



# Australian Association of Clinical Hypnotherapy & Psychotherapy Inc

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## Marketing & Media Guidelines

We all work in a social and legal environment that becomes more complex and difficult to negotiate each day. Working so closely with the emotions and wellbeing of people who come to us for help and education means that we must always be on guard to ensure that:

1. Everything we do and say reflects our duty of care to our clients and the public in general
2. We are knowledgeable about our chosen profession and present ourselves to our clients in such a way as to reflect positively to both them and their family and friends.
3. We ensure the public perception of us as individuals and as a professional group is such that we have the confidence of society in general, and the regulatory authorities who have the ability to control our destiny and our ability to help others.
4. We ensure that we behave in an honorable and ethical way that enhances our professional standing and gives no one cause to take punitive action against us in an increasingly litigious society.

For these reasons the Australian Association of Clinical Hypnotherapy and Psychotherapy (A.A.C.H.P.) offers the following Marketing and Media Guidelines that it strongly recommends you follow to help enhance our profession into the future. These guidelines are aligned with and should be read in conjunction with the AACHP Code of Conduct as provided in your 'Welcome Pack' or on the website [www.aachp.com](http://www.aachp.com)

The Australian Consumer and Competition Commission (ACCC) is a statutory body that is responsible for ensuring compliance with the Trade Practices Act 1974 (Cth) ("the TPA"). Its main functions with respect to protecting consumers relate to enforcing and administering the TPA, monitoring price changes and price exploitation, distributing information to consumers and administering product safety standards. Details of the relevant sections of the act can be found in **Appendix 1** of this document.

Members are strongly advised to familiarise themselves with the ACCC's policies, research and educational publications that are available via its website at [www.accc.gov.au](http://www.accc.gov.au). Failure to comply with any aspect of the aforementioned policies, legislation, codes, or standards may result in a member being disciplined by the AACHP. Discipline in this context may include suspension or cancellation of AACHP membership.

### Misleading or Deceptive Conduct

Members are strongly advised to review all modes of advertising, promotional and educational material that is provided to consumers. Such material includes websites, brochures, and information leaflets. In particular, members should pay attention to the claims that they make in relation to:-

- the services that they provide;

- their qualifications, experience, awards and credentials; (qualifications should be stated in full with full details of the organisation that issued the qualification)
- the proposed benefits that consumers may receive from their services and products;
- alleged links to, or membership of, specific organisations or professional bodies; and
- use of specific titles such as “Dr” or “Psychologist” and where such titles may not have been obtained through bona fide educational bodies recognized by AACHP.

Examples of claims that are likely to mislead or deceive include:

- “Australia’s premier...”
- “Most qualified...”
- “World renowned/ world class...”
- “Internationally accredited...”
- “Expert...”
- “Best results”
- “Guaranteed outcomes”
- “X % success rate”
- “Quit smoking in one hour”
- “We can cure...”

1. Unless absolute documentary proof of the claim is or can be provided.
2. Any offer of Money back guarantees in the event of dissatisfaction with the services provided must be clearly stated and method of claiming against such money back guarantee must be provided.

Furthermore, AACHP members should refrain from any activity which could be deemed to be misrepresentation of their qualifications or credentials

Examples:

1. Stating or implying the attainment of any qualifications, awards or similar when this is not the case
2. Stating the attainment of any qualification that is counterfeit or that has been obtained at a “diploma/degree mill”
3. Citing or linking to a professional organisation in such a way that implies the practitioner is a member of the cited/linked organisation when this is not the case.
4. Using the title “Dr” unless the practitioner is a medical doctor (a member may, however, use the appropriate acronyms for a Doctorate e.g. D.Phil, PhD, that has been awarded by a bona fide institute of higher education)
5. Using the title “Psychologist” unless the practitioner is registered with the Australian Psychological Society.

**Overt or Implied Criticism of and Courtesy towards Other Service Providers**

AACHP members should refrain from any advertising statements which state or infer criticism of other service providers e.g.

- “Unlike other practices/practitioners...”
- “You deserve the best.../when only the best will do...”
- “Make sure to see a practitioner who has X,Y,Z qualifications”
- “Our X is/are second to none”

AACHP members should obtain the consent of a fellow professional prior to making any reference to the aforesaid professional in any marketing or media activity e.g. a member should not link to another professional's website without first having obtained their approval or use original information from another professional's website without written permission and proper acknowledgement of its source.

