



Office of the Auditor General of Ontario
Bureau du vérificateur général de l'Ontario



Government Advertising Review Guidelines

Revised October 2012

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The Office of the Auditor General of Ontario prepared this Guideline to help government offices meet the requirements of the *Government Advertising Act, 2004*. This edition replaces the previous one, published in 2005.



Government Advertising Review Guidelines

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Summary

Background

The government of Ontario is a major Canadian advertiser, placing hundreds of advertisements each year on television, radio and billboards, and in newspapers and magazines. Over several decades, debate arose over whether some of this publicly funded advertising was partisan.

In 2003, the government began work on legislation to address this issue, and the Office of the Auditor General actively consulted in the process. The legislation, which says that government advertising “must not be partisan,” was passed into law in December 2004 as the *Government Advertising Act, 2004* (Act).

The Act mandates the Auditor General to review and approve most paid government advertising before it runs to ensure that it complies with the Act’s prohibition on partisan advertising and with its other standards. This review will ensure that public money is not used for partisan advertising.

Who Is Covered

The Act applies to “government offices”—defined as government ministries, Cabinet Office and the Office of the Premier. Government agencies, such as the LCBO, OLG and WSIB, are not covered by the Act.

What Is Covered

The Act covers, with some exceptions, advertisements in any language that government offices propose to pay to have published in a newspaper or magazine, broadcast on radio or television, or displayed on a billboard. It also covers printed matter that government offices propose to pay to have distributed to Ontario households, either by unaddressed bulk mail or by another method of bulk

delivery. Under an agreement with the government, the Auditor General’s Office also reviews the Internet content arrived at after the “first click” of any hyperlink, Quick Response (QR) code or similar way of pointing to a website that appears in advertising submitted for review, and “first click” content must conform to the same standards as the advertisement that points or links to it.

Standards of the Act

Government advertisements must by law meet five standards, including one that an item must be a reasonable means of achieving at least one of four specific goals. (See *The Standards to Be Met* on page 4.) An advertising item must also include a statement that it is paid for by the government of Ontario, and it cannot include the name, image or voice of any member of the Executive Council or Legislative Assembly (except where the primary audience is outside Ontario). The item cannot be partisan in the opinion of the Auditor General, and it must not have a primary objective of fostering a positive impression of the governing party or a negative impression of a person or entity critical of the government.

Submitting Advertisements

There is an established process for use by government offices when submitting proposed advertisements to the Auditor General for review. The Auditor General’s Office has seven business days to render a decision. The submitted advertisements cannot be broadcast, published, displayed or distributed until the Auditor General has approved them and issued an approval number. Any advertisement found by the Auditor General to violate the Act cannot be broadcast, published, displayed or distributed. All decisions by the Auditor General are final.

Government Advertising Review Guidelines

Of the thousands of advertisements submitted since 2005, the vast majority have been found to comply with the Act.

The guidelines identify those advertisements that must be submitted for review. They also detail the submission, review and approval process and reflect practices and conventions established since the last guidelines were published.

Please note that government offices are responsible for complying with their own internal procedures before submitting their materials to the Auditor General for approval. The Communications Branch of the Ministry of Government Services provides support to ministries submitting advertisements to our Office for review.

Requirements of the *Government Advertising Act, 2004*

Items Subject to Review

The Act requires “government offices”—defined as ministries, Cabinet Office, the Office of the Premier and any other entity that may be designated by regulation—to submit reviewable advertising, printed matter or any other prescribed messages to the Auditor General’s Office for approval before those materials may be broadcast, published, displayed or distributed.

Within seven business days of receiving a submission, the Auditor General’s Office must render a decision about whether the proposed advertisement meets the Act’s standards. If the item meets the standards, the Auditor General’s Office assigns it an approval number, valid for one year. If the Auditor General’s Office finds an item in violation of the Act, the item cannot be broadcast, published, displayed or distributed. In all instances, the Auditor General’s decision is final. If no decision has been rendered after the seven-business-day deadline, the item is deemed to have been approved.

Reviewable items that must be submitted to the Auditor General and that require the Auditor’s approval before they can run are those that a government office proposes to pay to have:

- broadcast on TV or radio;
- published in a newspaper or magazine;
- displayed on a billboard; or

- distributed to Ontario households by unaddressed bulk mail or by another method of bulk delivery.

Some Notes about Reviewable Items

- The word “billboard” refers to all out-of-home print advertising media, regardless of the advertisement’s size—including, for example, conventional outdoor billboards; posters in public places (such as, for example, malls and shopping centres); and transit and bus-shelter advertisements. This also includes ads placed on digital screens in such public venues as elevators, lobbies of theatres and office buildings, doctors’ offices, etc.
- In 2010, a question arose about whether billboards at construction projects that had received provincial funding were reviewable under the Act. The government and the Auditor General agreed that, effective February 1, 2011, these signs would be treated as billboards under the Act if the following conditions were met:
 - the government provides funding for the project and requires signage; and
 - the government provides funds to a third party that are intended to pay, in whole or in part, for the sign production and costs for displaying the sign. This agreement

does not cover highway construction signs, which are not subject to review.

