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In a contest or draw, it is prohibited to offer a prize, rebate on goods without clearly indicating all of the ions for obtaining it. A dealer may not announce, in ent to you personally, that you are the lucky winner 000.00, when all you have won is the opportunity to art in a draw for this sum if you return the certificate the deadline stipulated.

Advertising concerning prizes

t is perfectly reasonable for you to know the exact f goods or services before you buy. No merchant, acturer or advertiser may:

- place greater emphasis on the price of part of a unit than on the total cost. For example, it is illegal to promote a $50.00 golf club when it is part of a $500.00 set and can't be sold separately;
- indicate only the amount of the regular payments to be made for merchandise or a service without clearly stating the total cost. For example, it is illegal to say that a VCR costs $30.00/month without clearly mentioning the total price;
- charge a higher price than advertised. For example, it is illegal to sell a watch for its regular price of $200.00 when it was advertised as being on sale for $99.00;
- falsely advertise a price reduction. For example, it is illegal to advertise a reduction of $300.00 on a computer when the price displayed in the store before, during and several months after the "super sale" is the same;
- falsely advertise that a product or service is advantageous. For example, it is illegal to advertise an "unbeatable" price for a TV when a similar model can be bought elsewhere for the same price or less.

Assert your rights

The *Consumer Protection Act* guarantees you certain rights. It also makes it easier for you to appeal to the courts if you are victim of illegal practices. For more information, contact the Office de la protection du consommateur.

Regional offices

Abitibi-Témiscamingue
255, avenue Principale, rez-de-chaussée 05
Rouyn-Noranda (Québec) J9X 7G9

Bas-Saint-Laurent
337, rue Moreault
Rimouski (Québec) G5L 1P4

Capitale-Nationale – Chaudière-Appalaches
400, boul. Jean-Lesage, bureau 450
Québec (Québec) G1K 8W4

Centre-du-Québec – Mauricie
100, rue Laviolette, rez-de-chaussée 11
Trois-Rivières (Québec) G9A 5S9

Côte-Nord
456, rue Arnaud, bureau 1.05
Sept-Îles (Québec) G4R 3B1

Estrie
200, rue Belvédère Nord, bureau 3.02
Sherbrooke (Québec) J1H 4A9

Gaspésie – Îles-de-la-Madeleine
96, montée Sandy Beach, bureau 1.02
Gaspé (Québec) G4X 2W4

Laurentides – Lanaudière
500, boul. des Laurentides, bureau 1503-B
Saint-Jérôme (Québec) J7Z 4M2

Montréal – Laval – Montérégie
5199, rue Sherbrooke Est, bureau 3671, aile A
Montréal (Québec) H1T 3X2

Outaouais
170, rue de l'Hôtel-de-Ville
Gatineau (Québec) J8X 4C2

Saguenay – Lac-Saint-Jean
3950, boul. Harvey, bureau 2.12
Jonquière (Québec) G7X 8L6

www.opc.gouv.qc.ca

Office de la protection du consommateur
Québec

September 2006

Office de la protection du consommateur

Advertising

Québec

While informative, honest advertising certainly exists, we are often confronted with advertising that is misleading. The *Consumer Protection Act* is designed to abolish advertising which uses tactics including deception, to persuade you to buy. The law prohibits representation, for example, implying that cars available for sale at very low prices whereas in reality they are for lease, or suggesting that a certain book will help you become a millionaire.

Prohibited practices

- No dealer, manufacturer or advertiser may omit an important fact from advertising or other description in order to attract customers. For instance, they may not advertise that furniture payments begin in 9 months without mentioning that you can only take advantage of this "bargain" by buying a minimum of $1,000.00's worth and paying a deposit.
- A dealer may not advertise a product widely to lure you into his store unless he has sufficient stock to meet demand, or specifies that quantities are limited and indicates what those quantities are.
- An advertiser may not distort the meaning of information, an opinion or testimony, for example, by quoting a favourable passage from an article or from a report of a test on a product when in fact the overall impression was negative.
- A merchant may not use data or analyses in his advertising, falsely claiming a scientific basis for them. For example, an advertisement may not claim that a slimming product has a success rate of 98% based on the fact that only 2% of the consumers who have tried it have returned the product to the company: it is obvious that such a survey has no scientific value.
- A dealer may not state that he is accredited, recommended, sponsored or approved by a third party, or that this third party recommends, approves, certifies or sponsors his product or service. Nor can he falsely declare a certain status or identity, for instance, that of a psychologist when he is nothing of the sort.
- A merchant may not use the fact that he has an Office de la protection du consommateur permit or that he has deposited the security required by the Consumer Protection Act to imply that the Office recognizes and approves his activities. Further, holding a permit is not a guarantee of the quality of the dealer's goods or services. Having this permit proves only that the merchant has deposited the security that protects you should the company shut down or be unable to meet its obligations.
- It is illegal to advertise that Canadian or Québec government cheques or those of municipalities will be cashed or accepted as payment for a purchase. Furthermore, no costs may be claimed if this type of cheque is accepted.
- A merchant must identify his business and state that he is a dealer in his advertisements. A merchant who uses the classified ads to sell household appliances or an automobile must, in order not to be mistaken for a private individual, clearly indicate that he is a dealer. Moreover, post office box numbers may not be used as addresses by dealers and manufacturers. The full address must always be given.

Advertising is also governed by regulations in certain specific activity sectors. This pertains to advertising aimed at children, and advertising that concerns credit, warranties, premiums and prices.

Advertising aimed at children

As a rule, "commercial advertising" aimed at children under 13 is forbidden.

However, it is allowed in the following cases:

- if it is in a children's magazine that is published and sold at least every three months;
- if it advertises a children's show;
- if it consists of a showcase or window display, packaging or labelling.

In all three cases, the advertising must respect the regulations under the *Consumer Protection Act.* For example, it must not use superlatives in describing merchandise or diminutives to indicate costs. It must not exaggerate a product's nature, performance or durability, etc. Of course, the law does not prohibit educational advertising such as water safety campaigns or the importance of brushing your teeth even when aimed at children.

Advertising concerning credit

The most important thing to remember about advertising concerning credit is that a merchant may not cite the monthly payments of a product without indicating the total cost of the purchase plus interest. For example, he cannot advertise that a TV costs only $50.00/month without mentioning that the total cost is $600.00 – $88.00 of which represents interest charges – and that it must be paid for within 12 months.

Advertising concerning warranties

Merchants, manufacturers and advertisers may not misrepresent the existence, scope or duration of a warranty. They may not claim to offer a seven-year warranty against rust on the purchase of a new car if, in reality, this warranty takes effect only after the automobile warranty has expired.

Moreover, dealers and manufacturers may not refuse to honor a warranty granted by them on the pretext that you have not completed or submitted a document to validate it.

Advertising concerning premiums

No-one may put greater emphasis in advertising on the premium than on the goods or services offered in order to distract you and influence your choice.

A mail-order company may not focus its advertising on the chance of winning fabulous money prizes in order to boost its catalogue sales.

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