

FW: Advertising Standards Council Issue

From: "Orsini, Steve (CAB)" <steve.orsini@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>, "Matela, Angelo (CAB)" <angelo.matela@ontario.ca>, "Kwamena, Boafoa (CAB)" <boafoa.kwamena@ontario.ca>
Date: Thu, 19 Oct 2017 13:39:15 -0400

From: Betzner, Lynn (CAB)
Sent: Thursday, October 19, 2017 1:39:14 PM (UTC-05:00) Eastern Time (US & Canada)
To: Orsini, Steve (CAB)
Subject: Fwd: Advertising Standards Council Issue

Begin forwarded message:

From: "Bromm, William (CAB)" <William.Bromm2@ontario.ca>
Date: October 18, 2017 at 10:34:48 AM EDT
To: "MacKenzie, Rebecca (OPO)" <Rebecca.MacKenzie@ontario.ca>, "McMichael, Rhonda (CAB)" <Rhonda.McMichael@ontario.ca>, "Betzner, Lynn (CAB)" <Lynn.Betzner@ontario.ca>
Subject: FW: Advertising Standards Council Issue

I am still following up with MAG on some of the ASC issues we recently discussed, but did want to send some info re the potential bias issue. MAG has looked at it and feels it would be difficult to establish a reasonable apprehension of bias for several reasons:

- The legal test is whether an "informed person" with all the facts would feel there is a reasonable apprehension of bias
- Although the Chair of the council has provided advice to the AG on advertising standards of the GAA, the standards are different than those applied by the council and also we have no evidence he specifically advised on the FHP
- According to ASC procedures, as Chair of the Council, Mr. Engle does not vote so it is not clear whether he played a significant role in the ASC's consideration to date

On the question of the removal of any reference to the 25% from all gov websites etc, MAG understands ADC proposed it as a potential option but has not specifically instructed it to be done. So they are considering the advisability and impact of removing the reference, including the question of whether it would basically preclude the gov from ever referencing the 25% figure in any of its materials again (without risking another ASC complaint).

We will get further information this week.

W