- Another agreement covers any ad that a government office wants to place in an event program for conferences or trade shows that have received government funding or sponsorship. These advertisements must be submitted to the Auditor General's Office for review, even if there is no direct charge for placing them. (The section *What to Include in the Submission* on page 7 provides additional details.)
- Ads placed using payment in kind rather than a straight cash transaction are reviewable. An example of payment in kind would be a publication providing a ministry with "free" advertising space in return for making that publication available to the public at the ministry's offices across the province.
- An agreement between the Auditor General and the government established certain practices on the use of websites in reviewable ads and printed material. (The section *Websites/QR Codes/Social Media* on page 6 contains more information about these practices.)

Items Not Subject to Review

The Act specifically excludes certain types of messages from review. These include:

- a notice to the public required by law (for example, notice of zoning changes on Crown lands);
- a job advertisement for a specific position (however, generic recruitment ads—for example, advertisements aimed at encouraging people to apply to the Ontario Public Service—are covered);
- a message regarding the provision of goods and services to a government office (such as a call for tenders or RFP); or
- a message to the public about an urgent matter affecting public health or safety (where the Auditor General's seven-day review process

would cause unacceptable delays in getting the message out). The Auditor General's Office expects the government to provide it with formal notification whenever it seeks to invoke this temporary exemption from the Act. Where appropriate, government offices should also provide supporting evidence of the determination of an urgent matter by an appropriate official, such as the Chief Medical Officer of Health. The Auditor General's Office will monitor all such situations to ensure that exemptions expire after a reasonable time.

In addition, it is understood that the following are not subject to the legislation:

- online advertising;
- printed materials such as brochures, newsletters, consultation documents, report and other similar publications (note, however, that these items may be covered if they are used as a paid insert in newspapers or magazines, or sent by unaddressed bulk delivery to Ontario households);
- public service announcements (PSAs), which the CRTC defined in Public Notice CRTC 1999-205 as:

"Messages of less than five minutes duration intended to educate the audience about issues of public concern, [or] encourage public support and awareness of a worthy cause.... These messages are not intended to sell or promote goods or commercial services. No payment is exchanged between broadcasters and producers for the broadcast of these messages."

- ministers' messages or greetings in event or conference programs;
- advertisements shown on cinema screens; and
- advertisements by government agencies, such as the WSIB, LCBO, OLG, etc. (however, if such agencies partner with a ministry on

an advertising campaign, these ads could be subject to the Act). See *Third-party Advertising* immediately following.

Third-party Advertising

We recognize that the government may occasionally fund some or all of the cost of advertisements by other organizations, also known as third parties. By agreement, the Auditor General is required to review these advertisements before they are broadcast, published, displayed or distributed if they meet *all three* of the following criteria:

- a government office provides to a third party funds that are intended to pay, in whole or in part, the costs of broadcasting, publishing, displaying or distributing the item, *and*
- the government of Ontario grants permission for the use of the Ontario logo or another official provincial visual identifier in the item, *and*
- the government office has approved the item's content.

The Auditor General's Office will review the content that appears after the "first click" of any hyperlink, QR code or similar way of pointing to a website that appears in advertising submitted for review. However, we acknowledge that content on third-party websites may be beyond the control of a government office. As a result, these websites will be subject only to a cursory examination to ensure that they meet the Act's requirements. If content is found that would violate the Act, the government office will be asked either to request a change to the website or to delete the URL from the advertisement.

The Auditor General's Office will occasionally contact government offices for more information about certain advertisements, because it can sometimes be difficult to determine whether an item meets all three third-party criteria. Government offices are also encouraged to contact the Auditor General's Office when in doubt about whether third-party rules apply.

The Standards to Be Met

The Auditor General's Office applies the standards set out in the Act and considers other factors during its review of government advertising to determine whether an item meets the Act's requirements.

Statutory Standards

In order to be approved, a reviewable item must meet all five standards set out in the Act. Advertisements that fail to meet at least one of these standards will be found in violation. Standards in the Act include all of the following:

- The item must be a reasonable means of achieving at least one of the following four objectives:
 - to inform the public of current or proposed government policies, programs or services available to them;
 - to inform the public of their rights and responsibilities under the law;
 - to encourage or discourage specific social behaviour, in the public interest; and/or
 - to promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit, or to promote any economic activity or sector of Ontario's economy.

This is the first standard that the Auditor General's Office applies in its review of any advertisement. If an advertisement fails to meet at least one of the four objectives above, it will be found in violation of the Act. For example, a proposed advertisement containing only the name of a government service and a URL but little or no other information would be found in violation of the Act because it does not satisfy any of the above objectives.

