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## Advertising Review Panel

### Date

2018/05/31

### Time

10:00 AM

### Location

Civic Centre, Committee Room B  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1

### Members

|                           |            |
|---------------------------|------------|
| Mayor Bonnie Crombie      | Ex-Officio |
| Councillor Karen Ras      | Ward 2     |
| Councillor Nando Iannicca | Ward 7     |
| Councillor Pat Saito      | Ward 9     |
| Councillor Sue McFadden   | Ward 10    |

### Contact

Allyson D'Ovidio, Legislative Coordinator, Legislative Services  
905-615-3200 ext. 5411  
[allyson.dovidio@mississauga.ca](mailto:allyson.dovidio@mississauga.ca)

### Find it Online

<http://www.mississauga.ca/portal/cityhall/advertisingreviewpanel>

1. **CALL TO ORDER**

2. **APPROVAL OF THE AGENDA**

3. **DECLARATION OF CONFLICT OF INTEREST**

4. **MATTERS TO BE CONSIDERED**

4.1. **Request for Review of Advertisement on MiWay buses**

The Advertising Review Panel is to review and address the “Requests for Review of Advertisement” on MiWay buses, received in the Office of the City Clerk (May 25 – May 29, 2018), submitted by residents of Mississauga.

The following is enclosed for information:

- A copy of the Advertising Policy #03-09-01;
- A summary of the “Requests for Review of Advertisements” on MiWay buses and accompanying Advertisement;
- The grounds for the Advertising Decision; and
- The Advertising Review Panel Terms of Reference

5. **ADJOURNMENT**

# Corporate Policy & Procedure

**Policy Title: Placing Advertisement with the City**

**Policy Number: 03-09-01**

|                                |                                 |  |                         |
|--------------------------------|---------------------------------|--|-------------------------|
| Section:                       | <b>Corporate Administration</b> | Subsection:  | <b>Advertising</b>      |
| Effective Date:                | <b>August 4, 2010</b>           | Last Review Date:  | <b>September , 2017</b> |
| Approved by:<br><b>Council</b> |                                 | Owner Division/Contact:<br><b>Community Services - Manager,<br/>Sponsorship, Recreation, Corporate<br/>Services - Manager, Corporate<br/>Marketing, Communications<br/>Transportation and Works - Manager,<br/>Marketing, Business Development,<br/>Transit Division</b> |                         |

## Policy Statement

The City of Mississauga permits advertising on City Property, at City Programs and in City Media only under the conditions outlined in this policy.

## Purpose

The purpose of this policy is to ensure that all third party advertising and sponsorship opportunities are consistent with the City's corporate values, image and strategic goals. Advertising and sponsorship opportunities shall be undertaken with a view to ensuring that advertising on City Property, at City Programs and in City Media is appropriate and meets specific criteria.

This policy also outlines and identifies the roles and responsibilities of staff in administering all advertising in the City, including the signing authority for advertising agreements on behalf of the City and the process for reviewing advertising decisions.

## Scope

This policy only applies to advertising from external advertisers:

- On City Property
- At City Programs, and
- In City Media

For information on the process and criteria for recognizing sponsorship contribution through naming or renaming of a facility, refer to Corporate Policy and Procedure - Property and Facilities - Facility Planning - Property and Facility Naming and Dedications.

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For information on advertising on road allowances, refer to Corporate Policy and Procedure - Property and Facilities - Use of Public Property - Portable Signs on Road Allowances.

## Definitions

For the purposes of this policy:

“Advertising” means any paid or in-kind communications that are utilized to influence, educate or inform the public. This includes all forms of advertising and sponsorship.

“City Program” means any activity which is operated by the City and includes any City events.

“City Media” means any outlet used by the City to carry and deliver advertisements and includes but is not limited to, direct mail; print (e.g. newspaper, brochure, flyer, magazine); digital media (e.g. web, e-mail, social media, mobile media); television; radio; billboard or message board.

“City Property” means all City-owned and controlled properties and facilities, including but not limited to, indoor and outdoor recreation fields; parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; buses; fleet vehicles; and bus shelters.

“Panel” means the Advertising Review Panel as established by Council that is charged with the responsibility to review advertisements as requested.

“Sponsorship” means a mutually beneficial arrangement between the City and an external company, organization or person(s) where the external company, organization or person(s) contributes funds, goods or services to the City in return for recognition, acknowledgement or other promotional consideration.

