Notice

November 21, 2022

Health Canada Advertising Guidance for Naturopathic Doctors

Health Canada has advised the Manitoba Naturopathic Association that they have found evidence of prohibited advertising claims and advertisements for unlicensed drugs on members: websites, blogs, forums, Facebook, Instagram and Twitter pages of naturopathic doctors in Manitoba.

The advertising of some naturopathic doctors in Manitoba does not comply with the Food and Drugs Act (the "FDA"), the Food and Drugs Regulation (the "FD Regulation"), Health Canada advertising policies, the Manitoba Naturopathic Association's *Advertising Standard*, *Code of Ethics* and *Standards of Practice*.

The purpose of this communication is to outline the federal rules governing the advertising of treatments and/or products, including but not limited to compounded products, IV therapies, and natural health products that are often used and advertised by naturopathic doctors in Manitoba.

Therefore, all members are required to review and amend their online and print advertising material immediately. Health Canada is mandated to uphold national consistency through compliance verification and enforcement. **Members should be aware that if advertising violations come to the attention of Health Canada, it has several enforcement options available to it that are separate from the Association's s investigation and enforcement processes.**

Advertising of compounded substances, specifically compounded IV treatments, to the general public

It is Health Canada's position that a compounded product or compounding service **may not** be advertised to the general public. (Appendix I General Guideline on Compounding and Manufacturing Activities)

In order to provide a compounded product, members must first ensure that:
• a valid patient-healthcare professional relationship exists;
• a compounded product is compounded for an individual person;
• there is a therapeutic need for the product or lack of product availability; and
• compounding takes place only in the case of therapeutic need or lack of product availability, and not solely for the economic benefit of the healthcare professional.

Prohibited Examples:
a. Advertising IV drips or vitamin injections to treat specific conditions;
b. Offering a "menu" of products that suggest members of the public may order a pre-formulated product such as a vitamin IV drip or injectable vitamin to treat specific conditions such as anxiety, stress, respiratory or lung infections, or mood disorders.;
c. for the treatment of common ailments such as low energy, low mood, weight control, and the after effects of drugs or alcohol; and/or
d. with claims regarding the efficacy of substances, such as vitamins, as treatments for ailments not listed in the monographs for those substances.
e. Advertising products such as vitamins for misleading and/or off-label purposes, such as improving beauty, confidence, immunity, or energy.

Health Canada Related Acts and Policies:

- Such advertising likely violates sections 9 and 3 of the *Food and Drugs Act* and Health Canada's Policy on Manufacturing and Compounding Drug Products in Canada.
- (5.1 of Health Canada's Policy on Manufacturing and Compounding Drug Products in Canada.)

Advertising Vitamin IVs and Injectable Vitamins

Some vitamin mineral preparations are considered a Natural Health Product (NHP) under the Natural Health Products Regulations (NHPR).
However, when administered by injection or IV, these products are excluded from the NHPR and subject to the Food and Drug product (drug or NHP) may not be advertised to treat:

- Acute alcoholism
- Acute infectious respiratory syndromes
- Addiction (except nicotine addiction)
- Cancer
- Depression
- Thyroid disease
- Acute anxiety state
- Acute psychotic conditions
- Asthma
- Dementia
- Obesity

The full list may be found in Schedule A.1 of the *Food and Drugs Act*. In order to advertise a health product as preventative for the conditions listed in Schedule A.1, a product must have market authorization (i.e. a Drug Identification Number or Natural Product Number) issued by Health Canada. Compounded products do not have market authorization and cannot be advertised.

Advertising and FDA and FD Regulations

Prohibited Examples:
• Advertising compounded products, including IV vitamin therapies and Platelet Rich Plasma therapy, as treatment to the public. Health Canada's POL-0051: Policy on Manufacturing and Compounding Drug Products states that any advertising of a compounded product would be deemed an advertisement for sale of an unlicensed drug product, which is prohibited. It is Health Canada's position that a compounded product or compounding service may not be advertised to the public.

• Natural Health Products advertised for conditions outside of their terms of market authorization is prohibited. For example, naturopathic doctors cannot advertise Mistletoe or Vitamin C for the treatment of cancer.

Health Canada Related Acts and Policies:

- What is considered 'advertising' under the FDA and the FD Regulation?
  Section 2 of the FDA defines "advertisement" as including:
  "any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device".
- Section 3(1) of the FDA states that prohibited advertising includes:
  "No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A.1."

  *Exemption: Sections A.01.067 & A.01.068 of the FD Regulations and Sections 103.2 & 103.3 of the Natural Health Products Regulations exempt non-prescription drugs and natural health products from the FDA Section 3 prohibition on labelling and advertising of preventative claims for Schedule A.1 diseases. Thus, authorized claims for the prevention (but not as a treatment or cure) of Schedule A.1 diseases may appear on the labels of non-prescription drugs and **NHPs so long as they are consistent with the product's terms of market authorization.**

Section 9(1) of the FDA states that deception regarding drugs includes:
"No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety."

Section C.01.044 of the FD Regulation states:
"If a person advertises a prescription drug to the general public, the person shall not make any representation other than with respect to the brand name, the proper name, the common name and the price and quantity of the drug."

When determining whether your advertising complies with the FDA, FD Regulation, and Health Canada Policies, you may find the below resources helpful:
1. The Distinction between Advertising and other Activities;
2. Health Canada Regulatory Requirements for Advertising; and
3. Compliance and Enforcement Policy for Health Products (POL-0001).

A final reminder that advertising must not make health claims and it must be accurate, verifiable, and easy to follow.

We thank you for your attention to this matter.
Please use the email below to contact the MNA with questions.

Regards,

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