

Competition Bureau Fair Business Practices Branch June 1996

GUIDE

TO

THE PRECIOUS METALS

MARKING

ACT AND REGULATIONS

Version française disponible aux adresses qui se trouvent à l'annexe B



Gouvernement du Canada

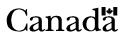


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1. **INTRODUCTION**

This guide provides an outline to the quality and marking requirements of precious metals articles subject to the *Precious Metals Marking Act* and the *Precious Metals Marking Regulations* (hereafter called the *Act* and *Regulations*). This document should be read in conjunction with the *Act* and *Regulations* which will govern.

For further clarification of these requirements or information on how to order the *Act* and *Regulations* please turn to page 17 and 20.

1.1 **Objectives of the Legislation**

The Act and Regulations seek:

- to ensure that the information provided to consumers on the quality of a precious metal article is not misleading or deceptive; and
- to provide for the uniform description and quality marking of precious metal articles, including jewellery, hollow ware, watches, spectacle frames, flatware, etc. in the Canadian marketplace thereby assisting consumers with their purchasing decisions.

1.2 **Prohibitions**

No guarantee with respect to the durability or wearability of the precious metal plating of an article can be made.

Dealers are prohibited from selling, importing into Canada or advertising any precious metal article in a manner which is false or misleading as to the precious metal content.

1.3 **Dealer Responsibility**

As a dealer, your responsibility is to ensure that:

- (a) any representation as to the quality of the article is factual;
- (b) when an article is quality marked, a registered Canadian trade mark is also applied, that trade mark must be registered or have been applied for registration. The dealer should be able to prove that fact if and when requested by an inspector.

(c) any quality mark applied to an article is as provided for in the legislation; and

(d) where applicable, all mandatory marks are applied.

2. **DEFINITIONS**

Section 2 of Act

Apply

"apply", in relation to a mark, includes any application or attachment thereof to, or any use thereof on, in connection with or in relation to

- (a) an article,
- (b) anything attached to an article,
- (c) anything to which an article is attached,
- (d) anything in or on which an article is, or
- (e) anything so used or placed as to lead to a reasonable belief that the mark thereon is meant to be taken as a mark on an article;

Article

"article", means any article of merchandise, and includes any portion of any article of merchandise, whether a distinct part thereof or not, other than an article or a part thereof designated by the regulations;

Dealer

"dealer" means a person who is a manufacturer or an importer of any article to which this Act applies and any person who traffics by wholesale or retail in any such article and includes any director, manager, officer or agent of that person;

Mark

"mark" includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word or figure;

Plated article

A plated article means an article composed of any substance on the surface of which a layer or plating of a precious metal is deposited or plated by means of a chemical, electrical, mechanical or metallurgical process or by means of a combination of any of those processes;

"gold filled" and "rolled gold plate" mean an article composed of an inferior metal, the surface of which a covering or sheeting of a precious metal is fixed by brazing, soldering or by any mechanical means;

Precious metal

"precious metal" means gold, palladium, platinum and silver and an alloy of any of those metals and any other metal and an alloy thereof that is designated by the regulations as a precious metal for the purposes of this Act;

Precious metal article

"precious metal article" means an article wholly or partly, or purporting to be wholly or partly, composed of a precious metal and includes a plated article, and the word "article" when used in association with the name of a precious metal has a corresponding meaning;

Quality mark

"quality mark" means a mark indicating or purporting to indicate the quality, quantity, fineness, weight, thickness, proportion or kind of precious metal in an article;

Sell

"sell" includes

- (a) sell, offer for sale, expose for sale and have in possession for sale,
- (b) distribute or offer, whether as a premium or prize, and
- (c) display in such manner as to lead to a reasonable belief that the article so displayed is intended for sale.

3. **UNAUTHORIZED MARKINGS**

Except as authorized by this Act, no dealer shall apply to an article, or bring into Canada an article that has applied to it, a mark that suggests or indicates that the article is a precious metal article.

4. MARKINGS

Introduction

It is not mandatory to mark or advertise a precious metal article for quality — "14K" for gold, for example, or "sterling silver". Any mark or advertisement which does, however, refer to the quality of a precious metal article must be factual and in the manner prescribed.

