

42727774

Publisher's Note
2020 — Release 1
Previous release was 2019-9

From Your Library:
<input type="checkbox"/>

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 Canadian Code of Advertising Standards in Chapter 21 (Advertising, Marketing and Promotions — Guidelines). This release also features updates and additions to the legislation in Chapter 24 (Tobacco Products) including updates to the *Tobacco Act*, S.C. 1997, c. 13 — Amended by SOR/2015-126; SOR/2017-45; 2017, c. 26, s. 20 (Fr.); 2018, c. 9, ss. 1-34, 35(1) (Fr.), (2), 36-67.1, 68(1), (2) (Fr.), (3), (4), 69, 70, 79.1 [ss. 7(2), 8, 11(2), 25, 28, 31, 57 to come into force November 9, 2019.] [ss. 10, 11(5), 14(2), 15(2), (3), 17, 19(1), (3), 28, 39, 44(6), 54, 58, 59 not in force at date of publication.]; SOR/2019-108 [ss. 1, 3, 5, to come into force November 9, 2019;

THOMSON REUTERS CANADA Customer Support

1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
Fax 1-416-298-5082 (Toronto)
Fax 1-877-750-9041 (Toll Free Canada Only)
Email CustomerSupport.LegalTaxCanada@TR.com

ss. 2, 4 to come into force November 9, 2020.] [Note: The title of this Act was changed from “Tobacco Act” to “Tobacco and Vaping Products Act” by 2018, c. 9, s. 2.], updates to the Tobacco Access Regulations, SOR/99-93 — Amended by m. S.C. 2018, c. 9, s. 77(3)(e), updates to the Tobacco Products Information Regulations, SOR/2000-272 — Amended by SOR/2016-105; S.C. 2018, c. 9, s. 77(3)(g); SOR/2019-64, ss. 46, 47; SOR/2019-107, s. 81, updates to the Tobacco Products Labelling Regulations (Cigarettes and Little Cigars), SOR/2011-177 — Amended by S.C. 2018, c. 12, s. 113; SOR/2019-107, ss. 82-88, the addition of the Regulations Excluding Certain Vaping Products Regulated under the Food and Drugs Act from the Application of the Tobacco and Vaping Products Act, SOR/2018-133, the addition of the Tobacco Products Regulations (Plain and Standardized Appearance), SOR/2019-107. This release also features updates to the Remedies Table — Violations of Unsolicited Telecommunications Rules in Chapter 28A (Telecommunications).

Highlights

- **Advertising, Marketing and Promotions — Guidelines — Ad Standards — Canadian Code of Advertising Standards** — The *Canadian Code of Advertising Standards* was developed to promote the professional practice of advertising, and was first published in 1963. It is reviewed and revised periodically to keep it contemporary. The Code is administered by Advertising Standards Canada. Ad Standards is the industry body committed to creating and maintaining community confidence in advertising. The Code sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer complaints and complaints between advertisers. It is widely endorsed by advertisers, advertising agencies, media that exhibit advertising, and suppliers to the advertising process. Ad Standards discontinued the Special Interest Group Complaint Procedure in April 2019, in recognition of the sophistication of many public interest advocacy groups and marketing boards as advertisers in their own right. Where a complaint about an advertisement is submitted by, or on behalf of, an entity that represents one or more other individuals or entities, and that entity or its members are “advertisers” as defined under the Code, the complaint will be administered under Ad Standards’ Advertising Dispute Procedure. Complaints about an advertisement that are submitted by individuals, or a group of individuals, who are not “advertisers” will be administered under the *Consumer Complaint Procedure*.
- **Remedies Table — Violations of Unsolicited Telecommunications Rules** — Pursuant to section 72.07 of the *Telecommunications Act*, the

Commission issued a notice of violation finding Alarm Guard Security Services Inc. 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 October 25, 2014 to October 24, 2016 telemarketing telecommunications were made by Alarm Guard Security Services Inc. resulting in violations of: Part II, section 4 of the *Rules*, which states that a telemarketer shall not initiate, and a client of a telemarketer shall make all reasonable efforts to ensure that the telemarketer does not initiate, a telemarketing telecommunication to a consumer's telecommunications number that is on the National DNCL, unless express consent has been provided by such consumer to be contacted via a telemarketing telecommunication by that telemarketer or the client of that telemarketer. Part II, section 6 of the *Rules*, which states that a telemarketer shall not initiate a telemarketing telecommunication on its own behalf unless it is a registered subscriber of the National DNCL and has paid all applicable fees to the National DNCL Operator. Pursuant to section 72.01 of the Act, the Commission determined that the total penalty for the violations was of \$40,000. Alarm Guard Security Services Inc. paid an Administrative Monetary Penalty (AMP) of \$40,000 as part of a settlement over violations of Part II, section 4 & 6 of the Unsolicited Telecommunications Rules. In addition to paying an AMP, Alarm Guard Security Services Inc. agreed to implement a compliance program: *Alarm Guard Security Services Inc.* (March 25, 2019) File No.: PDR 9174-2382 (C.R.T.C.).