

1986-1987 fiscal year, 343 written advisory opinions were provided and a considerable number of informal discussions conducted with persons wishing clarification of the misleading advertising and deceptive marketing practices provisions of the Act.³ Synopses of various opinions are published in the *Misleading Advertising Bulletin*.

The Committee believes that providing such advice is an effective way to prevent offences and that efforts should be made to broaden the awareness, scope and availability of the program. The Director is said to be currently examining such an expansion within the context of a new enforcement and compliance policy and the Committee urges that this examination be completed expeditiously.

A number of witnesses made favourable comments on the work of the Marketing Practices Branch. Generally, the evidence reveals that the Branch is doing a good job, given the available resources. One witness, however, the Canadian Council of Better Business Bureaus (CCBBB), was of the view that by relying almost totally on complaints received from the public, the Branch is too reactive in its approach. In its opinion, the MPB should promote compliance through systematically monitoring advertising. Although the CCBBB recognizes that this would require more resources, it nevertheless felt that the mere existence of such an activity would increase the general level of compliance by the business community.⁴

The Committee commends the Marketing Practices Branch for its work in enforcing the misleading advertising provisions of the *Competition Act*, but recognizes that the Branch's limited financial and human resources mean that important choices have to be made.

The Committee believes that prevention is an essential goal; making advertisers and consumers aware of the law and achieving compliance through prevention should cost less in the long term than undertaking lengthy investigations and trials. Enforcement, however, is equally important. In the Committee's opinion, it is imperative that federal regulators demonstrate a willingness to enforce the law. It is also vital that resources be available to accomplish this task. In its discussions with consumer representatives in the United States, the Committee noted with concern what was described as a lack of willingness by the U.S. Federal Trade Commission to enforce federal deceptive advertising law in all but the most flagrant cases. It would not want to see a similar situation in Canada.