

May 19, 2021

## Health Canada Advertising Guidance for Naturopathic Doctors

It has come to the College's attention that the advertising of some naturopathic doctors in BC does not comply with the [Food and Drugs Act](#) (the "FDA"), the [Food and Drugs Regulation](#) (the "FD Regulation"), Health Canada advertising policies, College bylaws, College advertising policy and the College's code of conduct/ethics.

Health Canada has advised the College that they have found increased non-permitted claims and advertisements for unlicensed drugs on the clinic websites, blogs, forums, Facebook, Instagram and Twitter pages of naturopathic doctors in BC.

The purpose of this communication is to outline the federal rules governing advertising of treatments and/or products, including but not limited to prescription drugs, compounded products, IV therapies, natural health products etc, that are often used and advertised by naturopathic doctors in BC.

Registrants are reminded that pursuant to section 3(l) of the College [code of conduct](#), naturopathic doctors are expected to comply with **all legislation of the federal, provincial, and municipal governments**, which includes complying with the FDA and the FD Regulation. A failure to do so, may be deemed professional misconduct and registrants may face disciplinary action.

### What is considered 'advertising' under the FDA and the FD Regulation?

[Section 2 of the FDA](#) defines "advertisement" as including:

***"any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device".***

[Section 3\(1\) of the FDA](#) states that prohibited advertising includes:

***"No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in [Schedule A.1](#)."***

*\*Exemption: Sections A.01.067 & A.01.068 of the FD Regulations and Sections 103.2 & 103.3 of the Natural Health Products Regulations exempt non-prescription drugs and natural health products from the FDA Section 3 prohibition on labelling and advertising of preventative claims for Schedule A.1 diseases. Thus, authorized claims for the prevention (but not as a treatment or cure) of Schedule A.1 diseases may appear on the labels of non-prescription drugs and NHPs so long as they are consistent with the product's terms of market authorization.*

[Section 9\(1\) of the FDA](#) states that deception regarding drugs includes:

***"No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety."***

[Section C.01.044 of the FD Regulation](#) states:

***"If a person advertises a prescription drug to the general public, the person shall not make any representation other than with respect to the brand name, the proper name, the common name and the price and quantity of the drug."***

## What is considered acceptable and unacceptable online advertising?

Registrants should ensure that their online advertising is accurate, complete, succinct, and easy to follow. Often clinic websites that are large, unwieldy, or linked to several external sources run the risk of being in violation of the *FDA, FD Regulation*, the College bylaws, College advertising policy, and College code of conduct/ethics.

Some examples of advertising that is **not permitted pursuant to the *FDA and FD Regulations***, include:

- Advertising compounded products, including IV vitamin therapies and Platelet Rich Plasma therapy, as treatment to the public. Health Canada's [POL-0051: Policy on Manufacturing and Compounding Drug Products](#) states that any advertising of a compounded product would be deemed an advertisement for sale of an unlicensed drug product, which is prohibited. It is Health Canada's position that a compounded product or compounding service may not be advertised to the public.
- Botox, Xeomin, or other prescription drugs are prohibited under section C.01.044 of the *FD Regulation*, from any advertising except "...***the brand name, the proper name, the common name and the price and quantity of the drug.***" For example, naturopathic doctors are not permitted to advertise that botox or dermal fillers can treat conditions. Naturopathic doctors may advertise that the clinic offers treatment for skin concerns, but registrants cannot advertise what drug would be used to treat those concerns. This means that all references to botox or dermal fillers for the treatment of any conditions, must be removed from websites and other online advertising platforms.
- Natural Health Products advertised for conditions outside of their terms of market authorization is prohibited. For example, naturopathic doctors cannot advertise Mistletoe or Vitamin C for the treatment of cancer.

Therefore, all registrants are encouraged to review and amend their online advertising material **as soon as possible**. Health Canada has a mandate to uphold national consistency through compliance verification and compliance enforcement. Registrants should be aware that if advertising violations come to the attention of Health Canada, it has several enforcement options available to it that are separate from the College's investigation and enforcement processes.

When determining whether your advertising complies with the *FDA, FD Regulation* and Health Canada Policies, you may find the below resources helpful:

1. [The Distinction between Advertising and other Activities](#);
2. [Health Canada Regulatory Requirements for Advertising](#); and
3. [Compliance and Enforcement Policy for Health Products \(POL-0001\)](#).

Registrants are also reminded that a similar communication was issued by the College on September 24, 2020 and can be found on the [College website](#).