



Annual Ad Complaints Report

2015 Year in Review



Advertising Standards Canada
Les normes canadiennes de la publicité

Introduction **1**
2015 Highlights **3**
2015 Year in Review **4**
The Consumer Complaint Procedure **10**
The Standards Councils **11**
To Submit a Consumer Complaint **11**

ASC

Advertising Standards Canada

Founded in 1957, ASC is the national independent advertising industry self-regulatory body committed to creating and maintaining public confidence in advertising. ASC members – leading advertisers, advertising agencies, media organizations, and suppliers to the advertising industry – are committed to supporting responsible and effective advertising self-regulation. A not-for-profit organization, ASC administers the *Canadian Code of Advertising Standards*, the principal instrument of advertising self-regulation in Canada, and a national mechanism for accepting and responding to consumers' complaints about advertising.

AN EFFECTIVE CONSUMER RESPONSE MECHANISM IS ESSENTIAL TO MAINTAINING PUBLIC CONFIDENCE IN ADVERTISING.

At Advertising Standards Canada (ASC) we recognize that an effective consumer response mechanism is essential to maintaining public confidence in advertising. Through ASC's *Consumer Complaint Procedure*, we accept and respond to consumers' complaints about advertising appearing in Canadian media.

Reporting on complaints upheld by ASC's independent Standards Councils is an important part of the process. The Complaint Case Summaries provide invaluable learning for both the advertising industry and the public regarding how Councils interpret and apply the *Canadian Code of Advertising Standards*.

This 2015 Ad Complaints Report provides an account of the number of consumer complaints received and investigated over the past year, information about the types of complaints upheld, and insights regarding consumer concerns in 2015.

For more information about complaints upheld by Councils from January 1, 2015 to December 31, 2015, see the Case Summaries published on our web site at:

adstandards.com/complaints2015

A Guide to ASC's Resources Online

To learn more about the *Canadian Code of Advertising Standards*, Interpretation Guidelines and the Consumer Complaints Process, visit: adstandards.com

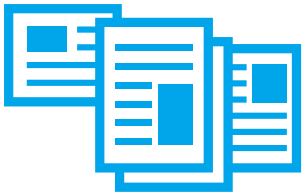
Online resources include:

- ***Canadian Code of Advertising Standards***
- **Interpretation Guidelines**
- **ASC Advisories**
- **Ad Complaints Reporting (including Complaint Case Summaries)**
- **Consumer Complaint Submission Form**

2015 Highlights

1,774

complaints received about



1,135
advertisements

1,268



complaints

met the *Code* acceptance
criteria

134

complaints involving
122 advertisements
administratively resolved

273

complaints received about
**advertising by non-commercial
organizations** – the highest by category



291

complaints

referred to Councils about

77 advertisements

242

complaints
about **50 advertisements**



upheld by Councils

2015 Year In Review

Overview

In 2015, consumers submitted 1,774 complaints to ASC. Of these, 1,268 complaints met the criteria for acceptance under the *Canadian Code of Advertising Standards (Code)*. The remaining 506 complaints could not be pursued because they did not fall within the *Code* acceptance criteria. These included: complaints in which no specific advertisement was identified; complaints about advertisements that were no longer current; complaints about foreign advertising or political or election advertising; and complaints about advertisements that did not meet the *Code* definition of advertising.

During 2015, the independent Councils adjudicated 291 complaints about 77 advertisements. Of these, 242 complaints were upheld about 50 advertisements. Case Summaries of these upheld complaints can be found at: adstandards.com/complaints2015

An additional 134 complaints about 122 advertisements were Administratively Resolved by ASC staff.

COMPLAINTS SUMMARY	2015 COMPLAINTS	ADS/CASES
Received by ASC	1,774	1,135
Met <i>Code</i> acceptance criteria	1,268	776
Administratively resolved by staff	134	122
Raised potential <i>Code</i> issues & forwarded to Councils	291	77
Upheld by Councils	242	50

Administratively Resolved Complaints

ASC uses a streamlined procedure to handle simple, non-complicated complaints, such as price errors in retail advertising. Complaints that raise issues under Clause 1 (Accuracy and Clarity) and/or Clause 3 (Price Claims) are Administratively Resolved by ASC staff if the advertiser promptly withdraws the advertisement and takes corrective action after being notified of the complaint by ASC. Complaints handled in this manner are not forwarded to Councils for adjudication.

