

Index

All references are to chapter and section number (e.g., “1.2(a)” refers to Chapter 1, section 2, subsection (a)). In respect of Tables appearing in Chapter 3, the Table letter will be preceded by the chapter number (e.g., “Table 6I” refers to Table I in Chapter 3).

ABUSE OF DOMINANT MARKET POSITION

See also REVIEWABLE PRACTICES
cases, 2.2(h)(iii)
defences, 2.2(h)(vi)
elements of practice, 2.2(h)(iv)
 anti-competitive acts, 2.2(h)(iv)C
 class or species of businesses, 2.2(h)(iv)B
 control, 2.2(h)(iv)A
 practice, 2.2(h)(iv)D
 substantial lessening or prevention of competition, 2.2(h)(iv)E
exemptions, 2.2(h)(vi)
joint dominance, 2.2(h)(v)
overview, 2.2(h)(i)
summary, 2.2(h)(vii)
what constitutes practice, 2.2(h)(ii)

ADVERTISING STANDARDS

CANADA

alcoholic beverage advertising approval, 5.4(a)(ii)
Canadian Code of Advertising Standards, 5.3(a)(i)
clearance process, 5.3(a)(ii)
complaints to, 1.5(b)
consumer complaints, 5.3(a)(iii)
food advertising approval, 5.4(b)(i)
generally, 5.3(a)
trade practice disputes, 5.3(a)(iv)

ALCOHOLIC BEVERAGES

See also SPECIFIC PRODUCT ADVERTISING
advertising content regulation and preclearance
 Advertising Standards Canada approval, 5.4(a)(ii)

Code for Broadcast Advertising of Alcoholic Beverages, 5.4(a)(i)B
provincial approval, 5.4(a)(iii)
regulations under *Broadcasting Act*, 5.4(a)(i)
types that may be advertised, 5.4(a)(i)A
advertising content restrictions, 7.3(d)
introduction, 7.3(a)
jurisdiction of regulations, 7.3(b)
other restrictions, 7.3(e)
permitted forms of advertising, 7.3(c)

ATTEMPTS TO INFLUENCE PRICES

See also PRICE MAINTENANCE
agreement, 2.2(b)(ii)A
any like means, 2.2(b)(ii)D
generally, 2.2(b)(ii)
promise, 2.2(b)(ii)C
threat, 2.2(b)(ii)B

AUTOMOTIVE

See also SPECIFIC PRODUCT ADVERTISING
bait and switch advertising, 7.2(c)(iv)
disclaimers, 7.2(b)(iv)
general impression rule, 7.2(b)(i)
 ambiguity, 7.2(b)(i)A
 omission, 7.2(b)(i)B
 text of advertisement literally true but visual impression false, 7.2(b)(i)D
 text of advertisement technically correct but creates false impression, 7.2(b)(i)C
legislative overview, 7.2(a)
materiality, 7.2(b)(iii)
not false or misleading in material respect, 7.2(b)
popularity and preference claims, 7.2(b)(iv)C
price advertising, 7.2(c)

INDEX

- price disclaimers, 7.2(b)(iv)A
 - comparative price claims, 7.2(b)(iv)A.II
 - limitations on special offers, 7.2(b)(iv)A.III
 - particulars of financing offers, 7.2(b)(iv)A.IV
 - total price, 7.2(b)(iv)A.I
- savings and “sale” claims, 7.2(c)(ii)
- sophistication of typical purchaser, 7.2(b)(ii)
- special features offers, 7.2(c)(iii)
- technical and performance disclaimers, 7.2(b)(iv)B
- total price disclosure, 7.2(c)(i)
 - disclosure of non-optional elements, 7.2(c)(i)A
 - financing and lease disclosure, 7.2(c)(i)C
 - regulatory policies, 7.2(c)(i)B
- BAIT AND SWITCH ADVERTISING**
 - See also* MISLEADING ADVERTISING
 - automotive advertising, 7.2(c)(iv)
 - bargain price, 1.3(d)(i)
 - Commissioner’s guidelines, 1.3(d)(iii)
 - defences, 1.3(d)(iv)
 - reasonability, 1.3(d)(ii)
 - “supply”, 1.3(d)(i.1)
- BROADCAST ADVERTISING**
 - advertising content regulation and preclearance
 - alcoholic beverages, 5.4(a)
 - cosmetics, 5.4(c)(ii)
 - drugs, 5.4(c)(i)
 - food and non-alcoholic beverages, 5.4(b)
 - natural health products, 5.4(c)(iii)
 - Advertising Standards Canada, 5.3(a)
 - Canadian Code of Advertising Standards*, 5.3(a)(i)
 - clearance process, 5.3(a)(ii)
 - consumer complaints, 5.3(a)(iii)
 - trade practice disputes, 5.3(a)(iv)
 - basic federal broadcasting policy, 5.1(b)
 - broadcast television, 5.2(b)
 - Canadian Association of Broadcasters, 5.3(d)
 - CBC, 5.1(d)
 - CBC Advertising Standards*, 5.3(c)
 - children, advertising to
 - Broadcast Code for Advertising to Children*, 5.5(a)
 - Quebec Consumer Protection Act*, 5.5(b)(i)
 - relevant court decisions, 5.5(b)(ii)
 - constitutional issues — jurisdiction over broadcasting, 5.1(e)
 - CRTC, 5.1(c)
 - distribution undertakings, 5.2(c)
 - advertising controversy, 5.2(c)(iii)
 - general provisions, 5.2(c)(i)
 - specific provisions, 5.2(c)(ii)
 - history of broadcast regulation in Canada, 5.1(a)
 - limitations on obscene or abusive advertising content, 5.2(f)
 - pay television and pay per view, 5.2(e)
 - radio, 5.2(a)
 - specialty services, 5.2(d)
 - Telecaster Committee of Canada (Television Bureau of Canada), 5.3(b)
- BUSINESS PRACTICES LEGISLATION**
 - See also* TRADE PRACTICES LEGISLATION
- CHILDREN, ADVERTISING TO**
 - Broadcast Code for Advertising to Children*, 5.5(a)
 - children and drug advertising, 7.1(c)(iii)C.IV.12
 - Quebec Consumer Protection Act*, 5.5(b)(i)
 - relevant court decisions, 5.5(b)(ii)
- CONSUMER PRODUCT WARRANTIES**
 - See also* CONSUMER PROTECTION