- The item must include a statement that it is paid for by the government of Ontario. The Auditor General's Office views this statement as an integral part of any item because it alerts readers/viewers/listeners that the

government paid for the message they are receiving. The statement should include the clearly legible and visible words “Paid for by the Government of Ontario” or “Paid for in part by the Government of Ontario,” as the case may be. It must be in the same language as the advertisement. Where possible, it should be placed at the bottom of a print ad, at the end of a broadcast item, and on either the outside front or back cover of a brochure or booklet.

- The item must not include the name, voice or image of any member of the Executive Council or of the Legislative Assembly (except where the primary target audience is outside of Ontario). The Auditor General’s Office extends this prohibition to include the use of the word “Premier” in advertisements intended for the Ontario market because, as we observed in our *2007 Annual Report*, “most people can quickly associate the word ‘Premier’ with the name of the person who holds that position.” Please note that this rule also applies to first-click URLs.
- The item must not be partisan—that is, in the Auditor General’s opinion, a primary objective of the item cannot be to promote the governing party’s partisan political interests.
- The item must not have a primary objective of fostering a positive impression of the governing party or a negative impression of a person or entity who is critical of the government.

Other Factors

In addition to setting out specific standards for non-partisan advertising, the Act allows the Auditor General to “consider such additional factors as he or she considers appropriate in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party.”

Additional factors that the Auditor General considers when assessing whether a primary objective of an item is to promote the political interests of the governing party generally relate to how the message is likely to be received or perceived—that is, the general impression conveyed by the advertisement or printed matter.

The scope of the review conducted by the Auditor General’s Office includes:

- the content of the proposed item;
- the context in which the content is presented, including the timing of any provincial general election or byelection, and any issues receiving public attention;
- the item’s intended, likely or actual audience; and
- the medium used to deliver the item.

To reduce the likelihood that an item will be perceived as partisan, it should contain subject matter relevant to government responsibilities (that is, matters over which the government has direct and substantial responsibilities). The item should emphasize facts and explanations rather than the political merits of proposals, and present messages objectively, in both tone and content. The item should also outline factual information clearly and accurately, presenting that information in unbiased and objective language.

Advertisements should avoid using a preponderance of colours commonly associated with the governing political party. As well, logos, slogans and catch-phrases of the government party should be avoided.

Advertisements may feature a celebrity, but the Auditor General’s Office will consider whether the celebrity has had any political and/or public associations that could result in the advertisement fostering a positive impression of the governing party or a negative impression of a person or entity critical of the government. The Auditor General’s Office will also monitor to ensure that no such political and/or public association begins during the life of the media buy.

Items should not attack opponents or critics of the government, and should not directly or indirectly attack the policies, opinions or actions of a person or entity critical of the government (such as opposition parties in the Legislative Assembly or other levels of government). Items should not be aimed primarily at rebutting the arguments of others. Items should not use a URL to direct readers/viewers/listeners to a web page or pages whose content may lead the Auditor General to conclude that the item does not meet the standards required by the Act.

The above points describe some of the considerations applied by the Auditor General's Office in its review of advertising items. The Auditor General's Office may also consider other factors that are useful in assessing partisanship in government advertisements and printed matter.

Advertising in Languages Other Than English

The Act applies to reviewable items in all languages. If an advertisement is to be broadcast, published, displayed or distributed in languages other than English, a certificate signed by the translator and by the ministry certifying that the item is a true translation of the English version is required for each language. Certification forms are available on our website at www.auditor.on.ca/adreview. Government offices may submit the English-language and the other-language versions at the same time, or they can submit an English-language advertisement for approval first and then submit versions in additional languages.

Websites/QR Codes/Social Media

Internet advertising is not mentioned in the Act and is therefore not reviewable. However, a 2005 memorandum of understanding between the Auditor General and the government established

certain practices regarding the use of the Internet in reviewable items.

If the item submitted for review contains a URL, Quick Response (QR) code or similar pointer that directs the reader/viewer/listener to further information on a website, the Auditor General's Office will review the content of that web page (the "first click") in determining whether the item meets the standards. If the first click leads to a "gateway" or "splash" page—such as, for example, a page that offers only a choice of languages—we will select English and review the next page.

In reviewable advertisements promoting one or more URLs or QR codes, the corresponding web page(s) should continue the reviewable message of the advertisement. In the event that multiple URLs or QR codes are used, the Auditor General's Office will review the landing page for each one to ensure that none contain, for example, a minister's name or photograph, and/or messages that foster a positive impression of the governing party. Our Office will not consider web pages beyond the first click in determining whether the item meets the standards.

Note that once approved, the first-click web page cannot be changed during the life of the approved media buy without notifying the Auditor General's Office first.

In third-party advertisements that use URLs or QR codes, the Auditor General's Office will review all first-click pages to ensure that they meet the Act's standards.

The Act is silent about the use of social media icons such as Facebook, Twitter and YouTube in advertisements. However, a 2012 agreement between the government and the Auditor General's Office says that the Auditor General's Office will perform an initial scan of any social-media channel cited in an advertisement to ensure that there are no partisan references. The agreement also recognizes, though, that content on these social-media channels changes frequently and is often beyond the control of a government office.

