

ordered to revise a national advertising campaign might have a greater deterrent effect on an advertiser than being fined. Moreover, it would ensure that consumers had more information upon which to base their purchasing decisions.

Recommendations:

4.3 The Committee recommends that the *Competition Act* be amended to allow a court, in proceedings connected with misleading advertising, to order an offender to disclose essential facts previously omitted from a representation concerning a product or business interest.

4.4 The Committee further recommends that the affirmative disclosure remedy referred to in recommendation 4.3 be available in connection with both consent agreements (see recommendation 4.7) and criminal proceedings.

Another remedy employed by the FTC in conjunction with its cease and desist powers is corrective advertising. This requires an advertiser to state that certain claims in previous advertisements were false. Corrective advertising orders can be tailor-made to a particular case. In some situations the FTC merely indicates to an advertiser the facts to be disclosed in a corrective advertisement; in others, it dictates the contents of the correction. Moreover, both the duration of and the amount of money to be spent on a corrective advertising program can be stipulated.

It is worth noting that section 17 of the Alberta *Unfair Trade Practices Act* provides a remedy similar to corrective advertising: the court can order a person to advertise the "particulars of any order ..." and in so doing can prescribe the "methods of making the advertisement," and its content, form and frequency. A similar provision can be found in the British Columbia *Trade Practice Act*.¹⁹

Corrective advertising is a powerful tool. In the Committee's view, requiring an advertiser to declare publicly that past information was erroneous and to devote a certain portion of future advertising to correcting the false impression given could have a significant economic impact on him, not only because of the additional cost incurred but also because of possible lost sales.