Section 4(1) of Act

4.1 A quality mark that truly and correctly indicates the quality of the precious metal may be applied to an article if the precious metal content meets the standards provided in the regulations.

Section 4(2) of Act

4.2 A quality mark applied to a precious metal article shall be a mark authorized by the regulations and shall be applied in a manner authorized by the regulations.

4.3 **Trade-mark**

Where a quality mark is applied to a precious metal article it must also bear a trade-mark that has either been applied for or registered with the Registrar of Trade-marks in Canada. For information, including an application form for a trade-mark all correspondence should be addressed to:

The Registrar of Trade-marks Industry Canada Place du Portage, Phase I 50 Victoria Street Hull, Ouebec K1A 0C9

A trade-marks information clerk may be reached at (819) 997-1420.

Section 4(3) of Act

Section 4(1) of Act

Section 3 of Act

Section 4(4)(a) of Act

Section 4(4)(b) of Act

If an article has applied to it a quality mark and is hallmarked in accordance with the laws of the United Kingdom, it does not require a trade-mark.

Foreign Government Mark

Articles that are quality marked in a foreign country, and also have applied to them an assay mark of that country which is recognized by the Department of Industry, are not required to have applied to them a trade-mark registered in Canada.

4.5 **Other Marks**

Hallmark

4.4

Other marks may be applied such as:

- (a) numerals intended to identify the article or pattern and are not calculated to mislead or deceive;
- (b) the name or initials of a dealer; and
- (c) any other mark not calculated to mislead or deceive.

5. NATIONAL MARK

The national mark consists of a representation of a maple leaf surrounded by the letter "C".

This mark may be applied to an article that is wholly manufactured in Canada which is composed of karat gold, silver, platinum or palladium, as allowed under Section 6 of the regulations. The article shall also be trademarked.



Section 4(5) of Act

Section 5 of Act

The national mark may only be applied by an authorized dealer who has a registered trade-mark. Written requests for the authority to use this mark on qualifying precious metal articles should be addressed to:

Deputy Director of Investigation and Research Fair Business Practices Branch Industry Canada Place du Portage, Phase I 50 Victoria Street Hull, Québec K1A 0C9

Section 5(1) of Regulations

5.1 Subject to subsections 10(1), 11(6) and 12(1), a quality mark may be applied to a precious metal article by any method.

Section 5(2) of Regulations

5.2 Where a quality mark is stamped, branded, engraved or imprinted on a precious metal article, a trade mark that is applied to that article pursuant to subsection 4(3) of the Act shall be applied by the same method as the quality mark.

Section 5(3) of Regulations

5.3 Where only part of an article is composed of a precious metal plating of a quality specified in section 7, 8 or 9 and a quality mark is applied to the article, the name of the part to which the quality mark is applicable shall be applied immediately before or after the mark.

Section 5(4) of Regulaitons

5.4 A statement of the thickness of the plating of the precious metal may be made if it is expressed as a whole numeral and followed immediately by the word "micrometres", or the symbol, "μm", or the word "micron", or the symbol "μ".

6. **ARTICLES OTHER THAN PLATED ARTICLES**

Section 6 Regulations and table thereto

6.1 **Gold**

"karat", "carat", "Karat", "Carat", "Kt.", "Ct.", "K", "C" or a decimal designation may be used to express the quality of gold of an article having a minimum quality of 9K or higher.

Gold articles having a quality of 10K, 14K, 18K may alternatively be marked as .416, .583, .750 respectively.

6.2 Silver

"silver", "sterling silver", "sterling", "argent", "argent sterling" or any abbreviations thereof (e.g., "ster.", or "STG") or ".925" are quality marks provided for any article which contains at least 925 parts pure silver in 1,000 parts by weight.

6.3 **Platinum**

"platinum", "plat.", or "platine" are quality marks provided for any article which contains at least 95 percent platinum or at least 95 percent an alloy of platinum and iridium or ruthenium.

6.4 **Palladium**

"palladium" or "pall." are quality marks provided for any article which contains 95% palladium. This quality mark may also be used for an alloy of at least 90% palladium only when accompanied with an additional 5% of any combination of the following prescribed metals namely platinum, iridium, ruthenium, rhodium, osmium or gold.

7. **PLATED ARTICLES**

Section 7 Regulations and the table thereto

This section does *not* cover the requirement for **plated watch cases**, **spectacle frames**, **flatware** and **hollow ware** which are discussed later in this guide.

