

ASMBS ADVERTISING GUIDELINES
Adopted by the Executive Council June 12, 2007
Revised October 3, 2010

Rationale:

The ASMBS Code of Ethics provision on advertising by Members of the Society states:

V. Advertising; Release of Information to Media or Nonprofessional Publications.

Advertising and other disseminated information must be truthful and accurate. False, deceptive, inaccurate, or misleading information in any form is inappropriate and unethical. Unjustified expectations of results must not be created, either through statements, testimonials, photographs, or other means. Realistic reporting of risks and possible complications, as well as the benefits, must be included.

Advertisements and other disseminations of information must not misrepresent a surgeon's credentials, training, or experience and must not contain claims of superiority of the surgeon or the procedure that are inaccurate or cannot be substantiated.

The Professional Conduct Subcommittee continues to encounter an inordinate number of ethical complaints regarding Members' advertisements. In an effort to educate the membership and hopefully improve the quality of information being directed to patients and reduce the number of advertising complaints, the Subcommittee offers the following Advertising Guidelines. It is the intent of the Guidelines to balance the interests of Members in promoting their skills and practice and of the public and patients in obtaining reliable and useful information about treatment options.

Definitions:

"Advertising", and all of its grammatical variations, is used in its broadest sense to include all forms of written, printed, visual, audio, and electronic information, in any media, which is used to convey information regarding the services of any Member, or of a Member's bariatric surgery practice or center, hospital or surgi-center, to patients, prospective patients, other healthcare professionals, individuals who may refer patients, and the general public. All advertising, whether paid for or gratis (e.g., a public announcement), is considered relevant for the purposes of these Guidelines.

"Code" means the ASMBS Code of Ethics, which is available at www.asmb.org .

“Guidelines” refers to these “ASMBS Advertising Guidelines”.

Applicability:

1. These Guidelines govern all advertisements by or on behalf of a Member relating to bariatric surgery, whether issued or published or caused to be issued or published by the Member or by any person or organization associated in any way with the Member or the Member’s bariatric surgery practice or center, hospital or surgi-center, including public relations and advertising firms and consultants retained by or on behalf of a Member or the Member’s bariatric surgery practice or center, hospital or surgi-center.
2. Adherence to these Guidelines is a matter of personal responsibility. Every Member should always be guided by the intent of these Guidelines and of the Code, recognizing that neither these Guidelines nor the Code can specifically cover every possible individual circumstance.
3. Every Member is responsible and accountable for advertisements relating to the Member’s services regarding bariatric surgery and related management or care. Members are responsible for ensuring that advertisements of their services, and of their related healthcare establishment(s) whenever it or they directly or indirectly advertise(s) such services, are in conformity with these Guidelines.
4. An inadvertent or unintentional violation of these Guidelines, at least in the first instance, should not subject a Member to formal disciplinary action unless the Member refuses to cooperate in bringing the advertisement into compliance with these Guidelines.
5. When asked to do so by any official request from or on behalf of the Society or the Professional Conduct Subcommittee, a Member should immediately revise the advertisement(s) in question in order to bring it into compliance with these Guidelines, or else permanently withdraw the advertisement(s), or the offending content, from publication or circulation in any or all of its formats.

Guidelines:

1. Any advertisement shall be relevant, up to date, accurate and factual. Any statement about the efficacy of bariatric surgery or related services provided by or on behalf of a Member must be capable of substantiation and be in accordance with prevailing and accepted standards of professional practice.
2. Advertisements should avoid the use of superlatives or adjectives such as “premier”, “best”, and other laudatory statements. Superlative statements which claim or allude to exclusivity should be avoided.

3. Claims of superiority over others and comparisons, whether direct or implied, between two or more bariatric surgeons, practices or hospitals are discouraged.
4. Advertisements should only refer to those services and procedures actually provided by a Member or the Member's bariatric surgery center or practice, hospital(s) or surgi-center(s).
5. Any testimonial(s) or endorsement(s) of a Member or of the Member's services should be used only if contained within factual, verifiable case histories provided by, or on behalf of, individual bariatric surgery patients. The content of any such testimonial(s) or endorsement(s) must also adhere to these Guidelines.
6. Members are expected and encouraged to review all advertisements in which their services are identified or alluded to, including those produced by professional consultants, prior to dissemination in order to assure compliance with these guidelines. A Member's advertising materials should be reviewed periodically by the Member and updated or revised as needed.
7. Any sources of commercial funding, affiliations or financial interests related to the advertising material ought to be disclosed.

Enforcement:

Complaints regarding Member advertising will be reviewed by the Professional Conduct Subcommittee. If a particular advertisement appears to violate these Guidelines, the Subcommittee will normally first attempt to informally resolve the issue by contacting the subject of the complaint and requesting modification of the advertisement as necessary to bring it into compliance. If informal attempts at resolution are unsuccessful, the Subcommittee may proceed with formal disciplinary action as set forth in the Society's Disciplinary Procedures, available at www.asmb.org. As an educational tool, the Professional Conduct Subcommittee may periodically post summaries of advertising issues informally adjudicated by the Subcommittee on the Members Only access portion of the Society's website, provided that no names or identities of involved parties shall be used.