

POLICY: **ADVERTISING POLICY**

SECTION: **Section II – General Policies – Miscellaneous**

MOTION#/DATE: **12 - 034 – February 27, 2012**

Effective Date

February 28, 2012

Policy Objective

The objective of this policy is to provide a framework and guidelines regarding advertising on Toronto Public Library (the “Library”) property (e.g. publications, websites, video screens, trucks and other spaces identified by the Library), and the processes by which advertising is managed, approved and/or appealed.

Underlying Principles

1. The Library’s advertising program supports and facilitates the development of mutually beneficial advertising relationships between the Library, the business community and other organizations.
2. Financial benefits that are generated by the advertising program are to assist in the delivery of library service to the public.
3. The Library’s advertising policy will:
 - a. comply with the mandate, mission and values of the Library;
 - b. protect the Library’s principles of intellectual freedom` and equity of access to information, programs, services and collections;
 - c. protect the confidentiality of customer records as governed by the Municipal Freedom of Information and Protection of Privacy Act and the Library’s Access to Information and Protection of Privacy Policy;

- d. be consistent with, and complementary to, other related Library policies and programs (e.g. Sponsorship, Naming, Displaying and Distributing for Public Information, Room Bookings, Procurement Processes); and
4. Library services are highly valued and used by residents of Toronto. The Library has a national and international reputation for excellence in service delivery and has a leadership role in the library community. The Library reserves the right to reject advertising that, in the Library's sole opinion, may adversely affect public confidence in the Library or the value of the Library brand. This includes advertising that could be construed as being targeted to children by its manner, the space that it occupies, and the intent of the advertised product or service.

Policy Statement

The Library recognizes that the sale of commercial advertising is a source of revenue for the Library. However, the Library's primary mission is to provide high quality library service to Toronto's diverse residents in a welcoming and supportive environment. The Library provides neutral public spaces and universal access to information, knowledge, resources, collections, services and programs that help to enrich lives, facilitate social engagement, and enhance opportunities for success for Toronto's diverse population.

The Library will accept paid advertising that meets the policy, principles and specific directives outlined in the Policy and that fulfills the Library's revenue objectives. The Library will not accept advertising that is contrary to its service role or that the Library, in its sole discretion, determines is not in the best interests of the Library. The sale of advertising by the Library will not influence the acquisition of Library collections or Library services.

All commercial messages carried by the Library must be approved by Library staff prior to placement in or on Library advertising vehicles.

The Library reserves the right to accept or refuse any commercial message, to limit the period for which a commercial message is approved and to withdraw approval.

The acceptance of advertising by the Library is not an endorsement of a product or service.

It is the responsibility of advertisers to ensure that proposed advertising does not contravene any applicable legislation prior to submission to the Library for consideration. The Library assumes no liability for advertisements that contravene legislation and all advertisers will be required to indemnify the Library for any costs or damages the Library may incur as a result of their advertising.

This policy also includes directives to ensure that advertising does not negatively affect other sources of sponsorship and fundraising revenue secured by the Library or the Toronto Public Library Foundation (the “Foundation”).

Scope

The following policy applies to all arrangements whereby persons other than the Library or the Foundation or a person approved under another Library policy pays for advertising on approved Library advertising property including, but not limited to, publications, websites, video screens, trucks and other spaces identified by the Library.

This policy does not apply to:

- Sponsorship (see Sponsorship Policy);
- Naming (see Naming Policy);
- In-branch distribution of non-commercial materials (see Displaying and Distributing Information for the Public Policy);
- Affiliate programs;
- Philanthropic gifts, donations or grants;
- Government grants or funds;
- External program or project partnerships, where the Library sponsors, partners with, or contributes to programs or projects of other organizations;
- Advertising targeted to children in the following categories: books or other material in the Library’s collections, government advertisements, and public service announcements.

Specific Directives

The Library considers advertising proposals from persons other than the Library or the Foundation or a person approved under another Library policy based on the guidelines contained in this policy. The Library does not have an obligation to accept any advertising proposal. The Library, at its sole discretion, may remove advertising that contravenes this policy from its property, at no cost to the Library and all advertisers will be required to indemnify the Library for any costs or damages the Library may incur as a result of their advertising.

The Library will consider advertisements based on the following guidelines:

1. The Library will implement the Advertising Program in a transparent and accountable manner in compliance with the Library’s policies and procedures.