Further Information Regarding the Act

Under the Act, the Lieutenant Governor in Council may create new regulations to, among other things, designate certain bodies as “government offices”

and create new classes of reviewable advertisements. To date, the only regulation created has been the requirement that the Auditor General must render the results of a review within seven business days.

Process: From Submission to Approval

What to Include in the Submission

Once a government office has completed its internal processes for creating an advertisement and obtaining sign-offs, it must prepare a submission for review by the Auditor General’s Office. Government offices are reminded to factor into their planning the seven-business-day window for the Auditor General’s review. In order to be considered complete, a submission must include the following:

- A completed *Ad Review Submission Form*, available on our website at www.auditor.on.ca/adreview.
- A version of the advertisement in its finished form. This version must be identical in every practical way to the version intended for broadcast, publication, display or distribution. For example, it must be in the exact colours of its intended appearance, but it need not be the exact size if that is impossible (as in the case of roadside billboards). Where print ads are intended to run in multiple sizes, please supply the smallest size. Broadcast items should be submitted on DVDs, CD-ROMs or USB memory sticks.
- A description of the advertisement, which should include the following:
 - the campaign/script title;
 - the target audience;
 - a link to, or a printout of, the first click of any URL referenced in the ad or, if applicable, the first click after a gateway page;
- background information about the ad’s topic, its objectives and the key messages to be conveyed;
- factual support for any claims made in the ad;
- the proposed media schedule and plan; and
- an estimate of the total costs for the item, including a breakdown of costs for creative and media. (Government offices must provide *actual* final costs at the end of the fiscal year: see Annual Expenditure Reporting on page 10.) Where the government pays no money directly for the item’s placement (for example, when free advertising space is provided in the program published for an event to which the government has made a financial contribution), the government office must provide an *imputed value*—an estimate of what it would normally have cost to place the advertisement.
- An *English-language translation of any item in another language*. The translation must be submitted with a legibly signed certification from the translator and from an authorized person in the government office that the item is a true and accurate translation of the original and is identical to what will be broadcast, published, etc. Certification forms are available on our website at www.auditor.on.ca/adreview.

Other Information That May Be Required

The Auditor General may also request additional information or clarification beyond that included in the submission. The contact person listed on the submission form should be knowledgeable about the submission and the advertising-review process. This person should be available by telephone during the seven-business-day review period and should have the authority to discuss potential issues with our office. Government offices should provide any requested information as quickly as possible to permit the Auditor General's Office to complete its review within the mandated seven business days. A delay in providing any requested additional information could lead to the rejection of an item if there is insufficient time between receipt of the additional information and the expiry of the seven-business-day review period.

Government offices should also be aware that, under the Act, the Auditor General has the authority to examine the records of a government office at any time for the purpose of determining whether the government office has contravened the Act.

Where and How to Send Submissions and Related Information

Government offices can send their submissions in person, by registered mail, or by courier (not by email) to the Auditor General's Office at:

Government Advertising Review
Office of the Auditor General of Ontario
20 Dundas Street West, 15th Floor
Toronto, Ontario, M5G 2C2

Confirmation That a Submission Has Been Received

Upon receipt of a complete submission, the office will date- and-time-stamp the Ad Review Submis-

sion Form. The seven-business-day review period will start as of the date and time stamped on the form. The Auditor General's Office will email the stamped form to the contact person identified on the submission form (no more than two people, please). This will confirm for the government office that the our office has received the item and all the necessary supporting documentation.

If the submission is incomplete, the Auditor General's Office will advise the contact person by phone or email of the missing documentation, and the confirmation will be withheld pending receipt of all the required documentation. Note that the seven-business-day review period does not begin until the Auditor General's Office has received a complete submission.

The Review and Notification of the Auditor's Decision

As outlined in the Act, a government office cannot broadcast, publish, display or distribute an item:

- before the head of the government office (usually the Deputy Minister) receives notice in writing, or is deemed to have received notice, of the results of the Auditor General's review; or
- if the head of the government office receives written notice that, in the Auditor General's opinion, the item does not meet the standards required by the Act.

These conditions apply both to items as they are originally submitted and to those that have been revised and resubmitted following a notice from the Auditor General that the original item did not meet the standards (see Revised Items on page 9).

Within seven business days after receiving a complete submission, the Auditor General's Office will notify the head of the government office by email of the results of its review. This email message will also be copied to the contact person(s) named in the Ad Review Submission Form. If the Auditor General's Office does not give its decision

within seven business days, the item is deemed to have met the Act's standards and may be used. Approvals are valid for one year.

Extending Media Buys

Government offices planning to make additional media buys beyond those in the original approved submission must provide details of these additional buys to the Auditor General's Office, along with the original approval number. This can be done by email.

