

POLICY STATEMENT AND REGULATIONS

Number: 400.10

TRANSIT BUS SHELTER ADVERTISING

POLICY OBJECTIVE

To protect the standard and quality of advertising placed outside and inside the transit bus shelters within the District of Summerland.

REGULATIONS

- a) The display of acceptable advertisements is accepted as a means of generating revenue. Submissions must be in writing and the cost of the sign will be borne by the applicant.
- b) Advertisements will be limited to those which communicate information concerning goods, services, public service announcements and public events.
- c) Unless otherwise authorized by Council, the District of Summerland shall not endorse any product, service, cause, proposition or thing.
- d) Advertisements accepted for display shall conform to the standards and limitations as set by the Canadian Code of Advertising Standards; a copy of which is attached.
- e) The styling of the advertising must be designed with an effective and pleasing appearance.
- f) All proposed advertising must be duly approved by the Director of Works and Utilities or his designate.
- g) The District will not be responsible for lost or stolen signage.
- h) The cost of signage is set out in the District's Fees and Charges Bylaw.

TERM

The advertising placed outside and inside the transit bus shelters is subject to a three month term, with an option of renewal for an additional three months.

Adopted: November 10, 2014

Attachment 1

The Canadian Code of Advertising Standards

Last amended May 1, 1999

The *Canadian Code of Advertising Standards* is widely supported by all participating organizations, and is designed to help set and maintain standards of honesty, truth, accuracy, fairness and propriety in advertising.

No advertising shall be prepared or knowingly exhibited by the participating organizations which contravenes this Code of Standards.

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 one or more of the Councils.

1. Accuracy and Clarity

(a) Advertisements must not contain inaccurate or deceptive claims, statements, illustrations, or representations, either ~~direct~~ or implied, with regard to price, availability, or performance of 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, that is, the general impression conveyed by the advertisement.

(b) Advertisements must not omit relevant information in a manner which, 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 visible and/or audible.

2. Disguised Advertising Techniques

No advertisement shall be presented in a format or style which 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 fulfill only limited demand, this must be stated clearly 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 discredit, disparage or attack unfairly other products, services, advertisements, or companies 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 which 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 public safety or depict situations that might encourage unsafe or dangerous practices, or acts.

11. Superstition and Fears

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

12. Advertising to Children

Advertising which is directed to children must not exploit their credulity, lack of experience or their sense of loyalty, and must not present information or illustrations which 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 the [Advertising Standards Canada](#).

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 to exploit, condone or incite violence; nor directly encourage or exhibit indifference to, unlawful or reprehensible behaviour;

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring them into public contempt or ridicule;

(d) undermine human dignity, or appear to encourage or be indifferent to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.

[Appendix A -- List of media not covered by the Code

The following, as at the date noted below, 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, wrapper and labels.

May 1, 1999