

Advertising Pest Control Products

The Pest Management Regulatory Agency (PMRA) regulates pesticides under the authority of the *Pest Control Products Act* (PCPA). This Act regulates the import, packaging, distribution, labelling, sale and use of products that control pests. Control products are evaluated on the basis of scientific data for safety, merit and value. The PCPA also includes provisions that address the advertisement of control products.

The purpose of this Regulatory Directive is to inform registrants, other interested parties and agencies about the legislation and policy on the advertising of pest control products, and to provide some guideline on wording in promotional material and timing of advertising of control products.

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Copies of the *CPI Marketing Code of Standards* can be obtained from the CPI at (416) 622-9771.

Background

The PCPA defines advertise as:

“ . . . any representation by any means whatever for the purpose of promoting directly or indirectly the sale or other disposition of a control product; . . . ”

This definition covers a very wide range of material and media including hard copy and electronic technical bulletins and verbal recommendations.

The PMRA acknowledges the efforts that the pesticide industry has made to guide and encourage registrants to comply with the letter and spirit of regulatory requirements. The *Marketing Code of Standards* developed by the Crop Protection Institute (CPI) is an example of such an initiative. The CPI Code expressly encourages registrants to ensure that their advertising and promotion programs maintain and enhance the high ethical standards and image of industry and, whenever possible, have a positive impact on both target and non-target audiences.

The PMRA's policy regarding the enforcement of statutory and regulatory requirements in relation to advertising is directed at achieving the regulatory objectives of protecting health and safety and the environment, and preventing deception. The PMRA views advertising contraventions as serious offences.

Legislation and Policy:

- Under the PCPA and Regulations,

“No person shall package, label or advertise any control product in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.”

It is an offence to advertise a product in a manner that is inconsistent with the label. For example, the uses indicated on the promotional material must be consistent with those on the registered label.

- Advertising must not be in a manner that is false, misleading or deceptive or is likely to create erroneous impressions regarding the character, value, quantity, composition, merit or safety of the control product. This includes misleading words or phrases such as “Registration Pending”.

- Advertising must not contain words stating, implying or inferring that a control product is approved, accepted or recommended by the Government of Canada or by any of its departments or agencies.
- Advertising can begin only when a product has been accepted for registration, that is, a registration number has been assigned and the product is pending the submission of the printed label from the registrant. Advertising a product before this stage of registration is prohibited and is a violation of subsection 5(1) of the PCPA.
- The promotion of off-label uses, such as new crop varieties, unregistered tank mixes, rate changes, new or additional pests, etc., constitutes a contravention of the prohibition against advertising in a manner that is inconsistent with the label.
- For registered products submitted for label amendments, e.g., new use, advertising may begin when the letter of acceptance of the amendment has been issued by the PMRA.
- The use of product for research purposes can qualify for exemption from registration. Such research can be announced provided the announcement does not create a false or misleading impression or entice users to purchase and use the product for off-label uses. Any such announcement must state that the use is not registered, and must not promote the sale of the product.
- In the pesticide industry there is a need to provide technical information, for example, in the form of a technical bulletin. For unregistered products, technical information must be presented without promoting the product. Advertising is not allowed and it must be made clear the product or use mentioned is not registered.

We encourage registrants to use this document as a guideline when designing their advertising and promotional materials.