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ADVERTISING GUIDELINES FOR HEALTHCARE FACILITIES AND SERVICES

(PRIVATE HOSPITALS, CLINICS, RADIOLOGICAL CLINICS AND MEDICAL LABORATORIES)

MEDICINE ADVERTISEMENT BOARD
MINISTRY OF HEALTH MALAYSIA

ADVERTISING GUIDELINES FOR HEALTHCARE FACILITIES AND SERVICES

(PRIVATE HOSPITALS, CLINICS, RADIOLOGICAL CLINICS AND MEDICAL LABORATORIES)

1.0 Introduction

1.1 These Guidelines are intended to complement the provisions of the Medicines (Advertisement and Sale) Act 1956 (Revised 1983) and the Medicine Advertisements Board Regulations 1976.

1.2 Advertisements include any notice, circular, report, commentary, pamphlet, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light or sound.

1.3 Unless exempted as laid out in section 3.0, advertisements shall only be publicised upon approval by the Medicine Advertisements Board.

1.4 Registered medical practitioners who wish to advertise their facilities or services should also abide by the 'Code of Professional Conduct' of the Malaysian Medical Council and related guidelines and directives issued by the Council.

2.0 General Principles

2.1 The purpose of these Guidelines is to provide information to private hospitals, clinics, radiological clinics and medical laboratories regarding the regulations governing advertisements of healthcare services offered by these facilities that are disseminated to the general public.

2.2 The information provided in the advertisements must be factually accurate and capable of being substantiated. It must not be exaggerated, false, misleading or deceptive.

2.3 The authenticity and the accuracy of the information imparted in the advertisements should be verifiable by the Medicine Advertisements Board. The public should not be misled into drawing inaccurate impressions of the ability or services offered by the healthcare facility.

2.4 The information provided in the advertisements shall be in strict compliance with these set guidelines.

2.5 Information about advances in medical services and therapeutics is best conducted through the appropriate medical forums and professional publications to avoid the risk of unbalanced and inaccurate reporting.

2.6 Features or articles that contain elements of advertising of skills or services will be deemed to be promotional in nature and regulated as such. For opening ceremonies, the management is responsible in ensuring that there is no undue publicity to the new healthcare facility and of the skills of professionals providing services related to the event.

3.0 Exemptions

Approval by the Medicine Advertisements Board is not required for the following:

3.1 Advertisements that do not refer to any skill or services relating to the treatment, prevention or diagnosis of any ailment, disease, injury, infirmity or condition affecting the human body.

Example: Advertisement of room rate charges according to categories by Private Hospitals.

Example: Private medical clinic advertisements invite patients with statements such as "*klinik mesra keluarga anda*", "trust and care for years", "you are in safe hands" etc. without referring to any healthcare services offered at the premises.

Example: Directional road signage showing the location and distance of a private medical clinic or private hospital premises.

3.2 The current practice of information being circulated within the profession through medical journals and newsletters which are published by medical professional bodies.

3.3 The present arrangement whereby any professional body related to the medical profession, or any other allied profession established by or registered under any written law which has been granted approval by the Honourable Minister of Health, Malaysia may publish announcements or information for the general public.

3.4 The following do not require Medicine Advertisements Board approval subject to the condition that all stated criteria are met.

3.4.1. Calling cards, Letterheads, Rubberstamps and Signboards

Information published in professional calling cards, letterheads, rubberstamps, clinic signboards, road directional signboards, directory signboards in commercial complex, should abide by the 'Guidelines on Dissemination of Information by the Medical Profession' set by the Malaysian Medical Council.

3.4.2. Seminar / Public Lecture / Public Forum Announcements

The announcement or notice should only contain the title / topic of the talk or forum, date, venue, speaker's name and place of practice, speaker's picture (should not exceed one-third the size of the format), and contact person/number for enquiries.

3.4.3. Advertorials / Educational Articles / Community Health Messages

Educational articles regarding healthcare issues can be communicated to the public through speaking, writing and media broadcasting without Medicine Advertisements Board approval. However the practitioner should not encroach into the area of encouraging the public to seek consultation or treatment from him or the healthcare facility he is associated with by publicising detailed service or contact details.

Only the practitioner's name, registered field of practice and place of practice can be mentioned. Photographs of practitioners performing surgical, interventional or investigational procedures on patients are prohibited.

