



# City of Guelph

## Advertising Acceptability Policy

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**Category:** Corporate

**Authority:** Corporate Communications and Customer Service

**Approved by:** City Council

**Effective date:** October 3, 2016

### Contents

Policy statement .....	3
Purpose .....	3
Definitions.....	3
Policy application .....	4
1.0 Applicable Law.....	4
2.0 Criteria for Acceptance of Advertisements .....	4
3.0 Reconsiderations.....	5
4.0 Objections by members of the public.....	6
5.0 Permission to use City of Guelph logo or other City-owned logos.....	6
Responsibilities .....	6
Schedule 1	
Advertising Standards Canada The Canadian Code of Advertising Standards.....	7
Definitions.....	7
Application .....	7
Exclusions .....	8
1.0 Political and Election Advertising .....	8
2.0 Excluded Media.....	8
Scope of the Code.....	8
Interpretation Guidelines .....	8
Code Provisions .....	8
1.0 Accuracy and Clarity.....	9

2.0	Disguised Advertising Techniques .....	10
3.0	Price Claims .....	10
4.0	Bait and Switch .....	10
5.0	Guarantees .....	11
6.0	Comparative Advertising .....	11
7.0	Testimonials.....	11
8.0	Professional or Scientific Claims .....	11
9.0	Imitation.....	11
10.0	Safety.....	11
11.0	Superstitions and Fears.....	11
12.0	Advertising to Children .....	11
13.0	Advertising to Minors.....	12
14.0	Unacceptable Depictions and Portrayals .....	12
Schedule 2		
	Advertising Standards Canada Gender Portrayal Guidelines .....	13
	Fast Facts .....	13
	Interpretation Guide.....	13
	Gender Portrayal Guidelines .....	13
1.0	Authority .....	13
2.0	Decision-Making .....	14
3.0	Sexuality .....	14
4.0	Violence.....	14
5.0	Diversity .....	14
6.0	Language.....	14

## Policy statement

The City of Guelph acknowledges that commercial advertising provides a financial benefit through the opportunity to offset the cost of City programs and services.

The City permits commercial advertising on City property, at City events and in City publications under the conditions outlined in this policy. This policy applies to all paid or in-kind advertising by individuals, businesses and organizations on City property, at City events, and in City publications.

The objective of this policy is to ensure that advertising complies with all applicable laws and does not adversely affect public safety or the City's corporate values.

The City's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information or viewpoints it may contain, or of the advertisement sponsor itself.

## Purpose

To ensure that all advertising and sponsorships, including those administered by a contractor, is consistent with the Canadian Code of Advertising Standards, and consistent with the City's corporate values, image and strategic goals.

## Definitions

**Advertiser:** The entity or person wishing to purchase advertising space on City of Guelph property, in City publications, or at a City event.

**Advertisement(s):** Any paid or in-kind communication that is designed to influence, educate or inform the public.

**Sponsorship:** a mutually beneficial arrangement between the City and an external company, organization or person(s) where the external company, organization or person(s) contributes funds, goods or services to the City in return for recognition, acknowledgement or other promotional consideration.

**Advertising Standards Canada (ASC):** The not-for-profit Canadian advertising industry body established to create and maintain community confidence in advertising and to ensure the integrity and viability of advertising through industry self-regulation.

**Canadian Code of Advertising Standards (the "Code"):** The advertising industry's principal instrument of advertising self-regulation, administered by Advertising Standards Canada, which sets the criteria for acceptable advertisements and forms the basis upon which advertisements are evaluated in response to consumer, trade, or special interest group complaints.

**City property:** All land, parkland, playfields, boulevards, structures, vehicles, bus shelters, mobile signage, etc. owned and/or managed under a lease or license by the City of Guelph.

**City event or City program:** Any activity or initiative organized by City staff and supported by a City department/division or approved by City Council.

**City publication:** Any publication—print, digital or otherwise—including all media produced by or for the City of Guelph including those produced jointly by the City and other organizations.

