

CHAPTER 2 - ENFORCEMENT AND EDUCATION

A. The Marketing Practices Branch

The Director of Investigation and Research (the "Director") is charged with responsibility for the misleading advertising and deceptive marketing practices provisions of the *Competition Act*. Under his direction, the Marketing Practices Branch (the "Branch" or the "MPB") of the Department of Consumer and Corporate Affairs carries out the administration and enforcement of these provisions. The Branch maintains investigating officers and regional managers in offices throughout the country.

The number of complaints received annually by the MPB has increased steadily over the past few years to 12,382 for the year ended March 31, 1987. Most of these fall under the general misleading advertising provision of the Act (paragraph 36(1)(a)), although a significant number relate to potential violations of the price comparison provision (paragraph 36(1)(d)). Complaints come from a number of sources, with approximately 90% from consumers and 6%-8% from the business community.

The most recent annual report of the Director notes that the Branch's limited resources require it to concentrate on cases that are "most likely to bring about an overall improvement in the quality of market information directed to the public...".¹ Factors considered when assigning priority to complaints are "the degree of coverage of the representation, its impact on the public and the deterrent effect of a successful prosecution."²

Not all complaints received by the MPB warrant a full investigation. Some are found to be groundless; others are referred to provincial consumer affairs departments or industry self-regulatory bodies; still others lead to an information visit where a possible violation is brought to the attention of an advertiser with a view to achieving voluntary compliance.

The Branch must choose among competing goals and decide how its limited human and financial resources can be best used. While enforcement is an obvious priority, prevention and education must also be considered. The Branch seeks to attain the latter goals through publishing the *Misleading Advertising Bulletin*, responding to inquiries for information, and participating in educational seminars and discussions with the business community. In an effort to improve compliance through prevention, the Director gives non-binding advice to advertisers who request it. During the