

## INFORMATION ON ADVERTISING

Advertising must comply with certain [laws and regulations](#).

**Fraudulent, misleading or deceptive ads are unlawful** - §651 of the Business and Professions Code itemizes what information licensed doctors may include in advertisements. It outlaws all types of misleading advertising, including those:

- failing to disclose material facts
- intended or likely to create false or unjustified expectations
- failing to disclose variables and other material factors in fees
- causing ordinarily prudent persons to misunderstand or be deceived
- using descriptions such as "as low as," "and up," "lowest prices"
- using comparisons not based on verifiable data
- employing bait, discount, premiums, and gifts
- listing prices that are not clearly identifiable for each product or service
- not disclosing dispensing or fitting service fees
- providing unpublicized compensation to the media
- indicating certification from a non-approved specialty board, i.e., any board other than the American Board of Podiatric Surgery (ABPS), the American Board of Podiatric Orthopedics and Primary Podiatric Medicine (ABPOPPM), or the American Board of Multiple Specialties in Podiatry (ABMSP). The term "board certified" may not be used unless the full name of the approved specialty board is listed and given comparable prominence. The approved specialty boards have their own supplementary advertising guidelines governing diplomates.

Violation of §651 is a misdemeanor and constitutes cause for revocation or suspension. The misdemeanor is punishable by imprisonment not exceeding six months, or by a fine not exceeding \$2,500, or by both. Section 651(k) authorizes fines up to \$10,000 per event for knowingly and intentionally violating these requirements. BPM's regulations (Title 16, Article 5, §1399.688) state that DPMs may advertise as authorized by this law so long as the advertising does not promote excessive or unnecessary use of services. §17500 [False or Misleading Advertising] is another generic statute authorizing similar penalties for violations by licensed and unlicensed persons. §2271 provides that violation of §17500 is also grounds for license revocation or suspension.

**Misuse of titles** - §2274 says the listing of any certificate, letters, words or terms for which one is not licensed constitutes unprofessional conduct (grounds for license discipline).

**Use of DPM** - Only persons who have graduated from an approved podiatric medical school and are licensed by BPM may use the term DPM. Violation is unprofessional conduct under §2277. §2474 provides that only DPMs or MDs may use the words "doctor of podiatric medicine," "podiatrist," "foot specialist," or any other term indicating that they practice podiatric medicine as defined in § 2472. Violators are guilty of a misdemeanor.

**Use of title "Doctor"** - It is unprofessional conduct [§2278] to use "Doctor" or "Dr." without further indicating the type of certificate held (i.e., DPM).

**Advertising without use of name** - §2272 requires licensees to use their own name or an approved fictitious name. For fictitious name permits, please call the Medical Board's Fictitious Names office at 916/263-2384. §2415 specifies the terms DPMs may use in fictitious names.

**Runners, Cappers, and Steerers** - Use of these or "other persons to procure patients constitutes unprofessional conduct," under §2273.