



**Town of Hinton  
REGULAR MEETING OF COUNCIL  
AGENDA**

**Tuesday, February 2, 2016 - 4:00 PM  
Council Chambers, Hinton Government Centre  
2nd Floor, 131 Civic Centre Road  
Hinton, Alberta**

**TOWN COUNCIL MISSION  
Council serves the interests of our citizens  
to enable our community to reach full potential.**

Page

**ORDER**

1. Call to Order

**ADOPTION OF AGENDA**

1. Regular Council Agenda - February 2, 2016

**COUNCIL MINUTES FOR ADOPTION**

- 2 - 3 1. Standing Committee of Council Minutes - January 26, 2016
- 4 - 6 2. Regular Meeting of Council Minutes - January 19, 2016

**CITIZENS "MINUTE WITH COUNCIL"**

- 1.

**DELEGATIONS AND PRESENTATIONS**

- 7 - 11 1. Paul Whittaker, President and CEO of the Alberta Forest Products Association

**ACTION ITEMS**

- 12 - 29 1. Policy #102 - Transit Advertising Policy - Presented by Denise Parent
- 30 - 31 2. Hinton Grant Funding Advisory Committee - Presented by Mike Schwirtz

**INFORMATION ITEMS**

- 32 1. Council Information Package #1 for February 2, 2016

**REPORTS FROM MAYOR, COUNCIL, CHIEF ADMINISTRATIVE OFFICER**

1. Council Reporting (Training/Conferences/CEAC, Listening Teams, All Other Committees)
2. Chief Administrative Officer Report

**ADJOURNMENT**

1. Call for Adjournment of Meeting



**TOWN OF HINTON  
STANDING COMMITTEE OF COUNCIL  
MEETING MINUTES  
January 26, 2016**

**PRESENT:** Mayor Rob Mackin, Deputy Mayor Ryan Maguhn, Councillors Glen Barrow, Ryan Maguhn, Marcel Michaels, Stuart Taylor, Matthew Young  
**ABSENT:** Councillor Dale Currie  
**SECETARY:** Rhonda West - Executive & Legislative Assistant  
**ALSO PRESENT:** Mike Schwirtz – Chief Administrative Officer

**ORDER**

Deputy Mayor Maguhn called the Standing Committee Meeting to order. The time was 4:00 p.m.

**ADOPTION OF AGENDA**

There was consensus to accept the Standing Committee Meeting Agenda of January 26, 2016 as presented.

**ACTION AND DISCUSSION ITEMS**

*Refer to the Standing Committee Meeting Agenda package for [January 26, 2016](#) for detailed background information on these decisions.*

**ADDITIONAL INFORMATION**

**Urgent Matters from Council**

Council members provided an update.

There was consensus for Mayor Mackin to send a follow-up letter to the current MLA with respect to the renovation and expansion of the Hinton Training Centre.

Councillor Taylor noted that Rick Bonar is retiring this week. **There was consensus to discuss at next week's Regular Meeting of Council possible options to honour Mr. Bonar for his work and dedication on the Beaver Boardwalk.**

**Chief Administrative Officer Status Report**

Chief Administrative Officer Mike Schwirtz presented an update on administrative matters.

**Executive & Legislative Assistant Logistics Information**

Upcoming events logistics were discussed.

**MOVE IN CAMERA**

**MICHAELS - That Standing Committee Meeting move in camera.**

**CARRIED**

The time was 4:26 p.m.

Initial

**MICHAELS – That Standing Committee meeting revert to regular session.**

**CARRIED**

The time was 5:35 p.m.

**ADJOURNMENT**

**MICHAELS - That Standing Committee Meeting of Council adjourn.**

**CARRIED**

The time was 5:36 p.m.

---

Deputy Mayor

---

Chief Administrative Officer

Initial



**TOWN OF HINTON  
REGULAR COUNCIL MEETING MINUTES  
January 19, 2016**

**PRESENT:** Mayor Rob Mackin, Councillors Glen Barrow, Ryan Maguhn, Marcel Michaels, Stuart Taylor, Matthew Young

**ABSENT:** Councillor Dale Currie

**SECRETARY:** Rhonda West – Executive & Legislative Assistant

**ALSO PRESENT:** Mike Schwirtz (late) – Chief Administrative Officer; Denise Parent – Director of Corporate Services; Laura Howarth – Director of Community & Protective Services; Wendy Jones – Director of Planning & Development; Gordie Lee – Director of Infrastructure Services

---

***Refer to the Regular Council Meeting Agenda package for January 19, 2016 for detailed background information on these decisions.***

**ORDER**

Mayor Rob Mackin called the Regular Council meeting to order. The time was 4:02 p.m.

**ADOPTION OF AGENDA**

**BARROW - That the agenda for the Regular Council Meeting held January 19, 2016 be adopted as presented.**

**CARRIED**

**COUNCIL MINUTES FOR ADOPTION**

1. Regular Meeting of Council Minutes – December 15, 2015
2. Standing Committee of Council Minutes – January 12, 2016

**MICHAELS - That the Minutes listed above be approved as presented.**

**CARRIED**

**CITIZENS "MINUTE WITH COUNCIL"**

**DELEGATIONS AND PRESENTATIONS**

1. **Hinton Minor Hockey Association – Hockey Alberta Bantam Female “B” Provincial Championships**

Tabi Arsenault, Vice-President of the Hinton Minor Hockey Association (“HMHA”), spoke to Council about with respect to the HMHA hosting the Bantam Female “B” Provincial Championships in March 17-20, 2016. The goals of the association in hosting the tournament are to showcase female hockey locally and to act as a fundraiser. HMHA is asking Council to cover actual site costs. Ten teams will be participating in the tournament.

Initial

**2. RCMP 2015/2016 Third Quarter Report**

S/Sgt. Mark Fitzgerald was unable to attend and will be scheduled to a future Regular Meeting of Council.

