

SUMMARY

DR. MAHMUD KARA (CPSO# 59474)

1. Disposition

On November 15, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required plastic surgeon Dr. Kara to appear before a panel of the Committee to be cautioned with respect to his advertising practices.

2. Introduction

The complainant complained to the College that Dr. Kara violated the Advertising Regulation, Ontario Regulation 114/94 made under the *Medicine Act, 1991*, Part II, by using before and after photos in a magazine.

Dr. Kara responded that he had no connection with the magazine, but the Dr. Kara Medicine Professional Corporation paid a fee to the magazine to publish the advertisement. He was aware that there would be before and after photographs used in the advertisement, and reviewed the final version prior to publication. Since that issue, he has not placed advertisements in the magazine, and has no intention to place advertisements in the magazine in the future.

3. Committee Process

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint. The Committee always has before it applicable legislation and regulations, along with policies that the College has developed, which reflect the College’s professional expectations for physicians practising in Ontario. Current versions of these documents are available on the College’s website at www.cpso.on.ca, under the heading “Policies & Publications.”

4. Committee's Analysis

In the Committee's view, Dr. Kara's advertisement in the magazine was a violation of the Advertising Regulation subsection 6(2) that advertisements must not contain a testimonial or any comparative or superlative statements. Before and after photographs have been established to be testimonials under the Advertising Regulation.

Dr. Kara knowingly paid for the advertisement, and supplied the before and after photographs. He also reviewed the final copy prior to publication. Further, Dr. Kara previously received advice from the College regarding a testimonial in another magazine and for allowing his name to be associated with a product.

Although Dr. Kara indicated that he does not plan to place advertisements in the future, he should have been aware that his actions were in breach of the Advertising Regulation. Given his repeated breaches of advertising policy and regulation, the Committee was not satisfied that he would change his behaviour without further guidance.

As a result, the Committee determined that the appropriate response was to require Dr. Kara to attend the College to be cautioned in person to comply with the Advertising Regulation, particularly since he has failed to do so when previously advised to comply.