



GUIDELINE B

ADVERTISING/SOCIAL MEDIA & SALE OF PRODUCTS

PURPOSE

This guideline was developed to help licensed dietitian/nutritionists (LDNs) and licensed nutritionists (LNs) understand their obligations when promoting and providing their nutrition services, and to help the public understand the standards under which such licensed practitioners are bound. Compliance with the ethical requirements laid out in 21 NCAC 17 .0114 helps to ensure the public is protected from harmful nutrition practices. Licensees are obligated to uphold these standards regardless of the medium.

ADVERTISING/PROMOTION and SOCIAL MEDIA

The *Code of Ethics for Professional Practice and Conduct (Code of Ethics)*, from which this guidance information is derived, does not prevent LDNs and LNs from informing the public about their services via direct advertising or social media. But, the *Code of Ethics* does require that advertising, and social media posts, that are linked to professional practice, reflect the ethical principles the dietetic/nutrition professional is obligated to uphold.

Per 21 NCAC 17 .0114 of the *Code of Ethics*, the licensee is obligated to self, client, society, and the profession to provide professional services with objectivity. When advertising nutrition services, utilizing social media to promote professional practice, or practicing, regardless of platform, the licensed nutrition practitioner must:

- The licensee shall conduct all practices of dietetics or nutrition with honesty.
- The licensee shall present substantiated information and assess the validity and applicability of scientific evidence without personal bias.
- The licensee shall practice evidence-based dietetics or nutrition.
- The licensee shall inform the public of his or her services by using accurate and truthful information.
- The licensee shall not exercise undue influence on a client or patient. This includes, not exercising excessive persuasion or improper influence on a client or patient in the promotion or the sale of services or products. The licensee shall be alert to any conflicts of interest and shall provide full disclosure when a real or potential conflict of interest arises.
- The licensee shall not reveal information about a client or patient obtained in a professional capacity, without prior consent of the client or patient, except as authorized or required by law, and shall make full disclosure about any limitations on his or her ability to guarantee this.
- The licensee shall safeguard client or patient confidentiality according to current regulations and laws, using appropriate technology, such as encryption.
- The licensee shall ensure that his or her client or patient has sufficient information to understand the nutrition diagnosis and the implications of nutrition intervention. The licensee shall not guarantee that nutrition care services will cause any certain outcome or particular result for the client or patient.

When interacting online, if interacting with patients, licensees must always ensure they are maintaining appropriate boundaries. In all interactions, licensees have an obligation to maintain patient privacy. Communications related to the nutrition care of the patient must be documented in the medical record.

SALE OF PRODUCTS

Per the *Code of Ethics*, “The licensee shall not exercise undue influence on a client or patient. This includes, not exercising excessive persuasion or improper influence on a client or patient in the promotion or the sale of services or products. The licensee shall be alert to any conflicts of interest and shall provide full disclosure when a real or potential conflict of interest arises.” Inherent in the sale of products as part of one’s practice, either in-office or online, is a perceived conflict of interest. If selling products as part of one’s nutrition practice, it is recommended that practitioners also make known to patients other comparable products, not required to be purchased through the practitioner, that are of equivalent quality, efficacy, and price. Additionally, although best practice to avoid a conflict of interest is likely to sell products at cost, if a profit is earned on the sale of products, clients should be informed that a profit is earned. Ultimately, any profit made on the sale of products should be reasonable.

To ensure LDNs and LNs are operating with integrity and not exercising undue influence, licensed practitioners should avoid participating in, and/or recruiting patients to participate in, multi-level marketing operations.

Keeping in mind the practitioner’s duty to practice with honesty, and based on scientific principles, any products LDNs and LNs sell as part of their nutrition practice should be well-researched, verified as to content, and recommended based on acceptable science.

This document has been reviewed and approved by the North Carolina Board of Dietetics/Nutrition for use as a guideline only. It is not all inclusive or exclusive. This guideline is provided as information only, and is not intended to address any specific case scenario. This guideline is not a substitute for legal advice. Violations and Complaints reported to the Board will be reviewed on a case-by-case basis, and are dependent on the facts of the situation. In the event of a conflict between this guideline and the North Carolina Dietetics/Nutrition Practice Act and associated Rules, the Statute and Rules will govern.

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