

Canadian Code Of Advertising Standards Interpretation Guidelines

Advertising Standards Canada develops Interpretation Guidelines to enhance industry and public understanding of the interpretation and application of the clauses of the Canadian Code of Advertising Standards (Code). Guidelines are developed and updated on an as-needed basis.

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INTERPRETATION GUIDELINE #1 – ALLEGED INFRACTIONS OF CLAUSES 10 OR 14: ELEMENTS OF HUMOUR AND FANTASY¹

In assessing impression(s) likely to be conveyed by an advertisement, Council shall take into consideration the use and application in the advertisement(s) of such elements as humour and fantasy.

INTERPRETATION GUIDELINE #2 – ADVERTISING TO CHILDREN⁴

2.1 As used in Clause 12 of the Code, the phrase “advertising that is directed to children,” (advertising to children), includes a commercial message on behalf of a product or service for which children are the only users or form a substantial part of the market as users, and the message (i.e. language, selling points, visuals) is presented in a manner that is directed primarily to children under the age of 12.

2.2 Advertising to children that appears in any medium (other than the media specifically excluded under the Code from the definition “medium” and from the application of the Code), shall be deemed to violate Clause 12 of the Code if the advertising does not comply with any of the following principles or practices:

a. Food Product Advertising to Children²

- i. Food product advertising addressed to children must not be inconsistent with the pertinent provisions of the *Food and Drugs Act* and *Regulations* and the Canadian Food

Inspection Agency’s *Guide to Food Labelling and Advertising*. This *Code Interpretation Guideline* is intended, among other purposes, to ensure that advertisements representing mealtime clearly and adequately depict the role of the product within the framework of a balanced diet, and snack foods are clearly presented as such, not as substitutes for meals.

b. Healthy Active Living⁴

- i. Advertising to children for a product or service should encourage responsible use of the advertised product or service with a view toward the healthy development of the child.
- ii. Advertising of food products should not discourage or disparage healthy lifestyle choices or the consumption of fruits or vegetables, or other foods recommended for increased consumption in Canada’s *Food Guide to Healthy Eating*, and in Health Canada’s nutrition policies and recommendations applicable to children under 12.

c. Excessive Consumption⁴

- i. The amount of product featured in food advertising to children should not be excessive or more than would be reasonable to acquire, use or, where applicable, consume, by a person in the situation depicted.
- ii. If an advertisement depicts food being

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consumed by a person in the advertisement, or suggests that the food will be consumed, the quantity of food shown should not exceed the labelled serving size on the Nutrition Facts Panel (where no such serving size is applicable, the quantity of food shown should not exceed a single serving size that would be appropriate for consumption by a person of the age depicted).

d. Factual Presentation⁴

- i. Audio or visual presentations must not exaggerate service, product or premium characteristics, such as performance, speed, size, colour, durability, etc.
- ii. Advertising to children must not misrepresent the size of the product.
- iii. When showing results from a drawing, construction, craft or modelling toy or kit, the results should be reasonably attainable by an average child.
- iv. The words “new,” “introducing,” “introduces” or similar words may be used in the same context in any children’s advertising for a period of up to one year only.

e. Product Prohibitions⁴

- i. Products not intended for use by children may not be advertised either directly or through promotions that are primarily child-oriented.
- ii. Drug products, including vitamins, may not be advertised to children, with the exception of children’s fluoride toothpastes.

f. Avoiding Undue Pressure⁴

- i. Children must not be directly urged to purchase or to ask their parents to make inquiries or purchases.

g. Price and Purchase Terms⁴

- i. Price and purchase terms, when used in advertising directed to children, must be clear

and complete. When parts or accessories that a child might reasonably suppose to be part of the normal purchase are available only at extra cost, this must be clearly communicated.

