

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: JUNE 29, 2012

SUBJECT: ADVERTISING POLICIES

ACTION ITEM

RECOMMENDATION

It is recommended that the Commission approve policies Advertising on TTC Property and Unsold Advertising Space on TTC Property as amended and developed, for implementation effective June 29, 2012 which is attached as Appendix A and B respectively.

FUNDING

There are no funding requirements associated with the above policy.

BACKGROUND

The current policy, Advertising on Vehicles, Property & Miscellaneous Media, makes provision for the treatment of unsold advertising space and for the approval process for acceptance of advertising on TTC property. A second policy has been developed in order to keep the two issues separate and to ensure that each item is addressed accordingly.

DISCUSSION

The Advertising on TTC Property policy is submitted for Commission approval with proposed changes reflecting a revised approval process, separation of the treatment of unsold advertising space and other minor housekeeping changes (see Appendix C).

The new Unsold Advertising Space on TTC Property policy reflects the section that has been extracted from the original policy, with no changes, and is submitted for Commission approval.

June 19, 2012

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Attachments: Appendix A
Appendix B
Appendix C

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Advertising on TTC Property		July 14/10	

APPENDIX A

1.0 RESPONSIBILITY

Head of Customer Communications

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 the advertising will be reviewed.

3.0 DEFINITIONS

The following definitions apply within the context of advertising on TTC property.

3.1 Advertiser

The entity requesting advertising space from the Company in order to place an Advertisement on TTC property.

3.2 Advertising or Advertisement

Any message (the content of which is controlled by the Advertiser) with the intent to influence TTC riders choice, opinion or behaviour, which message is posted (or is to be posted). Advertising shall also include “Advocacy Advertising”, and “Election Signs”, as defined below.

3.3 Advertising Review Working Group (“ARWG”)

The working group made up of appointed TTC Commissioners and TTC staff whose role it is to review Advertisements to determine compliance with this policy. The decision of ARWG is final.

3.4 Advertising Space

Advertising may be displayed on TTC property. Specific advertising space locations are outlined in the Company’s agreement with the TTC.

3.5 Advertising Standards Canada (“ASC”)

The not-for-profit Canadian advertising industry body committed to creating and maintaining community confidence in advertising and to ensure the integrity and viability of advertising through industry self-regulation.

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3.6 Advocacy Advertising

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

3.7 Applicable Laws

Any federal, provincial or municipal law, rule, statute, regulation, by-law, (including City of Toronto by-laws) order, ordinance, protocol, code (including the Ontario Human Rights Code), guideline, policy, notice, direction, judgment or other requirement issued by any government, board, commission or tribunal, or any court or regulation-making entity, or regulatory authority having jurisdiction over advertising. Applicable Laws shall also include the ASC Code.

3.8 Canadian Code of Advertising Standards – (“ASC Code”)

The advertising industry’s principal instrument of advertising self-regulation, administered by ASC. The ASC 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.

3.9 Company

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

3.10 Election Signs

As defined in Chapter 693 of the City of Toronto Municipal Code.

4.0 PROCESS FOR ADVERTISING ON TTC PROPERTY

4.1 The Advertiser is to deal directly with the Company. The Company is charged with the responsibility of interpreting and implementing this policy. The Company will accept and post any advertisement that meets all guidelines for acceptance in accordance with this policy.

4.2 Any Advertisement with reference to public transit and/or the TTC must be presented by the Advertiser to the Company for approval prior to the Advertisement being produced. The Company shall forward the Advertisement to TTC staff for further review.

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- 4.3 The Company shall forward an Advertisement to TTC staff prior to posting of the Advertisement on TTC property if, in the opinion of the Company, the Advertisement may contravene this policy. Staff shall review the Advertisement and determine whether the Advertisement complies with the guidelines for acceptance under this policy. If TTC staff determines that the Advertisement does not comply with the guidelines for acceptance under this policy, the Advertisement will not be permitted to be posted on TTC property and the Company will be so advised.
- 4.4 In the event TTC staff determines that an Advertisement does not comply with this policy, the Advertiser may request, through the Company, a review by ARWG of the TTC staff decision. ARWG shall review the decision of TTC staff and determine whether TTC staff properly applied this policy.
- 4.5 In the event an Advertisement is posted on TTC property and TTC receives at least five (5) complaints regarding the Advertisement, TTC staff shall forward the Advertisement to ARWG for determination as to whether the Advertisement complies with this policy.
- 4.6 In the event it is determined that a posted Advertisement does not comply with this policy, the TTC shall have the right to remove, or to have the Company remove, the Advertisement at no cost to the TTC.
- 4.7 The Advertiser is responsible to satisfy itself that the Advertisement complies with all Applicable Laws.

