



Government
of Canada

Gouvernement
du Canada

The Competition Bureau

<http://competition.ic.gc.ca>

Canada



COMPETITION
BUREAU

What Is the Competition Bureau?

The Competition Bureau (the Bureau) is part of Industry Canada and is headed by the Commissioner of Competition. The Commissioner is responsible for the administration and enforcement of the *Competition Act*, as well as three statutes concerning the accuracy and adequacy of information provided to consumers: the *Consumer Packaging and Labelling Act*, the *Textile Labelling Act* and the *Precious Metals Marking Act*.

What Is the Competition Act?

The *Competition Act* is a federal law governing business conduct in Canada. It aims to promote competition in the marketplace by stopping anti-competitive practices. Most businesses, both small and large, are governed by this Act, which contains both criminal and civil provisions.

Criminal Offences

Conspiracy to fix prices or price-fixing: When competitors agree on the prices that they will charge their customers.

Bid-rigging: When, in response to a call or request for bids or tenders, one or more bidders agree not to submit a bid, or two or more bidders agree to submit bids that have been prearranged among themselves.

False or misleading representations: When materially false or misleading representations, in any form whatever, are made knowingly or recklessly to the public. A representation is false or misleading in a material respect when it induces a consumer to buy a product or service.

Deceptive telemarketing: When person-to-person telephone calls are made and used to make false or misleading representations in promoting the supply of a product or business interest.

Civil Law Matters

Abuse of dominant position: When a dominant firm engages in anti-competitive acts that substantially lessen competition in a market.

Exclusive dealing: When a supplier requires or induces a customer to deal only or primarily in products designated or supplied by the supplier, or to refrain from dealing in another product.

Refusal to deal: When someone is substantially affected in his or her business, or is unable to carry on business, because of the inability to obtain adequate supplies of a product on usual trade terms.

Mergers: When all or part of one business is acquired by another. The Bureau must be notified in advance of certain large mergers.

Deceptive marketing practices: When various forms of misrepresentations are made to the public — advertising at a bargain price a product that is not available in reasonable quantities; selling a product at a price above the advertised price; or conducting a contest, lottery, or game of chance or skill, without making fair and adequate disclosure of facts that materially affect the chances of winning.

What Is the Consumer Packaging and Labelling Act?

The *Consumer Packaging and Labelling Act* requires that prepackaged consumer products bear accurate and meaningful labelling information to help consumers make informed purchasing decisions. The Act prohibits the making of false or misleading representations and sets out specifications for mandatory label information such as the product's name, net quantity and dealer identity.

What Is the Textile Labelling Act?

The *Textile Labelling Act* requires that consumer textile articles bear accurate and meaningful labelling information to help consumers make informed purchasing decisions. The Act prohibits the making of false or misleading representations and sets out specifications for mandatory label information such as the generic name of each fibre present and the dealer's full name and postal address or a CA identification number.

What Is the Precious Metals Marking Act?

The *Precious Metals Marking Act* provides for the uniform description and quality marking of precious metal articles (articles made with gold, silver, platinum or palladium) to help consumers make informed purchasing decisions. The Act prohibits the making of false or misleading representations related to precious metal articles. It also requires that dealers who choose to mark their articles with representations related to the precious metal quality, do so as prescribed by the Act and the Regulations.

How Do I File a Complaint?

If you believe that someone has in some way contravened any of the legislation enforced and administered by the Bureau and you want to complain, you can telephone, fax, e-mail or write the Bureau at the numbers listed at the end of this publication.

What Are the Responsibilities of the Branches?

Depending on the nature of your complaint, it will be referred to one of the following Bureau branches:

- The **Criminal Matters Branch** investigates criminal offences relating to anti-competitive behaviour, for example, conspiracy to fix prices and bid-rigging.

- The **Fair Business Practices Branch** deals with misleading advertising and other deceptive business practices, and with the laws concerning the adequacy and accuracy of information provided to consumers in the labelling, packaging and marking of consumer goods. Some cases are dealt with as criminal offences; others may be dealt with by seeking a prohibition order from a civil court.
- The **Civil Matters Branch** investigates competition cases reviewable by the Competition Tribunal, for example, abuse of dominant position or refusal to deal. It is also responsible for the Commissioner's appearances and interventions before regulatory boards and tribunals.
- The **Mergers Branch** is responsible for the review of merger transactions, including those that require prenotification filing.
- The **Economics and International Affairs Branch** coordinates the Bureau's work in the area of international cooperation and liaison with other government departments. It also provides economic advice to the other branches.
- The **Compliance and Operations Branch** is responsible for the development of the Bureau's enforcement policy, compliance program, communications and public education. It is also responsible for the planning, administration and informatics activities of the Bureau.

What Happens After I Complain?

If it is determined that the complaint warrants further investigation, the Bureau has a range of tools at its disposal to resolve competition issues. These tools have been integrated into what we now refer to as the Conformity Continuum and include:

- public education, written advisory opinions, information contacts, voluntary codes of conduct, written undertakings and prohibition orders;

- the legal authority to search and seize documents, to take sworn oral evidence and to demand the production of documents and records;
- the ability to refer criminal matters to the Attorney General of Canada, who then decides whether to prosecute before the courts;
- the power to bring civil matters before the Competition Tribunal;
- the authority to make presentations and intervene on matters of competition policy before federal and provincial boards, tribunals and commissions such as the Canadian Radio-television and Telecommunications Commission and the National Transportation Agency.

The Bureau conducts its investigations in private and keeps confidential the identity of the source and the information provided. However, if someone has important evidence about a contravention of any of the acts the Bureau administers, that person may be asked to testify in court.

Advisory Opinions

The Competition Bureau facilitates compliance with the law by providing various types of advisory opinions subject to fees. Company officials, lawyers and others are encouraged to request an opinion on whether the implementation of a proposed business plan or practice would raise an issue under the *Competition Act*. A specific opinion will be based on information provided by the requestor and will take into account previous case law, prior opinions and the stated policies of the Bureau.

The Bureau produces videos and publications on various aspects of the Competition Act, the Consumer Packaging and Labelling Act, the Textile Labelling Act and the Precious Metals Marking Act. To find out more about our videos and publications, contact the Information Centre:

Information Centre
Competition Bureau
Industry Canada
50 Victoria Street
Hull QC K1A 0C9

Toll-free: 1-800-348-5358

National Capital Region: (819) 997-4282

TDD (for hearing impaired): 1-800-642-3844

Fax: (819) 997-0324

E-mail: compbureau@ic.gc.ca

Web site: <http://competition.ic.gc.ca>

This publication is only a guide. It provides basic information about the Competition Bureau and the acts it administers. For further information, you should refer to the full text of the acts or contact the Competition Bureau at one of the numbers listed above.

INDUSTRY CANADA / INDUSTRIE CANADA



211272

