



Government  
of Canada

Gouvernement  
du Canada

# **DISCUSSION PAPER**

## ***AMENDING THE TEXTILE LABELLING AND ADVERTISING REGULATIONS***

**July 2018**

**Canada**The wordmark for Canada, with a small red maple leaf icon above the letter 'a'.

## TABLE OF CONTENTS

Introduction.....	3
Consultation Process.....	3
Regulatory Proposals .....	5
1. Custom-made articles and floor coverings.....	5
2. Imported articles.....	5
3. Second-hand articles .....	6
4. Piece goods sold by mail order .....	6
5. Articles predating December 1, 1972.....	6
6. Minor updates to structure and French phrasing.....	7

## INTRODUCTION

Innovation, Science and Economic Development Canada, in cooperation with the Competition Bureau, are consulting stakeholders on proposed updates to the *Textile Labelling and Advertising Regulations* (TLAR). These regulations, enacted pursuant to the *Textile Labelling Act* (the Act), contribute to a fair, efficient and competitive marketplace in Canada. This Act and its regulations were created to provide uniformity and accuracy in marking and advertising of consumer textile articles and textile fibre products sold in Canada. Consumers benefit by being able to rely on the accuracy of prescribed information in order to make informed purchasing decisions and to avoid misrepresentations. The Act and related programs of compliance are administered and enforced by the Commissioner of Competition, who heads the Competition Bureau.

A similar set of regulatory proposals to the below was the subject of consultation in 2007. While updates were not ultimately made to the TLARs following this process, feedback among industry stakeholders was generally supportive as these amendments would make only minor adjustments designed to streamline, simplify or add clarity to the regulations. This consultation contains fewer proposals than the 2007 version did, in part reflecting feedback received at that time. In addition, the proposed amendments respond to concerns expressed by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR)<sup>1</sup> that certain provisions of the TLARs may fall outside the authority conferred by the Act.

## CONSULTATION PROCESS

Innovation, Science and Economic Development and the Competition Bureau are seeking public comments on the following proposed amendments to the *Textile Labelling and Advertising Regulations*. Comments from interested parties are requested by August 31, 2018 and can be submitted by e-mail, fax or regular mail. Submissions may be made available to the public or posted on a Government of Canada website, unless confidentiality is specifically requested.

A copy of Act and TLAR can be accessed at: <http://laws-lois.justice.gc.ca>.

The contact point to submit commentary is:

Ian Disend  
Innovation, Science and Economic Development Canada  
235 Queen Street  
Ottawa, ON K1A 0H5  
Fax: 343-291-2497  
E-mail: [ian.disend@canada.ca](mailto:ian.disend@canada.ca)

---

<sup>1</sup> The Standing Joint Committee for the Scrutiny of Regulations is a Parliamentary Committee that reviews all regulations. It can recommend changes to regulations, report to Parliament on problems, and propose that regulations be repealed.

For other assistance please contact the Competition Bureau's Information Centre at 819-997-4282 or toll free at 1-800-348-5358.

## REGULATORY PROPOSALS

### 1. Custom-made articles and floor coverings

**Proposal:** For custom-made articles and floor coverings made for individual use, there would be the option to either disclose the required labelling information in accordance with the Act and TLAR on a non-permanent label, or on a bill of sale or another document accompanying the article.

**Explanation:** Currently, these articles do not have to be labelled if, at the time the order is placed, the purchaser was able to examine a sample that is properly labelled, and the information required by the Act and TLAR is shown on the bill of sale or another document that the purchaser will receive with the article.

The SJCSR raised concerns on the manner in which this exemption is applied according to the legal authority provided by the Act because certain requirements must be satisfied before the exemption may be applied. Thus, the proposed amendments would revoke this exemption (s. 7) and “Article custom made for the use of an individual” would be added to Schedule III of the TLAR so that custom articles may be labelled using non-permanent labels. However, a new subsection, ss. 19(4), would also be introduced so that businesses may continue to use the bill of sale, or another document accompanying the article, to disclose the required labelling information.

### 2. Imported articles

**Proposal:** Imported consumer textile articles would have to be properly labelled before entering the country, rather than before they are sold to consumers.

**Explanation:** Currently, imported articles do not have to be properly labelled when they enter the country as long as certain information is provided to the Competition Bureau in advance or at the time of importation and the articles are properly labelled before they are sold to the consumer.

The SJCSR raised concerns on the manner in which this exemption is applied according to the legal authority provided by the Act because certain requirements must be satisfied before the exemption may be applied. Under this proposal, section 8 and subparagraph 6(d) of the TLAR would be repealed. The change would also bring Canada’s regulatory regime into greater alignment with its partner jurisdictions under the North American Free Trade Agreement.

### **3. Second-hand articles**

**Proposal:** Second-hand consumer textile articles would be exempted from all labelling requirements.

**Explanation:** Currently, second-hand articles must be labelled as second-hand in order to be exempted from labelling requirements.

The SJCSR raised concerns on the manner in which this exemption is applied according to the legal authority provided by the Act because certain requirements must be satisfied before the exemption may be applied. With the proposed amendment, the regulation would no longer require a label to identify a second-hand article as second-hand to be exempt from labelling requirements. Section 9 would be repealed and “second-hand articles” would be added to Schedule II of the TLAR.

### **4. Piece goods sold by mail order**

**Proposal:** Piece goods sold by mail order would no longer be exempted from labelling requirements even if, at the time the article is ordered, the required information is shown in the mail order catalogue.

**Explanation:** Currently, piece goods sold by mail will be exempt from labelling requirements if the same information is shown in the mail order catalogue at the time of ordering.

The SJCSR raised concerns on the manner in which this exemption is applied according to the legal authority provided by the Act because certain requirements must be satisfied before the exemption may be applied. Section 9.1 of the TLAR would be repealed, meaning that mail order piece goods would require non-permanent labels disclosing the required information under the Act and TLAR.

### **5. Articles predating December 1, 1972**

**Proposal:** The exemption from labelling requirements would be repealed for consumer textile articles received or in transit prior to December 1, 1972.

**Explanation:** It is very unlikely that any product shipped before this date, when the TLAR came into force, is still available for sale. Therefore, this exemption in subsection 6(b) is no longer necessary.

## 6. Minor updates to structure and French phrasing

**Proposal:** Translations and other terminology in section 13 would be amended to provide more accuracy and clarity.

**Explanation:** There is inconsistent use of French terminology for English expressions “clearly and prominently,” “prominence,” and “easily legible.” To enhance consistency and clarity, this would be addressed along with other minor phrasing and structural updates, such that:

- “doivent être” would become “sont à la fois” in the French version of subsection 13(1);
- “inscrits en caractères de même corps et de lisibilité constante” would become “inscrits en caractères de même taille et de même importance”; in the French version of paragraph 13(1)(c)
- “que les alinéas 11(1)b) et c) exigent de faire figurer sur une étiquette d’information doivent être” would become “que doit porter l’étiquette d’information conformément aux alinéas 11(1)b) et c) sont, à la fois” in the French version of subsection 13(2);
- the requirements “clearly and prominently shown” and “easily legible” would be combined into one paragraph to read “easily legible and prominently shown” in each of subsections 13(1) and (2);