

Advertising and the CAP Code

At the FHT, we are fully aware of the many physical, emotional and spiritual benefits different therapies can bring to clients. Sadly the health benefits we see regularly in our treatment rooms are being increasingly dismissed as the demand for 'scientific evidence' and 'substantiation' continues to rise.

Complementary, sports and beauty therapies are under increasing scrutiny, particularly from CAM sceptics, and it would appear that more and more therapists are being asked to modify the content of their advertising and marketing communications to bring these in line with the Committee of Advertising Practice (CAP) Code.

Below you will find the FHT's answers to some questions we have been asked by members, regarding the use of health claims/benefits in advertisements and marketing communications. There are also some useful phrases at the end of this document, which members may find useful.

Q1. Who are CAP and what is the CAP Code?

The Committee of Advertising Practice (CAP) is a self-regulatory body that creates, revises and enforces the CAP Code.

The CAP Code is the 'UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing'.

The Code is administered by the Advertising Standards Authority (ASA), which aims to ensure that advertising across all media is legal, decent, honest and truthful. The ASA also investigates alleged breaches of the CAP Code.

The CAP and ASA are not Government bodies.

Q2. What does the CAP Code apply to?

The CAP Code applies to (amongst others):

- advertisements in newspapers, magazines, leaflets, circulars, mailings, e-mails, text messages (including SMS and MMS), faxes and catalogues;
- advertising and marketing communications on websites and social media, such as Facebook and Twitter;
- posters and other promotional material in public places;
- video and DVD advertisements;
- online advertisements (including banner or pop-up adverts), paid-for search listings;
- advertorials (advertisement features).

Q3. What does the CAP Code not apply to?

The CAP Code does not apply to (amongst others):

- broadcast advertisements, e.g. on television or the radio;
- verbal communication, including telephone calls and face-to-face conversation;
- press releases;
- editorial content, e.g. articles published in a journal or book.

Q4. Help Notes produced by CAP indicate that therapists should not claim in any advertisements or marketing communications that their treatments or products can/may treat or improve a medical condition, including pain, unless they are able to substantiate these claims with 'evidence'. What sort of evidence is CAP looking for?

On reading the CAP Help Notes on Substantiation for Health, Beauty and Slimming Claims, it would appear that the sort of 'evidence' they are seeking is human studies that follow a 'recognised methodology', and if not published in a 'reputable, peer-reviewed journal, an objective review should be carried out by a suitably qualified individual possessing relevant expertise before the data is submitted to the ASA or CAP'.

As we are all extremely aware, the ability to provide such evidence is a problem in our industry, not least because of funding issues and the fact that a number of the 'recognised' research models, such as randomised controlled trials (RCT), are not an ideal measure for many treatment outcomes associated with complementary and other therapies.

However, there is much encouraging work being carried out in the therapy research field, and the FHT continues to work with academics and professional bodies who are seeking to publish suitable research/evidence to help substantiate specific health benefits offered by certain therapies, and we will keep members informed of any progress.

Q6. Can I mention the NICE guidelines for low back pain?

Guidelines produced in 2009 by the National Institute for Health and Care Excellence (NICE)¹ recommend that a course of manual therapy be made available on the NHS to patients in England and Wales for the early management of persistent, non-specific low back pain. The manual therapies reviewed by NICE were spinal manipulation, spinal mobilisation and massage.

As NICE guidelines make recommendations for the appropriate treatment and care of people with specific diseases and conditions within the NHS, based on the best available evidence, it is the FHT's opinion that it should therefore be acceptable for therapists to state that:

"There is a growing body of evidence to suggest that massage may be effective in helping to support people with certain chronic conditions, such as low back pain. In guidelines produced in 2009 by the National Institute for Health and Care Excellence (NICE), manual therapies – including massage – are recommended for the early management of persistent, non-specific low back pain."

Q7. Until more 'evidence' becomes available, are there any 'general' health claims I can make about the therapies I offer?

Having had discussions with the ASA/CAP and read various therapy-specific Copy Advice documents available from the CAP Code website (www.cap.org.uk – type 'therapies' into the search guide), it is the FHT's opinion that the following statements are likely to be acceptable for therapists to use, where applicable:

- helps relaxation;
- improves mood;
- aids sleep;
- relieves tension;
- relieves anxiety and stress;
- promotes a sense of general well-being.

See also the marketing phrases provided at the end of this document.

Q8. Can I state that 'X therapy MAY benefit 'Y' condition'?