**ACTION ITEMS**

**1. Hinton Minor Hockey Association Funding Request to Assist in Hosting the Hockey Alberta Bantam “B” Female Provincial Championships**

**BARROW – That Council refer the request from the Hinton Minor Hockey Association to the Hinton Grant Funding Advisory Committee (from 2015 CGP Intakes) for review and make a recommendation to Council at the February 2, 2016 Regular Meeting of Council.**

By unanimous consent, it was decided to have the motion withdrawn.

**BARROW - That Council award up to \$7,200 to the Hinton Minor Hockey Association (allocated from the 2016 Council Contingency Fund) for reimbursement of expenses related to the Recreation Centre facility and Town equipment rental fees required to host the 2016 Bantam “B” Female Provincial Championships.**

**CARRIED**

**2. Land Sale – Innovista Phase 1 – Lot 5, Block 1, Plan 082 1008 (397 Fleming Drive)**

**MAGUHN - That Council accept the back-up offer to purchase from 1504602 Alberta Ltd. to purchase 397 Fleming Drive (Lot 5, Block 1, Plan 082 1008) located in Innovista Phase I at the price and terms/conditions previously circulated and reviewed by Council In Camera.**

**CARRIED**

**3. Draft 2016 Operating & Capital Budgets**

**TAYLOR - That Council accept for information the 2016 Proposed Operating Budget of \$32,694,645 and the Capital Budget of \$14,848,500 and instruct Administration to circulate for public feedback for a period of four weeks.**

**CARRIED**

**INFORMATION ITEMS**

1. Council Information Packages #1 and #2 for January 5, 2016
2. Council Information Packages #1 and #2 for January 19, 2016

**MACKIN – That Council provide a letter of support to the Athabasca River Voyageur Canoe Brigade with respect to the Canada 150 Grant and the Canadian Voyageur Brigade Society Pan Canadian 150 Project - a brigade of at least 100 participants canoeing in Voyageur canoes on the Athabasca River from Jasper House to Ft. Assiniboine.**

**CARRIED**

**YOUNG - That Council Information Packages #1 and #2 for January 5, 2016 and Council Information Packages #1 and #2 for January 19, 2016 be accepted for information.**

**CARRIED**

Initial

**REPORTS FROM MAYOR, COUNCIL, CHIEF ADMINISTRATIVE OFFICER**

**1. Council Reporting (Training/Conferences/CEAC, Listening Teams, All Other Committees)**

Councillors reported on the various committees, meetings and activities they attended since the last Regular Council meeting and what they plan on attending in the coming weeks.

**2. Chief Administrative Officer Report**

Mike Schwirtz, Chief Administrative Officer, provided an update on administrative matters.

**ADJOURNMENT**

**TAYLOR - That the Regular Meeting of Council adjourn.**

**CARRIED**

The time was 5:32 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Corporate Services

Initial

**Key Messages**  
**Presentation to Hinton Council**  
**February 2, 2016**

**Forestry as Alberta's Truly Renewable Resource Sector**

- Forestry is a sustainable sector. In 2015, AFPA members planted 65 million trees. We plant about twice as many trees as we harvest in order to assure successful reforestation.
- The vast majority of forest company operations in Alberta are certified by independent third-party organizations as meeting sustainable forest management standards.
- The forest industry is part of the solution to climate change and high carbon emissions. The industry creates enough green electricity to power 3 to 4 cities the size of Grande Prairie.
- Timber harvesting can be used as a tool to reduce the likelihood of large catastrophic wild fires and help prevent the spread of mountain pine beetle.

**The Economic Impact of the Forest Sector**

- The industry employs 15,000 Albertans directly and creates 30,000 additional jobs through our economic activity.
- Forestry is Alberta's 3<sup>rd</sup> largest resource industry and the lifeblood of 70 communities throughout the province.
- Our industry has a proud history of working with aboriginal communities. Approximately 10% of the forest industry workforce is Aboriginal – 5.5% of Alberta's population is Aboriginal. Increasing numbers of women and new Canadians are also working in the industry.

**Collaboration**

- Industry and government collaborate to manage 38 million hectares of forest – an area the size of Japan.
- The Softwood Lumber Agreement with the United States (our largest export market) recently expired. To avoid punitive measures, we need to work together to secure a new agreement.
- Forest companies are stewards of public forested lands. Habitat management for all species, including caribou, has been part of our planning process for decades.
- It is essential that government and industry work together to conserve the caribou and maintain jobs.

**Background Information**  
**Presentation to Hinton Council**  
**February 2, 2016**

**Sustainability**

- Forestry is a sustainable industry. Under the terms of our licenses with the government of Alberta, we reforest all areas that we harvest within two years. Our harvesting methods emulate natural occurrences such as fire, wind or pests. We reforest with tree species that existed on the landscape at the time we harvested. In 2015, AFPA members planted 65 million trees. We plant about twice as many trees as we harvest in order to assure successful reforestation.
- The vast majority of forest company operations in Alberta are certified by independent third-party organizations as meeting sustainable forest management standards. Key principles common to all certification systems include:
  - Public consultation
  - Habitat preservation
  - Protection of water and soil
  - Environmental sustainability
  - Conservation of biological diversity
  - Reforestation of harvested areas
  - Respect for the rights of aboriginal people and consultation with aboriginal groups.

**Workforce**

- The industry employs 15,000 Albertans directly and creates 30,000 additional jobs through our economic activity.
- Recruiting and retaining skilled people is a key part of our strategy for future success. The AFPA launched the Work Wild program in 2011. The program reaches out to young people with a message that the forest industry offers many career choices, great lifestyles in small communities, and is a sustainable industry that people can be proud to work in.



- Since Work Wild's inception, enrolment in forestry programs at the University of Alberta has doubled and enrolment in the program at NAIT has tripled. Significant parts of this increase have been attributed to Work Wild.
- Our industry has a proud history of working with aboriginal communities. Approximately 10% of the forest industry workforce is Aboriginal – 5.5% of Alberta's population is Aboriginal. Increasing numbers of women and new Canadians are also working in the industry.

