



Broadcasting Public Notice CRTC 2007-98

Ottawa, 31 August 2007

Amendments to the *Television Broadcasting Regulations, 1987* – Implementation of the regulatory framework for over-the-air television

The Commission has adopted amendments to the Television Broadcasting Regulations, 1987 as set out in the appendix to this notice. These amendments, which address advertising, were registered and came into effect on 20 August 2007 and will be published in Part II of the Canada Gazette on 5 September 2007.

Background

1. In Broadcasting Public Notice 2007-78, the Commission proposed to amend the *Television Broadcasting Regulations, 1987* (the Regulations) in order to implement the regulatory framework for over-the-air (OTA) television established in Broadcasting Public Notice 2007-53.
2. As noted in Broadcasting Public Notice 2007-78, these amendments remove non-traditional advertising from the calculation of the maximum number of advertising minutes that may be broadcast and increase the number of minutes per hour of traditional advertising that an OTA television station may broadcast.

Position of parties

3. The Commission received four comments in response to Broadcasting Public Notice 2007-78. Three of these comments argued that there are currently too many advertisements on television and opposed the proposed increases in the maximum number of advertising minutes. The fourth comment supported the re-definition of “commercial message” to allow a television broadcaster the freedom to use non-traditional advertising but questioned the lack of direction provided with respect to virtual advertising and, in particular, the possibility that viewers could be misled by such advertising.

Commission’s determination

4. The Commission considers that adequate opportunity was given to provide input on the policy itself, including the amount of advertising on television. The Commission also notes that OTA television broadcasters may choose to broadcast lower levels of advertising in order to meet the expectations of their viewers. Further, the Commission stated, in Broadcasting Public Notice 2007-53, that it intends to review the impact of increased advertising minutes during the licence renewal hearings in the Spring of 2008 to ensure that the increased flexibility results in a net benefit to the broadcasting system.

5. The Commission is of the view that the concerns raised surrounding the content of virtual advertisements existed previously and are not augmented by the increase in the number of minutes allowed or the exclusion of non-traditional advertising from the definition of “commercial message.” Television stations remain responsible for the programs that they broadcast, including advertisements, and the Commission retains the ability under the Regulations to deal with concerns regarding programming content. Should the content of these advertisements become a concern, the Commission may review the policy in respect of virtual advertising.
6. In light of the above, the Commission has decided to amend the Regulations as proposed.

Implementation

7. The Commission has made the amendments appended to this notice. These amendments were registered and came into effect on 20 August 2007 and will be published in Part II of the *Canada Gazette* on 5 September 2007.

Secretary General

Related documents

- *Call for comments on proposed amendments to the Television Broadcasting Regulations, 1987 – Implementation of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-78, 11 July 2007
- *Determination regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007

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REGULATIONS AMENDING THE TELEVISION BROADCASTING REGULATIONS,
1987

AMENDMENTS

1. The definition “commercial message” in section 2 of the *Television Broadcasting Regulations, 1987*¹ is replaced by the following:

“commercial message” means an advertisement intended to sell or promote goods, services, natural resources or activities, including an advertisement that mentions or displays in a list of prizes the name of the person selling or promoting the goods, services, natural resources or activities, and that is broadcast in a break within a program or between programs; (*message publicitaire*)

2. Section 11 of the Regulations is replaced by the following:

11. (1) Except as otherwise provided by a condition of its licence and subject to subsections (2) to (4), the maximum number of minutes of advertising material that may be broadcast by a licensee is

(a) 12 minutes in any clock hour in a broadcast day before September 1, 2008; and

(b) 15 minutes in any clock hour in a broadcast day on or after September 1, 2008 and before September 1, 2009.

2) If a program occupies time in two or more consecutive clock hours, a licensee may broadcast more than the maximum number of minutes of advertising material during any of those clock hours if the average number of minutes of advertising material broadcast during the clock hours occupied by the program does not exceed the maximum.

(3) In addition to the maximum number of minutes of advertising material, a licensee may broadcast

(a) during each clock hour, a maximum of 30 seconds of advertising material that consists of unpaid public service announcements; and

(b) partisan political advertising during an election period.

(4) A licensee may broadcast 14 minutes of advertising material in a clock hour between 7:00 p.m. and 11:00 p.m. in a broadcast day on or after September 1, 2007 and before September 1, 2008.

¹ SOR/87-49

(5) This section shall cease to have effect on September 1, 2009.

COMING INTO FORCE

3. These Regulations come into force on the day on which they were registered.