

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: July 14, 2010

SUBJECT: TTC CORPORATE POLICY REVIEW – POLICY 6.10.6
ADVERTISING ON VEHICLES, PROPERTY & MISCELLANEOUS
MEDIA

ACTION ITEM

RECOMMENDATION

It is recommended that the Commission approve Policy 6.10.6 Advertising on Vehicles, Property & Miscellaneous Media, as amended, for implementation effective July 14, 2010, which is attached as Appendix A.

BACKGROUND

At its meeting on July 14, 2004, the Commission approved a motion to undertake a review of the TTC's Corporate Policy Manual.

DISCUSSION

The above process commenced at the Commission meeting of February 9, 2005. Policy 6.10.6 Advertising on Vehicles, Property & Miscellaneous Media is submitted for Commission approval with proposed changes respecting election signs in accordance with Article II, Election Signs, Chapter 693, Signs, of the City of Toronto Municipal Code, and other minor housekeeping changes (see Appendix B).

June 22, 1010
3-64-64

Attachments: Appendix A
Appendix B

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

1.0 RESPONSIBILITY

Chief Marketing Officer

2.0 PURPOSE

- 2.1 To establish the criteria for the acceptability of advertising on TTC property (vehicles, real property, Platform Video Screens and any other “available space” identified), and the process by which this advertising will be reviewed.
- 2.2 To establish the criteria of how unsold transit advertising space will be allocated to various groups.

3.0 DEFINITIONS

The following definitions apply within the context of advertising on TTC vehicles, property and miscellaneous media.

3.1 Company

The company which has contracted with the TTC for the right to sell and display advertising on TTC property.

3.2 Advertising or Advertisement

Any message (the content of which is controlled by the advertiser) communicated on TTC vehicles, property and other available space identified to TTC riders with the intent to influence TTC riders choice, opinion or behaviour. Advertising shall also include “Advocacy Advertising”, and “Election Signs”, as defined below.

3.3 Advertising Space

Advertising may be displayed on TTC vehicles, property and miscellaneous media. Specific advertising space locations are outlined in the company’s agreement with the TTC.

3.4 Advocacy Advertising

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	1 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

Advertising which presents information or a point-of-view bearing on a publicly recognized controversial issue.

- 3.5 Candidate
As defined by the applicable City of Toronto Municipal Code regulating Election Signs.
- 3.6 Election Signs
As defined by the applicable City of Toronto Municipal Code regulating Election Signs.
- 3.7 Advertising Review Working Group (ARWG)
Is a working group made up of appointed TTC Commissioners whose role is to review advertising materials on an as required basis. ARWG will be the final arbiter in all matters relating to TTC advertising acceptance in accordance with this policy.
- 3.8 Advertising Standards Canada (ASC)
Is the not-for-profit advertising industry body committed to creating and maintaining community confidence in advertising. Its mission is to ensure the integrity and viability of advertising through industry self-regulation.
- 3.9 Canadian Code of Advertising Standards – Advertising Standards Canada (Code)
Is the advertising industry’s principal instrument of advertising self-regulation and is administered by ASC. The Code sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer, trade, or special interest group complaints.
- 3.10 Non-Profit Organizations
The term “non-profit” is often used interchangeably with the word “charity”; however, an important distinction exists. There are two types of non-profit organizations:
- non-profit-charitable, are those organizations that pursue purposes legally charitable and are registered with the Canadian Customs and

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	2 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

Revenue Agency as a registered charity, in accordance with the Income Tax ACT (Canada).

- all other non-profit organizations shall be considered non-profit-not-charitable.

4.0 PROCESS FOR ADVERTISING ON THE TTC

- 4.1 Potential advertisers should deal directly with the company handling the sale and display of TTC advertising space. The company is charged with the responsibility of interpreting and implementing the Commission’s advertising policy. For advertisements that meet all guidelines for acceptance, the company will accept and post the advertisement.
- 4.2 When advertising may contravene this policy, the company shall forward the advertisement in question to staff prior to it being posted on TTC property. Staff shall review the advertisement and determine whether the advertisement potentially contravenes this policy. If the advertisement potentially contravenes the guidelines for acceptance, staff will forward the advertisement to ARWG for review and a final determination as to its acceptability.
- 4.3 Any advertisement with reference to public transit and/or the TTC, as well as Election Signs, must be presented by the advertiser to the company for approval prior to the advertisement being produced. The company shall forward the advertisement to staff for further review.
- 4.4 If an advertisement is not reviewed prior to its placement on TTC property, and after further review by ARWG the advertisement is determined in the sole discretion of ARWG to not be in compliance with TTC policies, the company shall immediately remove the advertisement at the sole discretion of the TTC and at no cost to the TTC.
- 4.5 Where the advertiser and the company are in dispute with respect to whether an advertisement complies with this policy (whether before or after ad placement), the company shall request that the advertisement in question be provided to the TTC for adjudication as to whether the advertisement in