### **Climate Change and Green Energy Production**

- The forest industry is part of the solution to climate change and high carbon emissions. The industry creates enough green electricity to power 3 to 4 cities the size of Grande Prairie. Since residual materials are used, no additional trees are cut down to make power.
- The Canadian forest industry's substantial reduction in fossil fuel use between 2000 and 2012 has helped reduce direct emissions by 56% and total energy use by 30%.
- The wood in a typical family home sequesters enough carbon to represent taking 5 cars off the road for a year.

### **Species at Risk Conservation**

- Forest companies are stewards of forested public lands and have extensive experience and a vested interest in sustaining healthy forests for the future. Habitat management for all species - including caribou - has been part of our planning process for decades.
- The forest sector is an active partner in caribou recovery plans, and companies have deferred harvesting operations in caribou areas while plan development is underway. The Province's caribou range planning objectives are to achieve self-sustaining caribou populations within a healthy forest landscape, while maintaining maintain healthy rural communities and the economic drivers that sustain them.

- Sustainable forest management practices are an important component to maintaining caribou habitat. The boreal forest is subject to large-scale natural disturbances such as fire and disease, and sustainable forest management seeks to mimic natural disturbance in harvesting and forest regeneration.
- Timber harvesting can be used as a tool to reduce the likelihood of large catastrophic wild fires and help prevent the spread of mountain pine beetle.

### **Economic Impact and International Trade**

- The industry employs 15,000 Albertans directly and creates 30,000 additional jobs through our economic activity.
- Our industry is dependent on both domestic consumption and exports to foreign markets like the United States, China, and Japan.
- The Softwood Lumber Agreement with the United States (our largest export market) recently expired. This means that, unless a new agreement can be negotiated, our exports may be subject to heavy punitive measures beginning in October 2016. This could impact jobs and communities.
- The forest industry would like to see an agreement similar to the Softwood Lumber Agreement which was in place from 2006-15. Government Alberta support from the Premier's Office, International and Intergovernmental Affairs, and Forestry and Agriculture, will be essential to achieving success on this file.

### **Diversification**

- Forestry is Alberta's 3<sup>rd</sup> largest resource industry and the lifeblood of 70 communities throughout the province.
- Having a strong forest industry helps the province's economy to continue employing Albertans when prices for other commodities drop.
- The industry had \$2 billion-in capital investment between 2011 and 2015. These investments improved environmental performance, energy efficiency

and productivity as well as creating jobs and supporting Alberta families, communities, and businesses.

### **Green Building**

- The energy required to manufacture wood products is far lower than other building materials. Since it is harvested and processed locally, wood has lower transportation costs and emissions than other building materials
- Wood-framed structures store carbon. 1 ton of manufactured wood product stores 1 ton of carbon and helps avoid 2 tons of greenhouse gasses that alternative materials would create.
- Wood is 12-20% less expensive to build with than other materials. Alberta's urban centres are rapidly densifying, and 5 and 6 storey buildings are in demand. The affordability of wood allows developers to meet this demand. Increased densification reduces infrastructure costs and allow cities to meet the demands of population growth sustainably.
- Wood mid-rise buildings must meet the same requirements as buildings constructed of any other structural material.



# TOWN OF HINTON REQUEST FOR DECISION

**DATE:** January 28, 2016

**TO:** **REGULAR MEETING OF COUNCIL OF February 2, 2016**

**FROM:** Denise Parent, Director of Corporate Services

**REVIEWED BY:** Laura Howarth, Director of Community and Protective Services

**APPROVED BY:** Mike Schwartz, Chief Administrative Officer

**RE:** **Policy # 102 - Transit Advertising Policy**

**Recommendation:**

*That Council approve the Policy # 102 – Transit Advertising Policy.*

**Concluding Statement**

The Town of Hinton is updating the Public Transit Advertising Agreement to a Transit Advertising Policy. The Town is being challenged on its Transit advertising process and having a policy in place will help to clarify expectations and the process to follow.

**Conformance of recommendation to existing laws and Hinton Council plans**

Conforms with:	Yes/No/Partial	Comments
<b>Municipal and Provincial Laws</b>	No	It is good practice to have a policy in place that clearly specifies the parameters around Transit Advertising.
<b>Community Sustainability Plan</b>	No	
<b>Council's Strategic Plan</b>	N/A	
<b>Long Term Capital Plan or Adopted budget</b>	No	Operating budget indentifies some revenue from Transit advertising.

**Background / Introduction**

This item is before Council to approve the Transit Advertising Policy #102. The current Transit Advertising Agreement was drafted in 2009 and requires an update in order to address issues around what would be acceptable and not acceptable in a transit advertisement. The Town is currently being challenged by an outside agency that has had their request to advertise on our transit bus, refused by the Town. Having a policy in place will help to avoid being in a similar situation with other groups in the future.

The following is an excerpt from the lawyer representing the Town.

*... the case law on these issues is not favourable for municipalities, who are essentially forced to accept any kind of speech when it comes to advertising on transit or similar public facilities.*

*However, we have worked to nevertheless give you some leeway to control the most offensive kinds of ads you might have to deal with. For this reason, the policy focuses on three kinds of restrictions:*

- a) Compliance with the Canadian Code of Advertising Standards,...(namely standard #14 will be useful in giving some discretion to reject some ads);*
- b) Compliance with all laws and bylaws (which would include the Human Rights Code by allowing you to reject any ads likely to promote hatred or targeting any particular group, etc.); and*
- c) A general restriction on offensive language or images- vulgar or graphic or violent or otherwise disturbing images.*

*We have also built in an appeal mechanism, whereby a party whose ad is rejected can appeal to the CAO. This is designed to limit the success of a party going to court saying they've been denied any natural justice or fairness, because they can submit arguments, with the CAO having a final say.*

### **Options**

- 1) Approve the Transit Advertising Policy as presented.
- 2) Recommend changes to the Transit Advertising Policy.
- 3) Return to Administration for further review.
- 4) No longer accept advertising on transit.

### **Administration's Recommendation**

Administration recommends the approval of Policy # 102 - Transit Advertising Policy as presented and reviewed by legal counsel. Case law supports the right of groups to advertise on transit and public spaces regardless of content. Through the policy, the Town can restrict advertisement that has offensive language or graphics as well as introducing an appeal process.