## Position Statement

The placement of any advertising on City Property, at City Programs and/or in City Media does not represent or imply any partnership with the City; the City’s endorsement of any product, service, person(s), company, organization, beliefs, views, or any contents contained in the advertisement; and does not constitute information or communication by or on behalf of the City.

## Criteria

Advertising at the City must meet all of the following criteria:

- The advertising does not conflict with the City’s core values, vision or strategic goals or does not adversely impact on the City’s identity
- The advertising adheres to the Canadian Code of Advertising Standards
- The advertising is not in conflict with any applicable laws, City by-laws or policies

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- The advertising does not breach or conflict with any existing City advertising agreements and/or contracts
- There are no adverse effects on public safety
- The advertising does not incite violence and hatred
- The advertising does not present demeaning or derogatory portrayals of individuals or groups
- The advertising is not of questionable taste in style, content or presentation method
- The advertising does not minimize and/or detract from the image of the City and/or its employees
- In light of generally prevailing community standards, the advertising is not likely to cause deep or widespread offence
- Alcohol advertising will not be permitted at events geared to children or youth

The proposed location of the advertising may have an impact when determining whether or not the criteria have been met.

## Administration

The decision as to where advertising will be permitted (i.e. on which City Property, at which City Programs and in which City Media) is the responsibility of the applicable departmental business section that manages the particular City Property, City Program and/or City Media in question. The applicable departmental business section is also responsible for administering such requests or offers of advertising in accordance with this policy.

Advertising agreements, which must be in a form satisfactory to Legal Services, are managed by the business section that enters into the agreement. The following persons are authorized to execute advertising agreements on behalf of the City:

| Total Value of Contract  | Signing Authority  |
|--------------------------|--|
| Less than \$5,000        | Staff delegated by the Departmental Director and with authority to manage cost centres, or their designate in writing    |
| \$5,000 up to \$50,000   | Managers delegated by the Departmental Director and with authority to manage cost centres, or their designate in writing |
| \$50,000 up to \$100,000 | the Departmental Director or their designate in writing  |
| \$100,000 and over       | applicable Commissioner or their designate in writing  |

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Council must approve any advertising agreements that grant naming rights to a City Program. In order for the City to ensure that all advertising complies with this policy, requests for placement of non-English language advertising must be accompanied by an English translation of the ad content.

## Advertising Review

Requests for reviews related to advertising at the City will be directed to the Panel. The Panel will review advertising when:

- City staff have declined an advertising submission and the advertiser requests a review of the decision
- Questionable advertising submissions, which will include a staff recommendation on approval or disapproval of the advertising, are referred to the Panel by City staff
- A minimum of five Mississauga residents disagree with the City's decision to approve advertising and request a review by the Panel, or
- The Mayor or a member of Council requests a review by the Panel of advertising that has been approved by City staff

At the conclusion of the review process the Panel will:

- Approve the advertising as submitted, or
- Not approve the advertising

The decisions of the Panel will be final and binding. If the Panel does not reach a decision on an ad that is submitted for review within the timeframe prescribed in the Panel's Terms of Reference, the decision or recommendation of City staff, as applicable, will continue to apply.

## Revision History

| Reference                 | Description                          |
|---------------------------|--------------------------------------|
| GC 148-98 – 1998 02 25    |                                      |
| GC 0184-2010 – 2010 08 04 |                                      |
| September, 2017           | Scheduled review. Housekeeping only. |

City of Mississauga



# Memorandum

To: Advertising Review Panel

From: Allyson D'Ovidio, Legislative Coordinator

Date: May 29, 2018

Subject: Summary of Requests for Review of Advertising on MiWay Buses

Since May 25, 2018, the Office of the City Clerk has received a total of 43 "Request for Review of Advertising" forms with respect to an advertisement on MiWay buses. A total 35 of the 43 forms received had the same grounds for requesting the review. The grounds for each request are outlined below:

|   | <b>Grounds for Review</b>  | <b>Total</b> |
|---|--|--------------|
| 1 | "AD. Definition: a notice or announcement in a public medium promoting a product, service, or event or publicizing a job vacancy. This ad is offensive and is purpose driven. I have no objections to anyone wearing the Hijab. What I take offense it putting such advertisement on the side of the bus. As a Christian I am insulted with this kind of advertisement. PLEASE TAKE IT DOWN NOW."            | 1            |
| 2 | "This advertisement claiming Mary, Mother of Jesus, wore a hijab infringes on my belief as a Christian. I am appalled that this type of "questionable taste in content" and an advertisement that is likely to cause "deep or widespread offence" is being passed by the Mi-Way Advertisement committee. Please take this advertisement down immediately and investigate how this was passed."               | 35           |
| 3 | "According to Policy #03-09-01, ads must not conflict with the City's core values, and not likely to cause deep offence. This ad deceptively pits one religious group against another by stating that Mary the Mother of Jesus honors Islamic Hijab. Also the Canadian Code of Advertising Standards states that ads must not contain inaccurate claims. Clearly Mary was Jewish and lived 600 yrs earlier." | 1            |
| 4 | "This Advertisement claiming 'Mary, Mother of Jesus, wore a hijab' is inflammatory and divisive. Christians consider Mary as the mother of God, who is Jesus. Islam does not consider Jesus as God. Please take this advertisement down immediately. MiWay should promote unity and non controversial advertising. Please be well informed when making your decisions."                                      | 1            |
| 5 | "This advertisement is offensive to me as a Christian because it falsely implicates the Blessed Virgin Mary (the holiest of women), as advocating the Islamic "Hijab". The head-covering worn by Mary at that time was NOT a hijab   | 1            |

|   | <b>Grounds for Review</b>   | <b>Total</b> |
|---|---|--------------|
|   | but a veil that did not revolve around the neck, and was common in THAT era among Jewish women, but is no longer the case in modern society. Please remove the false ad.”   |              |
| 6 | “As a person of the oppressed minority Christians, it offends me to see an advertising of hijab on a public bus. In my former country, women who don't wear hijab are subject to criticism, discrimination, assaults and acid attacks. Furthermore, it offends me that the ad equates the hijab with the traditional clothes of the time worn by St Mary.”                                      | 1            |
| 7 | “As per the Policy criteria outlined in 03-09-01 as a Christian and long time resident of Mississauga I find this offensive. We Christians not only think of Mary as the Mother of Jesus, but the Mother of God. For her name to be misused and reference to her being the mother of Jesus at the side of a bus is upsetting and disturbing to me. This form of advertising is in poor taste.”  | 1            |
| 8 | “This advertisement claiming Mary, Mother of Jesus, wore a hijab disparages my faith. I am appalled by this religious falsehood. Allah is not a Father, and does not have a Son, as Christians believe. An advertisement that causes "deep or widespread offence" is being passed by the Mi-Way Advertisement committee. Please take this advertisement down immediately and desist such acts.” | 1            |
| 9 | “While wearing Hijab is a personal choice for Muslim Women, the advertisement should not refer to Virgin Mary, Mother of Jesus. Totally unacceptable.”  | 1            |

Thank you,



Allyson D'Ovidio  
 Legislative Coordinator  
 Legislative Services, Office of the City Clerk  
 300 City Centre Drive, Mississauga, ON L5B 3C1  
 (905) 615-3200 ext. 5411  
[allyson.dovidio@mississauga.ca](mailto:allyson.dovidio@mississauga.ca)



**Allyson D'Ovidio**

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**Subject:** RE: Action: Complaints re: Offensive advertising on MiWay bus

**From:** Geoff Marinoff  
**Sent:** 2018/05/25 4:52 PM  
**To:** Allyson D'Ovidio  
**Cc:** Ryan Cureatz; Geoff Wright; Mary Ellen Bench  
**Subject:** RE: Action: Complaints re: Offensive advertising on MiWay bus

Allyson,  
In accordance with your request I can confirm the following:

1. That the Advertiser (Lamar Transit Advertising – the City's transit advertising contractor) was advised earlier this afternoon (Friday, May 25) that the attached ad will be reviewed by the City of Mississauga's Advertising Review Panel.
2. That the advertisement was approved because MiWay staff believe that it complies with the City's Placing Advertisement with City Policy (03-09-01), including that the advertising adheres to the Canadian Code of Advertising Standards, which is among the policy criteria. Furthermore, the ad does not create a safety or other type of risk to allow us to restrict freedom of expression.

Based on a legal opinion shared with MiWay staff, including the Supreme Court of Canada decision in *Greater Vancouver Transportation Authority v. Canadian Federation of Students*, which dealt with advertisements on buses and freedom of expression protection, the City does not have grounds to refuse the ad. As in Vancouver, we want to ensure a safe, welcoming public transit system, and we also apply rules to advertising on transit buses to allow for commercial and public service advertising.

Notwithstanding the complaints received, or the request for review, staff continue to recommend that the advertisement remain in place for the duration of the assignment. (14 king ads displayed on the sides of MiWay buses from May 18 to July 14)

Staff from the City's Legal Services Team are prepared to attend the Advertising Review Panel meeting to answer questions related to this legal opinion.