INDEX

- consumer product warranty legislation, *see* **CONSUMER PRODUCT WARRANTY LEGISLATION**
- introduction, 4.3(a)
- remedies for breach of consumer warranties, 4.3(d)
- consumer's and seller's respective obligations, 4.3(d)(ii)
 - consumer's rights, 4.3(d)(i)
- warranty protection under general sales law, *see* **WARRANTY PROTECTION UNDER GENERAL SALES LAW**
- CONSUMER PRODUCT WARRANTY LEGISLATION**
- See also* **CONSUMER PRODUCT WARRANTIES**
- contractual privity defence, abolition of, 4.3(c)(v)
- definition of consumer, 4.3(c)(ii)
- express warranties, 4.3(c)(iv)
- parol evidence rule, abolition of, 4.3(c)(iv)A
 - written warranties — minimum requirements, 4.3(c)(iv)B
- generally, 4.3(c)
- implied warranties, 4.3(c)(iii)
- durability, 4.3(c)(iii)B
 - quality and fitness for purpose, 4.3(c)(iii)A
 - spare parts and repair facilities, 4.3(c)(iii)C
- implied warranties — special requirements in Quebec
- automobiles and motorcycles, 4.3(c)(iii)D.I
 - other special requirements, 4.3(c)(iii)D.III
 - repair of household appliances, 4.3(c)(iii)D.II
- transactions of all forms protected, 4.3(c)(i)
- CONSUMER PROTECTION**
- business practices legislation, *see* **TRADE PRACTICES LEGISLATION**
- consumer product warranties, *see* **CONSUMER PRODUCT WARRANTIES**
- legislative history, 4.1
- trade practices legislation, *see* **TRADE PRACTICES LEGISLATION**
- CONSUMER RESEARCH AND SURVEYS, 1.2(b)(iv)G**
- See also* **PERFORMANCE CLAIMS — TEST**
- CONTESTS**
- See also* **PROMOTIONS**
- Competition Act*, *see* **CONTESTS AND COMPETITION ACT**
- contests and sweepstakes in new economy, 3.1(a)(i)
- Criminal Code*, *see* **CONTESTS AND CRIMINAL CODE**
- early Canadian legislation, 3.1(a)(iii)
- early English legislation, 3.1(a)(ii)
- Quebec lotteries legislation, *see* **QUEBEC LOTTERIES LEGISLATION**
- sample contest rules, 3.1(e)
- CONTESTS AND COMPETITION ACT**
- See also* **CONTESTS**
- adequate and fair disclosure, 3.1(c)(ii)A
- contest rules, 3.1(c)(ii)B
- general, 3.1(c)(ii)A
 - minimum disclosure for advertising, 3.1(c)(ii)C
 - program of advisory opinions, 3.1(c)(ii)D
- deceptive prize notices, 3.1(c)(v)
- overview of s. 74.06, 3.1(c)(i)
- telemarketing contests, 3.1(c)(iv)
- undue delay in prize distribution, 3.1(c)(iii)
- CONTESTS AND CRIMINAL CODE**
- See also* **CONTESTS**
- application of *Criminal Code* to contests, 3.1(b)(i)
- elements of *Criminal Code* offence, 3.1(b)(ii)