### **CAO Comments**

Policy #102 provides the Town a policy defense in cases where we deem it inappropriate to allow for certain types of advertising on our Transit vehicles and shelters. It includes a prescriptive appeal process for potential advertisers to follow should their original request be denied.

### **Attachment(s)**

1. Policy # 102 – Transit Advertising Policy



## TOWN OF HINTON

**POLICY TITLE:** Transit Advertising Policy

**POLICY #:** 102

**EFFECTIVE DATE:** February 3, 2016

**ADOPTED BY  
COUNCIL ON:** February 2, 2016

### 1.0 Policy Objective

1.1 The objective of this policy is to provide a framework and guidelines regarding advertising on the Town of Hinton's transit vehicles and shelters and the processes by which advertising is managed, approved and/or appealed.

### 2.0 Underlying Principles

2.1 Transit services are highly valued by the residents of the Town of Hinton (the "Town"). The Town reserves the right to reject advertising that, in the Town's opinion, may adversely affect public confidence in the transit service.

2.2 Financial benefits generated by the advertising are used to assist in the delivery of transit services in the community.

### 3.0 Definitions

3.1 Commercial: A business selling one's own products or services that propose a commercial transaction.

3.2 Non-profit: A non-profit organization is a club, society, or association that is organized and operated solely for:

- a) social welfare
- b) civic improvement
- c) pleasure or recreation
- d) any other purpose except profit.

3.3 Community Event: Groups and organizations offering major events or initiatives for the enjoyment of all residents.

3.4 Social Agency: Agencies that provide health, welfare and rehabilitation services.

## **4.0 Policy Statement**

**4.1** The Town recognizes that the sale of commercial advertising is a source of revenue for the transit service. The main role of the Transit System is to provide public transportation services to the residents of Hinton.

**4.2** The Town will accept paid advertising that meets the policy, principles and specific directives outlined in the policy. All advertising and messages must be approved by the Town's Community Services Division in accordance with this policy prior to placement on the Transit vehicles or shelters.

**4.3** The Town reserves the right to accept or refuse any commercial message, to limit the period for which a commercial message is approved and to withdraw approval.

## **5.0 Standards**

**5.1** The Town considers Transit advertising proposals based on the guidelines contained in this policy. The Town is not obliged to accept any advertising proposal. The Town, at its sole discretion, may remove advertising that contravenes this policy from its property, at no cost to the Town and all advertisers will be required to indemnify the Town for any costs or damages the Town may incur as a result of their advertising.

**5.2** All Advertisers are responsible for selecting their own graphics company.

**5.3** Purchased space shall be used immediately, or the Town will resell the space with no refund.

**5.4** Signs for non-operational businesses will be removed and the space resold by the Town with no refund.

**5.5** The Town shall not be held liable for loss or destruction of any sign.

**5.6** The location of the advertisement sign will be on a first come, first served basis.

**5.7** The Town will consider advertisements based on the following guidelines:

- a) Advertising must be appropriate for all ages.
- b) Advertising on Transit vehicles or shelters does not provide, nor imply, Town endorsement of advertisers, their messaging or their point of view. The Town reserves the right to explicitly disclaim endorsement of advertisers or advertising in any space.
- c) The advertising message must clearly indicate on whose behalf an advertising message is being presented by use of a brand name, logo, or other forms of identification.
- d) All advertisements containing a website will be reviewed in accordance with the policy standards and will be subject to continued monitoring throughout the term of the contract for compliance.
- e) All artwork must be pre-approved by the Town's Community Services Division prior to printing.

**5.8** Notwithstanding the foregoing, advertisements shall not be considered or rejected on the basis of content, except to the extent of the following restrictions:

- a) The advertisement shall not contain any coarse language, graphic or vulgar images, images of violence, or other shocking or disturbing images;
- b) The advertisement shall comply with the Canadian Code of Advertising Standards; and
- c) The advertising shall comply with all federal and provincial laws and regulations, as well as all Town Bylaws.

**5.9** In the event an advertisement is not approved by the Town's Community Services Division, the Town shall provide notice in writing to the party which submitted the advertisement with reasons for the rejection.

## **6.0 Appeals**

**6.1** Any party which receives such a notice of rejection may either resubmit a new or amended advertisement, or may appeal the rejection by providing a written notice of appeal to the Town's Chief Administrative Officer within 15 days of receiving the notice of the rejection.

**6.2** A notice of appeal must include a copy of the proposed advertisement, a copy of the rejection notice, and written reasons as to why the appellant believes the advertisement is proper, complies with the conditions set out herein and should be accepted by the Town.

**6.3** The Chief Administrative Officer shall consider the appeal materials including any submissions from the appellant, as well as any other relevant considerations. The Chief Administrative Officer shall respond to the appeal in writing within 15 days of receiving the notice of appeal, either upholding the rejection or allowing the advertisement, with or without conditions. The decision of the Chief Administrative Officer is final and not subject to appeal.

## **Attachments**

Schedule A - Town of Hinton Transit Advertising Specification and Rates

Schedule B - Canadian Code of Advertising Standards



## Schedule A

### Town of Hinton Transit Advertising Specifications and Rates

<b>Advertising Spaces</b>		
<b>Location</b>	<b>Size</b>	<b>Rate</b>
Exterior lower sides <sup>1</sup>	36" x 24"	\$600 / year
Exterior lower sides <sup>1</sup>	36" x 18"	\$600 / year
Interior upper rail <sup>2</sup>	24" x 4.25"	\$200 / year
Bus Shelter <sup>1</sup>	14" x 96"	\$600 / year
Administration fee		\$50 if less than 3 months
<sup>1</sup> All commercial signs are to be made using aluminum dibond direct print material. <sup>2</sup> Decal type sign		

<b>Non-Profit / Community Event Advertising Spaces</b>		
<b>Location</b>	<b>Size</b>	<b>Rate</b>
Back exterior window	22" x 29"	No charge
<i>All non-profit signs are to be made using perforated vinyl for back window decal with lamination.</i>		

All signs, decal and installation costs are the responsibility of the advertiser.

