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rehe to play with respect to deceptive advertising and ~ppressive

Ethical rules directed toward false or deceptive advertising
will promote competition and consmer welfare provided that they
are reasonably tailored to that end, Thus, the essential issue in assessing the Society" prropoeed guidelines is whether they are likely to inhibit simificantly the dissemination sf truthful, nondeesptive bnf~matlsn.

Many of the widelines rewire no discussion because on
their face they appear simply to advise against advertising that would be false, In particular, this appears to be the case with guidelines nmbered Thee through Eigk, Ten, and Thirteen. For example8 Guideline Four pzovides that+-advertisersshould not suggest that their clinical practice 6s conducted primarily for charitable sr research purposes unPesd that is the case,

Other widelines Warrant some discussion in order to assess their relationship to Federal Trade Comissiow policies concerning particular foms of deceptive advertising, and to note potential issues that could arise in the application of the guidelines ea individual caeea,

Guideline One states:

Advertising that claime or suggests superiority or
unipene~ain an sphthalmolaqisr% training, prsficiency, or expexiencs om %esuLts is e&jec% es substantiation by the aphthabmolsgist,

This guideline" requirement for substantiation sf certain kinds sf advertising claims appears generally consistent with FTC regulation of advertising, The @smiseisngenerally requires a raasonable basis for advert%elng claims Because eansunters expect

that advertisers have a reasonable basis for elaims they make, and would eherefsre be deceived if such eupport were backing, The amount and type of substantiation rewired depends an what

kind of support the ad leads conamers to expect, Claims that do not imply substantiation, such 88 subjectik

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Food and Drug Adiniszration as safe and effective," The provision is entitled "Eq~1serimraneal/I3"svestigstionalProducts,
and, as 1 understand it, is intended to apply only to such pnoducss and to recornend that memkrs comply with Food and Drug ~ &lwistrmsion regulations eowcsening mprsaents%isnsregarding safety and efficacy of investigational produces. As such, it does not appear to raise antierust concerns, Rsrecvet, to the sxbewt that the mle is aimed a6 medical ~slmlecyand efficacy claims that cannot be adequately substantiated, it addresses &~dvertisLngekae may be deceptive under PTC standards,

Finally, Guideline Sevenreen stares that medical equipment, dxugs, 0% devieee shou%d not be adve~tisedas approved by the

road and Drug Administration. Such advertising is prohibited by federal etatute, 21 U-S*C, S 339(L), Whether or not such advertising is Snhesently deceptive, Z see no anrftruat problem fn the Soefety counseling its mehers to avoid such a clear