Complaints by Code Clause

The *Code* sets the standards for acceptable advertising and provides the basis for the review and adjudication of consumer complaints about advertising. Of the 1,268 complaints that met the *Code* acceptance criteria, most involved concerns relating to:

- Accuracy and Clarity (Clause 1) and Price Claims (Clause 3)
- Safety (Clause 10)
- Unacceptable Depictions and Portrayals (Clause 14)

Clause 1 (Accuracy and Clarity) and Clause 3 (Price Claims)

In 2015, ASC reviewed 717 complaints (about 552 advertisements) alleging misleading or inaccurate advertising (Clauses 1 and/or 3). Ultimately, Councils upheld 167 complaints about 43 advertisements. These involved advertisements that omitted relevant information, did not clearly state all pertinent details of an offer, and contained unsubstantiated claims.

Clause 14 (Unacceptable Depictions and Portrayals)

Most complaints evaluated under Clause 14 involve subjective matters of personal taste or preference and do not ultimately raise issues under the *Code*.

453 complaints about 152 advertisements were reviewed under Clause 14. Of these, Councils adjudicated and upheld 92 complaints about seven

advertisements. These included advertisements that Councils found demeaned women, and advertisements that offended standards of public decency. The balance did not meet the threshold to raise issues under this clause.

Clause 10 (Safety)

A total of 23 complaints about 21 advertisements involved safety concerns, and two were upheld about two advertisements.

Other Clauses

Clause 2 (Disguised Advertising Techniques)

In 2015, seven complaints about six advertisements were pursued under this clause, and two were upheld about two advertisements.

Clause 4 (Bait and Switch)

Eight complaints were reviewed about eight advertisements, and none were upheld.

Clause 8 (Professional and Scientific Claims)

109 complaints were pursued about 11 advertisements, and 102 were upheld about four advertisements.

Clause 11 (Superstitions and Fears)

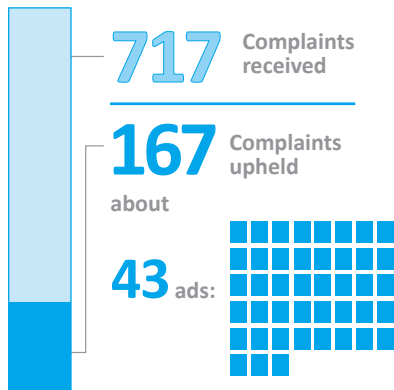
In 2015, two complaints were submitted about two advertisements. Both were upheld by Councils.

2015 Consumer Complaints Case Summaries:
adstandards.com/complaints2015

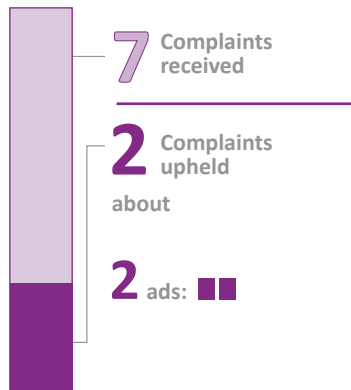
717

complaints reviewed
alleging misleading or
inaccurate advertising

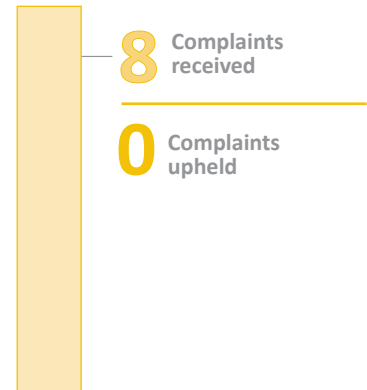
Clause 1
Accuracy and Clarity *and*
 Clause 3
Price Claims



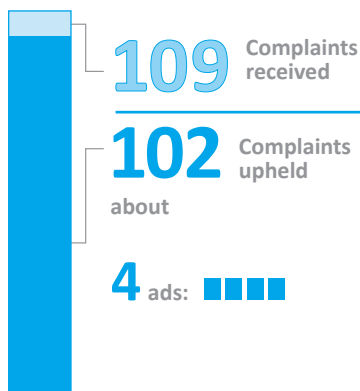
Clause 2
Disguised Advertising Techniques