Advertising Standards Canada

# CANADIAN CODE OF ADVERTISING STANDARDS

---

*The Canadian Code of Advertising Standards, which has been developed to promote the professional practice of advertising, was first published in 1963. Since that time it has been reviewed and revised periodically to keep it contemporary. The Code is administered by Advertising Standards Canada. ASC is the industry body committed to creating and maintaining community confidence in advertising.*

---



Advertising Standards Canada  
Les normes canadiennes de la publicité

**ADVERTISING STANDARDS CANADA**

---

175 Bloor Street East  
South Tower, Suite 1801  
Toronto, Ontario M4W 3R8  
Telephone: 416 961-6311  
Fax: 416 961-7904

2015 Peel Street  
Suite 915  
Montreal, Quebec H3A 1T8  
Telephone: 514 931-8060  
Fax: 877 956-8646

E-mail: [info@adstandards.com](mailto:info@adstandards.com) Web: [www.adstandards.com](http://www.adstandards.com)

---

Printed by Advertising Standards Canada, August 2014

## **SELF-REGULATION OF ADVERTISING IN CANADA... 1**

Overview... 1

Definitions... 1

Application... 2

Exclusions... 2

Political and Election Advertising... 2

Excluded Media... 2

Scope of the *Code*... 2

*Interpretation Guidelines*... 2

## **CODE PROVISIONS... 3**

1. Accuracy and Clarity... 3

2. Disguised Advertising Techniques... 3

3. Price Claims... 3

4. Bait and Switch... 3

5. Guarantees... 3

6. Comparative Advertising... 4

7. Testimonials... 4

8. Professional or Scientific Claims... 4

9. Imitation... 4

10. Safety... 4

11. Superstition and Fears... 4

12. Advertising to Children... 4

13. Advertising to Minors... 4

14. Unacceptable Depictions and Portrayals... 4

## **THE PRECLEARANCE AND REGULATORY MOSAIC... 5**

### **THE CONSUMER COMPLAINT PROCEDURE... 5**

How to Submit Consumer Complaints to ASC... 5

How Consumer Complaints are Received and Handled by ASC and Council... 5

Non-Reviewable Complaints... 6

Complaint Review Process... 6

Complaints Involving Clauses 10 or 14... 6

Complaints Involving All Other *Code* clauses... 6

Administratively Resolved Complaints Involving Clauses 1 and 3... 6

Council Hearing and Decision... 7

Appealing a Council Decision... 7

Ad Complaints Reports... 7

Identifying the Advertiser and its Advertising... 8

Re-Opening a Case... 8

Advertiser's Failure to Respond or Participate... 8

Failure to Follow Procedure or Comply with Decision... 8

## **FOR MORE INFORMATION... 8**

## OVERVIEW

The *Canadian Code of Advertising Standards (Code)*, which has been developed to promote the professional practice of advertising, was first published in 1963. Since that time it has been reviewed and revised periodically to keep it contemporary. The *Code* is administered by Advertising Standards Canada (ASC). ASC is the industry body committed to creating and maintaining community confidence in advertising.

The *Code* sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer, advertiser, or special interest group complaints. It is widely endorsed by advertisers, advertising agencies, media that exhibit advertising, and suppliers to the advertising process.

Consumer complaints to ASC about advertising that allegedly does not comply with the *Code* are reviewed and adjudicated by one of two Councils: the Standards Council, which includes representatives from Western Canada, Central Canada, and Atlantic Canada, or, in Quebec, by le Conseil des normes. Councils are independent bodies of senior industry and public representatives that are supported and co-ordinated by, but altogether independent from, ASC.

Advertising complaints between advertisers, based on the *Code*, are administered under ASC's *Advertising Dispute Procedure* (formerly called the Trade Dispute Procedure.). Complaints about advertising from special interest groups are separately administered under ASC's *Special Interest Group Complaint Procedure*.

### 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 on page 2) 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

### 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*.

### 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. The *Interpretation Guidelines* can be found on ASC's website ([www.adstandards.com](http://www.adstandards.com)).

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. 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.

(a) 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).

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

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

(d) 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.

(e) 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.

(f) The advertiser must be clearly identified in an advocacy advertisement.

### 2. DISGUISED ADVERTISING TECHNIQUES

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

### 3. PRICE CLAIMS

(a) 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.

(b) 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.

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

### 4. 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. 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. 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. 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. 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. IMITATION

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

## 10. 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. SUPERSTITION AND FEARS

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

## 12. 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. 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. 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:

- (a) condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
- (b) 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;
- (c) 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;
- (d) 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.



# THE PRECLEARANCE AND REGULATORY MOSAIC

The *Code* is not intended to replace the many laws and guidelines designed to regulate advertising in Canada. Nor are the *Code's* provisions intended to be senior to any other aspect of Canada's preclearance and regulatory apparatus – to which some require mandatory compliance; others voluntary. As its name implies, the *Code* has as its primary purpose the expression of Canadian standards in advertising that, when followed, should result in responsible yet effective advertising without unreasonably blunting the underlying fundamental right to advertise lawfully-sold products and services in a fair but competitive manner.

ASC also provides copy clearance services, upon request, to various groups within the advertising and

marketing industry through ASC Clearance Services. Every approved copy submission includes a written inscription, prominently displayed, advising the advertiser that the copy was approved only within the context of (and for as long as the copy complies with) the provisions of the applicable (named) Act, Regulations and Guidelines (if any).

The inscription may also note that an advertisement produced from the approved submission could provoke a consumer complaint under the *Code*, and that if such complaint is upheld by Council, the advertiser will be requested by ASC to withdraw the commercial or amend it to comply with the *Code*.

## THE CONSUMER COMPLAINT PROCEDURE

### HOW TO SUBMIT CONSUMER COMPLAINTS TO ASC

The procedure for consumers wishing to complain to ASC that an “advertisement” (as defined in the *Code*) contravenes the *Code* is as follows:

ASC accepts complaints submitted by e-mail, mail, or fax.