- ii. The costs of goods, articles or services in advertising directed to children must not be minimised as by the use of “only,” “just,” “bargain price,” “lowest price(s),” etc.
- iii. The statement “it has to be put together” or a similar phrase in language easily understood by children must be included when it might normally be assumed that an article featured in advertising directed to children would be delivered assembled.
- iv. When more than one product is featured in advertising directed to children, it must be made clear in the advertising which products are sold separately (this includes accessories).

h. Comparison Claims⁴

- i. In advertising to children no comparison may be made with a competitor’s product or service when the effect is to diminish the value of other products or services.

i. Safety⁴

- i. Adults or children must not be portrayed in clearly unsafe acts or situations except where the message primarily and obviously promotes safety.
- ii. Products must not be shown being used in an unsafe or dangerous manner (e.g. tossing a food item into the air and attempting to catch it in the mouth, etc.).

j. Social Values⁴

- i. A range of values that are inconsistent with the moral, ethical or legal standards of contemporary Canadian society must not be encouraged or portrayed.
- ii. Advertising to children must not imply that without the product the child will be open to ridicule or contempt; or that possession or

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use of a product makes the owner superior (this latter prohibition does not apply to true statements regarding educational or health benefits).

who provide support for operational purposes of a website and who do not use or disclose a child's personal information for any other purpose.

k. General³

- i. Advertising to children must:
 - use age-appropriate language that is easily understandable by children of the age to whom the advertisement is directed;
 - refrain from using content that might result in harm to children;
 - collect only the information reasonably required to allow the child to engage in the activity, e.g. collect only the minimal amount of personal information sufficient to determine the winner(s) in contests, games or sweepstakes-type of advertising to children;
 - limit the advertiser's right to deal with anyone other than the parents or guardians of children who win a contest, game or sweepstake's promotion;
 - require children to obtain their parent's and/or guardian's permission before they provide any information; and make reasonable efforts to ensure that parental consent is given;
 - refrain from using the data collected from children to advertise and promote products or services other than those designed for/appropriate for children;
 - not attempt to collect from children data related to the financial situation or to the privacy of any member of the family. Furthermore, advertisers must not, and must not ask for permission to, disclose personal information that may identify children to third parties without obtaining prior consent from parents or unless authorized by law. For this purpose, third parties do not include agents or others

l. Assessment⁴

- i. Each advertisement shall be judged on its individual merit.

INTERPRETATION GUIDELINE #3 – ENVIRONMENTAL CLAIMS⁵

When evaluating complaints involving environmental claims that allegedly are misleading or deceptive, Council may, in exercising its judgment, take into account the standards proposed by the Competition Bureau and the Canadian Standards Association in the Special Publication PLUS 14021, *Environmental claims: A guide for industry and advertisers*.

INTERPRETATION GUIDELINE #4 – ALLEGED INFRACTIONS OF CLAUSES 10 OR 14: MOTOR VEHICLE ADVERTISING⁶

4.1 When evaluating complaints about advertising involving depictions of motorized vehicles that allegedly contravene Clause 10 (Safety), Council will take into account the following questions:

- a. Does the depiction of the performance, power or acceleration of the vehicle convey the impression that it is acceptable to exceed speed limits?
- b. Does the depiction of a vehicle's handling ability involve potentially unsafe actions such as cutting in and out of traffic, excessively aggressive driving, or car chases in a residential setting?
- c. Does the depiction appear realistic or does it appear to be unreal, as in a fantasy-like scenario that is unlikely to be copied or emulated in real life?
- d. Would it be reasonable to interpret the depicted situation as condoning or encouraging unsafe driving practices?

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4.2 When evaluating complaints involving depictions in automobile advertising that allegedly contravene Clause 10 (Safety) or Clause 14 (Unacceptable Depictions and Portrayals), Council also will take into account the following questions developed and endorsed by the Association of International Automobile Manufacturers of Canada and the Canadian Vehicle Manufacturers Association:

- a. Is the vehicle operated in violation of applicable laws or beyond reasonable speed under the circumstances taking into account the portrayed road, weather, traffic and surrounding conditions (e.g. children in the area) or over usual speed limits in Canada?
- b. Does the depiction of the performance, power or acceleration and braking of the vehicle, taking into consideration the advertisement as

- a whole including visual (both images and text) and audio messages convey the impression that it is acceptable to exceed speed limits or to otherwise operate a vehicle unsafely or illegally?
- c. Does the depiction of racing and rallies, and of other competition environments, taking into consideration the advertisement as a whole including visual (both images and text) and audio messages, convey the impression that production vehicles could be driven like racing or competition vehicles on a public roadway?
 - d. Is the advertisement encouraging or endorsing vehicle use that is aggressive, violent or injurious toward other road users, or that denigrates or disparages cautious behaviour when using a vehicle?

¹ May 2003

² April 2004

³ April 2006

⁴ September 2007

⁵ November 2008

⁶ September 2009

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