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	3 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

question complies with this policy. Notwithstanding the foregoing, ARWG may become involved, at its discretion, in carrying out this policy, and may overrule decisions made by the company. ARWG shall be the final arbiter in all matters relating to TTC advertising acceptance. The TTC reserves the right to remove any advertisement, at no cost to the TTC, even if it has been previously reviewed and approved.

- 4.6 All advertisers should separately satisfy themselves that the proposed advertising does not contravene any applicable laws.

5.0 GUIDELINES FOR ACCEPTANCE

To be accepted, all advertising (whether paid, unpaid, charitable, election, company or TTC) must comply with this policy, Canadian Code of Advertising Standards – Advertising Standards Canada, City of Toronto Municipal Codes and By-laws and the Ontario Human Rights Policy. Internal TTC guidelines are as follows:

- 5.1 The TTC will not accept advertising of questionable taste or which in its sole discretion is considered irritating in its style, content, or method of presentation.
- 5.2 Tobacco advertising or other advertising containing tobacco products are not acceptable for display on any TTC medium.
- 5.3 The TTC will not accept advertising which in its discretion is determined not to be in the best interests of public transit and/or the TTC. The objective of the TTC is to increase ridership, and any advertisement which is deemed to be contrary to that objective will not be accepted.
- 5.4 Any advertisement that minimizes and/or detracts from the image of the TTC and/or its employees will not be accepted.
- 5.5 TTC will not accept any advertisement that contravenes any TTC policy, City of Toronto Municipal Codes and By-laws, the Canadian Code of Advertising Standards - Advertising Standards of Canada and/or the Ontario Human Rights Code. Without limiting the generality of the foregoing, advertisements shall not:

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	4 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

- 5.5.1 condone any form of personal discrimination, including that based upon race, national origin, ethnic origin, religion, age, ancestry, colour, citizenship, creed (religion), sex, sexual orientation, gender identity, record of offence, marital/family status, same sex partnership status, or disability.
- 5.5.2 appear in a realistic manner to exploit, condone or incite violence; nor directly encourage, or exhibit obvious indifference to, unlawful or reprehensive behaviour;
- 5.5.3 demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule;
- 5.5.4 undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population;
- 5.5.5 promote views and ideas, which are likely to promote discrimination and hatred;
- 5.5.6 cause or invite hostility or division between people of different racial or national groups, or might reasonably give rise to hostility or division.

6.0 ELECTION SIGNS

Election Signs guidelines are based on the current applicable City of Toronto Municipal Code and By-laws and federal and provincial election acts that are referenced in the Municipal Code and By-laws. All applicants for Election Signs to be advised to satisfy themselves that any proposed Election Signs does not violate or contravene any applicable laws.

7.0 USE OF UNSOLD ADVERTISING SPACE

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	5 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

- 7.1 TTC has the right of first refusal to use all unsold advertising space for self-promotion. The company must advise TTC of all unsold space on a monthly basis and attempt to ensure preferential positioning of TTC's advertising in any unsold advertising space.

If the TTC elects not to exercise its right of first refusal, the remainder of the unsold advertising space (e.g. Interior Transit Posters – 35" w x 11" h, Vertical Posters – 20" w x 28" h, Subway Platform Posters – 4' w x 6' h, or other products) may be made available by the company as follows:

- 7.1.1 First to non-profit-charitable organizations and second to non-profit-not-charitable organizations, neither of whom shall pay for Advertising in any other medium.

- 7.1.2 Donated unsold advertising space will be granted for campaigns that are no shorter than (4) four weeks and no longer than (12) twelve weeks unless otherwise required at that time as fill for empty advertising space. All non-profit-charitable and non-profit-not-charitable organizations who qualify for donated unsold advertising space will only be allowed one campaign in a calendar year.

- 7.2 The company must also provide TTC on a monthly basis with a list of transit advertisers who are non-profit-charitable and non-profit-not-charitable, who received unsold, donated advertising space, including poster size and quantity, during the preceding month.

- 7.3 Where logo recognition is granted to sponsors, both the company and TTC will have the option of including their logos. Unsold advertising space cannot be guaranteed and may be limited at any time.