To submit a complaint by **e-mail**:

- Complete the Online Complaint Submission Form available on ASC's website ([www.adstandards.com](http://www.adstandards.com)).

To submit a complaint by **letter** or **fax**:

- Include your full name, telephone number, complete mailing address and (if available) fax number and e-mail address.
- Identify the product or service being advertised, and the medium in which the advertisement appears:
  - For **Print Advertisements**: identify the name and date of the publication(s) in which you saw the advertisement(s) and include a copy of the advertisement(s).
  - For **Out-of-home Advertisements**, such as outdoor, transit or similar advertisements: identify the date on and exact location at which you saw the advertisement.
  - For **Broadcast Advertisements**: identify the station, time and date on/at which you saw/heard the commercial and provide a brief description of the commercial.

- For **Cinema Advertisements**: identify the title of the movie, the date of viewing, and the name and location of the movie theatre at which you saw the advertisement and provide a brief description of the advertisement.
- For **Internet Advertisements**: identify the date of viewing, website, and include a print-out of the advertisement and other applicable web pages (if any).
- Explain the reason or basis for the complaint and, if known, the provision(s) of the *Code* that may apply.
- Submit the complaint to ASC at the address, or fax number listed on page 8.

### HOW CONSUMER COMPLAINTS ARE RECEIVED AND HANDLED BY ASC AND COUNCIL

In keeping with their mandate within today's self-regulatory environment, ASC and Council carefully consider and respond to all written consumer complaints received by them about advertising that allegedly does not comply with the *Code*.

The critical factor in determining whether an advertisement should be reviewed by Council is not the number of complaints received. The fundamental issue is only whether an advertisement, if the subject of any number of complaints, appears to contravene the *Code*. Ultimately, that question can only be answered by Council in response to one or more bona fide complaints that originate from the public.

## NON-REVIEWABLE COMPLAINTS

If, upon review, it appears to ASC or Council that a complaint is not a disguised complaint between advertisers or special interest group complaint, and that based on the provisions of the *Code* reasonable grounds for the complaint appear to exist, then the consumer complaint will be accepted for processing. If at any time thereafter during the complaint review process, but prior to the release of Council's decision on the complaint, either ASC or Council concludes that, in reality, the complaint is a complaint between advertisers or a special interest group complaint, but not a consumer complaint, the process will be discontinued and the complainant notified accordingly. In these cases, the complainant will be reminded that alternative approaches should be considered by the complainant for registering an advertising-related complaint, such as under ASC's *Advertising Dispute Procedure* or *Special Interest Group Complaint Procedure*.

ASC or Council shall decline to accept, or to proceed further with, a complaint, or any part thereof, where it is of the opinion that:

- a) the specific advertisement(s) about which the complainant alleges a *Code* violation has/have not been identified;
- b) based on the provisions of the *Code*, reasonable grounds for the complaint do not appear to exist;
- c) the advertising, or such part of the advertising to which the complaint refers is, substantially, also the subject of litigation or other legal action then actively undertaken and pursued in Canada; or is under review, or subject to an order, by a Canadian court, or an agent or agency (or some other comparable entity) of the Canadian Government; or that generally meets, or exceeds, or is not inconsistent with, advertising standards articulated in regulations, guidelines, or otherwise by an agency (or some other comparable entity) of the Canadian government or a provincial government with respect to products or services that are fundamentally comparable to the products or services advertised in the advertising to which the complaint refers; or has been, specifically, approved by an agency (or some other comparable entity) of the Canadian Government; or that
- d) such advertising is not within the purview of the *Code* or, if in ASC's opinion, the complaint is beyond the resources or ability of ASC to resolve effectively, reasonably or conclusively under this *Procedure*; or if the matter to which such advertising refers has been identified by a competent authority such as an agency (or some other comparable entity) of the Canadian government or a provincial government as being outside the purview of ASC; or
- e) the complainant is abusing this *Consumer Complaint Procedure* because, in ASC's evaluation, one of the complainant's primary intentions is to generate publicity for a cause or issue.

## COMPLAINT REVIEW PROCESS

All complaints directed to ASC will be initially evaluated by ASC staff. If, in its evaluation, ASC makes a preliminary determination that there may be a *Code* infraction by the advertisement (i.e. an accepted complaint), the complaint will be forwarded, verbatim, to the advertiser. If informed consent is freely granted by the complainant to ASC, the identity of the complainant will also be shared with the advertiser.

## COMPLAINTS INVOLVING CLAUSES 10 OR 14

When an accepted complaint relates to the provisions of Clause 10 (Safety) or Clause 14 (Unacceptable Depictions and Portrayals), the advertiser will be asked to promptly respond (copying ASC), within a stated timeframe, directly to the complainant if the complainant has agreed to be identified. If the complainant does not wish to be identified, the advertiser will respond directly to ASC, who will redirect the response to the complainant. Complaints about alleged offences under Clauses 10 or 14 that are handled in this way will go forward for Council deliberation if the complainant notifies ASC that the complainant remains dissatisfied after receiving the advertiser's response, and if, after reviewing the advertiser's response, ASC believes the advertising still raises an issue under the *Code*. Otherwise, the matter will not be forwarded to Council and will not proceed further.

## COMPLAINTS INVOLVING ALL OTHER CODE CLAUSES

Where a preliminary determination has been made that there may be an infraction of one or more of the other clauses of the *Code* (i.e. other than Clauses 10 or 14), the advertiser will be asked to respond directly to ASC by providing, in writing and without unreasonable delay, information requested by Council in order that Council may deliberate and reach a fully-informed decision about whether the *Code* has, in fact, been violated.

## ADMINISTRATIVELY RESOLVED COMPLAINTS INVOLVING CLAUSES 1 AND 3

ASC has the administrative discretion to resolve cases that involve an apparent contravention of either or both Clauses 1 and 3 without requiring formal adjudication by Council if the advertiser:

- has remedied the contravention by permanently

withdrawing or “appropriately amending the advertisement” in question before or immediately upon being advised of the complaint by ASC.

