

The City of Kingston's Advertising Revenue Generation Policy



Strategy, Environment and Communications
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(1.0) INTRODUCTION

The Advertising Revenue Generation Policy of the Corporation of the City of Kingston sets out appropriate and effective guidelines for managing public advertising media and space while maximizing revenue opportunities and building resources to enhance the advancement of the Corporation of the City of Kingston.

The City of Kingston recognizes the sale of commercial advertising media and space as an appropriate revenue source to offset the costs of municipal business by supplementing user fees and avoiding taxation. The desire for additional sources of revenue must be balanced with the Corporation's need to ensure that:

- There are no adverse effects on either public safety or on the Corporation's image;
- The advertising reflects corporate and community values, and;
- It does not conflict with City policies on sponsorship, corporate naming rights, or other existing policies and bylaws.

The City of Kingston permits commercial advertising on City property, at City events and in City publications under the conditions outlined in this policy. This policy applies to all paid advertising by individuals or corporations on City property, at City events and in City publications.

Where the City has a relationship described in a formal agreement with another group/organization, the commercial advertising media and space considerations will be embedded in such agreements, to the satisfaction of the Director of Communications or designate.

(1.1) Definitions

- Paid Advertising* means the sale to external businesses and organizations of advertising space on City printed materials and City property or events or in conjunction with a City program. Unlike sponsorship, advertising sales involve the simple purchase of advertising space sold at rates determined or agreed to by the City, for a specific period of time. The purchase of advertising space does not imply that the advertiser is entitled to any additional benefits from the City other than those accruing from access to the space purchased.
- City Property* means all land, parkland, playfields, boulevards, buildings, vehicles, bus shelters, mobile signage, etc., owned and/or managed under a lease or license by the City.
- City Publication* means any publication, including all media produced by or for the City of Kingston.
- City Event or City Program* means any activity organized by City staff and supported by a City Department/Division or approved by City Council.

- e) *Advertising media and space*, means any advertising opportunity defined as being for sale by the City to advertisers on a City Property, in a City Publication, at a City Program or at a City Event and is meant to encompass all possible advertising mediums in these contexts.
- f) *Pouring Rights* means a type of advertising in which a corporation, an organization or an individual purchases the exclusive right to supply and promote their beverages at a City facility in exchange for significant cash and/ or other considerations over a long-term agreement.
- g) *Director of Communications* refers to the Director of Strategy, Environment and Communications, the senior administrator responsible for overseeing the operation of the Corporate Communications Division.
- h) *Heritage requirements* refers to those rules and regulations under which a property or portion of a property has been identified as having cultural heritage value to the community. These properties are identified within the City of Kingston's Heritage Properties Register.

(2.0) CORPORATE POLICY

The City will maintain control over the planning and delivery of advertising activities through the administration of all advertising contracts by the Director of Communications or designate as well as review and approval by the Director of Communications or designate of all terms relating to advertising in other contracts.

Advertisers will be required to ensure that all advertising proposals intended for use on City property or in City publications meet the following criteria as administered and approved by the Director of Communications or designate:

- a) Advertising shall meet the standards set out by the Canadian Advertising Standards Council, as attached; the freedoms of expression protected under *The Charter of Rights and Freedoms*; and the City of Kingston's Visual Identity Guidelines.
- b) Advertising shall adhere to any City bylaws or policies, for example, with regard to signage including those relating to heritage and business standards.
- c) Advertising must not impact the quality and integrity of the City's properties, buildings, or streetscape.
- d) Advertising on City property must have no adverse affect on public safety and City liability.
- e) The costs of all design, production, installation, maintenance and removal costs of advertising devices and remediation of sites will be the responsibility of the advertiser.
- f) Any proposal for advertising on City Property must ensure advertising elements do not detract from the integrity of the landscape and is in keeping with the character of the property; do not conflict with existing or proposed objects within

the right of way; and do not conflict with existing vehicular, pedestrian or cycling traffic.

(2.1) Legal Requirements

The City's Department of Communications is responsible for soliciting, negotiating and administering advertising agreements in consultation with the City Solicitor. Advertisers will be expected to enter into appropriate legal agreements with the City, as approved by the Director of Communications or designate upon consultation with the City Solicitor, where necessary, and must meet the general requirements in this section and the site-specific requirements in the following section. Agreements shall not in any way invoke future consideration, influence, or be perceived to influence the day-to-day business of the City.

(2.2) Restrictions on advertising

The City will not allow advertising, either directly or through third party arrangements, that:

- a) implies the endorsement by the City of any one product or service over another.
- b) includes the requirement or opportunity for a City employee to receive any product, service or assets for personal gain or use.
- c) conveys a negative message that might be deemed prejudicial to any religious group or belief;
- d) promotes tobacco, alcohol and other addictive substances at venues geared primarily to children;
- e) presents a discriminatory, demeaning or derogatory portrayal of individuals or groups or contain anything which, in light of generally prevailing community standards, is likely to cause deep or widespread offence.
- f) has an impact on heritage property, or changes the physical quality and integrity of heritage properties, buildings, or streetscapes.
- g) impinges or encroaches on applicable heritage requirements.
- h) conflicts with accepted federal and provincial public health policies and practices, such as the Health Protection and Promotion Act of Ontario, the Canada Food Guide, Canadian Children's Food and Beverage Advertising Initiative.

All political and other non-commercial expressive advertising will indicate that it is paid for by a party or candidate, so as to avoid any impression that the City is supporting any particular party, candidate or point of view.

Unsolicited advertising proposals received by the City will be reviewed and evaluated by the Director of Communications or designate as per the provisions of this policy and existing contractual obligations. The City reserves the right to reject any unsolicited advertising opportunities that have been offered to the City and to refuse to enter into agreements for any advertising that originally may have been openly solicited by the City.