Approval Number

The Auditor General's Office will assign an approval number to every approved submission. This number demonstrates to media and media placement agencies that an item complies with the Act's standards. (Note: Although the media and third parties may not be liable or accountable under the Act, media, particularly broadcasters, have a legislated responsibility not to transmit anything contrary to law. They therefore have an interest in knowing that government advertising complies with and does not contravene the Act. Telecaster Services of the Television Bureau of Canada, which provides advertising services to the country's private broadcasters and the CBC, will usually check with the Auditor General's Office when presented with an advertisement, including a third-party item, that does not include an approval number from the Auditor General's Office.)

Revised Items

In cases where the Auditor General's Office has notified the head of a government office that an item does *not* meet the Act's standards, the government office may submit a revised version for another review. As with the initial review, the Auditor General's Office will notify the head of the government office in writing of the results of its review of

the revised version within seven business days of receipt. If notice is not given within seven business days, the head of the government office is deemed to have received notice that the revised version meets the Act's standards.

Renewals

Each item approved by the Auditor General may be used for no more than one year from the date of notification. For items that government offices want to broadcast, publish, display or distribute beyond that one-year period, a new submission must be prepared and sent to our office. Submissions requesting that approval be renewed must follow the same process as outlined earlier for original submissions, and the item's original approval number must be provided with the renewal submission, along with a new media plan. If changes are made to the advertisement, the submission should be identified as a new item rather than as a renewal in the Submission Type section of the Ad Review Submission Form (see form in Appendix 2).

Pre-reviews

A pre-review is available to government offices that wish to have the Auditor General's Office examine a provisional version of an advertisement before the government office invests further in having a finished version prepared. Specifically, an advertisement at the script/storyboard or visual/audio stage of the process may be submitted for a pre-review.

Pre-review submissions should include a draft version of the advertisement, as well as a completed Ad Review Submission Form, a description of the campaign, its objectives and the target audience, and media-buy plans. Support should also be provided for any claims made in the ad.

If the Auditor General's Office determines that the material submitted for pre-review would likely meet the standards of the Act, it will advise the

government office, usually in an email to the contact person identified on the submission form. However, before the item can be broadcast, published, displayed or distributed, the government office must still send in the finished item for review to confirm that it meets the Act's standards. A favourable opinion on a pre-review item does not guarantee approval of the item in its final form. Factors that could lead to rejection by the Auditor General's Office of a final version following a favourable pre-review opinion include but are not limited to:

- any changes to the text and/or the images between the pre-review version and the final versions; and
- any changes in context that may have arisen after the original pre-review opinion was issued.

In all instances, if the material submitted for pre-review is deemed to violate the Act's standards, the Auditor General's Office will provide explanatory comments.

The pre-review is strictly voluntary on our part and is outside the Act's statutory requirements. Therefore, when necessary, finished submissions—which do fall under the Act's statutory requirements—will be given priority. The seven business-day deadline does not apply to pre-reviews, although the Auditor General's Office makes every effort to render timely decisions.

Annual Expenditure Reporting

The Auditor General Act requires the Auditor General to report annually to the Legislative Assembly on expenditures for each item reviewable under the *Government Advertising Act, 2004*. This is done each year in a chapter devoted specifically to the review of government advertising in our Annual Report.

The Auditor General's Office sends a reporting form to government offices soon after the end of each fiscal year to help them compile expenditure information. The Advertising Review Board usually assists in this process by collecting media-buy information.

In order to test the completeness and accuracy of reported advertising expenditures, the Auditor General's Office reviews selected ministries each year. Ministries are chosen for review based on how often they advertise, how much they pay to advertise and when the Auditor General's Office last examined their advertising activities. In addition to examining financial records, the office also reviews documentation to assess compliance with the Act's requirements.

A final draft of the expenditure report is sent to each ministry for verification before publication of our Annual Report.

Appendix 1—Frequently Asked Questions

1. Can I withdraw a submission?

In most cases, a government office may not withdraw a submission once it has been made. However, we recognize that changing circumstances may make it impossible to proceed with a campaign. Please contact the Auditor General's Office if this situation arises.

2. Do I need to submit a “householder” that’s not being sent to the entire province?

Yes. The Act requires us to review all “printed matter that a government office proposes to pay to have distributed to households in Ontario either by bulk mail or by another method of bulk delivery.” The Act does not distinguish between “some” or “all” households.

3. Who reviews my submission?

Most submissions are initially reviewed by staff members in the Auditor General's Office. We also call upon external advisers who are experts on advertising and communications. The Auditor General normally reviews every submission and signs the approval or violation letters.

4. Can I send a submission by email?

We do not accept electronic submissions. All submissions must be delivered by hand, courier or mail.

5. Can I change my submission during the review period?

We can accommodate timely requests for minor factual or editorial corrections and updates during the review period; please call us to discuss these. Bear in mind, however, that we turn most submissions around in fewer than four working days, so it is essential that requests be made promptly.

6. Can I change an ad or a website landing page after it has been approved?

We occasionally allow minor corrections to be made to advertisements and websites after they have been approved. However, anything of greater significance usually requires a new submission. Please contact the Auditor General's Office to discuss the changes being proposed.