7.1 **"gold filled"** "G.F." or **"doublé d'or"**

These are acceptable quality marks on any article which is produced from material consisting of a base metal to which a layer of gold of minimum 10K quality has been soldered or sweated, and such quality of gold comprises **at least 1/20** of the gross weight of the entire article.

7.2 "rolled gold plate" "R.G.P." or "plaqué d'or laminé"

These are acceptable quality marks which can be applied to any article which meets the gold filled requirements except that the amount of gold comprises **less than 1/20** of the gross weight of the entire article.

With respect to the plated articles subject to this section, if a karat designation is used, it must be preceded by the fraction when used in conjunction with the quality marks, "gold filled" or "rolled gold plate". For example, the mark "1/20 10K G.F." would be an indication that the article had applied to it by a mechanical process 10K gold and that the gold comprises 1/20 of the entire weight of the article. Each numeral in the fraction used must be in the **same size of type and prominence** as the remainder of the quality mark.

7.3 "gold electroplate" "gold plated" "G.E.P." "electro-plaqué d'or" or "or plaqué"

These are acceptable quality marks which can be applied to an article which has been plated with gold of at least 10K. The **thickness** of the gold plate, in terms of whole numbers of microns or micrometres, may be applied to such an article provided the thickness is of at least 1 micron or micrometre or larger.

7.4 "silver filled" "S.F." or "doublé d'argent"

These are acceptable quality marks which can be applied to any article produced from material consisting of a base metal to which a layer of silver of .925 quality has been soldered or sweated, and such silver comprises at **least 1/10** of the gross weight of the entire article.

7.5 "silver electroplate" "silver plate" "silver plated" "electro-plaqué d'argent" or "plaqué d'argent"

These are acceptable quality marks which can be applied to an article which has had silver of at least .925 quality applied by a plating process.

NOTE: The abbreviation "**S.P.**" is taken to mean silver electro-plated and is an acceptable quality mark due to long-standing trade use.

7.6 **"vermeil"** or **"vermil"**

These are acceptable quality marks which can be applied to any article meeting the minimum quality standard for "silver", which has been plated with gold of at least 10K quality.

8. PLATED POCKET WATCH CASES

Section 8 Regulations and table thereto

- NOTE: The criterion used with respect to the quality marks "GOLD FILLED", "ROLLED GOLD PLATE" or "GOLD PLATED" used on watch cases is based on **thickness** and *not* weight.
- 8.1 "gold filled" "G.F." "doublé d'or"

These quality marks must be accompanied by a factual karat designation, e.g., "10K G.F.". All of the numerals and letters in the mark must be in the same size of type.

A minimum thickness of 3/1000 of an inch (75 micrometres) of at least 10K gold must be applied to the outer surface of the hunting case front, back, centre, open-face bezel, pendant, crown and bow. At least 1/1000 of an inch (25 micrometres) of at least 10K gold must also be applied to the outer surface of the caps and hunting bezel.

8.2 "rolled gold plate" "R.G.P." or "plaqué d'or laminé"

These quality marks must be accompanied by a factual karat designation, e.g. "10K ROLLED GOLD PLATE". All numerals and letters in the mark must be in the same size of type.

A minimum thickness of approximately $1\frac{1}{2}/1000$ of an inch (35 micrometres) of at least 10K gold must be applied to the surface of the hunting case front, back, centre, open-face bezel, pendant, crown and bow. At least 1/1000 of an inch (25 micrometres) of at least 10K gold must also be applied on the outer surface of the caps and hunting bezel.

8.3 "silver filled" "S.F." or "doublé d'argent"

These are acceptable quality marks which can be applied to watch cases produced from material consisting of a base metal to which a layer of silver of .925 quality has been soldered or sweated.

A minimum thickness of 3/1000 of an inch (75 micrometres) of at least .925 silver must be applied to the surface of the hunting case front, back, centre, open-face bezel, pendant, crown and bow. At least 1/1000 of an inch (25 micrometres) of at least .925 silver must also be applied on the outer surface of the caps and hunting bezel.

8.4 "gold electroplate" "gold plated" "G.E.P." "electro-plaqué d'or" or "or plaqué"

These quality marks may only be applied to watch cases which have been electrolytically plated with gold of at least 10K quality to a thickness of at least 5 micrometres.