**Certified (English) Translation:** A certified translation consists of three parts, the source language (original) text, the target-language (translated) text and a statement signed by the translator or translation company representative, with his or her signature notarized by a Notary Public, attesting that the translator or translation company representative believes the target language text to be an accurate and complete translation of the source-language text.

**Contractor:** The entity which the City has engaged to sell and display advertisements on City property, at City events, or in City publications.

## **Policy application**

### **1.0 Applicable Law**

Advertisements must, as determined by the City 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

### **2.0 Criteria for Acceptance of Advertisements**

Advertisements will be permitted on City property, at City events and in City publications following an assessment by the City of the following criteria, the determination of which is in the sole discretion of the City:

2.1. The advertisement complies with the criteria set out in the Canadian Code of Advertising Standards, attached as Schedule 1 and the Guidelines, including the Gender Portrayal Guideline, attached as Schedule 2;

- i. the advertisement is not misleading or a false representation
- ii. the advertisement does not contain inappropriate content or language

- iii. there are no adverse effects on public safety associated with display of the advertisement
  - iv. the advertisement does not incite violence or hatred
  - v. the advertisement is not offensive in style, content or method of presentation
  - vi. the advertisement does not mimic City of Guelph style or content
  - vii. the advertisement features a name or other content (e.g. a company URL) that identifies the advertiser
  - viii. the advertisement is appropriate in the context of the use of the proposed display location (e.g. a playground vs. the Sleeman Centre)
- 2.2. Advertisements, which convey information about a meeting, gathering or event, must contain the name of the advertiser.
- 2.3. 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, must visibly display the name of the advertiser.
- 2.4. Advertising and sponsorship must be appropriate to the target audience.
- 2.5. No advertisements will be accepted which promote any tobacco company, tobacco product or tobacco brand promotions, including sponsorship or promotion of cultural or sporting events.
- 2.6. In order for the City 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.
- 2.7. When required by the City, 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 City of Guelph."

### **3.0 Reconsiderations**

- 3.1 Notwithstanding that the City has not refused approval of advertising prior to its display, the City may subsequently, after display of the advertising has begun, require immediate (within 24 hours) removal of the advertising if the City determines it does not comply with the provisions of this policy.

- 3.2 If the advertiser or contractor fails to remove the advertising from display immediately (within 24 hours) after receiving the City's requirement to do so, the City itself may remove the advertising from display.
- 3.3 The removal of advertising from display on the ground of reconsideration by the City, shall be at the sole cost of the advertiser or contractor, and the City shall not be liable in any way for any consequences of its requirement for the advertiser or contractor to remove the advertising from display or of its own removal of the advertising from display.

## **4.0 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 City regarding the application of the Canadian Code of Advertising Standards on Advertisements on City property or in City publications, may file a complaint with Advertising Standards Canada at [adstandards.com](http://adstandards.com).

## **5.0 Permission to use City of Guelph logo or other City-owned logos**

Any requests by outside advertisers or any other party to use the City of Guelph logo, any of its subsidiary logos, the City crest or any other symbols representing the City in advertising or any other media must be approved by the General Manager, Corporate Communications and Customer Service or designate.

## **Responsibilities**

Departments are responsible for soliciting, negotiating and administering their own agreements.

Staff approving sponsorship and advertising proposals must ensure all relevant by-laws and policies are adhered to, appropriate consultation and approval authorities are respected and, where applicable, that insurance, indemnification, and permits have been obtained.

In cases where a City employee is unsure of whether an advertisement complies with the criteria for acceptability outlined in this policy, he or she must contact Corporate Communications, who may solicit input from other departments in the organization, such as Legal Services.

Departments are responsible for ensuring that contractors abide by this policy.

# Schedule 1

## Advertising Standards Canada

### The Canadian Code of Advertising Standards

#### Definitions

For the purposes of the Code and this document:

**"Advertising"** and "advertisement(s)" are defined as any message (the content of which 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.

