

FW: ASC Update

From: "Archer, Amy (MAG)" <amy.archer@ontario.ca>
To: "MacKenzie, Rebecca (OPO)" <rebecca.mackenzie@ontario.ca>, "Francis, Melanie (OPO)" <melanie.francis@ontario.ca>
Date: Thu, 11 Jan 2018 12:01:56 -0500

I am reviewing our response to the most recent Advertising Standards Council complaint regarding a tweet the Premier made regarding the Fair Hydro Plan. Rebecca – I know that you reviewed the previous response. Will you be approving on behalf of PO again or should I go through Mel?

Thanks,

Amy

From: Berry, James (ENERGY)
Sent: January-10-18 2:15 PM
To: Archer, Amy (MAG)
Subject: FW: ASC Update

FYI below – Andrew T is no longer in government.

James Berry
Director of Communications
Ministry of Energy | Office of the Hon. Glenn Thibeault
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From: Teliszewsky, Andrew (ENERGY)
Sent: January-05-18 10:42 AM
To: Bevan, Andrew (OPO); MacKenzie, Rebecca (OPO); Killorn, Bill (OPO); Forgione, Andrew (OPO)
Cc: Berry, James (ENERGY); Nekolaichuk, Colin (ENERGY); Den Heijer, Kevin (ENERGY); Marangoni, Emily (OPO)
Subject: FW: ASC Update

Good Morning:

We have heard from Blakes (external legal on this matter) that one of the original complainants has issued another complaint to the ASC that the original claim was revived in a tweet at the end of last year. This was a tweet from the Premier about the 25% off.

Based on Blakes' email, it sounds like the ASC believes that explanatory or disclaimer language was missing from the Premier's tweet. The ASC believes that if requested, the Council could adjudicate on this complaint.

Blakes has reviewed and provided a few reasons for why they disagree with the ASC:

1. This is not an ENE issue since the message was from the Premier's twitter account and was not an MOE-authorized advertisement. Moreover, the Premier's tweets arguably fall within the scope of "political advertising", which is expressly excluded from the Code (see <http://www.adstandards.com/en/Standards/canCodeOfAdStandards.aspx#non-reviewable>).

2. Characterization of the 25% Reduction Claim is incorrect. Our letter to the ASC of October 31 described the 25% Reduction Claim as follows: "Household electricity

bills will be an average of 25% less". There was no reference in our letter to qualifying language as part of this claim. I see no reason why this language should have to be included now.

3. Insinuation that there was a breach of the commitment is outrageous. This is not the same advertising that was in issue in the prior campaign. The tweet was from the Premier not the MOE. The ASC did not raise any concerns over tweets in the August/September complaints. The undertaking applied to the advertising "in question", which did not include any tweets from the Premier.

Please note that ENE DMO will be following up with CO about next steps.

Please let James or I know about how you should care to proceed?

Many thanks, in advance.

Andrew Teliszewsky

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