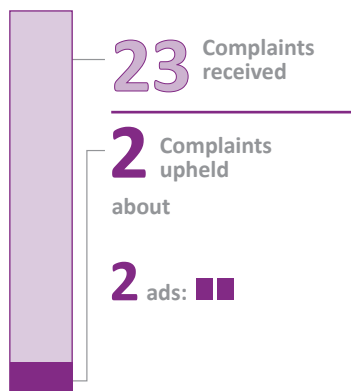
Clause 4
Bait and Switch



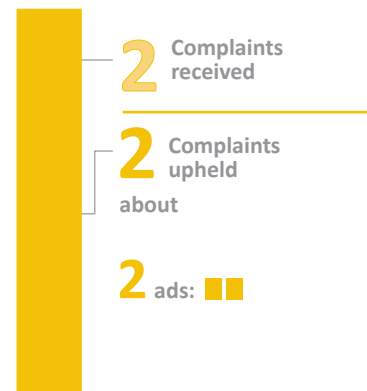
Clause 8
Professional and Scientific Claims



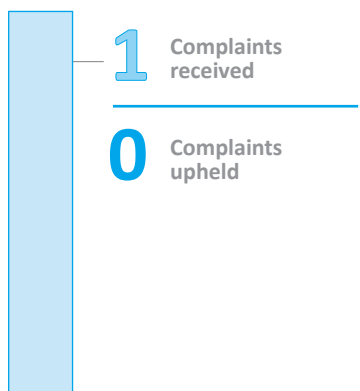
Clause 10
Safety



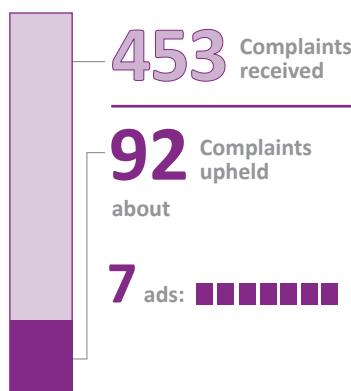
Clause 11
Superstitions and Fears



Clause 12
Advertising to Children



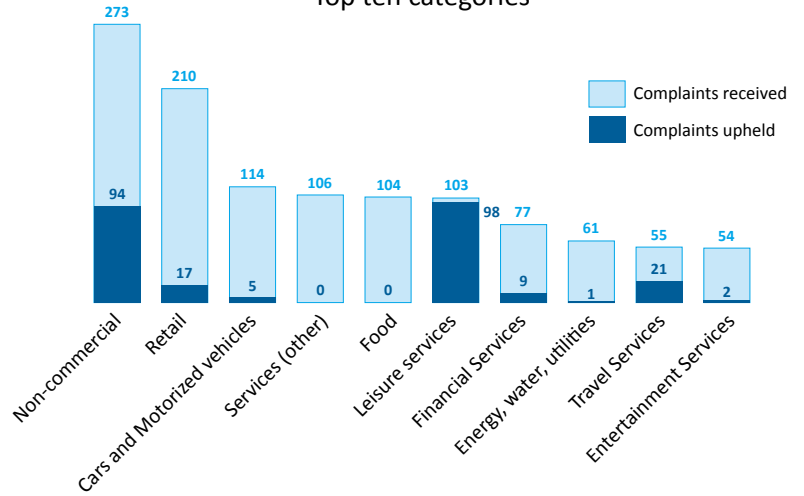
Clause 14
Unacceptable Depictions and Portrayals



Complaints by Category of Advertising

In 2015, ASC received an unusually high number of complaints about several advertisements by not-for-profit advocacy groups that garnered considerable media attention. For the first time, more complaints were submitted about advertising by non-commercial organizations than any other category (273). This was followed by complaints about retail advertising, which attracted 210 complaints. Third, with 114 complaints, was advertising for cars, motorized vehicles and automotive products/services.