Practitioners must ensure that the press/media articles based on interviews are solely for public education. They are responsible for these articles and for ensuring that journalists do not breach these Guidelines in reporting about them.

3.4.4 Accreditation/Award Announcement, Congratulatory Message

Healthcare facilities are allowed to announce the following:

i. Recognised certification received by the healthcare facility e.g. ISO, hospital accreditation, national or international quality awards, initiative awards, etc
ii. Congratulatory message on opening/launching of a new wing/branch/department/discipline/healthcare facility/equipment.

Only the name and date of award or accreditation / picture of the award / opening & launching of a new wing, branch, department, discipline, healthcare facility, equipment are allowed to be advertised.

4.0 Information which may be disclosed in the advertisement(s) is as follows:

4.1 General Information of the healthcare facility

i. Name and location
ii. Telephone number
iii. Hours of service
iv. Types of accommodation and facilities
v. Charges for the various services and facilities
vi. Photographs of practitioner(s) should not exceed one-third the size of the format

4.2 Professional Services available at the healthcare facility

E.g. Surgical, Maternity, Accident & Emergency, Rehabilitation (as recognised by the relevant statutory bodies).

The name, qualification and field of specialty of practitioners are allowed to be listed for information purposes. **Promotion of any individual practitioner's skills, knowledge and experience, is not allowed**.

4.3 Deleted

4.4 Please refer to section 6.0 for further information relating to specific media.

4.5 Patient Testimonial

i. Patient testimonials are permitted for the purpose of promoting healthcare premises:

Examples: Patients giving testimonials about the cleanliness of hospitals/ clinics, the friendly service/ hospitality of clinic staffs, the conducive environment of hospitals/ clinics.

ii. Patient testimonials related to treatment / healthcare services are NOT ALLOWED:

a) Patient testimonial refers to skills or services received relating to the treatment, prevention or diagnosis of diseases or conditions of human body.

b) Patient testimonial about the skills and expertise of medical practitioner providing such treatment / services.

4.6 Celebrity Endorsement

4.6.1 These Guidelines define celebrities as:

i. Local/International celebrity
ii. Local/International athlete
iii. Patients receiving treatment
iv. Local/International model
v. Professionals (Practitioners, Dentists, Pharmacists)
vi. Influencer

4.6.2 The use of celebrities in healthcare services advertisements must adhere to the following conditions:

i. Celebrities endorsements are permitted only for the purpose of promoting healthcare premises:

Examples: Celebrity A as an ambassador introducing the premises from the aspects of cleanliness of hospitals/ clinics, the friendly service/ hospitality of clinic staffs, the conducive environment of hospitals/ clinics.

ii. Celebrities endorsements related to treatment / healthcare services are NOT ALLOWED:

a) Celebrities endorsements refer to skills or services received relating to the treatment, prevention or diagnosis of diseases or conditions of human body.

b) Celebrities endorsements about the skills and expertise of medical practitioner providing such treatment / services.

5.0 Information Which Is Not Permitted

5.1 Comparison, either direct or implied between healthcare facilities is prohibited.

5.2 Deleted

5.3 Deleted

5.4 Deleted

5.5 Display of Human Tissue Specimens and Photographs

The display of photographs of preserved human tissue specimens e.g. biopsy parts or excised lesions from patients, or photographs of patients with diseases mounted as posters on the outside walls of clinics are not allowed.

6.0 Approved Media

6.1 General

Unless otherwise provided in these guidelines, advertisements approved by the Medicine Advertisements Board can be publicised in any media which is based, registered and published or circulated in Malaysia.

6.2 Newspapers

Advertisements are allowed in the lay press.

6.3 Magazines

Advertisements are not individual-magazine specific and once approved may be published in different magazine titles.

6.4 Directories

Information in directories containing the name of the healthcare facility, address, specialty, contact details, hours of consultation is allowed.

6.5 Brochures, Pamphlets and Leaflets

The date of publication must be stated.

6.6 Billboards

There should be minimal use of words and the message should be as simple as possible.

Billboards which are only road directional in nature and without advertisements of services do not require Medicine Advertisements Board approval.

6.7 Banners

A temporary banner to announce the opening of a new healthcare facility is allowed for the purpose of public information provided it conforms to local government regulations. It can only be displayed at the entrance to the premise.

