

Ask the Ethicist: Communications to the Public

March 2008

This month *EyeNet* inaugurates a bimonthly “question and answer” column on ethics in the ophthalmic practice. The column will be written by the Academy’s Ethics Committee, which welcomes your participation.

Q: *My marketing director published a Yellow Pages ad without my knowledge. The ad attributes to me a level of skill and expertise greater than that of nearby ophthalmologists, and I am unable to substantiate the claims. I have distributed a notice to my patients explaining the ad’s origin and correcting the inaccuracies. What else should I do to mitigate the damage?*

A: You appear to understand that you are personally responsible for your marketing materials, even if you did not write them. You have taken a positive first step by notifying your patients of the unsubstantiated claims. Additional steps include placing a clarifying notice in the public areas of your office and printing the notice in the local paper. A final step—and the most important—is to contact your colleagues personally to explain the problem and your subsequent actions. Your prompt public retraction, and your notice to us about potential concerns are commendable, and the former may also mitigate the impact that the advertisement may have on your relationship with your colleagues.

Advertising claims must:

- be accurate and truthful,
- be able to be substantiated,
- not be false, deceptive or misleading,
- not be deceptive by omission,
- not appeal to a patient’s anxiety or create unjustified expectations of results,
- not misrepresent credentials, training, experience or results,
- identify actors in testimonials, and
- provide in testimonials only that information about which the average patient is knowledgeable (if testimonials are allowed by state law).

If advertisements fail to meet these standards, they may be brought to the attention of the Ethics Committee as a potential violation of Rule 13 of the Code of Ethics.

To submit a question for this column, contact the Ethics Committee staff at ethics@aao.org.