2. Advertisements must be in compliance with City of Toronto by-laws; applicable provincial and federal laws and regulations, including the Ontario Human Rights Code; and the *Canadian Code of Advertising Standards* (see Appendix 1).
3. The Library does not accept advertising material promoting discrimination, stereotypes, socially unacceptable behavior, gratuitous violence, obscene or profane language or unfair representation. Without limiting the generality of the foregoing points, advertisements shall not:
 - a. condone any form of personal discrimination, including that based upon race, national origin, ethnic origin, religion, age, ancestry, colour, citizenship, creed (religion), sex, sexual orientation, gender identity, record of offence, marital/family status, same sex partnership status, or disability;
 - b. appear to exploit, condone, or incite violence; or directly encourage or exhibit obvious indifference to, unlawful or reprehensive behavior;
 - c. demean, denigrate, or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service, or attempt to bring it or them into public contempt or ridicule;
 - d. undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population;
 - e. promote views and ideas that are likely to promote discrimination and hatred;
 - f. cause or invite hostility or division between people of different racial or national groups, or might reasonably give rise to hostility or division.
4. Advertising must be appropriate for all ages, in keeping with the Library's goal of creating a welcoming and supportive environment for everyone.
5. Library audiences must know on whose behalf an advertising message is being presented by use of a brand name, logo, or other forms of identification.
6. Advertising on Library properties does not provide, nor imply, Library endorsement of advertisers, their messaging or their points of view. The Library reserves the right to explicitly disclaim endorsement of advertisers or advertising in any ad space.

7. Advertisers and advertising will not influence the selection and provision of library materials, programs, services or content. It must always be clear to audiences when external products, services or points of view are being advertised.
8. Delivery of Library branding, content, communications, services, programs or collections, as well as the Foundation’s branding and communications, must not be impeded by the location, prominence, or messaging of paid advertising or advertisers.
9. Advertising promoting contests and lotteries must comply with the applicable provisions of the *Criminal Code*, the *Competition Act*, and any other applicable legislation.
10. The Library will NOT accept the following types of advertising content:
 - a. advertising that detracts from the Library’s public image or could place the Library at the centre of a controversy or sensitive issue;
 - b. advertising that is considered of questionable taste, or which in the Library’s discretion is considered irritating in its style, content, or method of presentation.
 - c. advertising that is partisan or political in nature;
 - d. the promotion of religious beliefs or convictions;
 - e. personal ads and notices, and notices of items for sale or rent;
 - f. the promotion of tobacco and alcohol companies and products.
 - g. the promotion of surveys, pledges, forms or petitions;
 - h. fundraising, unless otherwise agreed upon through mutual consultation between the Library and the Foundation;
 - i. Commercial advertising primarily targeted to children, including but not limited to the commercial advertising of food and beverages directed to children.
11. Consistent with the Municipal Freedom of Information and Protection of Privacy Act and the Library’s Access to Information and Protection of Privacy Policy,

advertisers will not be given access to individual customer records and data. However, aggregated customer demographic information that is publicly reported by the Library may be used for advertising sales purposes.

12. Specifications and guidelines for advertising locations, sizes, formats and rates are established and managed by the Library and must be adhered to by the advertiser.
13. Should organizations with sponsorship, naming, affiliate program, donor, display and distribution agreements, or partnership agreements with the Library wish to advertise as part of the Library's advertising program, a separate advertising contract complying with this policy will be required.

Process for Advertising with the Library

1. The Advertising Policy, as approved by the Board, governs all advertising opportunities on Library property. The policy and advertising program are managed by the Library.
2. Library staff is authorized to establish or negotiate and charge fees for advertising or contract a third party company to do so.

Third party companies may be contracted through the Library's procurement policy and procedures to implement some, or all, of the Library's advertising program components, and

it is the responsibility of the company contracted to deliver the sale, posting and implementation of advertising within the agreed upon Library vehicle(s) in compliance with all terms and conditions of the advertising policy.

3. The Library will establish an Advertising Review Working Group (ARWG) comprised of Library Board members and Library staff to make determinations on whether advertising is consistent with this policy in the event that a) an advertiser disagrees with the decision of a third party company or Library staff on whether advertising is consistent with this policy, or b) if a member of the public files a complaint claiming that advertising accepted by the Library is not consistent with this policy. The ARWG will review advertising materials for acceptability, as required and is the final arbiter in all matters relating to Library advertising acceptability in accordance with this policy. The Library reserves the right to remove any advertising, at no cost to the Library, even if it has been previously reviewed and approved.

