

## Publisher's Note

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Young & Fraser

# Canadian Advertising & Marketing Law

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This publication provides an in-depth examination of both the federal and provincial laws affecting advertising, packaging, pricing, promotion and distribution. Clear, detailed commentary is presented on such issues as labelling requirements, total price disclosure, advertising content restrictions and permitted promotions and contests. Specific products that are specially regulated receive individual attention including food and drugs, cosmetics, liquor and tobacco products and hazardous products.

This release includes updates and additions to the legislation in Chapter 28A (Telemarketing) including updates to the selected sections of the *Telecommunications Act*, S.C. 1993 c. 38 in Chapter 28A (Telemarketing) - 2014, c. 12 and 2014, c. 39 are now in force, the addition of further selected sections of *Telecommunications Act*, S.C. 1993 c. 38 — Provisions Applicable to Both Administrative Monetary Penalties Schemes — sections 72.16 to 72.2 , and the addition of the Unsolicited Telecommunications Fees Regulations, SOR/2013-7. This release also features updates to the Remedies Table — Violations of Unsolicited Telecommunications Rules in Chapter 28A (Telemarketing). This release also features the addition of the CRTC Compliance and Enforcement and Telecom Decision 2018-32 Measures to reduce caller identification spoofing and to determine the origins of nuisance

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calls (January 25, 2018) to Chapter 28A (Telemarketing). This release also includes the addition of the Competition Bureau - Enforcement Guidelines - Telemarketing (2009) to Chapter 28A (Telemarketing). This release also includes updates to the Alberta Gaming & Liquor Commission Retail Liquor Store Handbook (June 21, 2018) in Chapter 31 (Alberta - Advertising of Alcoholic Products).

## Highlights

- **Remedies Table — Violations of Unsolicited Telecommunications Rules**  
— Pursuant to section 72.07 of the Telecommunications Act, S.C. 1993, c. 38, the Commission issued a Notice of Violation finding MSB Enterprises Inc. (dba. Canadian Home Grocers) to have committed the following violations contrary to the CRTC's Unsolicited Telecommunications Rules (the Rules) made under section 41 of the Act: On and between December 19, 2014 to December 19, 2016, telemarketing telecommunications were made by Canadian Home Grocers resulting in violations of Part II, section 4 of the Rules, for initiating telemarketing telecommunications to telephone numbers registered on the National Do Not Call List (DNCL), Part II, section 6 of the Rules, for initiating these telemarketing telecommunications while not been a registered subscriber of the National DNCL and not having paid the applicable fees to the National DNCL operator associated with that client's subscription and Part III, section 23 of the Rules for initiating telemarketing telecommunications outside of the permissible calling hours. Pursuant to section 72.01 of the Act, the Commission determined that the penalty for the violations identified above was \$90,000. MSB Enterprises Inc. (dba. Canadian Home Grocers) paid an administrative monetary penalty of \$90,000 as part of a settlement over violations of Part II, sections 4 & 6 and Part III, section 23 of the Unsolicited Telecommunications Rules. In addition to paying an AMP, Canadian Home Grocers agreed to implement a compliance program: *MSB Enterprises Inc. (dba. Canadian Home Grocers)* (January 17, 2018), File No.: PDR 9174-2436.
- **Alberta Gaming & Liquor Commission Retail Liquor Store Handbook**  
— This handbook which has been updated as of June 21, 2018 provides information to Class D Retail Liquor Store licensees about AGLC policies and requirements on various topics relating to their liquor licence including: general information, applications, business requirements, facility requirements, premises management, liquor

purchases and returns, advertising and promotions, special event licences, inspections, and licensee discipline.