

FW: Ad Standards Council - Fair Hydro Plan

From: "McKenzie, Ashley (MAG)" <ashley.mckenzie2@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>
Date: Fri, 12 Jan 2018 09:22:52 -0500
Attachments: TOR_2528-#23286637-v3-MOE_Ad_Standards_-_Letter_to_R_Engle_Re_Twitter_Matter - PJR.docx (2.91 MB)

Hi William,

FYI on the status of our response to the ASC on the Premier's tweets. CLB has provided comments on Blakes' draft response to ENE.

We are tracking to send our response to ASC on Tuesday. I'll make sure to share further drafts with you as I receive them. MAG MO is reaching out to PO in consultation with ENE MO.

Please let me know if you want to discuss.

Ashley McKenzie

Counsel to the Deputy Attorney General
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From: Ryan, Padraic (MAG)
Sent: January 12, 2018 8:59 AM
To: McKenzie, Ashley (MAG); Phan, Cathy (MAG); Mallen, Jane (MAG)
Cc: Wright, Sarah (MAG); Basu, Robin (MAG)
Subject: Ad Standards Council - Fair Hydro Plan

Ashley, we have been asked by Energy LSB to comment on the draft submission to the Advertising Standards Council prepared by Blakes. We have prepared the attached with track changes and comments.

In addition we have two additional high-level strategic comments Michel asked us to pass on:

1. The draft does not raise the issue of whether tweets by the Premier are communications attributable to the Government of Ontario; only the latter is a member of the Advertising Standards Council. Distinguishing between government advertising and statements made from the Premier's twitter account may be the cleanest manner of responding to the suggestion that Ontario breached its settlement agreement with the Council, which provided that Ontario would cease advertising on the issue.
2. The draft also makes submissions on the merits of the accuracy of the 25% claim. The Premier's tweet raises an issue in this regard, because it asserts that "everyone" will enjoy the benefit of the 25% reduction (which is different from an average 25% reduction across the province). As a result, the submission on the merits invites a debate with the Council over the accuracy of the Premier's statement. We agree that emphasizing that the Premier's statement is outside the scope of the Code is the best strategy in this situation. Debating the merits muddies this strategy.

Please advise if we should pass these comments on to Energy.

--
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