



## Marketing and Advertising Policy

**Effective date:** January 1, 2024

**Amended:**

### About this policy

This policy provides Registered Massage Therapists (RMTs) with information regarding what may or may not be included in marketing activities, including advertising and using social media, to ensure compliance with MTANS policies and bylaws. The criteria outlined in this policy is intended to protect the public from potentially misleading, confusing, or otherwise unprofessional messages, and to protect the integrity and reputation of MTANS, its members, and the massage therapy profession.

In addition, this policy outlines restrictions related to electronic address harvesting and collecting personal information in the course of commercial activities. At the federal level, spam and other electronic threats are regulated by Canada's anti-spam legislation (CASL), and related provisions in the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and the *Competition Act*.

For the purposes of this policy:

- **Marketing activity** includes an advertisement; promotional activity in any publication or communication in any medium with any client, prospective client or the public generally; a listing in a directory; a public appearance, or any other means by which professional services are promoted.
- **Advertisement** means the use of space or time in any type of public medium, including, but not limited to the internet, radio, television, or a commercial publication such as a brochure, to promote professional services or enhance the image of the member.
- **Mislead** means leaving out important information or including information that is irrelevant or distracting.

- **Social media** should be broadly understood to include social networking sites, blogs, wikis, message boards, chat rooms, electronic newsletters, online forums and other sites. While not an exhaustive list, specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. Whenever RMTs are using social media, whether for public-facing marketing activities or private exchanges with clients, they must be mindful of boundaries to ensure professionalism at all times.
- **E-marketing** refers to sending marketing and promotional messages to recipients via email, instant messaging, social media or other similar accounts.
- **Address harvesting** generally refers to collecting electronic addresses, such as those for email, instant messaging, and social media by the use of computer programs. These programs may harvest addresses, either by collecting them from external sources; for instance, by scraping websites, or by generating a list of such addresses. With very limited exceptions, PIPEDA prohibits address harvesting.
- **Spam** is unsolicited email, also known as junk mail (received via email), or unsolicited commercial email (UCE).

### **Our responsibilities to members**

- MTANS will share this policy with members, and it will revisit the policy from time to time to ensure the information remains relevant and accurate.
- MTANS will use the guidelines outlined below to assess whether RMTs have maintained professionalism with respect to their marketing responsibilities.
- In general, any marketing activity, whether in print or online, must be professional, easy to understand, and truthful.
- Any marketing activity, including advertising and online activities, that violates the Code of Ethics, or any other MTANS policy, may subject a member to disciplinary action.

### **Member responsibilities to MTANS**

- RMTs should ensure they are familiar with this policy and avoid marketing activities that conflict with the guidelines provided.

- They should also review *Principle 4: Be Responsible and Accountable* in the Code of Ethics to help guide marketing decisions. That principle states that members:
  - Conduct themselves with personal and professional integrity at all times;
  - Responsibly use electronic communication, social media and other forms of digital technology;
  - Do not participate in any form of conduct, advertising or promotion that discredits or reflects poorly on the profession or breaches public trust and confidence; and
  - Demonstrate the integrity and professionalism expected of an RMT as a health professional.
- Should members have questions regarding what is and isn't allowed when it comes to advertising, they should seek guidance from MTANS at: [info@mtans.ca](mailto:info@mtans.ca)
- If an RMT realizes their marketing activities do not comply with this policy, they should take immediate steps to correct the issue.
- If they become aware that other colleagues are in violation, they should, as a professional courtesy, make them aware of the guidelines so they can make changes leading to policy compliance.

### **Guidelines associated with marketing activities**

#### **Marketing activities may contain the following:**

- Identification of the RMT primarily responsible for the practice, as well as identify that the therapist(s) is a member of MTANS;
- General information about the practice, such as name of business and the RMT; location (including address and telephone number); accessibility options; parking availability; hours of operation; names of staff employed at the business; and fees;
- Information about the RMTs and staff's education and training; and
- Information on the types of services available and practices within the scope of massage therapy practice at the facility.

#### **Marketing activities must not contain the following:**

- References to a cure, either verbally, in writing, or otherwise; claims or guarantees about treatment that cannot be verified; and/or creating an unjustified expectation about the results the RMT can achieve;
- Misleading or inaccurate statements, or misrepresentation of facts;

- Offensive statements that are incompatible with the best interests of the public or tends to harm the standing of the massage therapy profession generally;
- Any sexual innuendo or language of a sexual nature;
- An endorsement (or recommendation of the exclusive use) of a product or line of products;
- Any reference to discounts or free giveaways;
- Any statements that discriminate on the basis of a protected status under human rights legislation, including *Nova Scotia's Human Rights Act* and the *Canadian Charter of Rights and Freedoms*;
- Any wording that would imply that staff of the business are members of an association when they are not;
- The RMT's registration number;
- Any confidential information relating to any client, including personal identifying information and health information;
- Comparing, whether directly, indirectly or by innuendo, the RMT's service or ability with that of any other practitioner or clinic, or promises or offers of more effective service or better results than those available elsewhere;
- Any comments deprecating another RMT or clinic with respect to services, abilities or fees;
- Any graphics or other images that suggest a service is being provided other than massage therapy; and
- Any language that confuses the public about which service is being offered in situations where an RMT is advertising their services in conjunction with other persons.

