



# 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*.

These guidelines are designed to assist Ontario travel agents and travel wholesalers (registrants) with complying with advertising requirements under the *Act* and Regulation.

### Terms used in these Guidelines

**The following definitions are found in the Act:**

#### Section 1 - Interpretation

- **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 – False Advertising

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 provision is found in the Regulation:**

#### Section 32 – False, Misleading and Deceptive Representations

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

**The following terms are used in the travel industry and are provided for clarification:**

- **Travel Retailer** – often used interchangeably with the term Travel Agent
- **Travel Counsellor** – person employed by the travel agent, who is authorized 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., from any public place.

## Where do the rules apply?

The advertising rules set out in the legislation apply to all representations by registrants and typically include, but are not limited to:

- newspaper ads
- flyers
- websites
- social media pages
- email campaigns / newsletters
- brochures
- pamphlets
- business cards
- Google Ads, Facebook Ads, Pay-per-click Ads
- online/electronic representations

**In other words, the rules apply anywhere that a registrant is advertising and/or marketing the business and/or travel services.**

## What are the advertising rules?

[Sections 31 - 35 of the Regulation](#) outline all of the requirements. This section will outline these requirements and provide examples for guidance.

### False, Misleading, Deceptive Representations

[Section 28 of the Act](#) and [Section 32 of the Regulation](#) refer to the requirements pertaining to false and misleading advertising.



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



Any representation must be accurate, reliable, and transparent. Should TICO believe the registrant's advertisement to be false, deceptive, or misleading, the registrant can be ordered to cease the use of, retract or issue a correction of the advertisement.



Registrants found in breach of section 32 of the Regulation or section 28 of the Act, may face charges, proposal to revoke registration or other administrative action.

### General Requirements

[Section 31](#) of the Regulation outlines the general requirements for most representations, which include:

- business name (registered trade name)
- business address
- TICO registration number
- does not contain residential telephone number

**TICO recommends that this information be prominently displayed in all representations and not hidden in fine print.**

The general requirements would not apply if the advertisement were on a billboard, bus board, car wrap or made through any other medium with similar time or space limitations such as television or radio. If unsure if your advertisement is a limited space/time medium, please contact TICO for more information.

### Telephone numbers

- Residential telephone numbers are not permitted in representations (including newspaper ads, websites, or business cards).
- Cell phone numbers may be included in a representation as long as the registrant's main business number is also included. A cell phone number on its own is not permitted.

## Advertising a Price

### All-In-Pricing

[Section 33](#) of the Regulation lists rules with regards to any representation that refers to a price.

The following information must be included:

- Any representation that refers to a price shall set out the total amount that the customer will be required to pay for the travel services, including **all fees, levies, service charges, surcharges, taxes, and other charges. In other words, "all-in" pricing is required.**
- Retail sales tax or federal goods and services tax must be included in the total price advertised.
- Registrants that charge counselling fees or service charges must include those amounts in the total price advertised.

**Note:** *the provision requires registrants to ensure that they comply with the requirements of any Act or regulation under it in respect of taxes. (i.e., Retail Sales Tax Act). TICO recommends that registrants seek legal advice if they are unsure about their obligations under other statutes.*

To meet the requirement, the price advertised must be an "**all-in price**" that includes all taxes, fees, and other charges. An amount representing the total taxes and fees may be specified separately, however a detailed breakdown should always be available to the consumer upon request and on an invoice.

**The goal of the all-in pricing requirement is to ensure that consumers know exactly what they will be required to pay for travel services and to make it easier for consumers to compare prices.**

### Additional requirements when advertising a price:

- 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. You may also advertise a "from" price if you include a "to" price.
- If there is a range of dates and prices, the representation must include a "from" and "to" price & the date range.
- The representation must include a brief description of the advertised travel services including the name of the air carrier, hotel, and travel wholesaler, where applicable.
- The Registrant must ensure the advertised price is available at the time the advertisement is accessible to the public. A previous price may NOT be advertised.
- Price advertised must be in Canadian currency unless clearly specified otherwise.
- The Registrant must include a statement that further information is available from a travel agent.

