Advertising to Canadians

Things to know

- Federal and provincial laws prohibit representations for the purpose of promoting a product or service that are false or misleading.
- Advertising to children in the Province of Québec is prohibited; children are defined as being under the age of 13.
- Advertising to children elsewhere should comply with the Broadcast Code for Advertising to Children and the Canadian Code of Advertising Standards, as well as general false/misleading advertising laws.
- Sweepstakes and Contests are often impacted by illegal lottery and advertising laws.
- Complaints made under the Canadian Code of Advertising Standards are handled by an industry self-regulatory body, Advertising Standards Canada.

Things to do

- Confirm that express or implied savings claims can be substantiated against the “ordinary” or “regular” price based on time or volume tests set out in the Competition Act.
- Obtain adequate and proper testing before making comparative claims.
- Document that testimonials represent a customer’s honest belief based on experience with the product or service.
- Ensure promotional contests are structured to avoid gaming offences in the Criminal Code and to comply with applicable contest disclosure, registration, duty and security rules.
- Ensure advertising directed to children is not available in Québec.
- Ensure that header and sender information in your electronic messages, and the content of your messages, are not misleading.

USEFUL RESOURCES

- Competition Bureau summary
- Canadian Code of Advertising Standards
- Competition Bureau’s online marketing compliance guidance
- Broadcast Code for Advertising to Children

RELATED TOPICS

- Electronic messaging
- Telemarketing
- Online behavioural / targeted advertising
- Packaging and labelling
- French language rules
- Consumer privacy
- Contests and sweepstakes

Need more info?

Osler’s Marketing and Distribution team can help. Find out more at osler.com/marketing.

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