

****The information contained in the Out-of-Home Advertising Guidelines (the "Guidelines") is being provided for general information purposes only. The information in the Guidelines does not constitute legal or other professional advice or an opinion of any kind. Readers are advised to seek specific legal advice by contacting their own legal counsel regarding any of the information contained herein including, but not limited to, legislative interpretation or specific legal issues. OMAC does not warrant or guarantee the quality, accuracy or completeness of any information provided. Moreover, the information in the Guidelines that refers to third party information, including but not limited to government legislation, should not be relied upon as accurate, timely or fit for any particular purpose. Stated simply, readers should consult their legal counsel before undertaking or accepting any advertising to ensure legal obligations and interpretations are accurate.**

Tobacco law is governed federally however provinces and municipalities may enact their own bylaws. Where there is a conflict between a provision of federal Act and a provision of a provincial bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails. In most cases provincial statutes do not address general media advertising but detail from the corresponding Act follows for your information.

Governed federally by the Department of Justice, Tobacco Act of Canada, administered by the Minister of Health.

In 1997, the Tobacco Act was enacted to regulate the manufacturing, sale, labeling and promotion of tobacco products in Canada.

Promotion: Part IV section 18

- The catch-all phrase "promotion" means representation of a product or service in a way that is likely to influence and shape the public's attitudes and beliefs and buying behaviour. Aspects of tobacco promotion addressed in the Act include direct means such as advertisements, sponsorships and retail marketing; and also less direct means, such as the portrayal of tobacco in the movies, and in foreign media.

Advertisements: Part IV section 22

Tobacco companies may only advertise their products:

- In places where young people (defined as those under the age of 18), aren't permitted by law, such as bars or taverns;
- By highlighting actual brand characteristics (brand-preference advertising) or by providing factual information about the characteristics, availability or price of the product (information advertising).

Tobacco companies may not:

- Use "lifestyle" advertising featuring glamour, recreation, excitement, vitality, risk or daring, or other associations that might appeal to young persons.
- Depict (in whole or in part) any tobacco product, or its package or brand - or even any imagery that might evoke a product or brand
- Sponsor youth-oriented activities or events

For the complete Tobacco Act of Canada, visit:

<http://laws.justice.gc.ca/PDF/Statute/T/T-11.5.pdf>

Amendments current as of July 2010

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