### Can any details be one click away?

If advertising online and a price is posted, then the price point must be an **all-in price**. It is acceptable to refer customers to further details with respect to limitations of the booking such as dates of travel, class, cabin type, etc. on another webpage, however, the additional details must be **only one click away** (i.e., a click through to another page).

### Additional notes:

- Fees that are mandatory and paid by the consumer in destination (and not to the travel agent at the time of booking) do not have to be included in the all-in price but must be disclosed to the consumer in the applicable Terms & Conditions.
- Tiny and/or illegible text that may be hidden in the border or at the very bottom of the advertisement does not pass the test of being clear, comprehensible, and prominent.

## Specific Travel Services

Any representation that is made in writing and relates to a specific travel service is subject to the requirements of [Section 34](#) of the Regulation. The following information must be disclosed:

- Deposit and final payment requirements, refund policy & cancellation terms and charges.
- The availability and cost of trip cancellation insurance and out of province health insurance, if applicable
- 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 significant construction or renovation, and the anticipated duration.
- The time period to which the representation applies.
- If a price is posted, then the price point must be an all-in price and meet the requirements of Section 33 of the Regulation as outlined above.

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 promptly notify the industry and consumers of the price change.

## 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.

## Examples

For details about the applicable sections referenced in the following examples, please refer to the previous section explaining the advertising rules.

### Newspaper Ads

Newspaper ads must include all of the information required in Section 31, which includes the registrant's business name (trade name), registrant's business address, and registration number. If a price is shown, the all-in pricing requirements in Section 33 apply and the details in the ad must be accurate, clear, comprehensible, and prominent. Any photos used in the ad must meet the requirements in Section 35 of the Regulation.

### Flyers, Pamphlets, Brochures

A flyer, pamphlet, or brochure that advertises specific travel services must include all of the details required in Section 31 (general requirements), Section 33 (pricing requirements), and Section 34 (specific travel service requirements) of the Regulation.

**Note:** there may be an occasion where a flyer or a pamphlet may have limited space. If this is the case, Section 34 may not apply. Contact TICO's Compliance Department if you're unsure.

### Social Media & Blogs

Social media sites such as Facebook, Twitter, Instagram, Pinterest, etc., as well as Blog sites are not exempt from the requirements. The main page, home page, About area, or Bio area must comply with Section 31, which requires the business name (trade name), registrant's business address, and registration number.

If a price is shown, the all-in pricing requirements in Section 33 apply and the details in the ad must be accurate, clear, comprehensible and prominent. Any photos used in the ad must meet the requirements in Section 35 of the Regulation.

**Note:** Individual posts, messages, status updates, tweets, reels or other similar postings are considered limited space mediums and therefore are exempt from Section 31. However, the main page, home page, About area, or Bio area of these sites are NOT exempt from Section 31.

### **Webpage or Landing Page** (for a specific tour)

An online webpage or custom landing page that is created specifically for advertising a specific travel service like a customized tour must include all of the details required in Section 31 (general requirements), Section 33 (pricing requirements), and Section 34 (specific travel service requirements) of the Regulation.

## Resources

### **Checklists**

TICO has developed an advertising checklist and website and social media checklist that will assist you with complying with the legislated requirements.

- [Advertising Checklist](#)
- [Website & Social Media Checklist](#)

### **Additional Guidelines**

TICO also has further material to review to ensure you are compliant with the legislation.

- [E-Commerce Code of Practice](#)

### **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 registered travel agencies or websites are protected by the Ontario Travel Industry Compensation Fund. Please note that advertising the TICO logo does not replace the requirement of Section 31 of disclosing your TICO registration number.

To download the TICO logo and include it in your advertising, visit our [TICO Logo/Consumer Awareness Tool Kit](#) page and follow the instructions.

### **Voluntary Compliance Review**

If you are uncertain whether your representation is compliant, TICO's compliance staff can review your representations prior to publishing or posting in order to ensure compliance. If you have questions related to these guidelines, please contact TICO for more information.

**Please note that failure to comply with the sections of the legislation mentioned above may result in administrative action including Notice of Proposal to Revoke or prosecution being initiated under the Act.**

### **DISCLAIMER**

*These guidelines have been developed to assist registrants in complying with the requirements and prohibitions found in the Act and Regulation. These guidelines contain 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).*

*Last revised – March 2022*