



Ask the Ethicist: Advertising the “Best” Ophthalmology Practice

Question: Earlier this year, our city’s annual business survey ranked our group as the “best” ophthalmic practice in our area. Subsequently, our marketing team printed an advertisement with the quote, “Make your appointment today with the best ophthalmology group in [our area]!” We have received several complaints from colleagues who claim that our ad is unethical and needs to be retracted. Isn’t our wording appropriate and ethical because of the survey results?

Answer: Your colleagues are justified in their pique because your ad does not reference the source of the claim. Because of this essential omission, your ad may be interpreted as misleading or untrue. Your question stimulates a highly relevant discussion: About half of the challenges received by the Academy Ethics Committee focus on ethical advertising. And while the Committee does not discourage advertising, we can help guide practices to use it ethically.

Your specific question wrestles with the ethics of claiming superiority. Every claim in an advertisement must be substantiated; failure to substantiate claims carries both ethical and legal ramifications. Section 12 of the Federal Trade Commission (FTC) Act prohibits unsubstantiated claims of superiority.

Rule 13 of the Academy Code of Ethics, which addresses advertising and other communications with the public, states, “Communications . . . must not convey false, untrue, deceptive, or misleading information . . . [Ads] must not omit material information without which the communications would be deceptive. [Ads] must not misrepresent an ophthalmologist’s . . . experience or ability and must not contain material claims of superiority that cannot be substantiated.” It can be very difficult to substantiate a claim of superiority, and many ads resort to the use of puffery, or absurd exaggeration (e.g., “the best in the universe”) to sidestep any serious appearance of superiority.

You, however, have substantiation for your claim, but failure to cite the source leaves your advertisement in violation of Rule 13 and the FTC Act. To be compliant, you must reference the specific survey/poll used to find your practice superior and include dates of the claim. One way to do this would be through footnoting on the printed ad, as with an asterisk. A more prudent way would be to change the wording completely, to a phrase such as: “Voted best ophthalmology practice in [your area] by the [specific survey, with dates].”

For more information, see [Code of Ethics](#). For more information or to submit a question, contact the Ethics Committee at ethics@aaao.org.