



Effective July 1, 2009

Updated VSA Advertising Guidelines

Motor dealers and salespeople can now familiarize themselves with the latest revision of the VSA Advertising Guidelines.

Updating the guidelines is a continuous and collaborative effort involving industry, other stakeholders, compliance experience and evolving law. They are published by the VSA to provide motor dealers, advertisers and other affected parties with an up-to-date and comprehensive description of the legislative and policy requirements for advertising motor vehicles for sale in British Columbia. The latest update can be found on the VSA website:

<http://www.mvsabc.com/documents/VSAAdvertisingGuidelines-July12009.pdf>

The Advertising Guidelines provide a solid foundation for reference – they are where we look first when advertising complaints become a disciplinary matter. General revisions have been made throughout the Advertising Guidelines to clarify various sections and to make them more comprehensible and easier to follow.

Among the highlights:

1. Updated application of the guidelines to reflect the obligations of both dealers and salespeople:

This represents a very important and major change to the Advertising Guidelines. The Dealer/salesperson general obligations section is new and outlines a list of general obligations regarding advertising that a dealer AND salesperson must adhere to. Under the Business Practices and Consumer Protection Act (BPCP Act) a “supplier” is defined as:

“a person, whether in British Columbia or not, who in the course of business participates in a consumer transaction by

(a) supplying goods or services or real property to a consumer, or

(b) soliciting, offering, advertising or promoting with respect to a transaction referred to in paragraph (a) of the definition of “consumer transaction”

The BPCP Act defines supplier as a person who supplies products, therefore salespeople

can be subjected to the same laws as Motor Dealers and held responsible under the BPCP Act.

2. Additional explanation of how the Guidelines may be enforced by the Registrar:

The section on Enforcement by the Registrar has been modified and expanded, documenting a Progressive Enforcement Program which consists of:

- (a) a warning (verbal or written)
- (b) a violation ticket
- (c) an undertaking
- (d) a hearing
- (e) a compliance order
- (f) an administrative penalty
- (g) placing conditions on a registration and licence
- (h) suspension or cancellation of a dealer/salesperson registration and licence

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3. Changes to the numbering system for easier reference to individual guidelines:

The Advertising Guidelines have been reformatted with a new numbering system added to simplify the referencing process. Finding various sections of the guidelines will now be quicker and easier.

4. Addition of a reference to the authority for individual guidelines, given in brackets after the guideline:

This feature will prove useful in demonstrating where the law originated from by referencing the specific legal authority in brackets.

5. Addition of an appendix with excerpts from legislation that is relevant to the guidelines. This will prove helpful when reviewing the guidelines.

Other notable references

Also see the updated VSA Advertising Guidelines for new content on the following issues:

- Part 1.4 - Dealer/salesperson general obligations
- Part 2.3 - Use of fine print in advertisements
- Part 3 - Advertising vehicle prices (price benefit or advantage)
- Part 6 - Advertising fuel economy for new vehicles
- Part 7 - Advertising vehicle warranties
- Part 8 - Availability of advertised vehicles
- Part 10 - Information that must be affixed to a vehicle
- Part 11 - Promotional contests