8.0 REFERENCE SOURCES

- Canadian Code of Advertising Standards – Advertising Standards Canada
- City of Toronto Municipal Code and By-laws

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	6 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

- Ontario Human Rights Code
- TTC Policy 6.12.2, Marketing Co-op Promotions/Campaigns
- TTC Overview of ARWG Process

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	7 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

1.0 RESPONSIBILITY

Chief Marketing Officer

Information to be added
~~Information to be deleted~~

2.0 PURPOSE

- 2.1 To establish the criteria for the acceptability of advertising on TTC property (vehicles, real property, Platform Video Screens and any other “available space” identified), and the process by which this advertising will be reviewed.
- 2.2 To establish the criteria of how unsold transit advertising space will be allocated to various groups.

3.0 DEFINITIONS

The following definitions apply within the context of advertising on TTC vehicles, property and miscellaneous media.

3.1 Company

The company which has contracted with the TTC for the right to sell and display advertising on TTC property.

3.2 Advertising or Advertisement

Any message (the content of which is controlled by the advertiser) communicated on TTC vehicles, property and other available space identified to TTC riders with the intent to influence TTC riders choice, opinion or behaviour. Advertising shall also include “Advocacy Advertising”, and “Election *Signs*”, as defined below.

3.3 Advertising Space

Advertising may be displayed on TTC vehicles, property and miscellaneous media. Specific advertising space locations are outlined in the company’s agreement with the TTC.

3.4 Advocacy Advertising

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	1 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

Advertising which presents information or a point-of-view bearing on a publicly recognized controversial issue.

- 3.5 Candidate
As defined *by the applicable City of Toronto Municipal Code regulating Election Signs.*
- 3.6 Election *Signs*
As defined *by the applicable City of Toronto Municipal Code regulating Election Signs.*
- 3.7 Advertising Review *Working Group (ARWG)*
Is a ***working group*** made up of appointed TTC Commissioners whose role is to review advertising materials on an as required basis. ***ARWG*** will be the final arbiter in all matters relating to TTC advertising acceptance in accordance with this policy.
- 3.8 Advertising Standards Canada (ASC)
Is the not-for-profit advertising industry body committed to creating and maintaining community confidence in advertising. Its mission is to ensure the integrity and viability of advertising through industry self-regulation.
- 3.9 Canadian Code of Advertising Standards – Advertising Standards Canada (Code)
Is the advertising industry’s principal instrument of advertising self-regulation and is administered by ASC. The Code sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer, trade, or special interest group complaints.
- 3.10 Non-Profit Organizations
The term “non-profit” is often used interchangeably with the word “charity”; however, an important distinction exists. There are two types of non-profit organizations:
- non-profit-charitable, are those organizations that pursue purposes legally charitable and are registered with the Canadian Customs and

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	2 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and Customer Service	July 14, 2010	6.10.6

Revenue Agency as a registered charity, in accordance with the Income Tax ACT (Canada).

- all other non-profit organizations shall be considered non-profit-not-charitable.

4.0 PROCESS FOR ADVERTISING ON THE TTC

- 4.1 Potential advertisers should deal directly with the company handling the sale and display of TTC advertising space. The company is charged with the responsibility of interpreting and implementing the Commission's advertising policy. For advertisements that meet all guidelines for acceptance, the company will accept and post the advertisement.
- 4.2 When advertising may contravene this policy, the company shall forward the advertisement in question to staff prior to it being posted on TTC property. Staff shall review the advertisement and determine whether the advertisement potentially contravenes this policy. If the advertisement potentially contravenes the guidelines for acceptance, staff will forward the advertisement to **ARWG** for review and a final determination as to its acceptability.
- 4.3 Any advertisement with reference to public transit and/or the TTC, as well as **Election Signs**, must be presented by the advertiser to the company for approval prior to the advertisement being produced. The company shall forward the advertisement to staff for further review.
- 4.4 If an advertisement is not reviewed prior to its placement on TTC property, and after further review by **ARWG** the advertisement is determined in the sole discretion of **ARWG** to not be in compliance with TTC policies, the company shall immediately remove the advertisement at the sole discretion of the TTC and at no cost to the TTC.
- 4.5 Where the advertiser and the company are in dispute with respect to whether an advertisement complies with this policy (whether before or after ad placement), the company shall request that the advertisement in question be provided to the TTC for adjudication as to whether the advertisement in

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	3 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

question complies with this policy. Notwithstanding the foregoing, **ARWG** may become involved, at its discretion, in carrying out this policy, and may overrule decisions made by the company. **ARWG** shall be the final arbiter in all matters relating to TTC advertising acceptance. The TTC reserves the right to remove any advertisement, at no cost to the TTC, even if it has been previously reviewed and approved.

