



Advertising Guidelines for Ontario Travel Retailers and Travel Wholesalers

Under the *Travel Industry Act, 2002* and Ontario Regulation 26/05, there are very strict advertising requirements to which Travel Industry Council of Ontario (TICO) registrants must adhere:

To ensure a fair and equitable marketplace for the travel industry and consumers, registrants are required to comply with the requirements outlined in the new Regulation.

Under Section 32, it is a violation for registrants to make false, misleading or deceptive representations in advertisements for travel services.

WHERE DO THE RULES APPLY?

The rules apply to all representations by registrants as set out in Section 31 of the Regulation, including newspaper advertisements, brochures, flyers and registrant websites. All representations must include:

- the registrant's business name, address and registration number unless the representation is on a billboard or bus board or made through any other medium with similar time or space limitation such as television or radio.
- Residential telephone numbers may not be included in written representations (including newspaper ads, websites or business cards) but it may be provided orally to clients.

TICO does not consider a newspaper advertisement a limited medium for the purposes of Section 31.

Registrants should consider the benefits of consumers being able to easily identify on a website and all other advertising that they are purchasing travel services from an Ontario registrant.

Disclosure of the requirements set out in Sections 33 and 34 must be noticeable, discernible and easy to understand. Tiny, illegible "mouse" script hidden in the border or at the very bottom of the advertisement does not meet the test of "clear, comprehensible and prominent".

ADVERTISING A PRICE

Section 33 of the Regulation outlines the provisions for representations or advertising of travel services by registrants that refer to a price, including newspaper advertisements and website advertisements. The following information must be included:

- The total amount that the consumer will be required to pay including all taxes, fees and service charges **OR** the price of the travel services plus a total of the taxes, fees and service charges or an itemized list of the cost of all taxes, fees and service charges for each price advertised. The result is that the consumer will know the total cost of their purchase. The taxes must be shown prominently in relation to the price and cannot be buried in the fine print. If the representation is on a website, the total price must be shown on the first page and not on the booking page. If taxes and other charges are not accurately known, the registrant is required to put a range of tax amounts, i.e. taxes from \$150-\$180
- The only exception to including all taxes, fees and service charges is with respect to PST and GST. The representation does not have to include these amounts
- Terms and conditions, if any, that may affect or limit the availability of the price of the travel services offered are required to be included such as the date that the price is available. This means that if there is a range of dates and prices, the representation must include a “to” and “from” price and the same is required for taxes and service charges.
- Brief description of the advertised travel services including the name of the air carrier, hotel and travel wholesaler, where applicable
- Ensure the advertised price is available at the time the advertisement is accessible to the public, previous prices may NOT be advertised
- Price is advertised in Canadian currency unless specified otherwise in advertising
- Statement that further information is available from a travel agency

NEWSPAPER ADVERTISEMENTS

Newspaper advertisements must include all of the information required in Sections 31, 32 and 33. This includes the Registrants name, Registration number, and full price disclosure if advertising a price.

For the purposes of Section 34, TICO considers that newspaper advertisements to be a medium with time or space limitations; therefore, Section 34 will not apply. The detailed information required in Section 34 will apply to other written representations including websites and brochures.

REGISTRANTS IN NON-COMPLIANCE UNDER THE REGULATION

If a registrant is found to be in contravention of the provisions under the Regulation relating to advertising, the Registrar may enforce section 28 of the *Travel Industry Act, 2002* relating to false advertising. False advertising also reflects on the honesty and integrity of the registrant. The Travel Industry Council of Ontario may lay charges under the *Travel Industry Act, 2002* or other consumer protection statutes. Violations may result in fines and/or proposal to revoke registration. Persistent violation of the Regulation will not be tolerated and will be dealt with accordingly.

WHAT IS NOT PERMITTED

“Sell-Off Special”
Book Now and Save

Prices misleading: Does not state what is available for price or if prices could vary, what price includes or if offer is a package, air only, round trip or one-way

PRICES FROM:

| | | | |
|--------|-------|-----------|-------|
| CUBA | \$399 | EDMONTON | \$299 |
| MEXICO | \$429 | ORLANDO | \$299 |
| ARUBA | \$449 | AMSTERDAM | \$499 |

Call John Doe Travel (905) 555-5555

Taxes are extra

No agency address

Extras are not specified and cannot be in the fine print

No mention of Wholesaler and Airlines no statement that info from agent is available

No Description of travel services

WHAT IS PERMITTED

“Sell-Off Special”

Air Only

Book Now and Save

| | |
|-----------|-----------------------------------|
| CUBA | \$589 (JULY 1,3) |
| ORLANDO | \$478 (JULY 8,10 &12) |
| AMSTERDAM | \$658 (JULY 1 ST ONLY) |

Call John Doe Travel (905) 555-5555

123 Anywhere Street, Toronto



Ontario Registration # 1111111

Air only. Toronto round trip departures. Prices include all taxes, fees and charges except GST. Prices are valid for new bookings only and are for dates shown only. Flights operated by ABC Air. All fares are non-refundable. More information is available from your travel agent

WHAT IS PERMITTED

“Sell-Off Special”

Air Only

Book Now and Save

CUBA FROM \$399 TO \$549 (JULY THRU SEPTEMBER) +TAX FROM \$190- \$250

ORLANDO FROM \$299 TO \$449 (JULY –AUGUST)

+TAX FROM \$179- \$200

AMSTERDAM FROM \$499 TO \$649 (JULY THRU OCTOBER) +TAX FROM \$159 - \$175

Call John Doe Travel (905) 555-5555

123 Anywhere Street, Toronto



Ontario Registration # 1111111

Air only. Toronto round trip departures. Prices are valid for new bookings only and are for the time period specified. Prices may differ depending on departure date selected. Flights operated by ABC Air. All fares are non-refundable. More information is available from travel agent.

Brochure and Website Advertising

In addition to the requirements of Section 31 – 33 and 35, Section 34 of the Regulation applies to both brochures and to websites and the following information is required:

- Deposit and final payment requirements, refund policy & cancellation terms and charges
- The total price of the travel services as set out in subsection 33(2)
- The availability and cost of trip cancellation insurance and out of province health insurance
- A fair and accurate description of the travel services including details of transportation including carrier & class of service, departure & arrival points, accommodation details including location
- the date or anticipated date of commencement of any construction or renovation, and the duration if known
- the time period to which the representation applies

In the event of a misprint or in the event the brochure contemplates price changes from the date of printing of the brochure, the registrant is required to notify the industry and consumers of the price change promptly.

PHOTOGRAPHS

- Section 35 of the Regulation requires that any photograph that is used in any representation shall be an accurate representation of the site and it shall clearly indicate that it is a photograph. If the picture is not a photograph, then the representation shall clearly explain that it is NOT an actual photograph, but that it still accurately depicts the property or thing being represented.

Use the TICO logo in your advertising.

There is an ever-increasing number of companies from outside of the province that advertise in Ontario. Let consumers know that you are an Ontario-registered travel company by displaying the TICO logo in your advertisement. Only consumers who book through TICO registrants are protected by the Ontario Travel Industry Compensation Fund.

Getting the TICO logo is easy

To download the TICO logo and include it in your advertising, visit our website: www.tico.ca and click on Information for Ontario Registrants and then, Logo download and follow the instructions

A copy of the *Travel Industry Act, 2002* and Regulation 26/05 is available on TICO's website at www.tico.ca or contact TICO's office and one can be mailed out to you.



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