INDEX

- breakdown of s. 206(1), 3.1(b)(ii)B
chance, 3.1(b)(ii)B.III.2
chance — mixed chance and skill,
3.1(b)(ii)B.II.2
chance — skill-testing question,
3.1(b)(ii)B.I.3
consideration, 3.1(b)(ii)B.I.1,
3.1(b)(ii)B.II.1, 3.1(b)(ii)B.III.1
consideration, prize and chance,
3.1(b)(ii)A
prize, 3.1(b)(ii)B.III.3
prize — disposition of property,
3.1(b)(ii)B.I.2
prize — goods, wares or merchandise,
3.1(b)(ii)B.II.3
penalty under *Criminal Code*, 3.1(b)(iii)
- COSMETICS**
See also SPECIFIC PRODUCT
ADVERTISING
advertising, 7.1(f)(ii)F
advertising content regulation and
preclearance, 5.4(c)(ii)
basic restrictions on sale, 7.1(e)(ii)B
“cosmetic” defined, 7.1(e)(ii)A
Food and Drugs Act
jurisdiction for administration of
FDA, 7.1(f)(i)
offences and penalties, 7.1(g)(iii)
powers of inspection, 7.1(g)(ii)
importation, 7.1(f)(ii)D.
inspection, 7.1(f)(ii)E.
introduction, 7.1(e)(i)
notification to HPB, 7.1(f)(ii)C.
packaging and labelling, 7.1(f)(ii)G.
- COUPONS AND TRADING STAMPS**
See also PROMOTIONS
avoiding application of s. 379, 3.2(d)
avoidance generally, 3.2(d)(i)
“cross coupon” promotions, 3.2(d)(ii)
manufacturer’s exemption, 3.2(c)
offence, 3.2(b)(i)
redemption criteria, 3.2(b)(ii)B
place and method of redemption,
3.2(b)(ii)B.I
place of delivery and merchantable
value, 3.2(b)(ii)B.II
redemption upon demand,
3.2(b)(ii)B.III
relevant provincial legislation, 3.2(e)
threshold test — form and intention,
3.2(b)(ii)A
“a discount on the price of goods”,
3.2(b)(ii)A.II
“given to the purchaser of goods by
the vendor thereof”, 3.2(b)(ii)A.I
“a premium to the customer”,
3.2(b)(ii)A.III
“trading stamp” defined, 3.2(b)(ii)
trading stamp schemes, 3.2(a)
- DELIVERED PRICING**
See also REVIEWABLE
PRACTICES
defences, 2.2(g)(ii)
what constitutes practice, 2.2(g)(i)
- DISTRIBUTION PRACTICES**
introduction, 2.1
legislative history, 2.1(a)
marketing offences, *see* *MARKETING
OFFENCES*
reviewable practices, *see* *REVIEWABLE
PRACTICES*
- DOUBLE TICKETING, 1.3(c)**
See also MISLEADING
ADVERTISING
- DRUG ADVERTISING STANDARDS**
See also DRUG ADVERTISING TO
GENERAL PUBLIC
absence of side effects, 7.1(c)(iii)C.IV.6
basic requirement, 7.1(c)(iii)C.I
children and drug advertising,
7.1(c)(iii)C.IV.12
comparison advertising, 7.1(c)(iii)C.IV.3
exaggeration of speed and amount of
relief, 7.1(c)(iii)C.IV.10
false advertising, 7.1(c)(iii)C.IV.1
generally, 7.1(c)(iii)C

INDEX

- Guide to Consumer Drug Advertising* and guidance documents, 7.1(c)(iii)C.II
imagery, 7.1(c)(iii)C.IV.9
industry standards, 7.1(c)(iii)C.III
misleading terminology, 7.1(c)(iii)C.IV.7
misrepresentation, 7.1(c)(iii)C.IV.2
negative statements and claims re toxicity, 7.1(c)(iii)C.IV.4
proper usage and storage, 7.1(c)(iii)C.IV.11
review and preclearance of advertising, 7.1(c)(iii)C.V
scare advertising, 7.1(c)(iii)C.IV.8
scientific or technical references, 7.1(c)(iii)C.IV.5
- DRUG ADVERTISING TO GENERAL PUBLIC**
See also DRUGS
drugs that cannot be advertised
 advertised as cures for Schedule A diseases, 7.1(c)(iii)A.I
 controlled drugs, 7.1(c)(iii)A.III
 narcotic drugs, 7.1(c)(iii)A.II
 new drugs, 7.1(c)(iii)A.IV
generally, 7.1(c)(iii)
name, price and quantity only
 limited dose drugs, 7.1(c)(iii)B.I
 Schedule F drugs, 7.1(c)(iii)B.II
standards for advertisers, *see* DRUG ADVERTISING STANDARDS
- DRUG ADVERTISING TO HEALTH PROFESSIONALS**
See also DRUGS
basic requirement, 7.1(c)(iii)D.I
industry standards, 7.1(c)(iii)D.II
PAAB Code of Advertising Acceptance
 claims, quotations and references, 7.1(c)(iii)D.II.2(b)
 comparisons, 7.1(c)(iii)D.II.2(d)
 data presentations, 7.1(c)(iii)D.II.2(c)
 disclosure requirements, 7.1(c)(iii)D.II.2(e)
 general requirements, 7.1(c)(iii)D.II.2(a)
 generally, 7.1(c)(iii)D.II.2
- preclearance and enforcement, 7.1(c)(iii)D.II.2(f)
Rx&D Code of Marketing Practices, 7.1(c)(iii)D.II.1
- DRUGS**
See also SPECIFIC PRODUCT ADVERTISING
advertising content regulation and preclearance, 5.4(c)(i)
advertising to general public, *see* DRUG ADVERTISING TO GENERAL PUBLIC
advertising to health professionals, *see* DRUG ADVERTISING TO HEALTH PROFESSIONALS
constitutional issues, 7.1(a)(iii)
Criminal Code, 7.1(c)(i)B
development of Canadian food and drug legislation, 7.1(a)(i)B
early English food and drug legislation, 7.1(a)(i)A
Food and Drugs Act and Regulations, 7.1(a)(ii)
general, 7.1(c)(i)A
Narcotic Control Act, 7.1(c)(i)C
packaging and labelling, *see* DRUGS — PACKAGING AND LABELLING
regulatory scheme, *see* DRUGS — REGULATORY SCHEME
- DRUGS — PACKAGING AND LABELLING**
See also DRUGS
child-resistant packaging and labelling, 7.1(c)(iii)E.XI
definitions, 7.1(c)(iii)E.I
directions for use, 7.1(c)(iii)E.VIII
drug identification number, 7.1(c)(iii)E.III
drug names, 7.1(c)(iii)E.III
drug standards, 7.1(c)(iii)E.IV
expiration dates, 7.1(c)(iii)E.IX
general requirements, 7.1(c)(iii)E.II
lot number, 7.1(c)(iii)E.VII
manufacturer, 7.1(c)(iii)E.VI
other drugs, 7.1(c)(iii)E.XII