5.0 GUIDELINES FOR ACCEPTANCE

Any Advertisement must:

- 5.1 Comply with this policy and Applicable Laws, including but not limited to the ASC Code and the Ontario Human Rights Code; and
- 5.2 Not discredit the business or service of public transit, the TTC or its employees or have an adverse affect on the image of the TTC or public transit, as a safe and reliable form of transportation.

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8.0 REFERENCE SOURCES

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

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Unsold Advertising Space on TTC Property			

APPENDIX B

1.0 RESPONSIBILITY

Head of Customer Communications

2.0 PURPOSE

2.1 To establish the criteria of how unsold transit advertising space will be allocated to various groups.

3.0 DEFINITIONS

The following definitions apply to this policy.

3.1 Company

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

3.2 Non-Profit-Charitable Organization:

Non-profit-charitable, are those organizations registered with the Canadian Customs and Revenue Agency as a registered charity, in accordance with the *Income Tax Act* (Canada).

3.3 Non-Profit-Not-Charitable Organizations:

Non-profit-not-charitable organizations are all non-profit organizations save and except for non-profit-charitable organizations.

4.0 USE OF UNSOLD ADVERTISING SPACE

4.1 All advertisements shall comply with the Advertising on TTC Property Policy.

4.2 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.

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Unsold Advertising Space on TTC Property			

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:

4.2.1 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.

4.2.2 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.

4.3 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.

4.4 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.

5.0 REFERENCE SOURCES

- Advertising on TTC Property Policy
- Marketing Co-op Promotions

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Advertising on Vehicles, TTC Property & Miscellaneous Media		July 14/10	6.10.6

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1.0 RESPONSIBILITY

~~Chief Marketing Officer~~ Head of Customer Communications

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~~the 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 Advertiser

The entity requesting advertising space from the Company in order to place an Advertisement on TTC property.

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~~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~~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, which message is posted (or is to be posted). Advertising shall also include “Advocacy Advertising”, and “Election Signs”, as defined below.

~~3.3 Advertising Space~~

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~~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~~

~~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.~~

~~3.73.3 Advertising Review Working Group ("ARWG")~~

~~The working group made up of appointed TTC Commissioners and TTC staff whose role it is to review advertising materials. Advertisements to determine compliance with as provided in this policy on an as required basis. The decision of ARWG is will be the final arbiter in all matters relating to TTC advertising acceptance in accordance with this policy.~~

~~3.4 Advertising Space~~

~~Advertising may be displayed on TTC property. Specific advertising space locations are outlined in the Company's agreement with the TTC.~~

~~3.83.5 Advertising Standards Canada ("ASC")~~

~~The not-for-profit Canadian advertising industry body committed to creating and maintaining community confidence in advertising. Its mission is and to ensure the integrity and viability of advertising through industry self-regulation.~~

~~3.6 entity Advocacy Advertising~~

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

3.7 Applicable Law

Any federal, provincial or municipal law, rule, statute, regulation, by-law, (including City of Toronto by-laws) order, ordinance, protocol, code (including the Ontario Human Rights Code), guideline, policy, notice, direction, judgment or other requirement issued by any government, board, commission or tribunal, or any court or regulation-making entity, or regulatory authority having jurisdiction over advertising. Applicable Laws shall also include the ASC Code.

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3.9.8 Canadian Code of Advertising Standards – ~~Advertising Standards Canada~~ (“ASC Code”)

~~Is the~~ The advertising industry’s principal instrument of advertising self-regulation, ~~and is~~ administered by ASC. The ASC 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.

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3.9 Company

The ~~Company~~entity which has contracted with the TTC for the right to sell and display Advertising on TTC property.

3.10 Election -Signs

As defined in Chapter 693 of the City of Toronto Municipal Code.