7. What happens if my advertisement is found to be in violation?

The Act requires the Auditor General to report all violations to the Legislature. This is done in a chapter of our Annual Report devoted specifically to Advertising Review. If an ad is not approved, you can revise the ad and send it in for another review.

8. Do you have the power to withdraw approval before the one-year period expires?

Yes. The Auditor General's Office can withdraw approval of an advertisement before the expiry of the one-year period if, in our judgment, exceptional circumstances or changing context lead us to conclude that the item no longer meets the Act's standards.

9. What's the approval process for radio ads read “live to air” by an announcer?

Include the script in your submission. We may also require taped air checks during the life of the media buy to ensure that only the approved message was read and that the “paid-for line” was not dropped.

Appendix 1—Frequently Asked Questions (continued)

10. I want to place an ad about an urgent matter involving public health. What is the procedure?

You don't have to submit such messages for review. However, you should formally notify our Office that you are invoking this temporary exemption from the Act. Where appropriate, you should also include in that notification any supporting evidence about the urgency of the matter from an authoritative official, such as the Chief Medical Officer of Health.

11. Is an “advertorial” (a paid message written like a news or feature article) covered by the Act?

Yes. If you are paying to have it published, then it is covered and must be submitted to our Office for review like any other print advertisement. In addition, all advertorials must include the “paid-for” statement.

Appendix 2—Advertising Review Submission Form



Office of the Auditor General of Ontario
Bureau du vérificateur général de l'Ontario

AD REVIEW SUBMISSION FORM

Please complete this form and submit it with a copy of the item(s) to be reviewed, and supporting documentation to:

Government Advertising Review
Office of the Auditor General of Ontario
20 Dundas Street West, Suite 1530
Toronto, Ontario, M5G 2C2

FOR OFFICE USE ONLY	
File Number <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>	Approval Number <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>

MINISTRY INFORMATION	
Ad Title	Campaign (if applicable)
Name of Ministry	Date (dd/mm/yy)
Contact Person(s)	Phone #
Email	

ADVERTISING AGENCY INFORMATION (Optional)
Company Name/Contact Person/Email

SUBMISSION TYPE	TOTAL # OF ITEMS (for each medium)	LANGUAGE (check all that apply)
<input type="checkbox"/> Pre-review <input type="checkbox"/> Finished item(s) <input type="checkbox"/> Revised item(s) <input type="checkbox"/> Renewal—Supply approval number of previously approved item #OAGO/ _____	____ Television ____ Radio ____ Print ____ Billboard (out-of-home ads) ____ Print material for mass distribution ____ Other: _____	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other <p>Note: A translation certificate is required for each ad in a language other than English.</p>

Pre-review: Ad at a preliminary stage of development that you choose to submit before proceeding with final development. (This is offered for your convenience; the seven-day review period does not apply.)

Finished item (statutory requirement): Ad is fully developed and ready to print, broadcast, display or distribute.

Revised item (statutory requirement): Ad that was reviewed and not approved. Revised item must be submitted for a subsequent review and approved before use.

Item for renewal: Approved ad approaching or past its one-year approval expiration date. Ad must be resubmitted and approved for continued use.

DOCUMENTATION (please ensure your submission includes the following):	
Estimated media costs (including creative production) for this submission \$ _____	<input type="checkbox"/> Copy of each advertisement and printout of any URL used in the ad
<input type="checkbox"/> Background information including campaign description and objectives, key messages, target audience, and media	<input type="checkbox"/> Translation Certificate for each language other than English (if applicable)

For more information on ad submissions, reviews and approvals, please consult the [Government Advertising Review Guidelines](#), or contact us at (416) 327-2336.

July 2012

Appendix 3—Translation Certificate



Office of the Auditor General of Ontario
Bureau du vérificateur général de l'Ontario

TRANSLATION CERTIFICATE

For Non-English-Language Items (see reverse for instructions)

CERTIFICATION BY TRANSLATOR/TRANSLATION COMPANY

When signed by the person identified below, this will certify to the Auditor General's Office that, for the advertisement or printed matter submitted for review, the attached non-English-language version of the item is a true and accurate translation/version of the attached English-language version of the item.

Date: _____

Ad Title: _____

Medium: _____

Language: _____

Name of translator/translation company: _____
Print

Signature: _____ Title: _____

Business Address: _____

Telephone: _____ Email: _____

CERTIFICATION BY MINISTRY

On behalf of and as authorized by the ministry identified below, I hereby:

1. declare that I have read the certification from the translator; and
2. certify that the non-English-language version that is attached to the translator's certification is the finished version of the item that will be published, displayed, broadcast or distributed.

Name of Ministry: _____

Name: _____
Print Signature

Title: _____

Telephone: _____ Email: _____

Appendix 3—Translation Certificate (continued)

INSTRUCTIONS FOR COMPLETING THE TRANSLATION CERTIFICATE

The Office of the Auditor General requires that non-English-language items be certified by both the translator and the submitting ministry. This requirement assures that the non-English-language version is an accurate translation of the English version of the item. If the English version is compliant with the *Government Advertising Act, 2004*, then the non-English-language version is also compliant.