If you require any further information please contact me.

Geoff



**Geoff Marinoff, P. Eng.**

Transit Director  
T 905-615-3200 ext.3868  
[geoff.marinoff@mississauga.ca](mailto:geoff.marinoff@mississauga.ca) | [miway.ca](http://miway.ca)

[City of Mississauga](http://City of Mississauga) | Transportation & Works Department  
Transit Division

Please consider the environment before printing.

## **City of Mississauga - Advertising Review Panel**

### **Terms of Reference**

#### **1.0 Background**

The City of Mississauga Advertising Review Panel is established and authorized by Council pursuant to Resolution # 0184-2010.

#### **2.0 Scope and Purpose**

The purpose of the Advertising Review Panel is to review Advertising as requested under the City of Mississauga's Placing Advertisement with the City Policy # 03-09-01, as may be amended from time to time. All reviews will be conducted in accordance with these Terms of Reference and all decisions of the Panel will be final and binding.

#### **3.0 Definitions**

Any terms that are not specifically defined in these Terms of Reference shall have the meaning that has been attributed to them in the City's Placing Advertisement with the City Policy # 03-09-01.

"Advertiser" means the person who wishes to place Advertising on City property.

"Advertising Decision" means the decision of City staff with respect to a request to place Advertising on City property under the City's Advertising Policy.

"Advertising Policy" means the City of Mississauga's Placing Advertisement with the City Policy # 03-09-01, as may be amended from time to time.

"Business Day" means Monday to Friday inclusive except statutory or civic holidays observed in the City of Mississauga and any day on which the staff administrative offices of the City are closed.

"Child" has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

"Conflict of Interest" means a conflict of interest due to (i) an interest declared under the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*; (ii) the Member or the Parent, Spouse or any Child of the Member being the subject of or referred to in the Advertising; or (iii) the Advertising in question belonging to a Member or the Parent, Spouse or any Child of the Member.

"Council" means the council of the City.

“City” means The Corporation of the City of Mississauga.

“Mayor” means the mayor of the City.

"Member(s)" means the person(s) appointed by Council to be member(s) of the Panel for a specified term.

“Panel” means the City’s Advertising Review Panel.

“Panel Coordinator” means the member of City staff who has been assigned to perform the administrative tasks required by the Panel, on behalf of the Office of the City Clerk.

“Parent” has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

"Party(ies)" includes the Advertiser who has been served with an Advertising Decision by the City, and any person who has submitted a Request for Review, with respect to the Advertising to be reviewed/under review by the Panel.

“Request for Review” means a written notice requesting that the Panel review an Advertising Decision or Advertising as applicable.

“Spouse” has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

#### **4.0 General**

These Terms of Reference apply to all reviews conducted by the Panel.

#### **5.0 Composition**

The Panel shall be composed of at least five (5) members of Council.

#### **6.0 Selection of Members**

Panel Members shall be appointed by resolution of Council.

#### **7.0 Term**

All Panel Members shall be appointed for a two (2) year term, with the exception of the Members of any Panel that is established by Council prior to December 2010, in which case the Members shall be appointed until the end of the term of the existing Council.

**8. Face to Face Meetings of the Panel**

- 8.1** *Inaugural Meeting:* The Panel shall adopt the Terms of Reference for the Panel at its inaugural meeting on a date and time to be determined by the City Clerk following the appointment by Council of the Members for the current term. Notwithstanding the foregoing, for any Panel that is established by Council prior to December 2010, the Terms of Reference may be adopted directly by Council and no inaugural meeting is required, unless Council decides otherwise.
- 8.2** *Changes to Terms of Reference:* The Panel may make changes to any of the terms in these Terms of Reference in accordance with this section 8.
- 8.3** *Face to Face Review:* Any Member may call a face to face meeting under this section 8 at any time to deal with any business as may be required with respect to the Advertising Policy, the process of or to conduct a review of an Advertising or Advertising Decision. The Panel Coordinator shall schedule such face to face meeting at the request of the Member.
- 8.4** Three Members constitutes a quorum at meetings under this section 8.
- 8.5** If no quorum is present 30 minutes after the time appointed for the commencement of a meeting scheduled under this section 8, the Panel Coordinator shall re-schedule the meeting.
- 8.6** When the number of Members who refrain from participating in debate of a matter, or voting by reason of having declared a Conflict of Interest, leaves a remaining number of Members that does not make quorum, the remaining Members will be deemed to constitute quorum, provided that not less than two (2) Members remain present to continue the meeting.
- 9.0 Chair and Duties of the Chair**
- 9.1** At its inaugural meeting, the Panel shall elect one of its Members as chair for the current term, or until a successor is appointed.
- 9.2** When the chair of the Panel is absent through illness or otherwise, the Panel may appoint another Member as acting chair.
- 9.3** If the chair of the Panel resigns as a Member or resigns as the chair of the Panel, the Panel shall appoint another Member as chair for the balance of the current term, or until a successor is appointed.
- 9.4** The chair of the Panel shall preside at any face to face meeting of the Panel and may vote.