## **Use of Testimonials**

The use of testimonials is common practice in the marketing of products and services, however, consumers can be wary of their use (a) because they are tired of hearing and reading overwhelming praises and glowing endorsements and (b) due to an increasing prevalence of "fake" and "manipulated" testimonials.

AACHP members who wish to use this advertising technique should do so judiciously and abide by the following guidelines:

- All testimonials (written, audio, video) must be genuine and written permission must be given by the testimonial contributor indicating the specific use(s) the practitioner may or may not make of the testimonial. This written permission must be kept on file by the practitioner. All such testimonials must include the name of the referrer and State of origin, not just initials with a statement that the original written referral is available for inspection on request. Permission from the referrer must include permission to include the name of the referrer in advertising endorsements.
- For written testimonials, a hard copy signed by the testimonial writer should be kept on file by the practitioner.
- Testimonials provided by clients must adhere to relevant privacy legislation and safeguard client confidentiality.

## **Internet Marketing**

AACHP members should refrain from all "Black hat" Search Engine Optimization (SEO) i.e. practices generally thought of as unethical and "cheating the system". Examples of "Black hat" practices include Cloaking; Duplicate Content; Unrelated Keywords; Keyword Stuffing; Title Stacking; Font Matching; Hidden Text; Doorway Pages. More information on these topics is available at: <https://www.searchenginejournal.com/seo-black-hat-techniques/180601/>

You should also note that unsolicited Spam email is illegal in Australia and carries heavy fines for individuals and even greater penalties for companies convicted of sending bulk unsolicited emails of any kind.

## **Professionalism**

Alongside legal and ethical considerations, any marketing or media activity concerning hypnotherapy and/or allied practices or subjects undertaken by a Member as a member of the AACHP must be truthful, in good taste and in accord with the ethics and spirit of the Profession at large. AACHP members should at all times demonstrate a high level of professionalism in all their marketing activities whereby such activities would be beyond the reproach of any interested party.

## **Disciplinary action**

The Committee of AACHP may, on receipt of a complaint against a member for a breach of these Guidelines, investigate that complaint and take appropriate action in accordance with the AACHP Code of Conduct.

## **Appendix 1**

Trade Practices Act 1974 (Cth) (“the TPA”):

The TPA is a federal statute that establishes codes of conduct for Australian businesses. Its main relevance to members is with regard to the sections of the TPA that protect consumers from unfair business practices. The main sections of the TPA of concern to members include:

- s.51AA & 51AB: Unconscionable conduct against consumers

- s.52: Misleading or deceptive conduct

False representations regarding:

- s.53(a)-(aa): standards, quality and other features;

- s.53(c)-(d): sponsorship, accessories and benefits;

- s.53(eb): origin of goods;

- s.53(f): need for goods or services;

- s.60: Harassment or coercion of consumers;

- s.64: Unsolicited goods or services;

- s.68-75A: Protection for implied terms for consumers;

- s.65B-65R: Product safety and information for consumers; and

- s.74A-L: Liability of manufacturers and importers.

Members are strongly encouraged to familiarise themselves with the TPA and, in particular, the aforementioned sections of the TPA. Without minimising the importance of all aspects of the TPA, s.52 of the Act is arguably the most important section for members.

### **Section 52 of the TPA provides:**

“..a corporation (i.e. a business) shall not, in trade or commerce, engage in conduct that is misleading or deceptive or likely to mislead or deceive”. Plaintiffs in civil legal proceedings rely on s.52 more than any other section in the Act for the following reasons:

1. Plaintiffs need only prove that the business’ conduct was likely to mislead or deceive, not that such effect actually occurs.
2. Plaintiffs do not need to prove that such conduct was intentional and is therefore relatively easy to prove.
3. It covers an extensive range of business activities.
4. The TPA provides a wide range of remedies for consumers under s.52 including damages.

### **IMPORTANT NOTE:**

The information in this document is provided as a guide only and in no way constitutes legal advice provided by AACHP. You should ensure your own practice fulfils the requirements of the relevant Acts and that you are fully conversant with their implications. If you are unsure of any aspect, seek legal advice.