



Backgrounder:

Advertising Standards Canada (“Ad Standards”) is an independent, non-profit organization. Its mandate is to build consumer confidence in advertising by helping to ensure that ads, in all media, are truthful, fair and accurate. Its primary function is the administration of the Canadian Code of Advertising Standards, which sets criteria for acceptable advertising and provides a mechanism for adjudicating and resolving consumer complaints and competitive disputes. The Canadian Code of Advertising Standards is applicable to all advertisers and has been an effective tool to drive compliance and address consumer concerns about advertising since 1963.

In its further role as an advertising preclearance agency, Ad Standards currently offers preclearance services for advertising in five regulated product categories, including food and non-alcoholic beverages, and broadcast advertising to children. Through preclearance, Ad Standards supports compliance with the regulations and requirements of the CRTC and Health Canada, and helps the advertising industry comply with applicable regulations, guidelines and codes. Ad Standards also supports the Government of Canada as an independent body responsible for reviewing advertising for compliance in the non-partisan review process for government advertising.

Ad Standards will administer the Responsible Advertising of Food and Beverage Products to Children Code in two ways: proactively, through offering preclearance services, and responsively through complaint responses and compliance reporting.

Preclearance:

Ad Standards will introduce preclearance services for advertisers subject to the new Code and Guidelines to facilitate compliance in all media. Under the new Code, Ad Standards’ analysts would be asked to apply these new requirements in the context of the pre-existing regulatory framework. It is anticipated that script review would be approached by Ad Standards in a similar way to how food scripts are analyzed today:

- Each script would be reviewed by two analysts for thoroughness and consistency.
- Scripts would be assessed for compliance with the Code and in accordance with the Guidelines. This review would be in addition to review for compliance with the food regulatory regime, if requested by the advertiser.
- In the case of broadcast advertising, any child-directed commercial would also require clearance from the children’s advertising review committee.

Advertising that does not comply with the Code would not be approved. Upon rejection or request for resubmit, advertisers may be required to amend the manner of presentation or proposed time and place of the ad in order to obtain Ad Standards’ approval.

Complaint Response and Compliance Reporting:

Advertising that is not precleared and approved by Ad Standards under the new Code may be subject to consumer or competitor complaints. Ad Standards will evaluate complaints it receives, and noncompliance with the Code and Guidelines may be publicly reported.

Ad Standards’ analysts bring the necessary rigour and understanding of food and children’s advertising to this new compliance framework. Given its expertise in the review of consumer-directed advertising and experience working with advertisers, consumers, and regulatory stakeholders, Ad Standards is in a unique position to address consumer complaints, to support regulatory initiatives, and to assist industry in building compliance.

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