**9.5** The chair of the Panel shall call the face to face meeting to order.

**9.6** The chair of the Panel shall enforce the observance of order and decorum during face to face meetings.

## **10.0 Requests for Review by the Panel**

**10.1** An Advertiser who wants a review of an Advertising Decision must submit a Request for Review to the City staff person who issued the Advertising Decision within five 5 Business Days of receiving the Advertising Decision.

- (1) The Request for Review shall include a copy of the Advertising Decision, a statement setting out the grounds for the review, a copy of the Advertising and the name, telephone number and address for service of the Advertiser.
- (2) The City's staff person who receives the Request for Review will then forward such Request for Review, all accompanying documents and the reasons for the Advertising Decision to the Panel Coordinator.

**10.2** A Mississauga resident who wants the Panel to review an Advertising that is being displayed on City property must submit his/her Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a picture/copy of the Advertising, the location of the Advertising, the grounds for requesting the review and the name, telephone number and address for service of the person requesting the review.
- (2) A Request for Review made under Section 10.2 shall only be considered by the Panel upon receipt by the Panel Coordinator of five (5) such Requests for Reviews from five (5) Mississauga residents.

**10.3** A City staff person who wants the Panel to review questionable Advertising must submit his/her Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a copy of the Advertising, the reasons why the City staff person wants a review of the Advertising and a recommendation on whether the Advertising should be approved or disapproved.

**10.4** When a member of Council or the Mayor wants the Panel to review an Advertising that is being displayed on City property, s/he must submit a Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a picture/copy of the Advertising, the location of the Advertising and the grounds for requesting the review.

**10.5** A Request for Review under Sections 10.1 and 10.2 shall be transmitted by:

- (1) personal delivery;
- (2) regular or registered mail;
- (3) courier;
- (4) facsimile; or
- (5) email.

**10.5** A Request for Review under Sections 10.3 and 10.4 shall be transmitted by:

- (1) personal delivery;
- (2) inter-office mail; or
- (3) email.

- 10.6** (1) Upon receiving a Request for Review and all accompanying documents under Sections 10.2 and 10.4 , the Panel Coordinator shall forward the Request for Review along with the accompanying Advertising to the appropriate staff via email.
- (2) Upon receiving the Request for Review from the Panel Coordinator, appropriate staff shall (i) promptly advise the Advertiser that the Advertising will be sent to the Panel for review; and (ii) provide the Panel Coordinator with the grounds for the Advertising Decision within three (3) Business Days via email.

**10.7** When the Panel Coordinator has all relevant documents relating to the Request for Review, an email requesting that the Panel review the Advertising and/or Advertising Decision(s) shall be forwarded to the Panel. The email shall include:

- (1) a copy of the Advertising Policy; and
- (2) a copy of the Request for Review(s) and the accompanying Advertising.

## **11.0 Advertising Review Procedures**

**11.1** Upon receiving an email from the Panel Coordinator in accordance with section 10.7, each Member will have three (3) Business Days to provide the Panel Coordinator with his/her decision via email on the Advertising in accordance with the Advertising Policy.

- 11.2** A Panel decision is made when a minimum of three (3) Members provide a decision on the Advertising, unless a decision is made under section 8.6.
- 11.3** If a decision is not made by the Panel in accordance to sections 11.1 and 11.2, the original Advertising Decision or the recommendation of City staff (as applicable) will apply to the Advertising.
- 11.4** If there is a tie vote by the Panel, the original Advertising Decision or the recommendation of City staff (as applicable) will apply to the Advertising.
- 11.5** Each Member must indicate the criteria in the Advertising Policy being relied upon in his/her decision.
- 11.6** The Panel Coordinator will forward the decision of the Panel to the applicable City staff and all Parties involved in the review of the Advertising or Advertising Decision.
- 11.7** A decision of the Panel is final and binding.