

Canada (Attorney General) v. JTI-Macdonald Corp., 2007 SCC 30 (CanLII)

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In 2007, the Supreme Court of Canada ruled that the ban on promotion clearly infringed freedom of expression. However, the ban on misleading advertising was justified. The government was concerned with promoting health, protecting consumers, and preventing young people from smoking. The court agreed that the ban on lifestyle advertising was justified. It linked a product with a lifestyle to create an image that might lead more people to smoke. The court spoke about sponsorship promotion being lifestyle advertising in disguise. It upheld the ban on using corporate names in sponsorship promotion. Finally, the requirement that the government health warning occupy at least half of the package display surface did infringe freedom of expression. However, it met the government's objective of reminding people about the health hazards.

For Discussion

1. What restrictions were placed on tobacco advertising under the legislation?
2. Why did the tobacco manufacturers challenge the ruling?
3. In a unanimous 9-0 judgment, the Supreme Court upheld the bans on advertising. Why did they rule that the limits on tobacco advertising and promotion were justified under section 1 of the Charter?
4. Do you think that warning labels will discourage people from consuming tobacco or prevent young smokers from taking up the habit? Explain your reasoning.

In 1997, the federal government changed the laws governing tobacco. The law forbade certain types of advertising, such as lifestyle ads appealing to young persons. It also banned sponsorship promotion. The tobacco manufacturers argued against the limits imposed on tobacco advertising. They claimed they violated their freedom of expression under the Charter. The initial trial found the new laws to be constitutional. Then, the Québec Court of Appeal ruled some parts to be unconstitutional. Both the attorney general and the tobacco manufacturers appealed.