

November 16, 2009

OPERATIONS NOTICE OPN-09-08

To: Operating Company Managers
Local Government Contacts

From: BC Transit Operations Division

Prepared By: Mike Davis, VP Business Development, CIO

RE: BC Transit Advertising Policy

BC Transit has revised its policy with respect to advertising on the exterior and interior of buses. The policy was revised to be in compliance with the judgement of the Supreme Court of Canada which found that previous policy was an undue restriction of the freedom of speech

The attached policy was approved by BC Transit's Board of Directors at its meeting on October 28, 2009 and will guide the sale of advertising. This function is undertaken on behalf of local governments and BC Transit by Lamar advertising company.


There are three main differences in the policy. These are

- 1) Alcohol related advertising will be accepted provided a minimum of 10% of the space is given to messages of social responsibility
- 2) Election advertising will be accepted during the designated campaign periods
- 3) Advocacy advertising will be accepted provided that purchaser of the message is clearly noted

All advertising must comply with the laws of Canada and BC and with the Canadian Code of Advertising Standards.

If you have any questions or concerns with respect to the implementation of this revised policy, please contact the undersigned at your convenience

Yours Sincerely



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Copy: Byron Montgomery - Lamar Advertising
Peter Rantucci, RTMs, Joanna Morton - BC Transit

Attach: Operations Notice OPN-09-08 BC Transit Advertising Policy

ADVERTISING POLICY

OBJECTIVE

The display of advertisements on BC Transit property which provides a safe and welcoming public transit system while generating revenue for BC Transit.

POLICY

1. The display of acceptable advertisements on BC Transit vehicles, property and in printed and electronic publications is accepted as a means of generating revenue for BC Transit.
2. Advertisements accepted for display on BC Transit property or in its publications shall conform to the standards and limitations from time to time adopted by the Board of Directors.
3. Unless authorized by the Board of Directors, BC Transit shall not endorse any product, service, cause, or proposition.
4. In determining the acceptability of any advertisement BC Transit will be guided by the general principles embodied in the attached Canadian Code of Advertising Standards, as may be amended by them from time to time (The Advertising Standards).
5. All advertisements must comply with the laws, statutes, regulations and bylaws in force in the Province of British Columbia.
6. Even if otherwise acceptable under this policy, advertisements which promote any alcoholic beverage product, company or brand must include an embedded message of social responsibility which occupies a minimum of 10% of the total advertising space.
7. Even if otherwise acceptable under this policy, advertisements which convey information about a meeting, gathering or event must contain the name of the sponsoring group, the name of the persons participating in the event and the location, date and time of the event.
8. Even if otherwise acceptable under this policy advertisements which portray any political, issue oriented, controversial or advocacy advertising shall comply with the Advertising Standards, be of a positive nature and clearly identify the sponsoring organization.
9. Election advertising which consists of candidate name, party, riding or jurisdiction, office sought, election date and slogan may be accepted, space allowing, during the designated election period and shall conform to all applicable provincial and federal acts with respect to such advertising.

The *Canadian Code of Advertising Standards*

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, Councils will be encouraged to refer, when in their 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.

Code Provisions

1. Accuracy and Clarity
2. Disguised Advertising Techniques
3. Price Claims
4. Bait and Switch
5. Guarantees
6. Comparative Advertising
7. Testimonials
8. Professional or Scientific Claims
9. Imitation
10. Safety
11. Superstition and Fears
12. Advertising to Children
13. Advertising to Minors
14. Unacceptable Depictions and Portrayals

1. Accuracy and Clarity

(a) 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.

(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 visible 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 entity that is the advertiser in an advocacy advertisement must be clearly identified as the advertiser in either or both the audio or video portion of the advocacy advertisement.

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 marketplace 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 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 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. Superstitions 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 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;

(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.