It is important for members to note that inserting the word 'may' (or similar) in front of a potential health benefit or medical condition, e.g. 'Indian head massage may help to relieve headaches', is unlikely to make such a statement acceptable to CAP.

We appreciate that many members will find this confusing, or even frustrating, as the potential health benefits of different therapies are often cited in articles published in *International Therapist*, and other journals, books and study manuals. Copy of this nature does not fall under the scope of the CAP Code, because it is not considered an 'advert' or 'marketing communication'.

Q9. If I state that the therapies I offer should not be used instead of conventional medical care, can I then mention the potential health benefits of my treatments?

It is unlikely that CAP would consider this acceptable. However, we would still urge members, as a point of good practice (and where appropriate), to include a statement on their marketing communications along the lines of:

'Complementary Therapy/ X Therapy should not be used in place of conventional medical care. Always consult your GP or a health professional for medical attention and advice.'

Q10. Can I use client testimonials or quotes, as these are subjective opinion?

The CAP Code states that in order to use testimonials (amongst other things):

- Marketers must hold documentary evidence that a testimonial or endorsement used in a marketing communication is genuine;
- Claims 'must not mislead or be likely to mislead the consumer'
- Testimonials must relate to the advertised product [or service].

'General' testimonials that support the phrases given in answer to Question 6 – e.g. 'aromatherapy has helped me to relax' or 'my sleep greatly improved after my reflexology treatments' – may be considered acceptable, along with testimonials that talk about you, the practitioner/therapist (e.g. saying how professional you are, etc).

However, a testimonial that implies – directly or indirectly – that a therapy may help a specific medical condition, including pain, is unlikely to be considered acceptable by CAP, unless this can be substantiated with evidence.

Please also refer to the 'Testimonials' section of FHT's [Therapy practitioner advertising update](#), published shortly after the FHT met with the ASA and CAP representatives in 2011, which discusses using a dedicated tab or page on a website for un-edited testimonials.

Q11. Can I mention that the therapies I practise are available at my local hospital, hospice, or GP practice?

The FHT is of the opinion that the following statement would be acceptable, providing that the context in which it is used does not imply that the therapy can treat or prevent illness:

'X Therapy' is often used alongside conventional care in hospices, hospitals, and other health care settings'.

Obviously, when substituting 'X Therapy', that therapy must indeed be 'often used alongside conventional care in hospices, hospitals, and other health care settings'.

Q12. Does the CAP Code apply to articles on my website?

Following a meeting between the FHT and ASA in 2011, the ASA confirmed that it is acceptable for practitioners to provide links to therapy case studies, research or other editorial under separate sections of their website, that are clearly identified as editorial content and discreet from efficacy claims. For more information, please read the 'Editorial' section of FHT's [Therapy practitioner advertising update](#).

Q13. I am advertising therapy training – does this make a difference?

No - if you are promoting or selling a service, which includes training, the CAP Code applies.

Q14. How do I know if I am breaching the CAP Code?

The CAP Code, and some therapy-specific CAP guidelines, are available from the CAP website (visit www.cap.org.uk and type 'therapies' into the site's search engine).

The CAP Copy Advice team will review advertising and marketing communications – including website copy - free of charge. The FHT has used this service on occasion.

However, in the FHT's opinion the advice given can be quite restrictive due to the demand for 'evidence'. It is also worth noting that CAP do not offer 'legal advice' and will not be bound by the opinion it has given, if a complaint is received in the future.

Q15. What if I am contacted by CAP and asked to change my website/marketing communications?

In all of the cases that the FHT is aware of (relating to complaints made against complementary therapists) CAP has asked the therapist to stop distributing or displaying the material in question and advised what sections they believe are in breach of the CAP Code and need to be changed going forward. We are not aware of any cases where any further action has been necessary.

As with any matter relating to your work as a therapist, if you are contacted by CAP, the FHT is here to support you – please get in touch.

Q16. If I choose not to amend my website/marketing communications, what will happen?

CAP and the ASA are non-statutory bodies. They do not have the power to fine or take advertisers to court. Following an investigation, they can potentially place 'sanctions' on advertisers which could be damaging to the therapist's reputation and business – for more information, read <http://www.asa.org.uk/Industry-advertisers/Sanctions/Non-broadcast.aspx>

The ASA states on its website: "For misleading or unfair advertising, ultimately if advertisers and broadcasters persistently break the Advertising Codes and don't work with us, we can refer them to other bodies for the further action, such as Trading Standards or Ofcom."

Q17. Does the FHT Code of Conduct and Professional Practice take account of the CAP Code?