INDEX

prescribed and parenteral drugs,
7.1(c)(iii)E.XII
quantities of ingredients and contents,
7.1(c)(iii)E.V
standardized and small containers,
7.1(c)(iii)E.X

DRUGS — REGULATORY SCHEME

See also DRUG ADVERTISING
STANDARDS

adulteration and unsanitary manufactur-
ing, 7.1(c)(ii)C
basic restrictions, 7.1(c)(ii)E
 drug identification number (“DIN”),
 7.1(c)(ii)E.I
 new drugs, 7.1(c)(ii)E.III
 proprietary medicines, 7.1(c)(ii)E.II
“drug” defined, 7.1(c)(ii)A
natural health products, 7.1(c)(ii)B
standards for drugs, 7.1(c)(ii)D

ENVIRONMENTAL FRIENDLINESS CLAIMS

See also PERFORMANCE CLAIMS
— TEST

comparative claims, 1.2(b)(iv)J.V
evaluation and verification, 1.2(b)(iv)J.IV
general requirements, 1.2(b)(iv)J.I
generally, 1.2(b)(iv)J
specific claims, 1.2(b)(iv)J.VI
specific requirements, 1.2(b)(iv)J.II
symbols, 1.2(b)(iv)J.III

EXCLUSIVE DEALING

See also REVIEWABLE
PRACTICES

defences, 2.2(d)(v)
exclusionary effect, 2.2(d)(iii)
exemptions, 2.2(d)(v)
major supplier, 2.2(d)(ii)
substantial lessening of competition,
2.2(d)(iv)
what constitutes practice, 2.2(d)(i)

FALSE OR MISLEADING IN MATERIAL RESPECT

See also MISLEADING
ADVERTISING —
GENERAL RULE
general impression test, 1.2(a)(v)D
 ambiguity, 1.2(a)(v)D.I
 disclaimers, 1.2(a)(v)D.VI
 general impression, 1.2(a)(v)D.V
 internet advertising, 1.2(a)(v)D.VII
 materiality, 1.2(a)(v)D.V
 omission of essential information,
 1.2(a)(v)D.II
 standard of deception, 1.2(a)(v)D.V
 technically true representation but text
 gives false impression, 1.2(a)(v)D.III
 text literally true but visually false
 impression, 1.2(a)(v)D.IV
generally, 1.2(a)(v)
materiality, 1.2(a)(v)B
standard of deceptiveness, 1.2(a)(v)C
 average purchaser, 1.2(a)(v)C.II
 credulous man, 1.2(a)(v)C.I
 sophisticated purchaser, 1.2(a)(v)C.III
subjective and objective, 1.2(a)(v)A

FOOD

See also SPECIFIC PRODUCT
ADVERTISING
Advertising Standards Canada approval,
5.4(b)(i)
Broadcasting Act, 7.1(b)(i)C
Competition Act, 7.1(b)(i)B
constitutional issues, 7.1(a)(iii)
Consumer Packaging and Labelling Act,
7.1(b)(i)A
development of Canadian food and drug
legislation, 7.1(a)(i)B
early English food and drug legislation,
7.1(a)(i)A
Food and Drugs Act and Regulations,
7.1(a)(ii)
introduction, 7.1(b)(i)
regulatory scheme, *see* FOOD —
REGULATORY SCHEME

