



Notice of Motion

Misleading Fossil Fuel Advertisements on TTC

Moved by: Commissioner Dianne Saxe

Seconded by: Commissioner Paul Ainslie

Recommendation

That the TTC Board:

1. Request the TTC's contracted third party provider, Pattison Outdoor Advertising LP, forward any further fossil fuel advocacy advertising from the Pathways Alliance or Canada Action (the "Advertiser"), to TTC for review in accordance with Article 6 of the TTC Advertising on TTC Property Policy (the "Policy");
2. Request TTC staff to review any further fossil fuel advocacy advertising from the Advertiser, in accordance with the Policy, to determine whether the proposed advertisement complies with the requirements as set out in Article 8 of the Policy, including but not limited to whether the Advertiser's claims have been substantiated in accordance with internationally recognized methodology as required by section 74.01 of the *Competition Act*, and are therefore scientifically justified in accordance with Paragraph 8 of the *Canadian Code of Advertising Standards*.
3. Direct TTC staff to propose revisions to the Policy that would decline fossil fuel advocacy advertising that is inconsistent with TransformTO, the TTC's Net Zero commitments and report back by Q1 2025.

Summary

The TTC guides its decisions on which advertisements to accept by adhering to the [Canadian Code of Advertising Standards](#), which provides:

8. Advertisements must not distort the true meaning of statements made by professionals or scientific authorities. **Advertising claims must not imply that they have a scientific basis that they do not truly possess.** Any scientific, professional or authoritative claims or statements must be applicable to the Canadian context, unless otherwise clearly stated. (emphasis added)

Climate change is an unprecedented threat to people in Toronto and worldwide, with overwhelming consequences, especially for the most vulnerable. In Toronto, climate change is already causing serious impacts, including increases in average heat, and in the frequency and severity of extreme weather events. In turn, these adversely affect the TTC and those we serve.

The Government of Canada has made international climate commitments to drastically reduce fossil fuel consumption and to reach carbon neutrality by 2050. The City of Toronto, through TransformTO, has committed to achieve Net Zero climate pollution by 2040, and an annual carbon budget. In support, the TTC has adopted its own Net Zero commitments.

Fossil fuel companies have a well-documented history of using their immense wealth for advocacy advertising to undermine public support for policies that reduce fossil fuel pollution to preserve a liveable future for today's young people. The [Pathways Alliance](#), a coalition of six billionaire fossil fuel companies who produce 95% of tar sands bitumen, has actively advertised for this purpose on the TTC, eliciting a number of public complaints. Another fossil fuel lobby group, [Canada Action](#), has also actively advertised on transit vehicles across Canada.

[Recent changes to 74.01 of the Competition Act](#) expressly prohibit misleading environmental benefits claims made to the public, including:

- Any statement, warranty or guarantee of a product's benefits for protecting or restoring the environment or mitigating the environmental, social and ecological causes or effects of climate change that are not based on an adequate and proper testing; and
- Any representations with respect to the benefits of a business or business activity for protecting or restoring the environment or mitigating the environmental and ecological causes or effects of climate change that are not based on adequate and proper substantiation in accordance with internationally recognized methodology.

The onus is on the advertiser making such claims to prove, if challenged, that the claims are based on adequate and proper testing or substantiation.

In July 2024, the [Pathways Alliance](#) removed the advocacy messaging from its website and social media feeds, citing uncertainty over whether they comply with these amendments to the *Competition Act*.

A June 2024 study in [Energy Research & Social Policy](#) established strong grounds for this "uncertainty". It examined whether Pathways Alliance advertisements are based on adequate and proper substantiation. Instead, they found: "instances of selective disclosure and omission, misalignment of claim and action, displacement of responsibility, non-credible claims, specious comparisons, nonstandard accounting, and inadequate reporting... Their messaging omits important information, uses misleading framing and comparisons, and fails to meet standards expected of a credible net-zero plan". Several European court cases have also ruled that [fossil fuel advertising is misleading](#).

In May 2024, [Canada's advertising regulator determined](#) that Canada Action ads claiming liquified natural gas will lower emissions are inaccurate, misleading, and distort scientific data.

In June, United Nations Secretary General Antonio Guterres [asked all governments to ban advertising from fossil fuel companies](#), in light of the enormous harm they are causing, including [record planetary heat levels](#). Support for this initiative is [growing](#) among [physicians](#) and [other health professionals](#) in Canada and [around](#) the [world](#).

Several governments are taking such action. Fossil fuel advocacy advertising limits have been adopted in cities such as [Edinburgh](#), [Amsterdam](#), [Yarra](#) and [Sheffield](#). The Montreal bikeshare system has [removed fossil fuel advertising](#). The Société de transport de Montréal is [considering doing the same](#). In March 2024, Council of the City of [Ottawa directed its staff](#) to report back in Q3 on revising its city-wide advertising policy on fossil fuel advocacy advertising.

Given the urgency of the climate crisis, and the documented greenwashing by fossil fuel companies, the TTC should ensure that prior to accepting any future advertisement from the Advertiser that the advertisement complies with its Policy, including that it complies with all applicable laws and the *Canadian Code of Advertising Standards*.

Date: September 17, 2024