

SERVICE

Advertising and Marketing

Our team offers strategic, practical, business-focused advice to help our clients achieve their marketing objectives.



Related Expertise

- [Distribution and Supply Chain Services](#)
- [French Language Laws](#)
- [Privacy and Data Security Disputes](#)

Osler legal professionals have broad expertise in the area of advertising and marketing. We have developed the deep knowledge and expertise essential to marketing and advertising matters. As a result, we are able to provide responsive, practical and creative analysis and solutions on advertising and marketing matters to both domestic and international clients.

Consumer Protection

Our clients deal in diverse consumer products and services, including food and drug, consumer goods and retail services, automotive, travel, health and fitness, entertainment, publishing, consumer credit and financial services, software, technology, electronics and telecommunications. As a result, our legal professionals have gained in-depth experience with all aspects of federal and provincial consumer protection laws. This experience, combined with our ability to understand clients' business objectives, enables us to consistently provide thorough and practical solutions.

Our services relating to consumer protection issues include:

- Advising on the application of and compliance with consumer protection legislation, at the federal level and in each of the provinces;
- Developing and implementing e-commerce initiatives;
- Identifying and resolving marketing, advertising and promotional issues;
- Advising on the application of and compliance with French language requirements;
- Reviewing product packaging and labelling;
- Identifying and resolving privacy issues;
- Providing advice relating to regulated consumer products, including food and drug products, alcohol, tobacco, medical devices and cosmetics;
- Providing advice and assistance in developing strategies on all aspects of product recalls.

Privacy

We understand the broadly worded privacy legislation which regulates nearly every collection, use and disclosure of personal information in the course of commercial activities in Canada. Such legislation has had a significant impact on the way virtually all organizations carry on business in Canada, including how they market and promote their products and services.

We regularly provide advice on:

- Preparation of customer privacy policies;
- Obtaining appropriate consent for the collection, use and disclosure of personal information for marketing and advertising purposes;
- The use of cookies and other on-line technologies to collect personal information via websites;
- The legislative framework governing Internet-based ad-serving technology and spam.

Packaging and Labelling

With our broad client base, our legal professionals regularly address packaging and labelling requirements across all sectors and industries, allowing us to quickly identify relevant issues and provide effective and practical advice. We can assist with a wide range of packaging and labelling issues including:

- Reviewing product packaging and labelling;
- Advising in connection with marketing and advertising matters;
- Advising on the application of and compliance with French language requirements;
- Providing advice relating to regulated products, including food and drug products, alcohol, tobacco, medical devices and cosmetics;
- Advising on the application of and compliance with consumer protection laws.

French Language Requirements

Legal professionals in our Montréal and Toronto offices are well versed in both federal and provincial language requirements as well as their application to a diverse range of products and services.

We deal regularly with the Québec *Office de la langue française* as well as federal government departments, and our significant experience in representing clients at both levels of government allows us to provide solid practical and effective assistance and advice. Working with our Translation Department, we are able to provide a seamless service to help our clients succeed in the French language.

Some of the French language issues on which we most commonly advise are:

- General application of the Québec *Charter of the French language*;
- Application of the Québec *Charter of the French language* to websites;
- Packaging and labelling requirements;
- Québec specific laws governing contests and promotions;
- Complaints regarding non-compliance with provisions of the Québec *Charter of the French language* and other legislative requirements.

Food, Drug and Regulatory Matters

Osler's food and drug law practice provides effective legal solutions covering issues that matter to the players in this important industry. We have significant experience in helping our clients deal with key regulatory agencies, including the Health Protection Branch of the Department of Health, the Canadian Food Inspection Agency, the Department of Agriculture and Agri-food, and the Patented Medicines Review Board.

We regularly assist with:

- Regulatory product approvals;
- Advertising and promotional issues (including misleading advertising allegations and direct-to-consumer educational campaigns for prescription drugs);
- Packaging and labelling issues;
- GMP requirements;
- Commercial agreements (for licensing, research, clinical trials, distribution, co-marketing and co-promotion);
- Crisis management;
- Analysis of regulatory changes;
- Submissions for regulatory reforms;
- Product liability issues and recalls;
- Constitutional challenges to regulatory restrictions;
- Requests for disclosure under freedom-of-information laws;
- Pricing issues.

Key Contacts



Kelly Moffatt

Partner, Commercial, Toronto

Awards and Recognition

- **Chambers Canada: Canada's Leading Lawyers for Business:** Recognized in Advertising & Marketing
 - One client praises the firm for having "an unparalleled depth of knowledge and expertise on Canadian privacy law and policy developments" and for being "extremely efficient when providing legal advice."
- **The Canadian Legal Lexpert Directory:** Osler lawyers recognized in Advertising & Marketing Law