All advertising agreements shall be evaluated on an annual basis to determine continued benefit. The term of all agreements shall not exceed three years unless authorized by the Director of Communications or designate.

The City reserves the right to terminate an existing advertising agreement should conditions arise that make the agreement no longer in the best interests of the City.

Any requests by outside advertisers or any other party to use the City of Kingston logo, coat of arms, corporate logo or any other symbols representing the City in advertising or any other media must be approved by the Director of Communications or designate. Use of the City's logo in combination with the advertiser logos will be in keeping with the City of Kingston's Visual Identity Policy.

Attachment 1

The Canadian Code of Advertising Standards

Last amended May 1, 1999

The Canadian Code of Advertising Standards is widely supported by all participating organizations, and is designed to help set and maintain standards of honesty, truth, accuracy, fairness and propriety in advertising.

No advertising shall be prepared or knowingly exhibited by the participating organizations, which contravenes this Code of Standards.

The provisions of the Code should be adhered to both in letter and in spirit. Advertisers and their representatives must substantiate their advertised claims promptly when requested to do so by one or more of the Councils.

1. Accuracy and Clarity

(a) Advertisements must not contain inaccurate or deceptive claims, statements, illustrations, or representations, either direct or implied, with regard to price, availability, or performance of a product or service. In assessing the truthfulness and accuracy of a message, the concern is not with the intent of the sender or precise legality of the presentation. Rather, the focus is on the message as received or perceived, that is, the general impression conveyed by the advertisement.

(b) Advertisements must not omit relevant information in a manner which, in the result, is deceptive.

(c) All pertinent details of an advertised offer must be clearly and understandably stated.

(d) Disclaimers and asterisked or footnoted information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly visible and/or audible.

2. Disguised Advertising Techniques

No advertisement shall be presented in a format or style which conceals its commercial intent.

3. Price Claims

(a) No advertisement shall include deceptive price claims or discounts, unrealistic price comparisons or exaggerated claims as to worth or value.

“Regular Price,” “Suggested Retail Price,” “Manufacturer's List Price” and “Fair Market Value” are deceptive terms when used by an advertiser to indicate a savings, unless they represent prices at which, in the market place where the advertisement appears, the advertiser actually sold a substantial volume of the advertised product or service within a reasonable period of time (such as six months) immediately before or after making the representation in the advertisement; or offered the product or service for sale in good faith for a substantial period of time (such as six months) immediately before or after making the representation in the advertisement.

(b) Where price discounts are offered, qualifying statements such as “up to,” “XX off,” etc., must be in easily readable type, in close proximity to the prices quoted and, where practical, legitimate regular prices must be included.

(c) Prices quoted in advertisements in Canadian media, other than in Canadian funds, must be so identified.

4. Bait and Switch

Advertisements must not misrepresent the consumer's opportunity to purchase the goods and services at the terms presented. If supply of the sale item is limited, or the seller can fulfill only limited demand, this must be stated clearly in the advertisement.

5. Guarantees

No advertisement shall offer a guarantee or warranty, unless the guarantee or warranty is fully explained as to conditions and limits and the name of the guarantor or warrantor is provided, or it is indicated where such information may be obtained.

6. Comparative Advertising

Advertisements must not discredit, disparage or attack unfairly other products, services, advertisements, or companies or exaggerate the nature or importance of competitive differences.

7. Testimonials

Testimonials, endorsements, or representations of opinion or preference must reflect the genuine, reasonably current opinion of the individual(s), group or organization making such representations, and must be based upon adequate information about or experience with the product or service being advertised, and must not otherwise be deceptive.

8. Professional or Scientific Claims

Advertisements must not distort the true meaning of statements made by professionals or scientific authorities. Advertising claims must not imply that they have a scientific basis which they do not truly possess. Any scientific, professional or authoritative claims or statements must be applicable to the Canadian context, unless otherwise clearly stated.

9. Imitation

No advertiser shall imitate the copy, slogans, or illustrations of another advertiser in such a manner as to mislead the consumer.

10. Safety

Advertisements must not, without reason, justifiable on educational or social grounds, display a disregard for public safety or depict situations that might encourage unsafe or dangerous practices, or acts.

11. Superstition and Fears

Advertisements must not exploit superstitions or play upon fears to mislead the customer.

12. Advertising to Children

Advertising which is directed to children must not exploit their credulity, lack of experience or their sense of loyalty, and must not present information or illustrations which might result in their physical, emotional, or moral harm.

Child-directed advertising in the broadcast media is separately regulated by the Broadcast Code for Advertising to Children, also administered by the Advertising Standards Canada.

Advertising to children in Quebec is prohibited by the Quebec Consumer Protection Act.

13. Advertising to Minors

Products prohibited from sale to minors must not be advertised in such a way as to appeal particularly to persons under legal age and people featured in advertisements for such products must be, and clearly seen to be, adults under the law.

14. Unacceptable Depictions and Portrayals

It is recognized that advertisements may be distasteful without necessarily conflicting with the provisions of this clause 14; and the fact that a particular product or service may be offensive to some people is not sufficient grounds for objecting to an advertisement for that product or service.

Advertisements shall not:

(a) condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;

(b) appear to exploit, condone or incite violence; nor directly encourage or exhibit indifference to, unlawful or reprehensible behaviour;

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring them into public contempt or ridicule;

(d) undermine human dignity, or appear to encourage or be indifferent to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.

Appendix A -- List of media not covered by the Code

The following, as at the date noted below, are excluded from the definition of "medium" and the application of the Code:

i) foreign media (namely media that originate outside Canada and contain the advertising in question) unless the advertiser is a Canadian person or entity); and

ii) packaging, wrapper and labels.