

21 NCAC 22J .0103 ADVERTISING

It shall be unethical to perform any of the following acts:

- (1) To advertise a particular model, type, or kind of hearing aid for sale when purchasers or prospective purchasers responding to such advertisements cannot have it demonstrated to them or cannot purchase the advertised hearing aid from the licensee or registered apprentice;
- (2) To advertise that a product is offered for sale at a special or reduced price, or words of similar meaning such as "sale price," when, within the past six months from the date of the advertisement, less than 50 percent of all sales of that specific model of the product were sold at a price higher than the special or reduced price;
- (3) To advertise a testimonial or endorsement by a living person unless the advertisement:
 - (a) contains the actual full name of the person directly following the quote or directly under any picture,
 - (b) lists the person's city and state of residence, and
 - (c) discloses whether the person making the endorsement or testimonial received compensation for making the endorsement or testimonial;
- (4) To advertise titles or credentials by the use of initials unless the meaning of the initials are written out in the advertisement; or
- (5) To advertise using words of comparison or performance specifications not based on verifiable data (for example, lowest price, MSRP, highest quality, fits up to 35dB hearing loss).

History Note: *Authority G.S. 93D-3(c); 93D-13(a);
Eff. April 23, 1976;
Amended Eff. April 1, 2013; May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*