

REFERENCE FRAMEWORK FOR THE EVALUATION OF INSTRUCTIONAL MATERIALS

Advertising Framework



Coordination and content

Direction de la méthodologie et des enquêtes

Title of original document: *Cadre de référence pour l'évaluation du matériel didactique – Cadre publicitaire*

English version : Direction des services à la communauté anglophone
Services langagiers
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An electronic version of this document is available
on the Ministère's Web site at:
www.education.gouv.qc.ca

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ISBN 978-2-550-77670-3 (PDF)
ISBN 978-2-550-76702-2 (French, PDF)

Legal Deposit – Bibliothèque et Archives nationales du Québec, 2016

16-00381

ADVERTISING FRAMEWORK

In this document, the concept of advertising is defined as follows: a form of communication that is designed to encourage or persuade, and that may create or generate a preference for the product, service, person, company or organization promoted in the message. This preference may lead to financial benefits or to other advantages related to an image, brand or reputation.

In Québec, the *Consumer Protection Act* (CQLR, chapter P-40.1) prohibits commercial advertising directed at children under 13 years of age (see the document [Advertising Directed at Children Under 13 Years of Age](#)). The Ministère de l'Éducation et de l'Enseignement supérieur generally prohibits the use of [commercial advertising](#) in the schools, irrespective of the students' ages.

The economic function of advertising cannot easily be reconciled with the educational mission of the school, which is first and foremost a place that is devoted to learning, fosters young people's development and helps open their minds to human values. This is why advertising messages contrary to the school's educational mission must not be incorporated into instructional materials.

However, the implementation of the Québec Education Program (QEP) obliges the Ministère to soften its position with respect to the presentation or treatment of advertising content within instructional materials. For example, the QEP uses cross-curricular competencies and certain broad areas of learning (Media Literacy and Environmental Awareness and Consumer Rights and Responsibilities) to help students exercise critical judgment, act responsibly and make informed choices. Moreover, the cultural references in all the subject-specific programs bring students into contact with various forms of media.

In accordance with the Act and the ministerial guidelines with regard to advertising, the Bureau d'approbation du matériel didactique (BAMD) has developed the following reference framework for evaluating the various aspects of advertising that may be found in instructional materials for elementary and secondary school education.

GUIDING PRINCIPLE WITH REGARD TO PERMISSIBLE USES OF ADVERTISING

Any advertising content included in instructional materials intended for elementary and secondary school students must constitute learning content in and of itself, or be directly related to a focus of learning. It must be deemed essential to the educational aim, justified pedagogically or appear in an authentic document whose use is justified by the pedagogical or educational aim. This is the case if it is an integral component of subject-specific content in the QEP, or if it has obvious cultural, social or historical value.

COMMERCIAL ADVERTISING

Criterion 1: The materials do not include commercial advertising or, if they do, it is used in a manner consistent with the guiding principle.

The concept of commercial advertising covers all forms of advertising that, although informative in nature, nonetheless serve commercial interests, i.e. they promote a product, service or organization. This includes editorial advertising used by a publisher to promote its own publications.

To ensure compliance with the *Consumer Protection Act*, which prohibits commercial advertising directed at children under 13 years of age, one must first determine whether a given message is intended for them. To do this, one must take into consideration both the context in which the message is presented and the impression it creates. The following questions are helpful in establishing whether a message is consistent with the provisions of the Act:

- For whom is the product or service intended? Is it appealing to children?
- Is the advertising message designed to capture children's attention?
- Are the children targeted by the message, or exposed to it? Are they present at the time or place where it appears or is disseminated?

Office de la protection du consommateur, *Advertising Directed at Children Under 13 Years of Age*, pp. 2 and 4, 2012 [Online] https://www.opc.gouv.qc.ca/fileadmin/media/documents/consommateur/sujet/publicite-pratique-illegale/EN_Guide_publicite_moins_de_13_ans_vf.pdf (accessed on October 27, 2016).

Special cases

In keeping with the guiding principle of this framework:

- Books may be suggested if the goal is to promote reading to young people. In such cases, it is permissible to use a copy of the book cover, a synopsis, an author's photo, drawings of characters featured in the book, or images taken from it.
- Advertising messages announcing an event intended for children or the general public (e.g. sports events or presentations featuring theatre, TV, film, music, comedy) are exempt under the *Consumer Protection Act*. For information on how to use this exemption, refer to the [Guide to the Application of Sections 248 and 249 of the Consumer Protection Act](#).
- The use of excerpts from popular comic books is permitted.
- Bibliographic references are not considered advertising.
- The naming of public or private places as special attractions associated with a county, region or city is permitted, as long as there is no mention of entrance fees or possible

sponsors, and insofar as the places named are not treated in a way that could give them an advantage over their competitors.

- A sponsor may be mentioned only if this is done in an unobtrusive manner so as not to attract attention.
- Cultural resources such as performance excerpts, summaries, critiques, album covers or film slip cases may be presented.
- Well-known figures from the cultural, scientific, sports or political communities may be mentioned in instructional materials intended for students under the age of 13 as long as this is not intended to promote a product or service.
- Characters (anthropomorphic or otherwise) taken from comic books, TV shows, websites, films, books, shows, etc. may be depicted.
- Trademarks including logos, slogans or mascots that appear in authentic documents such as videos or journalistic or literary texts are permitted on the condition that no direct link is made to any product or service, or to the promotion thereof.
- Specific cultural, social, political or sports events (book fairs, elections, marathons, etc.) may be mentioned.

EDUCATIONAL OR LIFESTYLE ADVERTISING

Criterion 2: The instructional materials use educational or lifestyle advertising in a relevant manner, if applicable.

Educational or lifestyle advertising is intended to promote the adoption, within society, of specific attitudes or behaviours that foster students' education and development. These forms of advertising are employed mainly by governments, humanitarian or non-profit organizations, and certain groups or associations (political parties, religious movements, union offices, professional associations, pressure groups, etc.).

This type of advertising is allowed for students of all ages, provided that certain conditions are met.

“Lifestyle or educational advertising must not:

- be used to circumvent the ban, for example, by encouraging children to buy a specific band or product;
- make it possible to identify a particular product or brand;
- contain a commercial message or be associated with such a message;
- Include the logo of a sponsor that is a commercial enterprise whose products appeal to children [. . .].”

Office de la protection du consommateur, *Advertising Directed at Children Under 13 Years of Age*, 2012, p. 12 [Online] https://www.opc.gouv.qc.ca/fileadmin/media/documents/consommateur/sujet/publicite-pratique-illegale/EN_Guide_publicite_moins_de_13_ans_vf.pdf (accessed on November 29, 2016).

EXTERNAL HYPERLINKS

In regard to digital instructional materials, the Ministère is not responsible for external hyperlinks. Users must be alerted every time they leave the secure environment of instructional materials. In addition, caution should be exercised with hyperlinks that may connect to advertising content because the dissemination of such content in tandem with the use of a ministry-approved pedagogical tool could expose students to its influence.

In the print version of instructional materials for students, mentioning websites or providing their addresses is prohibited for a variety of reasons. We must not forget that sites considered secure at a given moment may, at a later date, provide access to advertising content. The purpose of sites can also change.

This prohibition obviously does not extend to material designed specifically for teachers. Web addresses are permitted in instructional materials intended specifically for students only when they serve as sources or references for education-related documents and are placed in a print or digital bibliography. In addition, the publisher's web address may be shown in the front pages of a book or on the back cover, as long as it does not attract attention.