In all Clause 1 and/or 3 cases involving acknowledged or adjudicated *Code* infractions in retail advertising, the advertiser must, in addition to withdrawing or “appropriately amending the advertisement”, undertake appropriate corrective action by providing a “correction advertisement” or a “correction notice” that (i) appears in consumer-oriented media addressed to the same consumers to whom the original advertisement was directed; or that (ii) is prominently exhibited at the advertiser’s retail outlets at which the advertised product or service that was incorrectly advertised is available for purchase or acquisition.

A “correction advertisement” means a new advertisement in which the advertiser corrects the error(s) in the original retail advertising. A “correction notice” means a notice that identifies the advertiser and acknowledges and corrects the error(s) in the original retail advertising.

Complaints resolved in this manner will be publicly reported by ASC only as statistics without identifying the advertiser or the advertising.

### COUNCIL HEARING AND DECISION

All complaints directed to ASC will be initially evaluated by ASC staff. If a complaint raises a potential *Code* issue and concerns an English-language advertisement, other than one that appears only in Quebec, it will be directed to the Standards Council. If a complaint raises a potential *Code* issue and concerns advertising in the French-language, or advertising that appears only in Quebec, the complaint will be evaluated and decided by le Conseil des normes.

At the initial Council deliberation, the materials available for Council’s review include, at a minimum, the complaint letter, the advertiser’s written response, if any, and a copy of the advertising in question.

Council’s decisions are by majority vote. Any member of Council may abstain from voting on any matter.

If Council concludes an advertisement violates the *Code*, the advertiser, with a copy to the complainant, will be notified of the decision in writing and requested to appropriately amend the advertising in question or withdraw it, in either case without unreasonable delay.

If, at the initial deliberation by Council, the complaint is not upheld, both the complainant and the advertiser will be notified in writing with an explanation for Council’s decision.

### APPEALING A COUNCIL DECISION

Both the complainant and the advertiser are entitled to request an appeal from a decision of Council by filing a Request for Appeal addressed to ASC. The

Request for Appeal must be in writing and received at ASC within seven working days after the decision is sent to the parties. It must provide the appellant’s reasons for believing the decision was in error. A request by an advertiser for an appeal will be considered if that advertiser undertakes in writing to withdraw the advertising in question within 11 working days after the Request for Appeal is received at ASC. The withdrawn advertising may be reinstated, however, if at the appeal hearing the Appeal Panel decides not to uphold the complaint. Advertisers will be granted a reasonable extension of time in which to withdraw the advertising if Council is satisfied that the advertising medium used to convey the advertising is unable to facilitate the withdrawal in the designated time.

A five-person Appeal Panel will be selected from among a roster of persons who did not serve at the original Council deliberation. The Appeal Panel will comprise two public representatives with the balance coming from the advertising industry sector.

Both the advertiser and the complainant will be requested to make only written submissions to the Appeal Panel. The submissions must be brief, confined strictly to the matters under appeal and received by ASC within the requested timeframe. At the appeal hearing, the complaint will be treated as a new complaint and the matter reconsidered in its entirety.

Decisions of Appeal Panels will be by majority vote and will be sent to both parties following the appeal hearing. At the appeal hearing, the complaint will be treated as a new complaint and the matter reconsidered in its entirety.

Decisions of Appeal Panels will be by majority vote and will be sent to both parties following the appeal hearing. Decisions by Appeal Panels will be binding and final.

### AD COMPLAINTS REPORTS

Each year, ASC will publish one or more reports on consumers’ complaints to ASC about advertising. The principal purpose of these reports is to serve, for the benefit of the advertising industry and the interested public, as a guide to the interpretation of the *Code* as applied to advertising issues that concerned the public.

The Ad Complaints Reports will be divided into three sections: “Identified Cases”, “Non-identified Cases”, and “Administratively Resolved Cases.”

In the “Identified Cases” section, details will be provided of those consumer complaints that were adjudicated and upheld by Council under the *Code*. This section will include identification of the advertiser and advertising. In this section, advertisers will be entitled to state their position on their advertisements about which Council has upheld one or more complaints.

In the “Non-identified Cases” section, consumer complaints adjudicated and upheld by Council about advertisements dealt with appropriately by the advertiser

will be summarized, without identifying the advertiser or the advertisement.

“Appropriately dealt with” by the advertiser, or “appropriately amending the advertisement”, means action voluntarily undertaken by the advertiser, without delay, to amend the advertisement to correct the alleged infraction, after being advised by ASC that a complaint had been received and before the matter was brought forward to Council for review and decision. Alternatively, the advertiser, without delay, may withdraw the advertisement from any further exposure, distribution or circulation. In the case of retail advertising, the advertiser must also provide, without delay, a “correction advertisement” or a “correction notice” that (i) appears in consumer-oriented media addressed to the same consumers to whom the original advertisement was originally directed; or that (ii) is prominently exhibited at the advertiser’s retail outlets at which the advertised product or service that was incorrectly advertised is available for purchase or acquisition.

A “correction advertisement” means a new advertisement in which the advertiser corrects the error(s) in the original retail advertising. A “correction notice” means a notice that identifies the advertiser and acknowledges and corrects the error(s) in the original retail advertising.

In the “Administratively Resolved Cases” section, only statistical information will be provided about complaints administratively resolved by ASC about advertisements that involve apparent infractions of Clauses 1 and 3. Neither the advertiser nor the advertisement will be identified.

### **IDENTIFYING THE ADVERTISER AND ITS ADVERTISING**

Notwithstanding any contrary provision stated elsewhere in the *Code*, ASC will have the discretionary right, but not the obligation, in “Non-identified Cases” or in “Administratively Resolved Cases”, to identify and comment on an advertiser, its advertising and the outcome of a complaint about the advertising as adjudicated by ASC, Council and/or an Appeal Panel.

