

## **Marketing, Sales and Conflict of Interest**

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### **Authority**

*Health Professions Act*, sections 16(2)(g), 19(1)(l) and (s); Dietitians Regulation, Definitions and section 4, scope of practice, CDBC bylaws, section 74, Marketing, Schedule A, Code of Ethics, principles 1, 3 and 4, and Schedule B, Standards of Practice 1, 4, 7, 8 and 17.

### **Background**

One of the duties and objectives of the College under the *Health Professions Act* is to establish and enforce principles of professional ethics for dietitians.

In BC, Dietitians "*may not endorse or lend themselves as a registrant to the advertisement of any property, investment, or service for sale to the public unless such property, investment or service relates directly to dietetics.*" (CDBC Bylaws, s.74(5c)).

This policy outlines guiding principles for marketing and selling nutrition services and products to clients and managing conflict of interest.

### **Definitions**

- **Advertisement:** the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the public, or a segment thereof, for promoting professional services or enhancing the image of the advertiser.
- **Client:** an individual and/ or their substitute decision maker, or a group of individuals, who is a potential or an actual recipient of nutrition care services.
- **Conflict of interest:** may be actual or perceived and occurs when a dietitian's private interests (financial or personal) compromise his/her professional judgment, responsibilities and their client's interest.
- **Marketing:**
  - a. an advertisement,
  - b. any publication or communication in any medium with any client, prospective client or the public in the form of an advertisement, promotional activity or material, a listing in a directory, a public appearance and professional opinion or any other means by which professional services are promoted, and
  - c. contact with a prospective client initiated by or under the discretion of a dietitian.
- **Public medium:** any form of communication that is available and directed to the public, or a specific subsection of the public rather than to an individual person or persons. For example, radio, television, websites (e.g., blogs, social networks), flyers, brochures and newspapers are all examples of public media.

## **Policy**

### **Marketing**

1. A dietitian ensures the information in an advertisement of his or her professional services:
  - Is true, accurate and verifiable.
  - Includes registered professional title (e.g., RD, Dietitian or Registered Dietitian) and applicable restricted activity.
  - Includes any other title, abbreviations or initials of formal education degrees, diplomas or certificates that are relevant to the practice of dietetics
  - Provides information to help clients understand his/her qualifications and services, so they may make informed choices.
  - Includes detailed fees about services and products as to enable the client to understand the nature and extent of services and products and their cost.
  - Is evidence-informed, clear and comprehensible, not misleading to the public by either omitting relevant information or including irrelevant information
  - Follows best practice principles outlined in the [Canadian Code of Advertising Standards](#) and the [Influencer Marketing Disclosure Guidelines for Social Media](#).
2. A dietitian's advertisement may not:
  - Be calculated or likely to take advantage of the weakened state, either physical, mental, emotional of the client or intended client.
  - Promote or imply unjustified expectations about the results which the registrant may achieve.
  - Promote or imply the dietitian is capable of achieving results not achievable by other dietitians or by improper means.
  - Promote or imply guarantee as to the success of the service and product provided or recommended.
  - Compare the quality and cost of his or her services and products with those of another dietitian, a person authorized to provide health care services under another enactment or another health professional.
  - Imply endorsement or recommendation for the exclusive use of a product or brand used or sold in the practice.
  - Include information that could be interpreted to be an endorsement of another dietitian or his or her practice (e.g., self-endorsement and endorsement of preferred colleagues over others).
  - Refer to the dietitian as a "specialist" or any similar designation suggesting a recognized special status or accreditation.
3. A dietitian's advertisement must only include services that are within the scope of practice of dietetics and within the dietitian's individual competence.
4. A dietitian may not endorse or lend himself or herself to the advertisement of any property, investment or service for sale to the public unless related to the practice of dietetics.
5. A dietitian may not state publicly that he or she speaks on behalf of the CDBC unless expressly authorized to do so by the CDBC Board of Directors.
6. A dietitian retains for one year after the date of publication or broadcast, a copy of any advertisement (paper, radio, TV or electronic transmission).

7. A dietitian maintains a record of when and where the advertisement was made and make this information readily available to the Board upon request.
8. A dietitian verifies the information contained in any advertisement when called upon by the Inquiry Committee, Discipline Committee or Board.

### **Selling Products and Conflict of Interest**

9. A dietitian only sells products related to the provision of nutrition care services and separates sales from healthcare functions whenever possible (e.g., promoting and selling a food product as part of a counseling session).
10. A dietitian assesses a client's nutritional needs and determines that a product sold by a dietitian or a service recommended to the client is based on current nutrition evidence and practice guidelines, and is in accordance with the CDBC Code of Ethics and Standards of Practice.
11. A dietitian discloses to the client in advance any business relationship and financial interest they, or a person related to the dietitian, may have in a vendor of a product and in the profit from the promotion, distribution or the sale of a product. The Dietitian also discloses any industry relationships that exist between him/her and the product or product line being recommended.
12. A dietitian offers the client at least one alternative to a specific product or brand.
13. A dietitian assures the client that his or her selection of an alternate product will not adversely affect the nutrition services provided by the dietitian.
14. A dietitian discloses to the client in advance any financial interest they, or a person related to the dietitian, may have in another practice to which they may refer the client.
15. A dietitian ensures his or her nutrition services are not dependent on the sale of products (e.g., tell the client that nutrition services are unavailable without the purchase of a specific product sold by the dietitian).
16. A dietitian may sell a product at fair market value if purchased by the dietitian. The cost may include reasonable handling, shipping and storage cost.
17. A dietitian should/may not sell or promote products that involve a multi-level marketing strategy or a pyramid-sales scheme.
18. A dietitian keeps records of each product:
  - Actual cost of product, including any rebate/ price reduction
  - Name(s) of manufacturer and supplier of product
  - Date the product was supplied to dietitian
  - Expiry date of product if applicable
  - Any additional costs incurred by the dietitian, including any formula/ calculation used by the dietitian to determine the total price of the product charged to the client.

19. A dietitian is responsible for identifying and managing any real, perceived or potential conflicts of interest where their professional integrity could be interpreted as being compromised. Conflict of interest is managed through disclosure, recusal and/or discontinuation of professional services (refer to the CDBC Patient Relations Program and Chapter 4 of the [Jurisprudence Guide](#) for Dietitians more information on conflict of interest)
20. A dietitian documents discussion about conflict of interest in the client record.
21. A dietitian provides information about conflict of interest when called upon by the Inquiry Committee, Discipline Committee or Board.

## References

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