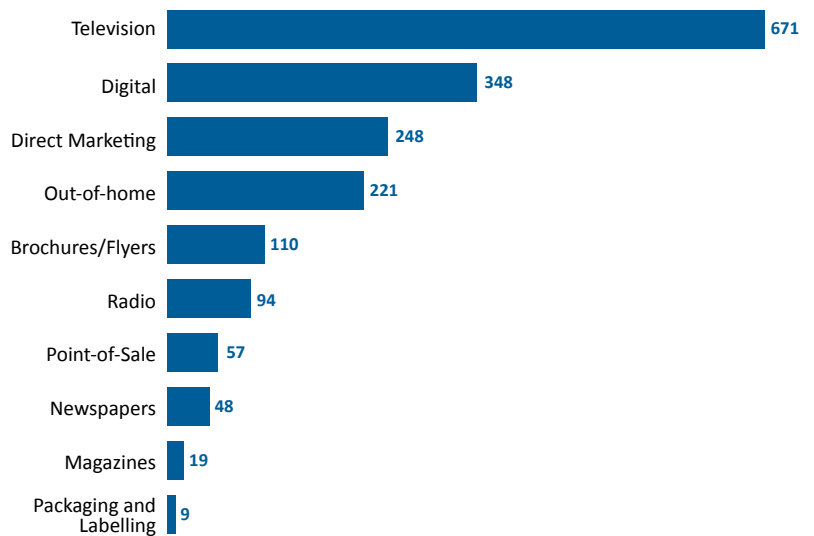
Complaints by Category
Top ten categories



Complaints by Media

Advertising on television, with 671 complaints, garnered the highest number of complaints of any medium. Digital advertising generated the second highest number of complaints (348). Complaints regarding advertising in this category primarily related to advertising on advertiser-owned websites. Direct Marketing followed with 248 complaints.

Complaints by Media Type
Top ten media types



Consumer Concerns

Too Good to be True? Proving Advertising Claims

Canadians are generally skeptical when it comes to advertising. This was confirmed in ASC's **2014 Consumer Perspectives on Advertising** report, which revealed that the top concern cited by survey respondents who had seen, read or heard an advertisement they considered to be "unacceptable" was a misleading or unrealistic representation of an advertised product or service.

Complaints about seven different advertisements were reviewed in 2015, and found by the Standards Council to contravene Clauses 1(e) (Accuracy and Clarity) and Clause 8 (Scientific and Professional Claims).

Code Clause 1(e) (Accuracy and Clarity)

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.

Code Clause 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.

Whether the advertiser is a non-profit advocacy organization or a commercial advertiser, the *Code* requires that all advertising claims must be supportable. This means that the advertiser must demonstrate to the satisfaction of ASC and Councils that it possesses robust scientific evidence to support its advertising claims. As well, the evidence must be relevant to the Canadian context. For example,

in the case of claims relating to health and science, Council has considered official statements by Health Canada and other Canadian government bodies as authoritative. On the other hand, newspaper articles, favourable testimonials and opinions provided by users of a product or service are generally not considered sufficient to prove such claims.

The following are examples of cases in which the claims were not adequately substantiated as required under the *Code*.

Claims re Global Warming and Climate Change

An advocacy organization made claims regarding global warming and climate change in out-of-home advertisements, specifically:

- that the sun, not human activity was the main driver of climate change, and
- that global warming stopped naturally 16+ years ago.

A different advocacy organization claimed in transit advertisements that consumption of animal products was the top contributor to climate change.

After carefully considering the evidence submitted by the advertisers, Council found that the categorical and unequivocal claims could not be supported by the preponderance of current evidence, thus the advertisements contravened Clauses 1(e) and 8.

Claims Regarding the Quality of Municipal Water

In a direct mail advertisement, an advertiser of water purification systems claimed that there were negative health effects due to contaminants, such as chlorine, in a particular municipality's water supply. In coming to its decision, Council considered Health Canada's *Guidelines for Canadian Drinking Water Quality*, which specifically stated that "no adverse health effects have been observed in humans from consuming water with high chlorine levels over a short period of time" to be authoritative. As a result, Council did not find the claim to be supportable under Clauses 1(e) and 8.

Is What You See What You Get?

Another hot topic in 2015 was the depiction of food in commercials for quick service restaurants. A number of complainants, particularly from Quebec, told us that the sandwiches they were served in some restaurants did not resemble the products featured in television commercials.

Code Clause 1(a) (Accuracy and Clarity)

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 or service.

While most of these complaints did not ultimately raise issues under this clause, Council upheld five complaints about a commercial that the complainants alleged exaggerated the amount of lobster in the advertised lobster sandwich.

Of course, quick service restaurants seek to present their products in the best possible light, and Council understands that the same time and care cannot possibly go into making a sandwich at a restaurant as at a photo shoot. Nonetheless, the advertising must reasonably resemble what someone can expect to be served at the restaurant.

“...advertisements must not contain inaccurate, deceptive or otherwise misleading claims, statements, illustrations or representations...”