The FHT Code of Conduct is constantly being updated in response to new legislation, statutory regulation and best practice. The section referencing advertising and marketing communications will be kept up to date to reflect any changes affecting members.

Q18. What is the FHT's opinion on all of this?

The FHT agrees with the overarching principle of the ASA and CAP - that advertising and marketing communications should be legal, decent, honest and truthful in order to protect the public. It is important that all professional therapists advertise and market their treatments and products in a professional and responsible manner, and that they do not mislead prospective or existing clients. In line with the FHT Code of Conduct and Professional Practice (www.fht.org.uk/code), FHT members should never claim that they can 'cure' or 'heal' a medical condition. Nor should they discourage clients from seeking medical diagnosis or treatment.

However, we also feel that the current CAP Code, Guidelines and Help Notes are very restrictive and do not allow our members to effectively advertise the work they do, or the type of clients they work with.

The FHT has met with representatives from the ASA and CAP in recent years, and continues to communicate with these organisations, to try and provide clarity and understanding with regards to advertising therapies. We have already made significant progress in certain areas as a result of these meetings and discussions – please read our [Therapy practitioner advertising update](#) - and will advise members of any further progress made in future issues of International Therapist, on the FHT website and in our e-newsletters.

We also continue to have discussions with academics and other professional bodies regarding the issue of ‘acceptable’ evidence to help substantiate specific health benefits offered by certain therapies, and how we can make further progress. This includes the Research Council for Complementary Medicine (<http://www.rccm.org.uk/>), of which the FHT is a corporate member. Again, we will advise member of any progress made in this area.

Q19. Can we help you?

While we are unable to give specific advice to individual members about what they can and can't say in their advertisements and marketing communications in order to comply with the CAP Code, we are happy to help with any general concerns you may have. Please email your queries to info@fht.org.uk writing ‘CAP query’ in the subject box.

Can you help us?

If you are aware of any studies or evidence (relating to the therapies commonly practised by our members) that have been approved by the ASA/CAP, please let us have relevant details so that we can inform other members. Email advertising@fht.org.uk and write 'CAP evidence' in the subject box. Thank you for your support.

References and useful websites

¹NICE Guidelines: Low back pain: early management of persistent non-specific low back pain (www.nice.org.uk/CG88)

Copy Advice: www.cap.org.uk

Advertising Standards Authority: www.asa.org.uk

Further information and guidance is also available at: <http://www.fht.org.uk/advertising>

Marketing phrases for FHT Members

Below are examples of some phrases the FHT considers acceptable. Members are free to use these phrases in their advertising and marketing communications, where appropriate to the therapies they practise. However, please note that these phrases are not CAP or ASA 'approved'.

- *Complementary Therapy / X Therapy is used by people for a variety of reasons. Some use it alongside conventional medical care, to help them manage or cope with a specific physical, mental or emotional problem. Others use it as means of relaxation, or to help maintain good health and a sense of general well-being.*
- *Complementary Therapy/ X Therapy, alongside conventional medical care, can help to improve quality of life and bring comfort to clients living with certain chronic conditions.*
- *Complementary Therapy / X Therapy can help to relieve tension, encourage relaxation, improve mood and aid sleep, though some people use it to help them cope with more specific health challenges.*
- *Alongside conventional medical care, Complementary Therapy/ X Therapy can help to support people affected by (or living with) Y Condition, and help them to cope with related symptoms.*
- *I specialise in supporting people who have Y Condition.*
- *Complementary Therapy/ X Therapy is often used alongside conventional care in hospices, hospitals and other healthcare settings, to help support patients with a variety of conditions.*
- *Many aspiring and professional athletes have massage while training and competing, in order to stay in optimum condition and aid recovery.*
- *There is a growing body of evidence to suggest that massage may be effective in helping to support people with certain chronic conditions, such as low back pain. In guidelines produced in 2009 by the National Institute for Health and Care Excellence (NICE), manual therapies – including massage – are recommended for the early management of persistent, non-specific low back pain.”*
- *Complementary Therapy/ X Therapy should never be used in place of conventional medical care.*

- *Those who have a medical condition, who are taking medication, are pregnant or breast feeding should consult their GP, midwife or other health professional before having Complementary Therapy/ X Therapy.*

For examples of therapy-related phrases that are considered acceptable by CAP, visit:
<http://www.cap.org.uk/Advice-Training-on-the-rules/Advice-Online-Database/Therapies-References-to-medical-conditions.aspx>

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