



POLICY

POLICY TITLE: Corporate Advertising

POLICY NUMBER: 2017-0002

DATE: June 22, 2017

1.0 Purpose of Policy

Advertising for the purposes of this policy is determined as the sale to an external company, organization, enterprise, association or individual by the Town for the purposes of promotion of goods or services by corporate or community agencies in: municipal spaces, municipal publications or collateral and/or on municipally-owned property.

Advertising is recognized as an important form of revenue generation and ensuring a consistent approach across the corporation protects the Town's values, image, assets, and interests.

This policy serves to:

- Ensure a consistent and reasoned approach to accepting advertising
- Provide departments with corporate procedures
- Ensure that advertising is consistent with the Town's corporate values, image and strategic goals.
- Ensure consistency with the Canadian Code of Advertising Standards

2.0 Policy Application

Advertisements must, as determined by the Town in its sole discretion, comply with all legislation, regulations and bylaws applicable in the Province of Ontario, including, but not limited to:

- Ontario Human Rights Code
- Canadian Charter of Rights and Freedoms
- Criminal Code of Canada

3.0 Criteria for Acceptance of Advertisements

- 3.1 Advertisements will be permitted on designated municipal property and collateral; the determination of which is at the sole discretion of the Town.
- 3.2 Advertisements must comply with the criteria set out in the *Canadian Code of Advertising Standards*, attached as Appendix1
- 3.3 The advertisement is not misleading or a false representation
- 3.4 The advertisement does not contain inappropriate content or language
- 3.5 There are no adverse effects on public safety associated with display of the advertisement.
- 3.6 The advertisement does not incite violence or hatred
- 3.7 The advertisement is not offensive in style, content or method of presentation.
- 3.8 The advertisement does not mimic the Town of Halton Hills' style or content.
- 3.9 The advertisement features a name or other content (e.g. a company URL) that identifies the advertiser.
- 3.10 The advertisement is appropriate in the context of the use of the proposed display location
- 3.11 Advertisements, which convey information about a meeting, gathering or event, must contain the name of the advertiser.
- 3.12 Advertisements, which (a) promote or oppose a specific theology, or religious or ethnic point of view, policy or action; or (b) advocate or oppose any ideology or political philosophy, point of view, policy or action; or (c) convey information about a political party or the candidacy of any person for a political position or public office, are not permitted.
- 3.13 Advertising and sponsorship must be appropriate to the target audience.
- 3.14 Advertisements promoting substances or products requiring an 18+ age restriction including but not restricted to alcohol, tobacco companies or tobacco products will not be accepted. Certain exemptions for non-profit organizations may be considered on a case-by-case basis.
- 3.15 Advertisements promoting the support of or involvement in the production, distribution, and sale of weapons and other life-threatening products will not be accepted.

- 3.16 In order for the Town to ensure that all advertisements comply with this policy, requests for placement of non-English or non-French language advertisements must be accompanied by a Certified Translation (English) of the Advertisement content.
- 3.17 When required by the Town, the advertisement must display the following disclaimer in a manner that is legible: “The opinions expressed in this advertisement or by the sponsor of this advertisement, do not in any way represent the opinions of, and are not endorsed by, the Town of Halton Hills.”

4.0 Reconsiderations

- 4.1 Notwithstanding that the Town has not refused approval of advertising prior to its display, the Town may subsequently, after display of the advertising has begun, require immediate (within 24 hours) removal of the advertising if the Town determines it does not comply with the provisions of this policy.
- 4.2 If the advertiser or contractor fails to remove the advertising from display immediately (within 24 hours) after receiving the Town’s requirement to do so, the Town itself may remove the advertising from display.
- 4.3 The Town shall not be liable in any way for any consequences of its requirement for the advertiser or contractor to remove advertising based on reconsideration by the Town.

5.0 Objections by Members of the Public

Any person who objects to any advertisement governed by this policy may file a complaint with Advertising Standards Canada, following its prescribed process. Any individual or advertiser who wishes to appeal a decision of the Town regarding the application of the *Canadian Code of Advertising Standards* on Town property or in Town publications, may file a complaint with Advertising Standards Canada at adstandards.com.

Appendix 1: The Canadian Code of Advertising Standards

Self-regulation of Advertising in Canada

Overview

The *Canadian Code of Advertising Standards (Code)*, which has been developed to promote the professional practice of advertising, was first published in 1963. Since that time it has been reviewed and revised periodically to keep it contemporary. The *Code* is administered by Advertising Standards Canada (ASC). ASC 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, trade, or special interest group complaints. It is widely endorsed by advertisers, advertising agencies, media that exhibit advertising, and suppliers to the advertising process.

Consumer complaints to ASC about advertising that allegedly does not comply with the *Code* are reviewed and adjudicated by one of two Councils: the Standards Council, which includes representatives from Western Canada, Central Canada, and Atlantic Canada, or, in Quebec, by le Conseil des normes. Councils are independent bodies of senior industry and public representatives that are supported and co-ordinated by, but altogether independent from, ASC.