FOOD — REGULATORY SCHEME

See also FOOD

INDEX

- adulteration and unsanitary manufacturing, 7.1(b)(ii)B
- advertising, 7.1(b)(ii)D.I
health claim, 7.1(b)(ii)D.I.1
misleading advertising, 7.1(b)(ii)D.I.2
- diet-related health claims, 7.1(b)(ii)H
- “food” defined, 7.1(b)(ii)A
- foods for special dietary use, 7.1(b)(ii)I.I
- formulated liquid diets, 7.1(b)(ii)J
- Guide to Food Labelling and Advertising*, 7.1(b)(ii)D.III
- infant formula, 7.1(b)(ii)J
- meal replacements, 7.1(b)(ii)J
- nutrition content claims
cholesterol, 7.1(b)(ii)F.I.5
energy value, 7.1(b)(ii)F.II
fat, 7.1(b)(ii)F.I.1
generally, 7.1(b)(ii)F
poly-unsaturated fatty acids, 7.1(b)(ii)F.I.4
protein or amino acid content, 7.1(b)(ii)F.III
salt, sodium or potassium content, 7.1(b)(ii)F.IV
saturated fatty acids, 7.1(b)(ii)F.I.2
trans fatty acids, 7.1(b)(ii)F.I.3
- nutrition labelling
bilingual requirements, 7.1(b)(ii)E.VI
exceptions from mandatory disclosure, 7.1(b)(ii)E.III
new mandatory regime, 7.1(b)(ii)E.I
Nutrition Facts table, 7.1(b)(ii)E.II
optional additional information, 7.1(b)(ii)E.IV
presentation of Nutrition Facts table, 7.1(b)(ii)E.VII
serving of stated size, 7.1(b)(ii)E.V
- nutritional supplements, 7.1(b)(ii)J
- packaging and labelling, 7.1(b)(ii)D.II
- prepackaged meals for weight reduction, 7.1(b)(ii)J
- standards for foods, 7.1(b)(ii)C
- vitamin and mineral nutrient content claims
action or effect of vitamins or minerals, 7.1(b)(ii)G.III
- added vitamins and mineral nutrients, 7.1(b)(ii)G.II
recommended daily intake, 7.1(b)(ii)G.I
- GENERAL IMPRESSION TEST**
See also FALSE OR MISLEADING IN MATERIAL RESPECT
- ambiguity, 1.2(a)(v)D.I
disclaimers, 1.2(a)(v)D.VI
general impression, 1.2(a)(v)D.V
generally, 1.2(a)(v)D
internet advertising, 1.2(a)(v)D.VII
materiality, 1.2(a)(v)D.V
omission of essential information, 1.2(a)(v)D.II
standard of deception, 1.2(a)(v)D.V
technically true representation but text gives false impression, 1.2(a)(v)D.III
text literally true but visually false impression, 1.2(a)(v)D.IV
- HAZARDOUS PRODUCTS**
administration and enforcement, 6.5(d)
consumer-use hazardous products, *see* **HAZARDOUS PRODUCTS — CONSUMER-USE**
generally, 6.1, 6.5(a)
industrial/commercial-use hazardous products, *see* **HAZARDOUS PRODUCTS — INDUSTRIAL/COMMERCIAL-USE**
- HAZARDOUS PRODUCTS — CONSUMER-USE**
See also **HAZARDOUS PRODUCTS**
child-resistant containers, 6.5(b)(iv)
consumer chemicals, Table 6I
depiction and manner of disclosure of labelling, 6.5(b)(ii)
exemptions, 6.5(b)(iii)
generally, 6.5(b)
prescribed labelling, 6.5(b)(i)
- HAZARDOUS PRODUCTS — INDUSTRIAL/COMMERCIAL-USE**
See also **HAZARDOUS PRODUCTS**

INDEX

controlled products — classes and divisions; hazard symbols, Table III
controlled products — test criteria, Table II
disclosure information, 6.5(c)(ii)
exemptions, 6.5(c)(iv)
 bulk shipments, 6.5(c)(iv)D
 consumer products, 6.5(c)(iv)A
 Hazardous Materials Information Review Act, 6.5(c)(iv)F
 import/export, 6.5(c)(iv)C
 inner and outer containers, 6.5(c)(iv)E
 manufactured articles, 6.5(c)(iv)B
generally, 6.5(c)
hazard symbols, 6.5(c)(iii)
identification of controlled products, 6.5(c)(i)

LABELLING

See PACKAGING AND LABELLING

MARKET RESTRICTION

See also REVIEWABLE

PRACTICES

defences, 2.2(f)(iv)
exemptions, 2.2(f)(iv)
major supplier, 2.2(f)(ii)
substantial lessening of competition, 2.2(f)(iii)
what constitutes practice, 2.2(f)(i)

MARKET RESTRICTIVE

PRACTICES, 2.2(c)

See also REVIEWABLE

PRACTICES

MARKETING OFFENCES

See also DISTRIBUTION

PRACTICES

multi-level marketing and pyramidal sales
 constitutional challenges, 2.3(a)(iii)
 disclosure requirements, 2.3(a)(i)
 prohibited plans, 2.3(a)(ii)
 summary, 2.3(a)(iv)

MATERIALITY, 1.2(a)(v)B

See also FALSE OR MISLEADING
IN MATERIAL RESPECT

MEDICAL DEVICES

See also SPECIFIC PRODUCT

ADVERTISING

cost recovery, 7.1(d)(vii)
custom-made and medical devices
imported or sold for special access, 7.1(d)(iv)
export certificates, 7.1(d)(vi)
general requirements, 7.1(d)(iii)
 advertising, 7.1(e)(iii)E.
 distribution records, 7.1(e)(iii)F.
 establishment licence, 7.1(e)(iii)C.
 implant registration, 7.1(e)(iii)J.
 labelling requirements, 7.1(e)(iii)D.
 mandatory problem reporting, 7.1(e)(iii)H
 medical device licence, 7.1(e)(iii)B.
 recall, 7.1(e)(iii)I
 safety and effectiveness, 7.1(e)(iii)A.
investigational testing devices, 7.1(d)(v)
key regulatory elements
 “device” defined, 7.1(d)(ii)A
 generally, 7.1(d)(ii)
 in vitro diagnostic device classification, 7.1(d)(ii)B
 medical device classification, 7.1(d)(ii)B
requirements for sale of, 7.1(d)(i)