This discretionary right of ASC arises when an advertiser in a “Non-identified Case” or in an “Administratively Resolved Case”:

- a) has, in ASC’s opinion, permitted or participated in the disclosure publicly of the identity of the advertiser and the advertising in question, and/or the outcome of one or more complaints about the advertising as adjudicated by ASC, Council or an Appeal Panel; or
- b) when the advertiser specifically asks ASC to comment publicly, as ASC sees fit, on the advertiser’s advertising in question and/or the outcome of one or more complaints about the advertising as adjudicated by ASC, Council or an Appeal Panel.

### **RE-OPENING A CASE**

ASC will have the discretionary right to reactivate the *Consumer Complaint Procedure*, in whole or part, including the imposition of sanctions provided in the *Code*, if an advertiser fails to fulfil its undertaking to withdraw or amend an advertisement; or if the matter underlying the complaint is of a continuing or repetitive nature, suggesting an avoidance of the provision(s) of the *Code*.

### **ADVERTISER’S FAILURE TO RESPOND OR PARTICIPATE**

If an advertiser fails to respond in a timely manner to ASC’s request for a copy of the advertisement that is the subject of a consumer complaint, ASC may ask the carrying media to assist ASC by providing it with a copy of the advertisement in question. If an advertiser fails to respond to a complaint or participate in the *Consumer Complaint Procedure* the complaint may be decided in the advertiser’s absence based on the information already in the possession of Council and on any further pertinent information submitted by the complainant for Council’s review.

### **FAILURE TO FOLLOW PROCEDURE OR COMPLY WITH DECISION**

The *Code* is a reflection of advertising standards by which industry wishes to be held accountable. Because self-regulation is more than self-restraint on the part of individual companies or entities, the *Code* would be incomplete without effective sanctions to enforce compliance.

If an advertiser fails to voluntarily comply with the decision of Council, ASC:

- will advise exhibiting media of the advertiser’s failure to co-operate and request media’s support in no longer exhibiting the advertising in question; and
- may publicly declare, in such manner as Council deems appropriate, that the advertising in question, and the advertiser who will be identified, have been found to violate the *Code*.

### **FOR MORE INFORMATION**

Questions regarding the interpretation and application of the *Code* should be addressed to ASC:

#### **Advertising Standards Canada**

175 Bloor Street East  
South Tower, Suite 1801  
Toronto, ON M4W 3R8  
Telephone: 416 961-6311  
Fax: 416 961-7904

#### **Advertising Standards Canada**

2015 Peel Street, Suite 915  
Montreal, Quebec H3A 1T8  
Telephone: 514 931-8060  
Fax: 877 956-8646

E-mail: [info@adstandards.com](mailto:info@adstandards.com)

Website: [www.adstandards.com](http://www.adstandards.com)



Advertising Standards Canada  
Les normes canadiennes de la publicité



# TOWN OF HINTON REQUEST FOR DECISION

**DATE:** January 18, 2016

**TO:** REGULAR MEETING OF COUNCIL OF FEBRUARY 2, 2016

**FROM:** Rhonda West, Executive & Legislative Assistant

**REVIEWED BY:** Mike Schwirtz, Chief Administrative Officer

**APPROVED BY:** Mike Schwirtz, Chief Administrative Officer

**RE:** Hinton Grant Funding Advisory Committee

**Recommendation:**

*That one member from the Hinton Municipal Library Board and four members from the Community Engagement & Advisory Committee (CEAC) be appointed as members of the Hinton Grant Funding Advisory Committee.*

**Concluding Statement**

With the elimination of the Hinton Policing Committee, the composition of the Hinton Grant Funding Advisory Committee has changed requiring Council to determine which boards shall appoint members.

**Conformance of recommendation to existing laws and Hinton Council plans**

Conforms with:	Yes/No/ Partial	Comments
<b>Municipal and Provincial Laws</b>	Yes	Bylaw #1085 states that in the event there are fewer respective boards than positions on the Committee, Council shall determine which of the respective boards shall appoint additional members.
<b>Community Sustainability Plan</b>	Yes	The Hinton Grant Funding Advisory Committee will follow established and council-approved guidelines and criteria to ensure funding recommendations will provide programs or services that benefit the residents of Hinton.
<b>Council's Strategic Plan</b>	Yes	The 2014-2017 Council Strategic Plan promotes accountability to citizens in an open, efficient and financially sound manner.
<b>Long Term Capital Plan or Adopted budget</b>	N/A	

**Background / Introduction**

This item is before Council to determine the membership structure of the Hinton Grant Funding Advisory Committee ("HGFAC"). Under Bylaw #1085, members are appointed by their respective committees for 1-year terms. With the first intake deadline approaching of April 1<sup>st</sup>, 2016, Council needs to determine which committees shall appoint members. In 2015, the HGFAC was comprised of one member from the Library Board, one member from the Hinton Policing Committee and three

members from CEAC. With the dissolution of the Hinton Policing Committee, Council needs to determine which committees the HGFAC will draw members from.

**Options**

- 1) That one member from the Library Board and four members of CEAC be appointed to the HGFAC;
- 2) That Council recommend an alternate membership structure from the two eligible committees.

**Administration Assessment of Options and Conclusion**

The mandate and membership of CEAC is very much in line with the work that the HGFAC does and as such is the basis for Administration's recommendation of having a greater number of CEAC members appointed to the committee than the Library Board.

**CAO's Comments**

Bylaw #1085 requires Council to recommend a membership structure for the HGFAC. I support the appointment of four CEAC members and one Library Board member to the HGFAC.





**Town of Hinton  
COUNCIL INFORMATION PACKAGE #1  
(January 27, 2016)  
In Advance of February 2, 2016 Regular Council Meeting**

Page

**PRIORITY ITEMS**

**CORRESPONDENCE & INFORMATION ITEMS**

- |        |   |
|--------|---|
| 2 - 3  | 1. Response from Minister Carlier re support for the forestry industry and mountain pine beetle |
| 4      | 2. Letter of Support for Canadian Voyageur Brigade Society Pan Canadian 150 Project             |
| 5 - 14 | 3. GYPSD Board, School and Division News  |

**REPORTS & MINUTES FOR INFORMATION**