



# Advertising Guidelines for Ontario Travel Retailers and Travel Wholesalers

## Introduction

The Travel Industry Council of Ontario (TICO) is responsible for administering the provincial legislation governing the travel industry in Ontario: the *Travel Industry Act, 2002 (Act)* and Ontario Regulation 26/05 (Regulation). TICO's mandate is to ensure that anyone involved with selling travel services in Ontario is doing so in accordance with the *Act*.

Under Section 28 of the *Act*, the registrants are prohibited from making false, misleading or deceptive statements in relation to provision of travel services. Further, representations made by the travel agent/travel wholesaler must comply with the requirements of the *Act* and the Regulation, as explained below.

### Terms used in these Guidelines

The following definitions are found in the *Act*

#### Section 1

**Travel Agent** is defined as a person who sells to consumers, travel services provided by another person.

**Travel Services** are defined as transportation or sleeping accommodation for the use of a traveler, tourist or sightseer or other services combined with that transportation or sleeping accommodation.

**Registrant** means a travel agent or travel wholesaler who is registered as a travel agent or travel wholesaler or both under the *Act*.

#### Section 28

No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to the provision of travel services.

The following terms are often used in the industry and are provided for clarification and guidance purposes

**Travel Retailer** – often used interchangeably with the term Travel Agent

**Travel Counsellor** – person employed by the travel agent, who is authorised to sell travel services on behalf of the travel agent and who has obtained TICO Certificate for being travel counsellor and/or travel supervisor/manager.

**Outside Sales Representative (OSR)** – same as a Travel Counsellor, except can sell travel services outside of the main place of business of the travel agent, i.e. any public place.

## WHEN DO THE REQUIREMENTS APPLY?

Section 31 of the Regulation sets out the requirements that apply to all representations by Ontario registered travel agents (often referred to as *travel retailers*) and travel wholesalers, including newspaper advertisements, brochures, flyers, pamphlets, websites, electronic advertising (e-blasts, e-newsletters) as well as business cards. All representations must include:

- the registrant's business name, address and registration number unless the representation is on a billboard, bus board or a car wrap 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).

TICO permits the inclusion of a cell phone number in a representation as long as the registrant's main business number is also included. A cell phone number on its own in a representation is not permitted.

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

Registrants should consider the benefits of customers being able to easily identify on a website and all other advertising that they are purchasing travel services from an Ontario travel agent or travel wholesaler. TICO suggests that this information be included in the footer on a page or in the "Contact Us" page of a website.

## ADVERTISING A PRICE

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

- The total amount that the customer 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 customer 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 specifically known, the registrant is required to put a range of tax amounts, i.e. taxes from \$150-\$180
- If advertising a "from" price, all of the factors affecting that price must be disclosed with the price point. Eg. If the from price represents a specific room type and travel date, those two factors must be shown by the price. You may also advertise a "from" price if you include a "to" price. (see below)
- The only exception to including all taxes, fees and service charges is with 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, the date range 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 offered 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 agent.

## NEWSPAPER ADVERTISEMENTS

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

For the purposes of Section 34, TICO considers 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, brochures, pamphlets or flyers.

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 being noticeable, discernible and easy to understand.

## WHAT IS NOT PERMITTED

**"Sell-Off Special"**  
**Book Now and Save**

Destinations not specified

PRICES FROM:

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

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

No Description of travel services

*Call John Doe Travel (905) 555-5555*

Taxes are extra

No travel agency address

No Terms & Conditions

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 TICO Registration #

# WHAT IS PERMITTED

## “Sell-Off Special”

**Air Only**

Book Now and Save

VARADERO	\$589 (JULY 1 & 3)
ORLANDO	\$478 (JULY 8, 10 & 12)
AMSTERDAM	\$658 (JULY 1 <sup>ST</sup> ONLY)

Call **John Doe Travel (905) 555-5555**  
123 Anywhere Street, Toronto, ON

 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 available from your travel agent

# WHAT IS PERMITTED

**Air Only**

## “Sell-Off Special”

Book Now and Save

VARADERO	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, ON

 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.

## **SOCIAL MEDIA**

Social media sites such as Facebook, Twitter, Instagram, Blog site are not exempt from the above requirements. The main page or home pages must also display the business name, address, and TICO registration number as per Section 31.

If a price is posted, then the price point must be an all-in price and further details must be available one click away.

TICO considers each individual Facebook post, message or status update as well as "tweets" or other similar postings as limited space mediums and therefore exempt from Section 31. However the main pages or home pages of these sites are NOT exempt from Section 31. Also full details must be available one click away.

## **BROCHURE AND WEBSITE ADVERTISING**

Brochures, websites, flyers and pamphlets are subject to the requirements of Section 34 of the Regulation and the following information must be disclosed:

- 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 travel agent/travel wholesaler is required to notify the industry and customers 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 customers know that you are an Ontario-registered travel agent by displaying the TICO logo in your advertisement. Only customers who book through TICO registered travel agents are protected by the Ontario Travel Industry Compensation Fund. Please note that advertising the TICO logo does not replace the requirement in Section 31 of advertising your TICO registration number.

To download the TICO logo and include it in your advertising, visit our website: [www.tico.ca](http://www.tico.ca) and click on Industry Info and then, TICO Logo/Consumer Awareness Tool Kit, and follow the instructions.

***The guidelines above provide some examples but are not exhaustive. If you have questions relating to disclosure and invoicing guidelines please contact TICO for more information.***

## **DISCLAIMER**

*These guidelines have been developed to assist registrants in complying with the requirements and prohibitions found in the Travel Industry Act, 2002 (the "Act") and Ontario Regulation 26/05 (the "Regulation"). The document contains information regarding TICO's interpretation of the legislative and regulatory provisions and suggested best practices. If you have any questions regarding the information in this document, you should contact TICO.*

*The information provided is for general informational and educational purposes only and is not intended to provide legal advice to any individual or entity. These guidelines are not exhaustive and cannot hope to address the complexities of every travel business in the province. Further, registrants are subject to other federal, provincial and municipal laws that impact their businesses. We urge you to consult with your own legal advisor regarding the specifics of your business and compliance with the Act and Regulation. You should not rely on information in this document as an alternative to legal advice.*

*The content in these guidelines is current as of the date of publication. While TICO strives to keep the information as timely and accurate as possible, it makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the content. In the event of a conflict, the requirements in the Act and Regulation will prevail.*

*If you have any questions, please contact TICO's Compliance Department at 1-888-451-TICO (8426).*