MISLEADING ADVERTISING

legislative history of *Competition Act*, 1.1
primary rules, 1.2

 general rule, *see* MISLEADING
 ADVERTISING — GENERAL RULE

 misleading price advertising, *see*

 MISLEADING PRICE

 ADVERTISING

 performance claims, *see*

 PERFORMANCE CLAIMS

private remedies for misleading
advertising, *see* MISLEADING

ADVERTISING — PRIVATE

REMEDIES

INDEX

- remedies for misleading advertising, *see* **MISLEADING ADVERTISING — REMEDIES**
- supplementary rules
- bait and switch advertising, *see* **BAIT AND SWITCH ADVERTISING**
 - double ticketing, *see* **DOUBLE TICKETING**
 - representations, *see* **REPRESENTATIONS**
 - sale above advertised price, *see* **SALE ABOVE ADVERTISED PRICE**
 - warranty and serviceability claims, *see* **WARRANTY AND SERVICEABILITY CLAIMS**
- telemarketing offence, *see* **TELEMARKETING OFFENCE**
- MISLEADING ADVERTISING — GENERAL RULE**
- See also* **MISLEADING ADVERTISING**
- “false or misleading in a material respect”, *see* **FALSE OR MISLEADING IN MATERIAL RESPECT**
- generally, 1.2(a)
- “no person”, 1.2(a)(i)
- purpose requirement, 1.2(a)(ii)
- representations, *see* **REPRESENTATIONS**
- “to the public”, 1.2(a)(iv)
- MISLEADING ADVERTISING — PRIVATE REMEDIES**
- See also* **MISLEADING ADVERTISING**
- civil court actions, 1.5(c)
- civil remedy under *Competition Act*, 1.5(c)(i)
- Beatrice v. Ault*, 1.5(c)(i)C
 - Church & Dwight v. Sifto*, 1.5(c)(i)B
 - Maritime Travel v. Go Travel Direct*, 1.5(c)(i)F
 - Mead Johnson Canada v. Ross Pediatrics*, 1.5(c)(i)E
 - Purolator v. UPS*, 1.5(c)(i)D
 - Telus/Bell/Rogers*, 1.5(c)(i)G
 - Unitel v. Bell*, 1.5(c)(i)A
- claim for false or misleading advertising under *Trade-marks Act*, 1.5(c)(ii)
- BC Tel v. Rogers Cantel*, 1.5(c)(ii)C
 - Eveready Canada v. Duracell Canada*, 1.5(c)(ii)D
 - Johnson & Johnson v. Bristol-Myers Squibb*, 1.5(c)(ii)B
 - Maple Leaf v. Robin Hood*, 1.5(c)(ii)A
- claims under common law, 1.5(c)(iii)
- injurious falsehood, 1.5(c)(iii)A
 - wrongful interference with economic relations, 1.5(c)(iii)B
- complaint to Advertising Standards Canada, 1.5(b)
- complaint to Competition Bureau, 1.5(a)
- generally, 1.5
- MISLEADING ADVERTISING — REMEDIES**
- See also* **MISLEADING ADVERTISING**
- civil remedies, 1.4(b)
- administrative monetary penalties, 1.4(b)(iii)
 - prohibition orders, 1.4(b)(i)
 - publication of correction notices, 1.4(b)(ii)
- civil review vs. criminal prosecution
- Commission’s guidelines, 1.4(c)(ii)
 - no duplication of proceedings, 1.4(c)(i)
 - selection of, 1.4(c)(ii)
- criminal penalties, 1.4(a)
- generally, 1.4
- MISLEADING PRICE ADVERTISING**
- See also* **MISLEADING ADVERTISING**
- generally, 1.2(c)
- ordinary selling price claims, *see* **ORDINARY SELLING PRICE CLAIMS**
- under general rule, 1.2(c)(i)
- ORDINARY SELLING PRICE CLAIMS**
- See also* **MISLEADING PRICE ADVERTISING**

INDEX

- false or misleading in material respect, 1.2(c)(ii)B
generally, 1.2(c)(ii)
improper comparisons, 1.2(c)(ii)C.I
like products, 1.2(c)(ii)C.III
manufacturer's suggested retail price, 1.2(c)(ii)C.VI
prices of sellers generally, 1.2(c)(ii)C.IV
purpose requirement, 1.2(c)(ii)A
relevant market, 1.2(c)(ii)C.V
time test vs. volume test, 1.2(c)(ii)C.II
- PACKAGING AND LABELLING**
administration and enforcement, 6.3(d)
bilingual labelling requirements
 federal legislation, 6.4(a)
 Quebec legislation, 6.4(b)
Consumer Packaging and Labelling Act, 6.3(a)
cosmetics, 7.1(f)(ii)G
drugs, *see DRUGS — PACKAGING AND LABELLING*
food, 7.1(b)(ii)D.II
generally, 6.1
prepackaged products, labelling
requirements for, 6.3(b)
 imported products, 6.3(b)(iv)
 manufacturer's name and place of business, 6.3(b)(iii)
 misleading labelling and advertising, 6.3(b)(v)
 net quantity, 6.3(b)(i)
 product identity, 6.3(b)(ii)
standardization of containers, 6.3(c)
tobacco products, 7.4(e)
- PERFORMANCE CLAIMS**
See also MISLEADING ADVERTISING
absolute vs. comparative claims, 1.2(b)(iii)A
adequate and proper test, *see PERFORMANCE CLAIMS — TEST*
efficacy, 1.2(b)(iii)
generally, 1.2(b)
length of life, 1.2(b)(iii)
performance, 1.2(b)(iii)
purpose requirement, 1.2(b)(i)
representations, 1.2(b)(ii)
- PERFORMANCE CLAIMS — TEST**
See also PERFORMANCE CLAIMS
bias in user tests, 1.2(b)(iv)D
case law, 1.2(b)(iv)F
 Bristol-Myers No. 1, 1.2(b)(iv)F.II
 Bristol-Myers No. 2, 1.2(b)(iv)F.III
 Colgate-Palmolive, 1.2(b)(iv)F.I
 UL Canada v. Proctor & Gamble, 1.2(b)(iv)F.IV
completion of testing prior to publishing claim, 1.2(b)(iv)H
consumer research and surveys, 1.2(b)(iv)G
controlled conditions, 1.2(b)(iv)B
environmental friendliness claims, 1.2(b)(iv)J
 comparative claims, 1.2(b)(iv)J.V
 evaluation and verification, 1.2(b)(iv)J.IV
 general requirements, 1.2(b)(iv)J.I
 specific claims, 1.2(b)(iv)J.VI
 specific requirements, 1.2(b)(iv)J.II
 symbols, 1.2(b)(iv)J.III
generally, 1.2(b)(iv)
recognized testing procedures, 1.2(b)(iv)A
replication under variety of conditions, 1.2(b)(iv)C
reverse onus
 Charter challenges, 1.2(b)(iv)I.II
 policy, 1.2(b)(iv)I.I
testing appropriate to claim, 1.2(b)(iv)E
 claims must be appropriate to test, 1.2(b)(iv)E.IV
 claims must be capable of testing, 1.2(b)(iv)E.III
 subjective vs. objective claims, 1.2(b)(iv)E.I
 testing under restricted conditions, 1.2(b)(iv)E.II
- PRICE MAINTENANCE**
See also REVIEWABLE PRACTICES
attempts to influence prices, 2.2(b)(ii)