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

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

4.0 PROCESS FOR ADVERTISING ON THE TTC PROPERTY

4.1 ~~The Potential advertisers~~ Advertisers are to should deal directly with the ~~company~~ Company handling the sale and display of TTC advertising space. The ~~company~~ Company is charged with the responsibility of interpreting and implementing ~~the Commission's advertising~~ this policy. The Company will accept and post any For advertisements advertisement that meets all guidelines for acceptance in accordance with this policy, the company will accept and post the advertisement.

4.2 Any aAdvertisement with reference to public transit and/or the TTC must be presented by the aAdvertiser to the eCompany for approval prior to the aAdvertisement being produced. The eCompany shall forward the aAdvertisement to TTC staff for further review.

4.4. ~~23~~ When advertising may contravene this policy, the ~~The~~ Company shall forward ~~the an aAdvertisement in question to TTC staff staff~~ prior to it being posted of the Advertisement on TTC property if, in the opinion of the Company, the Advertisement may contravene this policy. Staff shall review the ~~aAdvertisement~~ aAdvertisement and determine whether the ~~aAdvertisement potentially contravenes~~ complies with the guidelines for acceptance under this policy. If TTC staff determines that the aAdvertisement potentially does not comply contravenes with the guidelines for acceptance under this policy, staff will reject the aAdvertisement will not be permitted to be posted on TTC property forward the advertisement to ARWG for review and a final determination as to its acceptability. and advise the eCompany will be so advised of the decision.

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~~

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~~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.~~

~~4.54 In the event that 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 cCompany shall request that the aAdvertisement in question be provided to the TTC for adjudication as to whether the aAdvertisement in question complies with this policy. In the event TTC staff determines that an aAdvertisement does not comply with this policy, the Advertiser may request, through the Company, a review by ARWG of the TTC staff decision. ARWG willshall review the decision of TTC staff and determine whether TTC staff has properly applied 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.~~

~~4.65 In the event an aAdvertisement is posted on TTC property and TTC receives at least five (5) complaints regarding the displayed aAdvertisement, TTC staff willshall forward the aAdvertisement received to ARWG for determination as to whether the aAdvertisement does or does not contravenecomplies with this policy.~~

~~4.6 In the event it is determined that a posted Advertisement does not comply with this policy, the TTC shall have the right to remove, or to have the Company remove, the Advertisement at no cost to the TTC.~~

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~~4.7 All The Advertiser is responsible should separately to satisfy themselves that the proposed advertising aAdvertisement complies with all does not contravene any aApplicable Laws.~~

5.0 GUIDELINES FOR ACCEPTANCE

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

~~5.1 Comply with this policy and Applicable Laws, including but not limited to the ASC Code and the Ontario Human Rights Code;~~

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~~5.2 Not discredit the business or service of public transit, the TTC or its employees or have an adverse affect on the image of the TTC or public transit, as a safe and reliable form of transportation.~~

~~5.1 The TTC will not accept Aadvertising of questionable taste or which in its sole discretion is considered irritating in its style, content, or method of presentation. any tAA.~~

~~5.2 Tobacco advertising or other advertising containing tobacco products are not acceptable for display on any TTC medium.~~

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~~5.3 The TTC will not accept Aadvertising which in its sole 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.~~

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~~5.4 Any aAdvertisement 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~~

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~~Rights Code. Without limiting the generality of the foregoing, advertisements shall not:~~

- ~~5.5.1 condone any form of harassment and/or discrimination, including that based upon race, 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 or harassment; 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, 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, harassment, violence and/or hatred;~~
- ~~5.5.6 cause, invite or reasonably give rise to, hostility or division between people of different racial or ethnic groups.~~

~~6.0 ELECTION SIGNS~~

~~Municipal Code and By laws and federal and provincial election acts that are referenced in the Municipal Code and By laws. All applicants~~An Advertiser requesting the posting of for election signs~~Election Signs to be advised to satisfy~~must itself themselves that any proposed election signs~~Election Sign does not violate or contravene any applicable laws~~Applicable Law.

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~~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.~~

~~88.0 REFERENCE SOURCES~~

- ~~- Canadian Code of Advertising Standards – Advertising Standards Canada~~

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- City of Toronto Municipal Code and By-laws
- Ontario Human Rights Code
- Marketing Co-op Promotions/Campaigns Policy
- TTC Overview of ARWG Process

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