8.5 **''silver electroplate'' ''silver plated'' ''electro-plaqué d'argent''** or any abbreviation for any of the foregoing

These quality marks may only be applied to watch cases which have been electrolytically plated with silver of at least .925 quality to a thickness of at least 5 micrometres.

9. **PLATED BRACELET WATCH CASES** Section 9 Regulations and table thereto

The marking provisions are identical to pocket watch cases (see 8.1, 8.2 and 8.3) with *one exception*. The exception is that provision is made here for the addition of the marking of any part which is not of the quality of the rest of the case, e.g., Base Metal Back.

This marking may be applied either on the inner or outer surface of the case back.

The trademark must be applied to the case proper. The name on the dial of the watch is not considered to cover the requirement to apply the trademark on the case.

10. SPECTACLE FRAMES

Section 10 Regulations and tables thereto

10.1 **"gold filled"** "**G.F."** or **"doublé d'or**"

These are acceptable quality marks on any article which is produced from material consisting of a base metal to which a layer of gold of minimum 10K quality has been soldered or sweated, and such quality of gold comprises **at least 1/20** of the gross weight of the entire article.

10.2 "rolled plate" "R.P." "rolled gold plate" "R.G.P." "placage laminé" or "placage d'or laminé"

These are acceptable quality marks which can be applied to any article which meets the gold filled requirements except that the amount of gold comprises **less than 1/20** of the gross weight of the entire article.

10.3 "gilt" "gold plated" "G.E.P." "or plaqué" or "doré"

These quality marks may be applied to a spectacle frame which is produced in a material which has had gold of at least 10K applied electrolytically to a thickness of at least 1 micrometre.

The provision for the use of the mark **"gilt"** or **"doré"** applies only to spectacle frames.

11. PLATED FLATWARE

Section 11 Regulations and table thereto

11.1 "silverplate"

"placage d'argent" "silverplated" "plaqué d'argent" "silverware" "argenterie" "S.P." or "E.P."

These quality marks may be applied to articles of flatware which have been plated with silver of a minimum .925 quality.

"A.I." "A.I.X." "A.I.+" "A.I. EXTRA" "A.A.+" "A.A.I.+" "A.A.I. EXTRA" "TRIPLE PLATE" "TRIPLE PLACAGE" "QUADRUPLE" or "XXXX"

These quality marks may also be applied to flatware articles, based on the amount of silver of a minimum .925 quality used as primary plating on a gross of teaspoons of the same size and design. Refer to Regulations for the different amounts of silver used as primary plating and the different amounts of silver in overlay.

11.2 "gold electroplate" "gold plated" "G.E.P." "electroplaqué d'or" or "or plaqué"

These quality marks may be applied to flatware which has been plated with at least 10K quality gold.

Where such gold plating is of at least 1 micrometre thickness, the thickness may be marked but only in whole numerals.

11.3 "nickel-silver" "nickel-argent" or "N.S."

The terms "nickel-silver", "nickel-argent" or "N.S." may be applied to an article in conjunction with the quality and trade mark provided the base metal contains **10** percent or more by weight of pure nickel.

All plated flatware containing less than 10 percent pure nickel by weight in the base metal **must** be stamped with the name of the base metal in conjunction with the trade mark. The appropriate precious metal quality mark **may** also be applied.

12. PLATED HOLLOW WARE

Section 12 Regulations and table thereto

(1) Subject to subsections (2) and (3), every article of hollow ware, other than a Sheffield reproduction article, that is a gold-plated or silver-plated article shall have stamped, branded, engraved or imprinted on it in a legible and conspicuous manner, the name of the base substance or such other word or words that accurately describe the base substance of the article and mount, if any, and the trade-mark shall be applied in conjunction therewith.

(2) Where 10 per cent or more by weight of the base metal in an article of hollow ware plated with gold or silver is pure nickel, such base metal may be identified by the expression "nickel-silver" "nickel-argent" or "N.S.".

(3) Where 90 per cent or more by weight of the base metal in an article of hollow ware that is a plated article is tin, such base metal may be identified by the expression "britannia metal", "métal anglais", "white metal", "métal blanc", "B.M." or "W.M.".