The banner should not be displayed for a period longer than one month prior to the date of opening and should be removed within one week after the opening of the healthcare facility.

Banners announcing services provided by the healthcare facility, special equipment and diagnostic services, awards or recognitions are not allowed.

6.8 Websites

The information disseminated though this medium has to be carefully designed and worded, as well as comply with the relevant sections in these Guidelines, and all statutory instruments.

The information on the healthcare facilities and services, registered medical practitioners, their names and photographs (should not exceed one-third the size of the format), qualifications, and specialities must be informative and simple, without laudatory remarks.

6.9 Radio, Television, Cable Television, Cinema and In-House Videos

Advertisements are allowed in all broadcast media. Live consultation sessions on radio and television in association with advertisements must comply with the requirements of these Guidelines.

7.0 Promotional Activities

7.1 Package, discount or price reduction

7.1.1 Package, discounts or price reductions are allowed in service advertisements.

Example: Ultrasound price RM200 and Mammogram price RM300, while package price for both services is RM400.

Example: 20% discount on body check-up during Mother's Day.

Example: Original price for blood test is RM200, price after promotion is RM150.

7.1.2 Comparisons of prices/ package for a particular healthcare services or treatments are NOT PERMITTED in advertisements.

Example: The same diabetic wound care package by Dr. A (Medical Officer) costs RM100, while by Dr. B (Specialist) costs RM250.

Example: The same diabetic wound care package by Dr. A (Medical Officer) costs RM100, while by nurse costs RM50.

7.1.3 Free offers of healthcare services/ treatments are NOT PERMITTED in advertisements.

7.2 Gift

All forms of gifts are NOT PERMITTED in healthcare services advertisements.

8.0 Related Acts

8.1 The Private Healthcare Facilities and Services Act 1998 (Act 586) states:

s.108. No private healthcare facility or service of health-related facility or service shall publish any advertisement:

(a) In such a manner as to mislead the public on the type or nature of the healthcare facilities or services or health-related facilities or services provided; or

(b) Which is contrary to any direction on advertisement issued by the Director General.

8.2 The Pathology Laboratory Act 2007 states:

s.75(1) No licensed pathology laboratory shall publish any advertisement:

(a) In such a manner as to mislead the public on the class and speciality of the licensed pathology laboratory

(b) Which contravenes any written law regulating advertisement for medical matters or purposes

(c) Which is contrary to any direction on advertisement issued by the Director General.

9.0 Others

9.1 Publicity outside Malaysia

Facilities which advertise in countries outside Malaysia shall comply with all the relevant requirements of those countries. However, in the event that such advertisement is also available to the general public in Malaysia (e.g. through the internet), then such publicity shall also conform to these Guidelines.

10.0 Review

These Guidelines may be reviewed as and when necessary.

Note:
Reviewed and approved by the Medicine Advertisements Board in Meeting No. 3/2023 dated 5th July 2023. These amended Guidelines come into effect on 5th July 2023.

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LIST OF AMENDMENTS

Amending Para	*Short Title*	*In force from*
3.3.2 (MAB 2/2021)	Seminar/ Public Lecture/ Public Forum Announcements -speaker's picture	6.9.2021
4.1 (vi) (MAB 2/2021)	General Information of the healthcare facility -speaker's picture	6.9.2021
4.3 (MAB 2/2019)	Accreditation/ Award Announcement, Congratulatory Message -deleted	12.9.2019
3.3.4 (MAB 2/2019)	Accreditation/ Award Announcement, Congratulatory Message -exemption	12.9.2019
5.2 (MAB 2/2019)	Superlative words -deleted	12.9.2019
5.3 (MAB 2/2019)	Patient's Testimonial	12.9.2019
3.1 (MAB 1/2023)	Exemptions	16.1.2023
7.0 (MAB 2/2023)	Monetary Inducement	24.3.2023
4.5 (MAB 3/2023)	Patient Testimonial (5.3-deleted)	5.7.2023
4.6 (MAB 3/2023)	Celebrity Endorsement (5.4-deleted)	5.7.2023
7.0 (MAB 3/2023)	Promotional Activities (Monetary Inducement-deleted)	5.7.2023
7.1 (MAB 3/2023)	Package, Discount or Price Reduction	5.7.2023
7.2 (MAB 3/2023)	Gift	5.7.2023