**"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.

**"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.

#### 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**

### **1.0 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.

### **2.0 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.

- 1.0 [Accuracy and Clarity](#)
- 2.0 [Disguised Advertising Techniques](#)
- 3.0 [Price Claims](#)
- 4.0 [Bait and Switch](#)
- 5.0 [Guarantees](#)
- 6.0 [Comparative Advertising](#)
- 7.0 [Testimonials](#)
- 8.0 [Professional or Scientific Claims](#)
- 9.0 [Imitation](#)
- 10.0 [Safety](#)
- 11.0 [Superstition and Fears](#)
- 12.0 [Advertising to Children](#)
- 13.0 [Advertising to Minors](#)
- 14.0 [Unacceptable Depictions and Portrayals](#)

## **1.0 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.

Advertisements must not contain inaccurate, deceptive or otherwise misleading claims, statements, illustrations or representations, either direct or implied, with regard to any identified or identifiable product(s) or service(s).

Advertisements must not omit relevant information in a manner that, in the result, is deceptive.

All pertinent details of an advertised offer must be clearly and understandably stated.

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.

Both in principle and practice, all advertising claims and representations must be supportable. 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 due recognition of the various costs of doing business.

The advertiser must be clearly identified in an advocacy advertisement.

## **2.0 Disguised Advertising Techniques**

No advertisement shall be presented in a format or style that conceals its commercial intent.

## **3.0 Price Claims**

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.

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.

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

## **4.0 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 fulfil only limited demand, this must be clearly stated in the advertisement.

## **5.0 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.

## **6.0 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.

## **7.0 Testimonials**

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

## **8.0 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 authoritative claims or statements must be applicable to the Canadian context, unless otherwise clearly stated.

## **9.0 Imitation**

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

## **10.0 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.

## **11.0 Superstitions and Fears**

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

## **12.0 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.

### **13.0 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.

### **14.0 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:

- condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
- 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;
- 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;
- 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.

# **Schedule 2**

## **Advertising Standards Canada**

### **Gender Portrayal Guidelines**

When considering consumer complaints about advertising, Standards Councils will be encouraged to refer to the principles expressed in the Gender Portrayal Guidelines with respect to the representation of women and men in advertisements.

#### **Fast Facts**

- Stereotyping Guidelines were originally developed by the CRTC Task Force in Sex-role Stereotyping in the Broadcast Media in 1981
- In 1981, Advertising Standards Canada (then the Canadian Advertising Foundation) took over the administration of the guidelines, on behalf of the industry, and extended their purview to all Canadian paid media
- The Stereotyping Guidelines were revised in 1987.
- Renamed the Gender Portrayal Guidelines and revised in 1993

#### **Interpretation Guide**

Caution should be taken to ensure that the overall impression of an ad does not violate the spirit of gender equality even though the individual elements of the ad may not violate any particular guideline.

While the Guidelines pertain to both women and men, some clauses are particularly directed to the portrayal of women. Men and women are not at equal risk of being negatively portrayed and these Guidelines recognize that fact.

Humour, works of art and historical settings can all be positive elements in advertising. However, these techniques should not serve as an excuse to stereotype women or men or to portray behaviour which is not acceptable today.

The Standards Councils may consider the nature of the media used when assessments are made. Sensitivity should be demonstrated in choosing media vehicles for certain product categories, such as intimate or personal products.

### **Gender Portrayal Guidelines**

#### **1.0 Authority**

Advertising should strive to provide an equal representation of women and men in roles of authority both for the characters within the actual advertising scenario and when representing the advertiser through announcers, voice-overs, experts and on-camera authorities.

## **2.0 Decision-Making**

Women and men should be portrayed equally as single decision-makers for all purchases including big-ticket items. Where joint decision-making is reflected, men and women should be portrayed as equal participants in the decision-making

## **3.0 Sexuality**

Advertising should avoid the inappropriate use or exploitation of sexuality of both women and men.

## **4.0 Violence**

Neither sex should be portrayed as exerting domination over the other by means of overt or implied threats, or actual force.

## **5.0 Diversity**

Advertising should portray both women and men in the full spectrum of diversity and as equally competent in a wide range of activities both inside and outside the home.

## **6.0 Language**

Advertising should avoid language that misrepresents, offends or excludes women or men.