

13. Preventing False Advertising in Reproductive Services Act

Issue Overview

Unregulated Pregnancy Clinics often present themselves as free medical clinics to mislead clients seeking abortion. Their primary goal is to prevent clients, through persuasion, misinformation, or delay, from having an abortion.¹⁷⁸ While these organizations have the right to oppose abortion, most use misleading tactics, including ads, signs, and websites presenting their facilities as conventional medical clinics, even, at times, as abortion providers.^{179,180} Inside, they often resemble medical offices, with waiting rooms and exam rooms outfitted with medical equipment, and staff in lab coats and scrubs. Clients must often fill out intake forms that ask for private health information.¹⁸¹

The vast majority of UPCs advertise medical or quasi-medical services. Nearly all offer free pregnancy tests¹⁸² readily available at any pharmacy. Between one-quarter¹⁸³ and one-half¹⁸⁴ advertise free STD/STI tests and approximately three-quarters advertise free ultrasounds,¹⁸⁵ typically performed by someone presenting as a medical professional.

Advertising ultrasound testing by UPCs is unethical. UPCs do not perform diagnostic ultrasounds from which medical conclusions can be drawn. They call them “limited” ultrasounds,¹⁸⁶ which is little more than showing pictures of the uterus, hoping to emotionally influence clients to continue the pregnancy. UPCs are using medical equipment unethically,¹⁸⁷ and even one of the three major UPC umbrella groups, Care Net, truthfully answers “Can we just do ultrasounds without becoming a medical clinic?” with the answer, “Absolutely not. The use of ultrasound energy in any form is considered the practice of medicine.”¹⁸⁸ [If your state requires women to have an ultrasound before accessing abortion care, many UPCs have been falsely presenting their ultrasound services as meeting this requirement.¹⁸⁹

Mobile UPCs are deceptively designed to look like conventional medical facilities.¹⁹⁰ As ICU Mobile, “A Ministry Division of Care Net,” concedes: “ICU Mobile units are neutrally-branded and medically designed. By having this independent brand, we break down the barriers that may prevent abortion-minded women from coming on board...”¹⁹¹ Another set of mobile UPC trucks, from Save the Storks, have painted on the sides: “Women’s Choice Center,” “Pregnancy Testing & Ultrasound,” and “mobile medical unit.”¹⁹²

UPCs lack medical oversight and standards, exposing people to risk. Some UPCs have off-site doctors listed as medical directors or employ onsite RNs or LPNs, but they do not diagnose medical conditions, write prescriptions, or refer people for treatment. Because they are overwhelmingly not regulated as conventional medical clinics, they are not required to follow standards of care on client confidentiality, medical accuracy, or sanitation.¹⁹³

Clients seeking pregnancy services need honest and nonjudgmental medical services.

The American Medical Association “advocates that any entity offering crisis pregnancy services...truthfully describe the services they offer or for which they refer—including prenatal care, family planning, termination, or adoption services—in communications on site and in their advertising, and before any services are provided to an individual patient.”¹⁹⁴ They are right.