4. Any advertisement with reference to public libraries and/or the Library must be presented by the advertiser to the company and/or the Library for approval prior to the advertisement being produced. Library staff and/or ARWG will review and provide approval to post.

5. In considering the approval and placement of commercial advertising, the Library will limit children's exposure to advertising by considering:

- the manner in which the advertisement or promotion is presented, not accepting commercial advertising which uses animation, cartoons, puppets and persons that are well known to children;
- the time and place that the advertising is presented, such as in areas of libraries and the website primarily designated for children;
- the nature and intended purpose of the product or service that is advertised, such as products and services where the primary users are children (e.g. sugary cereals).

5.6. All advertisers should satisfy themselves that their proposed advertising does not contravene any applicable laws.

6.7. In instances where advertising is not accepted for placement by the Library, appeals or inquiries by the advertiser can be requested of the ARWG. The ARWG will become involved, at its discretion, in carrying out this policy, and may overrule decisions made by the company. ARWG will be the final arbiter in all matters relating to Library advertising acceptance.

7.8. In instances where members of the public wish to file complaints or inquiries about advertising displayed on Library property, they may use existing Library feedback procedures.

Definitions

Advertising is a business arrangement where an external organization purchases or leases space, or time, on any form of Library property for the purpose of communicating with the public with the intent to influence their choice, opinion or behavior. Unlike 'sponsorship' it involves the use of contracted public advertising in set locations, for a set period of time. Advertising does not imply any reciprocal partnership arrangement since the advertiser is not entitled to any additional benefits beyond access to the space or time.

Advertising Review Working Group (ARWG) is a working group whose role is to review advertising materials on an as required basis and make determinations on whether advertising is consistent with this policy in the event that there are disputes.



The working group is made up of library staff and appointed Board members; additional Library and Foundation staff will be consulted when needed. ARWG will be the final arbiter in all matters relating to advertising acceptability in accordance with this policy.

Advertising Standards Canada (ASC). The independent regulatory body of the Canadian Advertising Industry committed to creating and maintaining community confidence in advertising. Its mission is to ensure the integrity and viability of advertising through industry self-regulation.

Affiliate Program refers to a negotiated, mutually beneficial business arrangement between the Library and an external organization whereby the Library receives a referral fee or commission from sales when a customer clicks an affiliate link to get to the organization's website. A policy or agreement outside of the advertising policy is required.

Canadian Code of Advertising Standards. The advertising industry's principal instrument of advertising self-regulation and is administered by ASC. The code sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer, trade or special interest group complaints.

Children's Advertising. Promotional messages that specifically target young people by being broadcast, shown or displayed to an audience that is primarily children. For the purpose of this policy, a child is anyone 12 years old or younger.

Advertising to children is determined by taking into consideration its context, including:

- a) the manner in which the advertising or promotion is presented, such as the use of animation, cartoons, puppets and persons that are well known to children;
- b) the time and place that it is presented, such as in the children's areas of the library, where children's programming takes place, or on the children's website; and
- c) the nature and intended purposes of the product or service that is advertised, such as products and services where the primary users are children, e.g. sugary cereals.

A **philanthropic gift or donation** is an arrangement where a donor contributes cash and/or in-kind goods or services to the Library, or the Foundation, without expectation or requirement of a reciprocal benefit. While most donors expect some form of recognition as a result of their gift, the recognition is marginal in value relative to the value of the gift as defined by the Canada Customs and Revenue Agency.

A **sponsorship** is a mutually beneficial business exchange between the Library and an external organization whereby the sponsor contributes funds, products or in-kind services to the Library, and/or to the Foundation, in return for recognition, acknowledgement or other promotional considerations. Sponsorships involve an

association between the sponsor and the Library and/or the specific program, event, service or activity being sponsored.

Toronto Public Library Foundation is an independent corporation with the mission to provide essential resources for the enhancement of Toronto Public Library and to allocate funds to priority needs not supported by municipal funding.

Accountability

The Director of Communications, Programming and Customer Engagement is responsible for the implementation of this policy.

The Advertising Review Working Group (ARWG) is responsible for reviewing advertising materials on an as required basis and for dispute resolution.

Related policies

- Displaying and Distributing Information for the Public
- Sponsorship
- Naming
- Access to Information and Protection of Privacy
- Procurement Processes

Appendices

Canadian Code of Advertising Standards