12.1 "gold electroplate" "electro-plaqué d'or" "gold plated" "or plaqué" or "G.E.P."

These quality marks may be applied to articles of hollow ware which have been gold plated with gold of at least 10K quality.

12.2 "silverplate" "placage d'argent" "silverplated" "plaqué d'argent" "argenterie" "S.P." or "E.P."

These quality marks may be applied to articles of hollow ware which have been plated with silver of at least .925 quality.

12.3 "Sheffield Reproduction" or "reproduction of Sheffield plate"

These quality marks may be applied to hollow ware articles which have a base of nickel or copper, with a soldered border, and the border plus any mounts must be of .925 silver, nickel or copper.

12.4 "nickel-silver" "nickel-argent" or "N.S."

These terms may be applied to hollow ware articles where the base metal contains 10 percent or more by weight of pure nickel.

12.5 "Brittannia Metal" "Métal Anglais" "White Metal" "Métal Blanc" "W.M." or "B.M."

These terms may be applied to an article where the base metal contains 90 percent of more by weight of tin.

12.6 Thickness of Plating

The thickness of the gold or silver plating may be indicated in micrometres so long as such thickness is 1 or more micrometres. The thickness must be expressed in whole numerals only.

13. **TOLERANCES**

Section 13 of Regulations

13.1 For articles produced in gold between 9K and 24K

3 parts per 1,000 parts by weight - where *no solder* is used. 7 parts per 1,000 parts by weight - where *solder* is used.

13.11 For articles produced in 18K white gold

3 parts per 1,000 parts by weight - where *no solder* is used. 15 parts per 1,000 parts by weight - where *solder* is used.

13.2 For articles produced in silver - .925 or better

2 parts per 1,000 parts by weight - where *no solder* is used. 6 parts per 1,000 parts by weight - where *solder* is used.

13.3 For articles produced in platinum (or an alloy of platinum and iridium or ruthenium)

The quantity of platinum (or the alloy if used) must be at least 95 percent of the metallic content of the article. No legal tolerance provided.

13.4 For articles produced in palladium

The quantity of palladium used must be at least 95 percent of the metallic content of the article. No legal tolerance provided.

13.5 For articles produced in an alloy of palladium and platinum, iridium, ruthenium, rhodium, osmium or gold

The quantity of palladium and of the alloy must be at least 90 percent and 95 percent respectively of the metallic content of the article (refer to table attached to Section 6 of Regulations for details). No legal tolerance provided.

13.6 For articles produced in gold filled - 1/20 or better

The weight of the gold must *be at least* 90 percent of the required gold in the article unless the article has been either engraved, brocaded or diamond faceted, in which case the weight of gold must *be at least* 80 percent of the required gold in the article.

13.7 For articles produced in silver filled - 1/10 or better

The weight of the silver must *be at least* 90 percent of the required silver in the article unless the article has been either engraved, brocaded or diamond faceted, in which case the weight of silver must *be at least* 80 percent of the required silver in the article.

14. EXAMPLES OF MARKINGS

- 14.1 The use of dual markings such as "14K 18K" or "10K STERLING" are only permitted on articles where the quality difference is discernible by colour. The quality making up the greater proportion in the article must appear first.
- 14.2 When the base metal is required to be marked on an article (hollow ware, flatware), the only permissible abbreviations allowed are "**N.S.**", "**B.M.**", "**W.M.**".

Abbreviations such as "COP", "Br.", "Z" are not allowed.

15. **EXEMPTIONS**

15.1 **Parts Exempt from Assay**

Section 4 of Regulations

The parts of an article that are exempt from assay for the purposes of the Act and these Regulations are

- (a) any mechanism, movement or works, where the article consists of a case or cover containing or incorporating the mechanism, movement or works;
- (b) brooch pins, brooch joints and brooch catches on
 - (i) gold or silver insignia pins, or
 - (ii) any article to which a quality mark specified in column I of item 1,2 or 4 of the table to section 7 may be applied;
- (c) where the article is an article to which a quality mark specified in column I of item 1 or 2 of the tables to sections 6, 8 and 9 or in column I of item 1, 2 or 4 of the table to section 7 may be applied, the following parts thereof:

- (i) springs, winding bars, sleeves, crown cores, joint pins, screws, rivets, dust bands, movement rings and spring pins,
- (ii) hat pin stems and sockets,
- (iii) scarf pin, stick pin and collar tack clutchbacks,
- (iv) bracelet tongues,
- (v) locket bezels,
- (vi) knife skeletons and blades,
- (vii) lapel button backs and the posts to which they are attached,
- (viii) earring setting posts, and
- (ix) tubes and posts for attachment to drilled stones together with any attached collet or claw setting; and
- (d) where the article is a spectacle frame to which a quality mark specified in the table to section 10 may be applied, the following parts thereof:
 - (i) pad posts,
 - (ii) cores and inner winding of comfort cable temples,
 - (iii) any part permanently encased in a non-metallic covering, and
 - (iv) hinge assemblies.

Copies of the *Precious Metals Marking Act* and the *Precious Metals Marking Regulations* may be obtained, for a fee, from the following address:

Canada Communication Group - Publishing Ottawa, Ontario Canada K1A 0S9 Telephone: (819) 956-4802 Facsimile: (819) 994-1498

All cheques or money orders must be made payable to the Receiver General for Canada.

APPENDIX A

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AVAILABLE PUBLICATIONS

— A Guide to "Made in Canada" Labelling and Advertising

Precious Metals:

	—	Guide to the Precious Metals Marking Act and Regulations
	—	A Guide to Trade-Marks
	_	Guidelines with respect to the Sale and Marketing of Diamonds, Coloured Gemstones and Pearls
Consumer Brochure	_	Precious Metals, Look Before You Buy

Consumer Packaging and Labelling:

 Guide to the Consumer Packaging and Labelling
Regulations

- Regulations
 Principles and Guidelines for Environmental Labelling and Advertising
- The Average System of Net Quantity Determination

Textiles:

Information Bulletin No. 1	—	Guide to the Textile Labelling and Advertising Regulations
Information Bulletin No. 5	—	Guide to the Labelling of Down and Feather
Information Bulletin No. 6	—	Guide to the Canadian Care Labelling Program
Information Bulletin No. 9	—	Guide to the Advertising of Consumer Textile Articles
Consumer Brochures	—	Follow the Signs (Canadian Care Labelling System) Laundry chart and brochure
		Labels tell the Fabric Story

APPENDIX A

For **additional** information regarding the labelling of:

•	food products,	contact Agriculture and Agri-Food Canada	
•	products which may be hazardous,	contact Health Canada, Product Safety Bureau	
•	upholstered and stuffed articles,	contact the Department of Industry in Manitoba, the Ministry of Consumer and Commercial Relations in Ontario or the Ministère de l'Industrie et du Commerce in Quebec	
•	cosmetics,	contact Health Canada, Health Protection Branch	
•	therapeutic products or medical devices, contact Health Canada, Health Protection Branch		
•	country of origin statements for impo	orted products, contact Revenue Canada, Customs	
•	trademarks,	contact the Canadian Intellectual Property Office at	

Industry Canada.

APPENDIX B

INDUSTRY CANADA Fair Business Practices Branch

Send us an e-mail via Internet at: Visit our web site at: compbureau@ic.gc.ca http://competition.ic.gc.ca

Region	Location	Telephone and Fax #
Atlantic	50 Brown Avenue Burnside Industrial Park Dartmouth, Nova Scotia B3B 1X8	Tel: (902) 426-6055 Fax:(902) 426-1000
Quebec	6850 Sherbrooke East 1st Floor Montreal, Quebec H1N 1E1	Tel: (514) 283-3109 Fax:(514) 283-3834
Ontario	5160 Yonge Street Suite 800, Box 46 North York, Ontario M2N 6L9	Tel: (416) 954-1405 Fax:(416) 954-1470
Prairie	330 Portage Avenue, 9th Floor Winnipeg, Manitoba R3C 0C4	Tel: (204) 983-8905 Fax:(204) 983-5511
Pacific	13401-108th Avenue 17th Floor Surrey, B.C. V3T 5V6	Tel: (604) 666-5000 Fax:(604) 666-5473
National Capital Region	Competition Bureau Information Centre 50 Victoria Street Hull, Quebec K1A 0C9	Tel: (819) 997-4282 Toll free: 1-800-348-5358 TDD (for hearing impaired) 1-800-642-3844 Fax:(819) 997-0324