INDEX

agreement, 2.2(b)(ii)A
any like means, 2.2(b)(ii)D
promise, 2.2(b)(ii)C
threat, 2.2(b)(ii)B
defences
 affiliation exemption, 2.2(b)(v)A
 loss-leader defence, 2.2(b)(v)B
generally, 2.2(b)
“a person”, 2.2(b)(i)
refusals to supply, 2.2(b)(iv)
 inducing refusals to supply
 competitors, 2.2(b)(iv)E
 low-pricing policy, 2.2(b)(iv)D
 otherwise discriminate, 2.2(b)(iv)C
 primary and ancillary rules,
 2.2(b)(iv)A
 refusal to supply customers,
 2.2(b)(iv)B
suggested retail price, 2.2(b)(iii)

PRODUCT SAFETY

administration and enforcement, 6.2(k)
application of Act, 6.2(b)
Canada Consumer Products Safety Act,
6.2(a)
death or serious adverse effect, 6.2(e)
defect or characteristic, 6.2(f)
generally, 6.1
incorrect or insufficient information,
6.2(g)
product recalls and other measures, 6.2(j)
recall or other measure, 6.2(h)
record-keeping requirements, 6.2(c)
 advertisers, 6.2(c)(ii)
 importers, 6.2(c)(ii)
 manufacturers, 6.2(c)(ii)
 retailers, 6.2(c)(i)
 sellers (other than retailers), 6.2(c)(ii)
 testers, 6.2(c)(ii)
 time and manner of keeping records,
 6.2(c)(iii)
reporting obligations, 6.2(i)
reporting of safety-related incidents and
undertaking recalls, 6.2(d)
 definition of “incident”, 6.2(d)(i)

PROMOTIONS

contests, *see* *CONTESTS*
coupons and trading stamps, *see*
COUPONS AND TRADING STAMPS
currency, reproductions of
 exemption, 3.3(c)
 introduction, 3.3(a)
 offence, 3.3(b)
“Mounties”, use of, 3.4
protected trade-marks, 3.5

PURPOSE REQUIREMENT, 1.2(a)(ii)

See also MISLEADING

ADVERTISING — GENERAL RULE

QUEBEC LOTTERIES LEGISLATION

See also *CONTESTS*

contest launch, 3.1(d)(vi)
introduction, 3.1(d)(i)
notice requirements, 3.1(d)(iv)
other requirements for advertising,
3.1(d)(viii)
post-contest reporting, 3.1(d)(ix)
publicity contests, 3.1(d)(ii)
Régie alcools, des courses et des jeux,
3.1(d)(iii)
requirements for contest rules, 3.1(d)(vii)
security, 3.1(d)(v)

REFUSAL TO DEAL

See also REVIEWABLE

PRACTICES

cases, 2.2(a)(ii)
economic impact, 2.2(a)(iii)
refusal to deal, 2.2(a)
when order made, 2.2(a)(i)

REFUSALS TO SUPPLY

See also PRICE MAINTENANCE

generally, 2.2(b)(iv)
inducing refusals to supply competitors,
2.2(b)(iv)E
low-pricing policy, 2.2(b)(iv)D
otherwise discriminate, 2.2(b)(iv)C
primary and ancillary rules, 2.2(b)(iv)A
refusal to supply customers, 2.2(b)(iv)B

REPRESENTATIONS

INDEX

See also MISLEADING
ADVERTISING
general prohibition, 1.3(a)(iii)
generally, 1.3(a)
means of communicating, 1.2(a)(iii)D
performance claims, 1.2(b)(ii)
scope, 1.2(a)(iii)A
statement of fact or promise, 1.2(a)(iii)B
statements of opinion, 1.2(a)(iii)C
testimonials, 1.3(a)(ii)
tests, 1.3(a)(i)

REVIEWABLE PRACTICES

See also DISTRIBUTION
PRACTICES
abuse of dominant market position, *see*
ABUSE OF DOMINANT MARKET
POSITION
delivered pricing, *see* *DELIVERED*
PRICING
exclusive dealing, *see* *EXCLUSIVE*
DEALING
market restriction, *see* *MARKET*
RESTRICTION
market restrictive practices, *see*
MARKET RESTRICTIVE PRACTICES
price maintenance, *see* *PRICE*
MAINTENANCE
refusal to deal, *see* *REFUSAL TO DEAL*
tied selling, *see* *TIED SELLING*

SALE ABOVE ADVERTISED PRICE, 1.3(e)