#### Testimonials

- Testimonials must not be solicited or coerced, are subject to all of the above conditions pertaining to marketing activities, and consent must be obtained from the client as well as the RMT (as applicable).

#### Other services/dual professional designation considerations

- RMTs should take extra care when leveraging credentials outside the scope of practice of massage therapy in their marketing efforts. For example, selling specific products and linking that with massage therapy credentials could be misleading. Credentials should only be used to advertise items and services in scope. In other secondary business, members should be cautious in attaching their RMT credentials, as expertise in one field could be misleading and allude to authority in another field. Promoting a complementary professional development course may be appropriate.
- If an RMT is also a licensed professional with another association, they must clearly distinguish between the services provided to ensure the public is aware of the dual professional designations and which professional services fall within and outside the scope of practice of massage therapy.

## **Guidelines associated with using social media to promote profession**

There are many benefits to social media use, including networking with other professionals or regulatory bodies; educating, including sharing expertise and research with followers, as well as advertising services. Given the benefits, RMTs will likely want to take advantage of these avenues for engagement and promotion, but they should be aware their actions on social media may reflect negatively on the profession if principles regarding use are not applied. They also need to keep in mind that the information that members post or publish may be public information for a long time.

- **Profiles**: It is highly recommended that RMTs separate their professional pages from their personal pages. Not all members have a legally distinct business identity; perhaps they work out of their home or offer mobile services and do not have a separate business name. As a result, unprofessional posts to social media can quickly lead to their professional reputation being called into question.
- **Misinformation**: Reposting or linking to incorrect or misleading information can reflect poorly on an RMT's brand and the profession overall. As soon as an RMT is aware of an error, they should delete the incorrect information and update with corrected details. Intentional sharing of false or misleading information could constitute a breach of Code of Ethics, as it may discredit or reflect poorly on the profession.
- **Professionalism**: Although posting to social media can be done from anywhere, at any time, to a faceless group, it is essential to remember that each interaction carries the same weight as one-on-one personal interactions. If RMTs encounter a situation while using social media that threatens to become antagonistic, members should consider disengaging from the dialogue. Social media networks, blogs, and other types of online content can generate press and media attention, or legal questions, so RMTs should be prepared to support or respond to that attention.
- **Confidentiality**: Professional obligations continue to exist in all exchanges regardless of platform. RMTs need to be diligent and not post anything that would violate provincial and federal privacy statutes. RMTs should get appropriate permission before they refer to or post images of current or former clients. Additionally, members should get appropriate permission to use a third party's Copyrights, copyrighted material, Trademarks, service marks or other intellectual property.
- **Ownership**: If RMTs own a business, they are responsible for the social media content regardless of the actual staff member posting. Businesses may share the duties of posting

among staff, meaning that any breaches in professionalism sit with both the author of the content as well as the business owner.

- **Boundaries:** Social media can be for a broad audience or one-on-one client interactions. It is important to be mindful of boundary issues. If a member contacts a client to answer questions about their care (e.g., How do I do that stretch again?), they should set boundaries. Boundaries can be as simple as the time of day that members are available to respond or which dates they are not available, such as holidays. RMTs need to be mindful that professional relationships do not become too casual or friendly due to the nature of social media.

### **Guidelines related to Canada's anti-spam legislation**

As a general rule, individuals must consent to having their electronic addresses collected and used for marketing purposes. This means individuals need to be clearly and accurately informed at the point of collection about how their addresses will be used and they must be able to opt out of receiving messages at any time in the future. Please refer to the Privacy Policy for more information relating to consent and the collection of personal identifying information. Canada's anti-spam legislation also contains specific requirements regarding the distribution of commercial electronic messages as well as "unsubscribe" options for anybody who has signed up to receive such messages. Following are some key responsibilities:

- RMTs must obtain consent to collect and use individuals' electronic addresses, even if they obtained the addresses from a third-party supplier. This includes lists of electronic addresses.
- RMTs have a responsibility to ensure that individuals receiving commercial electronic messages have consented to the collection and use of their address for marketing and other purposes.
- Even in cases where an RMT did not collect or generate email address lists for marketing purposes, they are still responsible under PIPEDA for ensuring that the supplier obtained appropriate consent. If you're sending messages yourself, using a list obtained directly from a vendor, ask the company how it collected the addresses and obtained consent for their use. It is your responsibility to confirm if the company you are working with is aware of PIPEDA and abiding by its provisions.
- RMTs should not assume that people whose electronic addresses are posted online are necessarily interested in receiving commercial offers. It is important to note that business contact information, such as an individual's work email address, is also considered personal

information and is subject to PIPEDA, except where its collection, use, or disclosure is solely for communicating with the individual in relation to their employment, business, or profession.

- RMTs may wish to be cautious, assume nothing, and ensure that an address collected for marketing purposes is done with the individual's full consent.

### **Links to other relevant documents**

- Code of Ethics
- Canada's Anti-Spam Legislation (CASL)
- Dual Professional Designation Policy
- Maintenance of Client Records Policy
- MTANS Bylaws
- *Personal Information Protection and Electronic Documents Act (Canada)*
- Privacy Policy
- Standards of Practice