

Ad Standards Advisory Regarding Political and Election Advertising

Ad Standards developed this Advisory to remind advertisers engaged in political and election advertising about the principles of truthful, fair and accurate advertising under the *Canadian Code of Advertising Standards (Code)*. Ad Standards encourages political parties, interest groups, unions, governments, and anyone who is responsible for the content of political and election advertising, as well as those in the advertising industry who provide services to them, to adhere to the principles set out in the *Code*.

As Canada's national advertising industry self-regulatory body, Ad Standards receives numerous complaints from members of the public each election cycle expressing concerns about political and election advertising. They allege that such advertising is often misleading, and unfairly disparages and denigrates individual candidates or party leaders. Political and election ads, however, are excluded from the application of the *Code*. This means that Ad Standards does not adjudicate such complaints.

Even though Ad Standards cannot act on complaints received about political and election advertising, the *Code* states that "Canadians are entitled to expect that the standards in the *Code* will be respected in advertising by and for Canada's political parties and governments". Ad Standards believes that both the public and the advertising industry benefit from furthering the same high level of public confidence in political and election advertising, as in advertising in Canada more generally.

To review the definitions of "political advertising" and "election advertising", and the provisions of the *Code* about which Ad Standards most commonly receives complaints concerning such advertising, please see:

- the excerpts from the *Code* below (page 2);
- the text of the *Code*, available at <https://adstandards.ca/code/the-code-online/>;
- and
- [Interpretation Guideline #6](#) – Scope of "government advertising", "political advertising" and "election advertising".

For more information regarding the interpretation of the *Code*, or questions about how the principles set out in the *Code* might apply to a particular advertisement you are developing, please contact Catherine Bate, Chief Legal and Policy Officer, at Catherine.Bate@adstandards.ca.

Excerpts from the *Canadian Code of Advertising Standards*:

Definitions

“**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.

Clause 1 (Accuracy and Clarity)

Among the provisions of the *Code* are those that refer to "Accuracy and Clarity" in advertising.

For example:

“Advertisements must not contain, or directly or by implication make, inaccurate, deceptive or otherwise misleading claims, statements, illustrations or representations.” [Clause 1(a)]

and:

"Advertisements must not omit relevant information if the omission results in an advertisement that is deceptive or misleading." [Clause 1(b)]

Clause 14 (Unacceptable Depictions and Portrayals)

Other provisions of the *Code* deal with “Unacceptable Depictions and Portrayals” in advertising. They include the requirement that:

“Advertisements shall not 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.” [Clause 14(c)]

About Ad Standards

Ad Standards is committed to fostering community confidence in Canadian advertising and to ensuring the integrity and viability of advertising through effective industry self-regulation. As an independent, not-for-profit body, we administer the *Canadian Code of Advertising Standards*, the principal instrument of advertising self-regulation in Canada, and a national mechanism for accepting and responding to consumer complaints about ads. Ad Standards Clearance Services reviews creative and offers consultative services in five categories, to help ensure advertising complies with relevant regulations.