

7 October 2011

Dear practitioner,

Consultation Feedback on the Proposed Code of Practice on Advertising

A substantial response has been received to the recent Dental Council ('Council') consultation on a draft Code on Advertising.

The responses from oral health professionals, professional associations and from a range of external agencies confirmed that this issue elicits a wide range of strongly-held but diverse opinions.

In recent years the Council's Secretariat has received an increasing number of enquiries and complaints related to advertising. There have also been developments in Australia with the Dental Board of Australia issuing a Code on Advertising.

The New Zealand Dental Association (NZDA) already has a set of Advertising Guidelines - the first version, since modified, was produced by the NZDA in the late 1980's. In July 2009 the Council was approached by NZDA to be involved in a NZDA working party reviewing advertising. The Council appointed a representative on a group of three – which included a general dentist and two specialist dentists. After considerable effort by this working party, the NZDA Board in March 2010 considered the working party's recommendations, which in part concluded "*the NZDA needs to look at other options to enforce these [NZDA] guidelines. Incorporation of the NZDA Advertising Guidelines in to a COP would then, if approved by DCNZ, make them enforceable via the APC Declaration*".

Two particular responsibilities of the Council align with the conclusion of the NZDA working party:

1. Ethical standards.
Under section 118(i) of the Health Practitioners Competence Assurance Act (the Act) one of the functions of the Dental Council is to "to set standards of clinical competence, cultural competence, and ethical conduct to be observed by health practitioners of the profession".
2. Public protection.
In most market places, people are generally able to assess all of the relevant information about the quality of the available products they might purchase. In many situations the services or products have a low risk of causing harm to the person. However, this is not the case with health services, including oral health services. It is relatively difficult for people to differentiate between the quality of different treatment choices and to assess assertions about treatment options made through advertising occur in a very technical environment.

Additionally, the consequences of poor treatment choices, poor treatment outcomes or a lack of truly informed consent from patients may be severe.

Given the responsibilities of the Council to protect the health and safety of members of the public, the outcomes of the NZDA working party and the developments in Australia, the Council resolved to develop a Code of Practice that establishes a standard for advertising by the oral health professions. Council's Codes of Practice set standards that are enforceable under the Act.

The Council has now established a working group of the Council, comprising a general dentist, a dental specialist and a lay person. The working group will work through all of the submissions received on the draft code of practice and the issues raised, before Council further develops the draft Code.

The Council is committed to addressing this issue in a careful and considered way. It is probable that some time will be required for further development of the draft Code. It may be necessary to consult further on the next version of the Code of Practice. The Council is committed to achieving an acceptable, durable and workable Code of Practice.

Thank you to everyone who took the time, in some cases considerable amounts of time, to respond. All of your submissions will inform the process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Goodhew', written in a cursive style.

Mark Goodhew
Chair