Advertising complaints between advertisers, based on the *Code*, are administered under ASC's *Advertising Dispute Procedure* (formerly called the Trade Dispute Procedure.). Complaints about advertising from special interest groups are separately administered under ASC's *Special Interest Group Complaint Procedure*.

Definitions

For the purposes of the *Code* and this document:

"**Advertiser**" is defined as an "entity" that has, or shares with one or more other entities, the final authority over the content of an advertisement.

"Advertising" and **"advertisement(s)"** are defined as any message (other than those excluded from the application of this Code), the content of which message is controlled directly or indirectly by the advertiser expressed in any language and communicated in any medium (except those listed under Exclusions) to Canadians with the intent to influence their choice, opinion or behaviour.

"Advertising" also includes "advocacy advertising", "government advertising", "political advertising", and "election advertising", as defined below.

"Advocacy advertising" is defined as "advertising" which presents information or a point-of-view bearing on a publicly recognized controversial issue.

"Entity" is a term that includes, but is not limited to, one or more brands, persons, companies, and organizations.

"Government advertising" is defined as "advertising" by any part of local, provincial or federal governments, or concerning policies, practices or programs of such governments, as distinct from "political advertising" and "election advertising".

"Political advertising" is defined as "advertising" appearing at any time regarding a political figure, a political party, a government or political policy or issue publicly recognized to exist in Canada or elsewhere, or an electoral candidate.

"Election advertising" includes "advertising" about any matter before the electorate for a referendum, "government advertising" and "political advertising", any of which advertising is communicated to the public within a time-frame that starts the day after a vote is called and ends the day after the vote is held. In this definition, a "vote" is deemed to have been called when the applicable writ is issued.

"Material connection" is defined as any connection between an entity providing a product or service and an endorser, reviewer, influencer or person making a representation that may affect the weight or credibility of the representation, and includes: benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached, discounts, gifts, contest and sweepstakes entries, and any employment relationship, but excludes nominal consideration for the legal right to identify publicly the person making the representation.

"Special Interest Group" is defined as an identifiable group, representing more than one individual and/or organization, expressing a unified viewpoint that is critical of the content of an advertisement, and/or the production method or technique, and/or the medium, used to carry the advertisement and convey its perceived message.

"Teaser Advertisement" is defined as an advertisement that generally reveals little about the product(s), service(s), event(s) or advertiser hinted at in the advertisement, the objective of which is to stimulate curiosity about and interest in the advertiser, product(s), service(s) or event(s).

Application

The *Code* applies to "advertising" by (or for):

- advertisers promoting the use of goods and services;
- corporations, organizations or institutions seeking to improve their public image or advance a point of view; and
- governments, government departments and crown corporations.

Exclusions

Political and Election Advertising

Canadians are entitled to expect that "political advertising" and "election advertising" will respect the standards articulated in the *Code*. However, it is not intended that the *Code* govern or restrict the free expression of public opinion or ideas through "political advertising" or "election advertising", which are excluded from the application of this *Code*.

Excluded from Definition of "Advertising" and "Advertisement(s)"

Excluded from the terms "advertising" and "advertisement(s)" (as defined in this *Code*) are messages from an "entity" that/who has no "material connection" with the entity that makes, distributes, markets or advertises the product or service featured in the advertising or advertisement(s).

Excluded Media

The following are excluded from the definition of "medium" and the application of the *Code*:

- i. foreign media (namely media that originate outside Canada and contain the advertising in question) unless the advertiser is a Canadian person or entity; and

- ii. packaging, wrappers and labels.

Scope of the Code

The authority of the *Code* applies only to the content of advertisements and does not prohibit the promotion of legal products or services or their portrayal in circumstances of normal use. The context and content of the advertisement and the audience actually, or likely to be, or intended to be, reached by the advertisement, and the medium/media used to deliver the advertisement, are relevant factors in assessing its conformity with the *Code*. In the matter of consumer complaints, Council will be encouraged to refer, when in its judgment it would be helpful and appropriate to do so, to the principles expressed in the *Gender Portrayal Guidelines* respecting the representations of women and men in advertisements.

Interpretation Guidelines

The *Code* may be supplemented from time to time by *Interpretation Guidelines* that enhance industry and public understanding of the interpretation and application of the *Code*'s 14 clauses.

Code Provisions

The *Code* is broadly supported by industry and is designed to help set and maintain standards of honesty, truth, accuracy, fairness and propriety in advertising.

The provisions of the *Code* should be adhered to both in letter and in spirit. Advertisers and their representatives must substantiate their advertised claims promptly when requested to do so by Council.

1. Accuracy and Clarity

In assessing the truthfulness and accuracy of a message, advertising claim or representation under Clause 1 of the *Code* the concern is not with the intent of the sender or precise legality of the presentation. Rather the focus is on the message, claim or representation as received or perceived, i.e. the general impression conveyed by the advertisement.

