

STANDARDS COUNCIL ORGANIZATION AND PROCEDURE

Canadian Code of Advertising Standards – Consumer Complaint Procedure

The *Canadian Code of Advertising Standards (Code)*, the principal instrument of advertising self-regulation, sets the standards for advertising that is truthful, fair and accurate. Ad Standards reviews and responds to complaints from consumers and special interest groups about the content of advertising messages exhibited in Canadian media. Consumer complaints are handled by Ad Standards pursuant to the *Consumer Complaint Procedure (Procedure)*, available at: <https://adstandards.ca/complaints/how-complaints-are-handled/>

1.0 PURPOSE

1.1 Role of Council

There are two Councils. Each is an independent body comprising senior industry and public representatives. Each Council adjudicates consumer complaints under the *Canadian Code of Advertising Standards* about advertising messages directed to Canadians.

1.2 Role of Ad Standards

Ad Standards staff attends each Council meeting in an administrative capacity to ensure the *Code* procedure is followed; to advise on precedents; and to record Council decisions.

2.0 ORGANIZATION

2.1 Council Locations

Standards Council (Toronto) includes representatives from across Canada. Standards Council (Montreal) includes representatives from Quebec.

2.2 Council Jurisdiction

If a complaint raises a potential *Code* issue and it concerns national advertising in the French-language, or advertising that appears only in Quebec, the complaint will be evaluated and decided by Standards Council (Montreal). All other complaints will be evaluated and decided by Standards Council (Toronto). Complaints from outside Ontario about national English-language advertising will be evaluated and adjudicated at a Standards Council (Toronto) meeting.

2.3 Council Structure

Each Council is composed of a non-voting Chairperson and voting members who volunteer their time to support the self-regulatory process. Council members include both advertising industry representatives and public representatives. Advertising industry representatives are generally drawn by Ad Standards from advertisers, advertising agencies and media organizations that are members of Ad Standards. Public representatives are selected by Ad Standards through a recruitment process posted on Ad Standards' website.

Ad Standards

Council members serve in their personal capacity, not as representatives of, or spokespersons for, any particular company, organization or sector.

Advertising industry representatives shall participate at all meetings of Council, on a voluntary basis, and without payment or reimbursement. Public representatives shall receive honoraria.

When Council members change their principal work affiliation, their continued eligibility to serve on a Council shall be determined by Ad Standards.

2.4 Members/Quorum for Council Meetings

A quorum at each Council meeting is seven members. Of these, three shall be public representatives. The balance shall be from the advertising industry, which comprises the advertiser, advertising agency and media/supplier sectors.

2.5 Members/Quorum for Appeal Hearings

Appeals from a Council decision will be heard by an Appeal Panel. A quorum of five Council members is required for an Appeal Panel on which two shall be public representatives. The balance shall be from the advertising industry sectors. No member of an Appeal Panel shall have participated in the hearing of the case which is being appealed.

2.6 Term

Effective and following September 1, 2015, members of Council shall be appointed, at Ad Standards' discretion, for renewable terms, with no member serving longer than 9 consecutive years. Past Council members may be invited to serve as alternates on an as-needed basis.

2.7 Chairperson

Effective and following September 1, 2015, Chairpersons of Council shall be appointed by the Chief Executive Officer of Ad Standards for renewable terms of three years. The Chairperson shall preside at all meetings of Council, including hearings by Appeal Panels, but have no vote.

3.0 COUNCIL PROCEDURE

3.1 Material Reviewed by Council

Council will review the verbatim complaint, the advertisement, and the advertiser's written response (if any). Neither the involved advertiser nor the complainant will be present at Council meetings or Appeal Panel hearings.

3.2 Conflicts

Council decisions are by majority vote. Council members who participate in an adjudication meeting or hearing must declare if they have a conflict with any matter in a case scheduled for that Council's adjudication, or hearing by an Appeal Panel, and abstain from voting on the matter.

Examples of conflicts include, but are not limited, to:

- a case involving an advertiser that is related to or in competition with an advertiser member of Council;
- a case in which there is an agency, media, or supplier member of Council and the case involves an advertiser that is related to or a client of that agency, media, or supplier company.

3.3 Notification of Council Decision

If, at a hearing by a Council, the complaint is not upheld, both the complainant and the advertiser will be notified in writing with an explanation of Council's decision.

If a Council concludes that an advertisement violates the *Code*, the advertiser will be notified of the decision in writing and requested to appropriately amend the advertising in question or withdraw it.

4.0 APPEAL PROCEDURE

4.1 Both the complainant and the advertiser are entitled to request an appeal from a decision of Council. In order that an advertiser's request for an appeal may be accepted, the advertiser must undertake to withdraw the advertising in question while the appeal is being considered by the Appeal Panel, which will be convened without delay.

The five-person Appeal Panel will not include any persons who served at the original deliberation by Council. Decisions by Appeal Panels are binding and final.