

Publisher's Note

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Young & Fraser

Canadian Advertising & Marketing Law

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 features updates to the case law and commentary in Chapter 1 (Misleading Advertising), including material on the General Impression Test, the Adequate and Proper Test, and Ordinary Selling Price Claims. This release also features updates to the *Consumer Protection Act, 2002* and related Regulations.

Highlights

- **Misleading Advertising — The Primary Rules — The General Impression Test** — A disclaimer may itself communicate a false or misleading general impression which not only fails to clarify or correct the general impression communicated by the primary

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representation, but further contributes to the primary representation being false or misleading: *Commissioner of Competition v. Aviscar Inc. and Budgetcar Inc./Budgetauto Inc.*, Consent Agreement, CT-2015-001 (Comp. Trib.); *Commissioner of Competition v. Hertz Canada Limited and Dollar Thrifty Automotive Group Canada Inc.*, Consent Agreement, CT-2017-009 (Comp. Trib.); *Commissioner of Competition v. Enterprise Rent-A-Car Canada Company*, Consent Agreement, CT-2018-006 (Comp. Trib.).

- **Misleading Advertising — Internet Advertising** — Recent guidance from the Competition Bureau addresses specific online marketing practices and recognizes the difficulties and complexities of communicating full and fair advertising messages on the small screens of mobile devices and in material that may be shared socially: *Deceptive Marketing Practices Digest*, Vol. 1 (June 2015).
- **Misleading Advertising — Environmental Friendliness Claims** — In a recent settlement, advertisers agreed not to make representations containing materially false or misleading general impressions that their products produce emissions that are clear or lower than emissions of other vehicles, are less polluting than other vehicles, are “green”, good for the environment, or less harmful to the environment than other vehicles, or are environmentally friendly: *Commissioner of Competition v. Volkswagen Group Canada Inc. and Audi Canada Inc. and Porsche Cars Canada, Inc.*, CT-2018-003 (Comp. Trib.).