

June 29, 2009

Mr. Éric Ferron,
Senior Competition Law Officer
Competition Bureau
50 Victoria Street
Gatineau, Quebec
K1A 0C9
Fax: 819-953-4792
E-mail: Eric.Ferron@cb-bc.gc.ca

Re: Bulletin concerning Consumer Rebate Program

Dear Mr. Ferron,

1. The Canadian Marketing Association is the largest marketing association in Canada with 800 corporate members and subsidiaries, including the country's major financial institutions, insurance companies, publishers, retailers, charitable organizations, agencies, relationship marketers.
2. CMA Members are engaged in a range of marketing activities and reach out Canadians using a variety of mediums including but not limited to; electronic commerce, direct mail and telephone based marketing. CMA statistics estimate that marketers support over 939,000 jobs by generating more than \$152 billion in overall annual sales through various marketing disciplines.
3. The Canadian Marketing Association has a long history of ensuring that those who practice the discipline of marketing in Canada do so in accordance with the highest standards. The CMA has developed a robust Code of Ethics that outlines best practices for a variety of marketing channels, including Internet and email marketing. Our Code is rigorously evaluated by industry experts to ensure consistency with international best practice and alignment with the values of the Canadians.
4. We appreciate this opportunity to respond to the Competition Bureau's Draft Information Bulletin on Consumer Rebate Promotions (herein referred to as the "Bulletin"). Upon our review of this document, we believe that it provides a helpful summary of the Bureau's recommended best practices for businesses follow when offering rebates, both to comply with the law and to help consumers make informed purchasing decisions. We believe that this Bulletin will provide for a solid foundation for marketers in Canada, specifically those using consumer rebate programs, to enhance their knowledge and compliance with the respective legislation and associated penalties.
5. We find the document generally very useful and clearly laid out. While we appreciate the liberal use of visual representations throughout the document, it is our opinion that the use comparative 'best practice' examples could positively enhance the document by providing an alternative to 'discouraged practices'. This would provide clear and salient examples of side by side comparators for businesses to follow through the document. We would also recommend, if not already done so, that these be highlighted as 'typical mistakes' made during campaigns so that marketers can have a clear sense of what common mistakes are made and how to avoid them.

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6. While we appreciate the intent of the paragraph in section 5.5 related "*Mail-In Rebates That Are Not Fulfilled*" we are concerned about the use of language representing a large and growing segment of the economy. We would ask that the Bureau re-evaluate the use of the term "Junk Mail" as identified on page 10. We believe that the term has a negative connotation related direct mail, which remains a highly effective marketing channel in Canada and we would therefore suggest the use of the term "unsolicited ad-mail"
 7. In light of the significant penalties now assigned to the Administrative Monetary Penalties through the passing of the recent 2009 Federal Budget Implementation Act, Bill C-10, CMA would also take this opportunity to recommend that the Bureau consider a communications deployment strategy that seeks to promote this document as a valuable tool for the wider business community.
 8. Given the very nature of the enhanced penalty measures recently granted to the Competition Bureau, businesses without full understanding and appreciation of the implications of the AMP's would be well served by a broad communications program targeted at the goals of awareness and compliance.
 9. Further to this document being fully instituted by the Bureau, we would suggest that a communications program include collaborating with the CMA to reach out to our national membership audience. As previously discussed in March of 2009, we would like to restate our interest in helping the Competition Bureau engage marketers, fulfillment houses and agencies and others enhance their understanding of the document and legislation through the use of a webinar, co-presented by the CMA and the Competition Bureau.
 10. We appreciate the opportunity to respond to this document and the interest the Bureau has in providing clarity for business organizations across Canada. We believe that with some fine tuning this document will be recognized as a useful resource for businesses looking to utilize Consumer Rebate Programs as part of their marketing campaigns.

Sincerely,



Wally Hill
Vice-President, Public Affairs and Communications
Canadian Marketing Association

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