US DOLLAR PRICING IN CANADIAN ADVERTISEMENTS

Advertisers that cater to the Canadian market must ensure that if the quoted price is not listed in Canadian dollars, then that fact must be clearly indicated to the consumer in the advertisement.

Clause 3(c) (Price Claims) of the *Code* states that: *Prices quoted in advertisements in Canadian media, other than in Canadian funds, must be so identified.*

With the decline in value of the Canadian dollar against the US dollar, this issue is of increasing concern to Canadian consumers. In 2015, ASC received a number of complaints regarding advertisements that did not clearly state that the price of the advertised product/service was in US dollars.

In one case, a company advertised the prices of fragrances in Canadian currency on its website. However, the complaint's purchase was actually charged in US funds. Although the fact that “all charges and refunds are posted in US dollars” was included in the customer service section of the advertiser's website, Council found that this condition was of such significance that it should have been prominently stated on each page of the website. Because it was not, Council found the advertisement was misleading.

Even when a price is correctly stated as being in US dollars, some Canadians are irritated. For example, a French infomercial featured a red maple leaf with the statement “ships to Canada”. Some consumers in Quebec told us that they perceive this to be a deliberate attempt to confuse viewers, particularly when the commercial was translated into French for the Quebec market. Consumers asked: Why translate the commercial, but not convert the currency?

The Consumer Complaint Procedure

Established by the Canadian advertising industry over 50 years ago, the *Consumer Complaint Procedure* provides Canadian consumers with a mechanism to submit written complaints about advertising currently running in Canadian media.

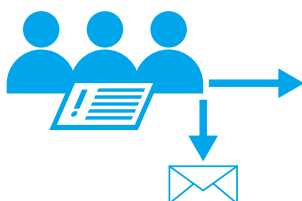
1



Complaint Receipt

Each written consumer complaint is reviewed by ASC against the *Canadian Code of Advertising Standards*.

2



Preliminary Review

ASC conducts a preliminary evaluation of the complaint. If the complaint does not raise an issue under the *Code*, ASC sends a letter of explanation.

3



How Complaints are Handled

If the complaint raises an issue under the *Code*, the advertiser is requested to provide its comments on the complainant's concerns. If a *Code* issue remains, the complaint is forwarded to Council for adjudication.

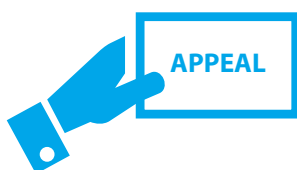
4



Council Review and Decision

Complaints forwarded to Council are carefully reviewed under the *Code*. If Council determines that the advertisement contravenes one or more clauses of the *Code*, Council will uphold the complaint. The advertiser is asked to withdraw or amend the advertising.

5



Appealing a Council Decision

If the consumer or advertiser disagrees with Council's decision, the consumer or advertiser can request an appeal.

The Standards Councils

ASC's independent, volunteer Standards Councils (Councils) play a vital role in ensuring objective and fair complaint adjudication. While ASC administers the process by which consumers submit their written complaints about advertisements, those complaints that raise potential issues under the *Code* are reviewed and adjudicated by Councils. The Councils include senior industry and public representatives from across Canada, who are committed to help ensure that Canadian advertising is truthful, fair and accurate.

The complete list of Standards Council representatives is available **online**.

To Submit a Consumer Complaint

If you have a concern about an ad you see or hear currently running in Canadian media, visit ASC's web site to learn about how to submit a consumer complaint.



Complaints can be submitted to ASC using the **Online Complaint Submission Form**

or



mail your written complaint to:

Advertising Standards Canada
175 Bloor St. East
South Tower, Suite 1801
Toronto, ON, M4W 3R8

Contact Information

Toronto Office

Advertising Standards Canada
175 Bloor Street East
South Tower, Suite 1801
Toronto, Ontario M4W 3R8

Phone: (416) 961-6311

info@adstandards.com
www.adstandards.com

Montreal Office

Advertising Standards Canada
2015 Peel Street
Suite 915
Montreal, Quebec H3A 1T8

Phone: (514) 931-8060

© 2016 Advertising Standards Canada

This report is the property of Advertising Standards Canada and may not be reproduced, in whole, or in part, without prior express written consent from Advertising Standards Canada.



Advertising Standards Canada
Les normes canadiennes de la publicité