

**Submission by Advertising Standards Canada to  
City of Toronto, Board of Health  
Re: Moving to Acceptance: Toronto Public Health's Strategy to Address Vaccine Hesitancy  
HL9.2**

**Submitted: September 20, 2019**

**To Be Considered: September 23, 2019**

Advertising Standards Canada (Ad Standards) is Canada's national, independent, not-for-profit, advertising self-regulatory body. We administer the *Canadian Code of Advertising Standards (Code)*, which sets the criteria for acceptable advertising in Canada. The *Code* forms the basis of our *Consumer Complaint Procedure*, a mechanism for accepting and responding to consumer complaints about advertising.

We have read with interest the recommendations set forward by *Moving to Acceptance: Toronto Public Health's Strategy to Address Vaccine Hesitancy*. In particular, these comments are to address recommendation #6:

The Board of Health request Ad Standards Canada to revise their Canadian Code of Advertising Standards to discourage advertisements that contain false and misleading statements against vaccines.

Under the existing Code, Ad Standards has previously accepted complaints about advertising discouraging vaccinations. No revisions to the Code are necessary for us to continue to accept, and to adjudicate, such complaints. We are nevertheless open to discuss other avenues of support for the City of Toronto. Please see our more detailed discussion below.

The *Code*, by design, is a document of general application. It does not target any specific advertisers, or types of messages. It is integral to the Code that it not 'take sides' on any particular issue, or discourage any category of messaging. Instead, it holds all advertisers to the same standard of truthful, fair and accurate advertising.

Further, there is no legal mechanism in place that would require those advocating against vaccination to submit their advertising for preclearance. The creation of such an obligation is beyond our abilities as a non-governmental self-regulatory body. Enforcement of the *Code* is, instead, driven by complaints.

Ad Standards has accepted, and would accept and investigate, complaints about advertising that discourages vaccinations and that appear to raise concerns under the *Code*, including under Clause 1 (Accuracy and Clarity), Clause 8 (Professional or Scientific Claims), or any other applicable clause.

To that end, an amendment to the Code seems not to be an effective option, nor is it necessary for Ad Standards to accept and adjudicate complaints that contain allegedly false or misleading statements against vaccines. Ad Standards could, however, act upon a request from the Board of Health, or the City of Toronto, to issue an advisory on the issue of advertising that discourages vaccination in a false or misleading way. An advisory can be used to provide clarity around the application of the Code to a

particular advertising practice or category, and raise awareness of the concern to the public. Such an approach would be consistent with our commitment to enhance community confidence in advertising.

Although we are unable to attend in person to speak on this issue, the undersigned would be pleased to carry on a dialogue on this issue.

For more information, please contact the Ad Standards representatives below, or visit [www.adstandards.ca](http://www.adstandards.ca)

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**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.