See also MISLEADING
ADVERTISING

SPECIFIC PRODUCT ADVERTISING

alcoholic beverages, *see* *ALCOHOLIC*
BEVERAGES
automotive, *see* *AUTOMOTIVE*
cosmetics, *see* *COSMETICS*
drugs, *see* *DRUGS*
food, *see* *FOOD*
medical devices, *see* *MEDICAL*
DEVICES
tobacco products, *see* *TOBACCO*
PRODUCTS

STANDARD OF DECEPTIVENESS

See also FALSE OR MISLEADING
IN MATERIAL RESPECT
average purchaser, 1.2(a)(v)C.II
credulous man, 1.2(a)(v)C.I
generally, 1.2(a)(v)C
sophisticated purchaser, 1.2(a)(v)C.III

SUGGESTED RETAIL PRICE, 2.2(b)(iii)

See also PRICE MAINTENANCE

TELEMARKETING OFFENCE

See also MISLEADING
ADVERTISING
disclosure requirements, 1.3.1(e)
enforcement, 1.3.1(f)
introduction, 1.3.1(a)
liability, 1.3.1(f)
penalty, 1.3.1(f)
related amendments, 1.3.1(g)
specific prohibitions, 1.3.1(d)
telemarketing contests, 1.3.1(e)
telemarketing defined, 1.3.1(b)

TIED SELLING

See also REVIEWABLE
PRACTICES
defences, 2.2(e)(iv)
exemptions, 2.2(e)(iv)
major supplier, 2.2(e)(ii)
substantial lessening of competition,
2.2(e)(iii)
what constitutes practice, 2.2(e)(i)

TOBACCO PRODUCTS

See also SPECIFIC PRODUCT
ADVERTISING
access to tobacco products, 7.4(d)
enforcement and offences, 7.4(g)
introduction, 7.4(a)
labelling, 7.4(e)
prohibition against promotions, 7.4(f)
advertising, 7.4(f)(ii)
media liability, 7.4(f)(vii)
packaging, 7.4(f)(iii)
products displaying brand elements,
7.4(f)(iv)

INDEX

- retail displays, 7.4(f)(vi)
sales promotion, 7.4(f)(v)
testimonials and endorsements,
7.4(f)(i)
RJR-MacDonald, 7.4(b)
Tobacco Act, 7.4(c)
- TRADE PRACTICES LEGISLATION**
See also CONSUMER
PROTECTION
false, deceptive or misleading practices,
4.2(d)
general prohibition, 4.2(c)
introduction, 4.2(a)
private remedies, *see* *TRADE*
PRACTICES — PRIVATE REMEDIES
public remedies — administrative actions,
see *TRADE PRACTICES — PUBLIC*
REMEDIES
public remedies — criminal sanctions, *see*
TRADE PRACTICES — PUBLIC
REMEDIES
remedies generally, 4.2(f)
shopping list, 4.2(c), 4.2(d)
statutory definitions, 4.2(b)
unconscionable practices, 4.2(e)
- TRADE PRACTICES — PRIVATE
REMEDIES**
See also *TRADE PRACTICES*
LEGISLATION
damages, 4.2(f)(i)B
generally, 4.2(f)(i)
injunctive or declaratory relief, 4.2(f)(i)C
other remedies, 4.2(f)(i)D
rescission, 4.2(f)(i)A
specific performance, 4.2(f)(i)D
- TRADE PRACTICES — PUBLIC
REMEDIES**
See also *TRADE PRACTICES*
LEGISLATION
administrative actions, 4.2(f)(ii)
assurances of voluntary compliance,
4.2(f)(ii)C
cease and desist orders, 4.2(f)(ii)A
director's investigatory powers,
4.2(f)(ii)D
orders for immediate compliance,
4.2(f)(ii)B
orders to refrain from dealing with
assets, 4.2(f)(ii)E
substitute actions by director,
4.2(f)(ii)F
criminal sanctions, 4.2(f)(iii)
limitation periods, 4.2(f)(iii)C
penalties, 4.2(f)(iii)B
proof required and defences,
4.2(f)(iii)A
- TRADING STAMPS**
See *COUPONS AND TRADING*
STAMPS
- WARRANTY AND SERVICEABILITY
CLAIMS**
See also *MISLEADING*
ADVERTISING
generally, 1.3(b)
guarantee, 1.3(b)(i)
misleading or cannot be performed,
1.3(b)(ii)
promise to repair, 1.3(b)(i)
warranty, 1.3(b)(i)
- WARRANTY PROTECTION UNDER
GENERAL SALES LAW**
See also *CONSUMER PRODUCT*
WARRANTIES
benefit only to immediate purchaser,
4.3(b)(iv)
exclusion of warranties and conditions
prohibited, 4.3(b)(ii)
implied warranties and conditions,
4.3(b)(i)
fitness for purpose, 4.3(b)(i)D
free from encumbrances, 4.3(b)(i)C
merchantability, 4.3(b)(i)E
quiet possession, 4.3(b)(i)B
title, 4.3(b)(i)A
limited to sales of goods, 4.3(b)(iii)
oral representations, 4.3(b)(vii)
pre-contractual terms, 4.3(b)(vii)

INDEX

privity of contract required, 4.3(b)(v)
warranties versus conditions, 4.3(b)(vi)

WEIGHTS AND MEASURES

administration and enforcement, 6.6(c)
marking of commodities, 6.6(b)
regulation of, 6.6(a)