

BACKGROUND: DECEPTIVE ACTS OR PRACTICES IN BC

OVERVIEW

A deceptive act or practice is an oral, written, visual, descriptive or other representation by a supplier that has the capability, tendency or effect of deceiving or misleading a consumer. Consumer Protection BC assesses the merits of each consumer complaint on a case-by-case basis – as the circumstances will be unique to each case. When reviewing a complaint about an alleged deceptive act or practice, Consumer Protection BC will consider a number of factors, such as:

- whether the consumer is vulnerable,
- whether there is a larger public interest,
- whether there is a pattern of behaviour with the supplier,
- whether the dollar amount of loss is significant, whether the supplier attempted to make amends,
- whether tangible evidence is supplied to back up the claim.

Further to the process described above, consumers always have the right to use the [Business Practices and Consumer Protection Act's](#) provisions prohibiting deceptive acts or practices themselves to pursue disputes through the court system.

It's important for consumers to understand the difference between a deceptive act or practice and a quality of service issue. Further it important to note that Consumer Protection BC does not have the authority to investigate allegations of criminal fraud.

THE DECEPTIVE ACTS OR PRACTICES LAW IN BC

Consumer Protection BC is responsible to regulating and enforcing the [Business Practices and Consumer Protection Act](#), which includes broad prohibitions against businesses engaging in deceptive acts or practices. These provisions are in place to help protect consumers against businesses that intentionally use misleading or deceiving tactics. The law defines what constitutes as a deceptive act or practice, and provides sanctions Consumer Protection BC may impose on businesses who have been found to have engaged in such behaviour.

BUSINESS OBLIGATIONS AND CONSUMER RIGHTS

By law, businesses in BC:

- Must fully and clearly disclose all material information in ads and descriptions;
- Must not make any representation that deceives or misleads a consumer;
- Bear the burden of proof that a deceptive act or practices was not committed, if one is alleged to have occurred;
- Should avoid disclaimers (putting a disclaimer on an ad may not protect from charges of misleading practices).

By law, consumers:

- Have the right to purchase goods and services as represented by businesses.

CONSUMER TIPS

1. **Recognize the signs of deception.** Remember: if the offer sounds too good to be true, it probably is. Do your own research to confirm any claims being made.
2. **Know the law.** Research BC's laws about deceptive acts or practices to determine whether the business intentionally used misleading or deceiving tactics. Consumer Protection BC cannot investigate quality of service issues.
3. **Do not pay up front for any prize.** A legitimate prize offering will never require you to pay anything. Be careful if you receive such an offer that requests you to send them personal information.

ENFORCEMENT ACTIONS

All recent enforcement actions can be found online, on Consumer Protection BC's website, www.consumerprotectionbc.ca, and under the [Recent Enforcement Actions page](#).

FOR MORE INFORMATION

Visit www.consumerprotectionbc.ca for more information for both consumers and regulated businesses. Additional statistical information may also be available in Consumer Protection BC's [annual reports](#). Consumer Protection BC also provides up-to-date information on [Facebook](#), [Twitter](#) and [the corporate blog](#).

Questions or complaints can be directed to Consumer Protection BC's Inquiry Centre at, toll free, 1-888-564-9963 or info@consumerprotectionbc.ca.