NOTE: This form may be completed and saved electronically.

The ministry should:

- complete the top portion of the “TRANSLATION CERTIFICATE” and send to the translator/translation company;
- have the translator/translation company fill out the middle portion of the form and return it with the translation to the ministry;
- complete the bottom portion of the certificate;
- attach the translated version of the item;
- attach the English version (or script) of what was translated; and
- include the form and attachments with the ad review submission.

Appendix 4—*Government Advertising Act, 2004*

S.O. 2004, Chapter 20

Consolidation Period: From January 30, 2006 to the April 11, 2012.

No amendments.

CONTENTS

1. Interpretation
2. Requirements re advertisements
3. Requirements re printed matter
4. Requirements re additional classes of messages
5. Review by the Auditor General
6. Required standards
7. Notice of results of review
8. Submission of revised version
9. Reports to the Assembly
10. Access to records
11. Immunity
12. Regulations

Interpretation

1. (1) In this Act,

“government office” means a ministry, Cabinet Office, the Office of the Premier or such other entity as may be designated by regulation; (“bureau gouvernemental”)

“item” means a reviewable advertisement, reviewable printed matter or a reviewable message, as the case may be; (“document”)

“prescribed” means prescribed by a regulation made under this Act. (“prescrit”) 2004, c. 20, s. 1 (1).

Head of an office

(2) For the purposes of this Act, the deputy minister of a ministry is the head of the ministry, the Secretary of the Cabinet is the head of Cabinet Office and the head of the Office of the Premier, and the regulations may specify the person who is the head of such other government offices as are designated by regulation. 2004, c. 20, s. 1 (2).

Requirements re advertisements

Application

2. (1) This section applies with respect to any advertisement that a government office proposes to pay to have published in a newspaper or magazine, displayed on a billboard or broadcast on radio or on television. 2004, c. 20, s. 2 (1).

Submission for review

(2) The head of the government office shall give a copy of the advertisement to the Office of the Auditor General for review. 2004, c. 20, s. 2 (2).

Prohibition on use pending review

(3) The government office shall not publish, display or broadcast the advertisement before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 2 (3).

Prohibition

(4) The government office shall not publish, display or broadcast the advertisement if the head of the office receives notice that, in the Auditor General's opinion, the advertisement does not meet the standards required by this Act. 2004, c. 20, s. 2 (4).

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law, an advertisement about an urgent matter affecting public health or safety, a job advertisement or an advertisement about the provision of goods or services to a government office. 2004, c. 20, s. 2 (5).

Requirements re printed matter

Application

3. (1) This section applies with respect to printed matter that a government office proposes to pay to have distributed to households in Ontario either by bulk mail or by another method of bulk delivery. 2004, c. 20, s. 3 (1).

Submission for review

(2) The head of the government office shall give a copy of the printed matter to the Office of the Auditor General for review. 2004, c. 20, s. 3 (2).

Prohibition on use pending review

(3) The government office shall not distribute the printed matter before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 3 (3).

Prohibition

(4) The government office shall not distribute the printed matter if the head of the office receives notice that, in the Auditor General's opinion, it does not meet the standards required by this Act. 2004, c. 20, s. 3 (4).

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law or printed matter about an urgent matter affecting public health or safety or about the provision of goods or services to a government office. 2004, c. 20, s. 3 (5).

Interpretation

(6) For the purposes of this section, printed matter is distributed by bulk mail or another method of bulk delivery if, when it is distributed, it is not individually addressed to the intended recipient. 2004, c. 20, s. 3 (6).

Requirements re additional classes of messages

Application

4. (1) This section applies with respect to such additional classes of messages as may be prescribed that a government office proposes to convey to the public in such circumstances as may be prescribed. 2004, c. 20, s. 4 (1).

Submission for review

(2) The head of the government office shall give a copy of the message to the Office of the Auditor General for review. 2004, c. 20, s. 4 (2).

Government Advertising Review Guidelines

Prohibition on use pending review

(3) The government office shall not convey the message before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 4 (3).

Prohibition

(4) The government office shall not convey the message if the head of the office receives notice that, in the Auditor General's opinion, the message does not meet the standards required by this Act. 2004, c. 20, s. 4 (4).

Non-application

(5) This section does not apply with respect to a message that is a notice to the public that is required by law, that concerns an urgent matter affecting public health or safety, that is a job advertisement or that concerns the provision of goods or services to a government office. 2004, c. 20, s. 4 (5).

Review by the Auditor General

5. (1) When an item is given to the Office of the Auditor General for review, the Auditor General shall review it to determine whether, in his or her opinion, it meets the standards required by this Act. 2004, c. 20, s. 5 (1).

Decision

(2) The decision of the Auditor General is final. 2004, c. 20, s. 5 (2).

