qualified medical advice or treatment, in favour of the marketed products or therapies;
- Reiki practitioner

# ASA No No's

Cannot use terms such as;

- help.
- treat.
- treatment.
- cure.
- rejuvenation.

As they are seen as verification that an illness can be alleviated.

# Digital Remit of ASA

The ASA's online remit now covers marketing communications on an organisations' own websites and in other non-paid-for space under the organisations' control;

- marketing messages on their own websites
- non-paid-for space under the advertiser's control, such as social networking sites like Facebook
- regardless of sector, type of businesses or size of organisation.

# Skeptics / Nightingale

## The Nightingale Collaboration;

- “challenging misleading claims in healthcare advertising and subjecting these to scrutiny by the appropriate regulatory bodies”.
- Actively encourage readers to find a misleading claim on the website of a local practitioner.
- Developed Fishbarrel – Google Chrome plug-in.



# Official Answers

## The General Regulatory Council for Complementary Therapists (GRCCT)

- The ASA has no statutory power of enforcement.
- There is no requirement under law to follow instruction from ASA.
- There is no requirement under law to respond to communication from ASA.

# What ASA Actually Do...

- Takes time – 12 months + for adjudications.
- Most cases are resolved informally.
- Companies are asked to retract advertisement.
- Homeopathic medicine - “we won’t be contacting the owners of any other websites that are brought to our attention”.

But this is a ticking bomb....

# What ASA Can Do...

## OFT Collaboration

- Trade Description Act 1968.
- “intervene when we are best placed to act”.

## Name & Shame.

## Google Collaboration:

- ASA paid-for search advertisements.
- Removal of paid-for search advertising.

Take down website - hosting agreements.

# Don't Panic!

Legislation Presents Opportunities.

You are healthcare professionals working in a controlled market.

You can turn it to an advantage **if you are careful:**

- Reduces competition.
- Reduces the amount of 'noise'.
- Acts as a barrier to market entry.

# Be Savvy – Ways Round the ASA

- Weasel Words in advertising.
- PR articles.
- Charity sponsorship.
- Professional membership.
- Personal testimonials / Case Studies.
- Corporate Identity.
- Networking.
- WoM.
- Direct Sales.
- Product augmentation.

# Weasel Words

Equivocating words and phrases aimed at creating an impression that something specific and meaningful has been said.

- historically / traditionally / for thousands of years.
- more people are using....
- to improve their perception of their....
- which may be used to improve....
- provide a sense of physical and emotional revitalisation.
- that helps elicit change....
- therapy based on the belief that....

# PR Articles

The ASA are not concerned by press releases.

- Prepare media list.
- Obtain the features list & article requirements.
- Know your market.
- Re-read & re-edit.
- Make it easy on the eye.
- Get to the point.
- Include the perceived benefit.
- Include testimonials.
- Include all contact details.

# Charity Sponsorship

- builds brand awareness amongst target audience.
- can increase customer loyalty.
- differentiates from competition.
- enhances credibility through social responsibility.
- removes need to refer to illness in advertising.

# Professional Membership

- listed in member directories.
- seen to adhere to standards of training and ethics.
- potential differentiator.
- image attributes i.e. premium.
- able to carry trust mark.



# Case Studies & Testimonials

Case studies & testimonials - use with care.

- “claims that are likely to be interpreted as factual and appear in a testimonial must not mislead” - ASA .
- need to record contact details of person.
- claims of problem alleviation must be a direct quote.

## Benefits of Case Studies & Testimonials;

- increase trust, credibility, and security.
- breaks down natural distrust of marketing message.
- birds of a feather.
- loyalty from those who give testimonials.

# Testimonial Tips

- be quick - get a testimonial as soon as possible.
- ask your customer to include the benefit to them.
- ask your customers be specific.
- ask your customer to talk about the struggles they were having prior to treatment.
- prepare a draft testimonial & ask customer to amend.

# Corporate Identity

- corporate identity is the "persona" of a business.
- title, logo, & supporting collateral adhering to guidelines.
- impression; reflect the ethos of your company.
- makes a business more memorable – visual recognition.
- differentiates from competition.

## Things to think about...

- What are my core values?
- What do I stand for?
- How do I want to be perceived?
- What personality traits do I want to project?

# Networking

Networking is low-cost method for developing sales opportunities and contacts, based on referrals and introductions.

- Elevator speech.
- Be different.
- Help others.
- Relevant targeting.
- Follow up.
- Be positive.
- Allow time.

# Word of Mouth

Unpaid form of promotion; satisfied customers tell other people how much they like a business, product, service, or event.

The most credible form of advertising.

Tips for harnessing WoM;

- Get your house in order.
- Educate people about your products and services.
- Identify people most likely to share their opinions.
- Provide tools that make it easier to share information.
- Study how, where, and when opinions are being shared.

# Product Augmentation

Three levels of a product – core, actual, augmented.

- Customer service.
- Finance.
- Guarantee.
- Complementary products.
- Accessibility.
- Personnel.
- After sales support.

# Hire an agency!

- Removes bias.
- Save time, money & wastage.
- Optimizes resources.
- Develops a consistent message.
- Increases credibility - professionally designed.
- Peace of mind - liaise with ASA.
- Ensures accurate market knowledge.
- Reduce stress.