

# Is There a One Size Fits All Reasonable Person Standard? US and Canadian Perspectives on Ad Interpretation

American Bar Association Teleconference

Speaking Engagement

March 1, 2013

Washington, DC

On March 1, 2013, partner [John E. Villafranco](#) spoke at the program, "Is There a One Size Fits All Reasonable Person Standard? US and Canadian Perspectives on Ad Interpretation," presented by the American Bar Association in partnership with the Canadian Bar Association. In the United States, to determine how a consumer understands an ad, the FTC has long applied the lens of a "reasonable person," with some exceptions such as if the ad is directed to an impressionable audience like children. In yet another example of where the United States and Canada may not see eye to eye on consumer protection standards, the panel discussed the Supreme Court of Canada's recent decision in the *Richard v. Time* case in terms of (a) the appropriate standard for the "average consumer" when determining the general impression of an advertisement and (b) the appropriate use of disclaimers in advertising. The panel also discussed some practical tips for advertisers who promote their goods in both the United States and Canada.

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