Required standards

6. (1) The following are the standards that an item is required to meet:

1. It must be a reasonable means of achieving one or more of the following purposes:

i. To inform the public of current or proposed government policies, programs or services available to them.

ii. To inform the public of their rights and responsibilities under the law.

iii. To encourage or discourage specific social behaviour, in the public interest.

iv. To promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit or to promote any economic activity or sector of Ontario's economy.

2. It must include a statement that the item is paid for by the Government of Ontario.

3. It must not include the name, voice or image of a member of the Executive Council or a member of the Assembly.

4. It must not be partisan.

5. It must not be a primary objective of the item to foster a positive impression of the governing party or a negative impression of a person or entity who is critical of the government.

6. It must meet such additional standards as may be prescribed. 2004, c. 20, s. 6 (1).

Advertising outside Ontario

(2) Paragraph 3 of subsection (1) does not apply with respect to an item for which the primary target audience is located outside of Ontario. 2004, c. 20, s. 6 (2).

Partisan advertising

(3) An item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan political interests of the governing party. 2004, c. 20, s. 6 (3).

Same

(4) The Auditor General shall consider such factors as may be prescribed, and may consider such additional factors as he or she considers appropriate, in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party. 2004, c. 20, s. 6 (4).

Notice of results of review

7. (1) The Office of the Auditor General shall notify the head of the government office of the results of the review within the prescribed number of days after receiving an item for review. 2004, c. 20, s. 7 (1).

Deemed notice

(2) If the notice is not given within that period, the head shall be deemed to have received notice that the item meets the standards required by this Act. 2004, c. 20, s. 7 (2).

Submission of revised version

8. (1) If the head of a government office is notified that an item does not meet the standards required by this Act and if the government office proposes to use a revised version of it, the head shall give the revised version to the Office of the Auditor General for a further review. 2004, c. 20, s. 8 (1).

Prohibition on use pending review

(2) The government office shall not use the revised version before the head of the office receives notice, or is deemed to have received notice, of the results of the review. 2004, c. 20, s. 8 (2).

Prohibition

(3) The government office shall not use the revised version if the head of the office receives notice that, in the Auditor General's opinion, the revised version does not meet the standards required by this Act. 2004, c. 20, s. 8 (3).

Review of revised version

(4) Sections 5 and 6 apply with respect to the review. 2004, c. 20, s. 8 (4).

Notice of results of review, revised version

(5) The Office of the Auditor General shall notify the head of the results of the further review within the prescribed number of days after receiving the revised version. 2004, c. 20, s. 8 (5).

Deemed notice

(6) If the notice is not given within that period, the head shall be deemed to have received notice that the revised version meets the standards required by this Act. 2004, c. 20, s. 8 (6).

Reports to the Assembly

Annual report

9. (1) Each year, the Auditor General shall report to the Speaker of the Assembly about such matters as the Auditor General considers appropriate relating to his or her powers and duties under this Act. 2004, c. 20, s. 9 (1).

Same

(2) In the annual report, the Auditor General shall notify the Speaker about any contraventions of section 2, 3, 4 or 8. 2004, c. 20, s. 9 (2).

Special report

(3) The Auditor General may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report. 2004, c. 20, s. 9 (3).

Tabling of reports

(4) The Speaker shall lay each annual report or special report of the Auditor General before the Assembly forthwith if it is in session or, if not, not later than the 10th day of the next session. 2004, c. 20, s. 9 (4).

Government Advertising Review Guidelines

Access to records

10. The Auditor General may examine the records of a government office at any time for the purpose of determining whether section 2, 3, 4 or 8 has been contravened, and the Auditor General or his or her designate shall be given access to such records as he or she considers necessary for that purpose. 2004, c. 20, s. 10.

Immunity

11. (1) No action or other proceeding shall be brought against a person who publishes, displays or broadcasts a reviewable advertisement on the sole ground that, under this Act, a government office was not permitted to use it to communicate with the public. 2004, c. 20, s. 11 (1).

Same

(2) No action or other proceeding shall be brought against a person who distributes reviewable printed matter on the sole ground that, under this Act, a government office was not permitted to distribute it. 2004, c. 20, s. 11 (2).

Same

(3) No action or other proceeding shall be brought against a person who conveys to the public on behalf of a government office a reviewable message on the sole ground that, under this Act, a government office was not permitted to convey it to the public. 2004, c. 20, s. 11 (3).

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating an entity or class of entities as a government office and specifying who is the head of the government office for the purposes of this Act;
- (b) prescribing additional classes of messages and circumstances for the purposes of subsection 4 (1);
- (c) prescribing additional standards for the purposes of paragraph 6 of subsection 6 (1);
- (d) prescribing additional factors for the purposes of subsection 6 (4);
- (e) prescribing a number of days for the purposes of subsection 7 (1) and for the purposes of subsection 8 (5).

2004, c. 20, s. 12.

13. Omitted (amends or repeals other Acts). 2004, c. 20, s. 13.

14. Omitted (provides for coming into force of provisions of this Act). 2004, c. 20, s. 14.

15. Omitted (enacts short title of this Act). 2004, c. 20, s. 15.