(a) Advertisements must not contain, or directly or by implication make, inaccurate, deceptive or otherwise misleading claims, statements, illustrations or representations.

(b) Advertisements must not omit relevant information if the omission results in an advertisement that is deceptive or misleading.

- (c) All pertinent details of an advertisement must be clearly and understandably stated.
- (d) Disclaimers and asterisked or footnoted information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly legible and/or audible.
- (e) All advertising claims and representations must be supported by competent and reliable evidence, which the advertiser will disclose to ASC upon its request. If the support on which an advertised claim or representation depends is test or survey data, such data must be reasonably competent and reliable, reflecting accepted principles of research design and execution that characterize the current state of the art. At the same time, however, such research should be economically and technically feasible, with regard to the various costs of doing business.
- (f) The advertiser must be clearly identified in the advertisement, excepting the advertiser of a "teaser advertisement" as that term is defined in the *Code*.

2. Disguised Advertising Techniques

No advertisement shall be presented in a format or style that conceals the fact that it is an advertisement.

3. Price Claims

- (a) No advertisement shall include deceptive price claims or discounts, unrealistic price comparisons or exaggerated claims as to worth or value. "Regular Price", "Suggested Retail Price", "Manufacturer's List Price" and "Fair Market Value" are deceptive terms when used by an advertiser to indicate a savings, unless they represent prices at which, in the market place where the advertisement appears, the advertiser actually sold a substantial volume of the advertised product or service within a reasonable period of time (such as six months) immediately before or after making the representation in the advertisement; or offered the product or service for sale in good faith for a substantial period of time (such as six months) immediately before or after making the representation in the advertisement.
- (b) Where price discounts are offered, qualifying statements such as "up to", "XX off", etc., must be in easily readable type, in close proximity to the prices quoted and, where practical, legitimate regular prices must be included.

(c) Prices quoted in advertisements in Canadian media, other than in Canadian funds, must be so identified.

4. Bait and Switch

Advertisements must not misrepresent the consumer's opportunity to purchase the goods and services at the terms presented. If supply of the sale item is limited, or the seller can fulfill only limited demand, this must be clearly stated in the advertisement.

5. Guarantees

No advertisement shall offer a guarantee or warranty, unless the guarantee or warranty is fully explained as to conditions and limits and the name of the guarantor or warrantor is provided, or it is indicated where such information may be obtained.

6. Comparative Advertising

Advertisements must not unfairly discredit, disparage or attack one or more products, services, advertisements, companies or entities, or exaggerate the nature or importance of competitive differences.

7. Testimonials

Testimonials, endorsements or other representations of opinion or preference must reflect the genuine, reasonably current opinion of the individual(s), group or organization making such representations, must be based upon adequate information about or experience with the identified product or service and must not otherwise be deceptive.

8. Professional or Scientific Claims

Advertisements must not distort the true meaning of statements made by professionals or scientific authorities. Advertising claims must not imply that they have a scientific basis that they do not truly possess. Any scientific, professional or other authoritative claims or statements must be applicable to the Canadian context, unless otherwise clearly stated.

9. Imitation

No advertiser shall imitate the copy, slogans or illustrations of another advertiser in such a manner as to mislead the consumer.

10. Safety

Advertisements must not, without reason justifiable on educational or social grounds, display a disregard for safety by depicting situations that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts.

11. Superstitions and Fears

Advertisements must not exploit superstitions or play upon fears to mislead the consumer.

12. Advertising to Children

Advertising that is directed to children must not exploit their credulity, lack of experience or their sense of loyalty, and must not present information or illustrations that might result in their physical, emotional or moral harm.

Child-directed advertising in the broadcast media is separately regulated by *The Broadcast Code for Advertising to Children*, also administered by ASC. Advertising to children in Quebec is prohibited by the *Quebec Consumer Protection Act*.

13. Advertising to Minors

Products prohibited from sale to minors must not be advertised in such a way as to appeal particularly to persons under legal age, and people featured in advertisements for such products must be, and clearly seen to be, adults under the law.

14. Unacceptable Depictions and Portrayals

It is recognized that advertisements may be distasteful without necessarily conflicting with the provisions of this Clause 14; and the fact that a particular product or service may be offensive to some people is not sufficient grounds for objecting to an advertisement for that product or service.

Advertisements shall not:

- (a) condone any form of personal discrimination, including discrimination based upon race, national or ethnic origin, religion, gender identity, sex or sexual orientation, age or disability;
- (b) appear in a realistic manner to exploit, condone or incite violence; nor appear to condone, or directly encourage, bullying; nor directly encourage, or exhibit obvious indifference to, unlawful behaviour;
- (c) demean, denigrate or disparage one or more identifiable persons, group of persons, firms, organizations, industrial or commercial activities, professions, entities, products or services, or attempt to bring it or them into public contempt or ridicule;
- (d) undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.