

ADVISORY ON POLITICAL AND ELECTION ADVERTISING

This Advisory is intended to provide information and guidance to political parties and politicians on the development of political and election advertising that is truthful, fair and accurate.

As the national, not-for-profit advertising industry self-regulatory body committed to maintaining public confidence in advertising, Advertising Standards Canada (ASC) accepts complaints from members of the public about advertisements that appear in Canadian media. These complaints are reviewed, adjudicated, and publicly reported based on the provisions of the *Canadian Code of Advertising Standards (Code)*. The *Code* is the principal instrument of advertising self-regulation in Canada. First published in 1963, and regularly updated to keep it current, the *Code* sets the standards to help ensure that Canadian advertising is truthful, fair and accurate.

While ASC hears from members of the public throughout the year, public interest in advertising clearly peaks during the course of federal and provincial elections. At these times, ASC receives numerous complaints expressing concerns about election advertising. In their complaints, members of the public tell ASC that they find advertising by political parties is often misleading, and that it unfairly disparages and denigrates individual candidates or party leaders.

While the *Code* applies to all Canadian advertising for goods and services by corporations and other entities, *political advertising* and *election advertising* (see definitions on the right) are special categories that are excluded from the application of the *Code*. This means that ASC cannot accept and review complaints from the public about either political or election advertising.

The reason for this is to ensure that the *Code* does not restrict the freedom of expression or ideas through political or election advertising. It is ultimately left to the electorate to express its decisions on the merits and acceptability of differing political viewpoints through the election process.

However, while ASC cannot accept complaints about political and election advertising, the *Code* states that **Canadians are entitled to expect that the standards in the *Code* will be respected in advertising by and for Canada's political parties and governments.**

Through this Advisory, ASC is requesting that federal and provincial political parties adhere to the principles contained in the *Code* to help maintain public confidence in Canadian advertising.

EXCERPTS FROM THE CANADIAN CODE OF ADVERTISING STANDARDS

The following are excerpts from the applicable clauses of the *Code*. (The *Code* in its entirety is available at www.adstandards.com)

Definitions

- **“Advertising”** is 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 *Code* exclusions – see full text of *Code*) to Canadians with the intent to influence their choice, opinion or behaviour.
- **“Political Advertising”** is defined as “advertising” appearing at any time regarding a political figure, a political party, a political or government policy or issue, 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 a vote is held. In this definition, a vote is deemed to have been called when the applicable writ is issued.

Pertinent Clauses

- **Clause 1 (Accuracy and Clarity)**
 - ▶ Advertisements must not contain inaccurate or deceptive claims, statements, illustrations or representations, either direct or implied, with regard to a product or service. In assessing the truthfulness and accuracy of a message, the concern is not with the intent of the sender or precise legality of the presentation. Rather, the focus is on the message as received or perceived, i.e. the general impression conveyed by the advertisement.” [Clause 1(a)]
 - ▶ “Advertisements must not omit relevant information in a manner that, in the result, is deceptive.” [Clause 1(b)]
- **Clause 14 (Unacceptable Depictions and Portrayals)**
 - ▶ “Advertisements shall not demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule.” Clause 14 [(c)]