- 4.6 All advertisers should separately satisfy themselves that the proposed advertising does not contravene any applicable laws.

5.0 GUIDELINES FOR ACCEPTANCE

To be accepted, all advertising (whether paid, unpaid, charitable, election, company or TTC) must comply with this policy, Canadian Code of Advertising Standards – Advertising Standards Canada, City of Toronto Municipal Codes and By-laws and the Ontario Human Rights Policy. Internal TTC guidelines are as follows:

- 5.1 The TTC will not accept advertising of questionable taste or which in its sole discretion is considered irritating in its style, content, or method of presentation.
- 5.2 Tobacco advertising or other advertising containing tobacco products **are** not acceptable for display on any TTC medium.
- 5.3 The TTC will not accept advertising which in its discretion is determined not to be in the best interests of public transit and/or the TTC. The objective of the TTC is to increase ridership, and any advertisement which is deemed to be contrary to that objective will not be accepted.
- 5.4 Any advertisement that minimizes and/or detracts from the image of the TTC and/or its employees will not be accepted.
- 5.5 TTC will not accept any advertisement that contravenes any TTC policy, City of Toronto Municipal Codes and By-laws, the Canadian Code of Advertising Standards - Advertising Standards of Canada and/or the Ontario Human Rights Code. Without limiting the generality of the foregoing, advertisements shall not:

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	4 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

- 5.5.1 condone any form of personal discrimination, including that based upon race, national origin, ethnic origin, religion, age, ancestry, colour, citizenship, creed (religion), sex, sexual orientation, gender identity, record of offence, marital/family status, same sex partnership status, or disability.
- 5.5.2 appear in a realistic manner to exploit, condone or incite violence; nor directly encourage, or exhibit obvious indifference to, unlawful or reprehensive behaviour;
- 5.5.3 demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule;
- 5.5.4 undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population;
- 5.5.5 promote views and ideas, which are likely to promote discrimination and hatred;
- 5.5.6 cause or invite hostility or division between people of different racial or national groups, or might reasonably give rise to hostility or division.

6.0 ELECTION SIGNS

- 6.1** Election Signs guidelines are based on the current *applicable* City of Toronto Municipal Code and By-laws and federal and provincial election acts that are referenced in the *Municipal Code and By-laws*. ***All applicants for Election Signs to be advised to satisfy themselves that any proposed Election Signs does not violate or contravene any applicable laws.***

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	5 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

7.0 USE OF UNSOLD ADVERTISING SPACE

- 7.1 TTC has the right of first refusal to use all unsold advertising space for self-promotion. The company must advise TTC of all unsold space on a monthly basis and attempt to ensure preferential positioning of TTC's advertising in any unsold advertising space.

If the TTC elects not to exercise its right of first refusal, the remainder of the unsold advertising space (e.g. Interior Transit Posters – 35" w x 11" h, Vertical Posters – 20" w x 28" h, Subway Platform Posters – 4' w x 6' h, or other products) may be made available by the company as follows:

- 7.1.1 First to non-profit-charitable organizations and second to non-profit-not-charitable organizations, neither of whom shall pay for Advertising in any other medium.

- 7.1.2 Donated unsold advertising space will be granted for campaigns that are no shorter than (4) four weeks and no longer than (12) twelve weeks unless otherwise required at that time as fill for empty advertising space. All non-profit-charitable and non-profit-not-charitable organizations who qualify for donated unsold advertising space will only be allowed one campaign in a calendar year.

- 7.2 The company must also provide TTC on a monthly basis with a list of transit advertisers who are non-profit-charitable and non-profit-not-charitable, who received unsold, donated advertising space, including poster size and quantity, during the preceding month.

- 7.3 Where logo recognition is granted to sponsors, both the company and TTC will have the option of including their logos. Unsold advertising space cannot be guaranteed and may be limited at any time.

8.0 REFERENCE SOURCES

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	6 of 7

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Advertising on Vehicles, Property & Miscellaneous Media	Marketing and <i>Customer Service</i>	<i>July 14, 2010</i>	6.10.6

- Canadian Code of Advertising Standards – Advertising Standards Canada
- City of Toronto Municipal Code and By-laws
- Ontario Human Rights Code
- TTC **Policy 6.12.2**, Marketing Co-op Promotions/Campaigns
- TTC Overview of **ARWG** Process

APPROVED	REVISION NO.	SUPERSEDES	PAGE
Commission/Gary Webster Chief General Manager	3	6.10.5	7 of 7