

# ADVERTISING AND THE LAW

By and for sex workers  
Living and working in safety  
and dignity



This document should not be taken as legal advice. This is a tool offered to sex workers so that we may improve living and working conditions. This information is not intended to influence anyone to commit illegal acts.

March 2015

## WHAT TYPE OF ADVERTISING IS ILLEGAL?

The Crown must prove that the ad is for a service that is both **sexual AND for consideration**.

Note: "For consideration" means in exchange for something: money, drugs, goods, etc.

### QUESTIONS TO ASK YOURSELF:

- Do you explicitly advertise sexual services? Are the words, images (pictures, videos, etc.) explicitly sexual?
- Does your ad include your prices – and are your prices directly linked with sexual services?



## WHO IS CRIMINALIZED BY THE ADVERTISING OFFENCE?

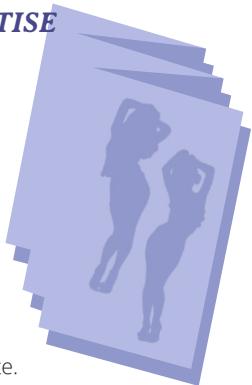
Legally, sex workers can advertise their own sexual services on the internet or in print. We can't be prosecuted for this.

The law criminalizes every person or business that advertises another person's sexual services. This could include the owner of a newspaper, the host of a web site, a colleague, etc., whether or not they work in the sex industry.

## YOU CAN ONLY ADVERTISE YOUR OWN SERVICES

If you advertise another sex worker's sexual services you **could be prosecuted** - the fact that you're a sex worker doesn't give you immunity.

Advertising someone else's sexual services could include an ad for a colleague under "duos" or a link or banner leading to another sex worker's ad or website.



## POSSIBLE SENTENCE

The sentence for advertising can vary:

There is no minimum sentence

The maximum sentence is 18 months in prison if the prosecutor decides to charge you with a summary offence

The maximum sentence is 5 years in prison if the prosecutor decides to charge you with an indictable offence

Sentencing depends on the specifics of the case and depends on many factors. E.g.: accused's prior criminal record, their current situation, the context of the offence and of their arrest and if it is a summary or indictable charge.

## THE PERSON OR BUSINESS THAT ADVERTISES YOUR SERVICES COULD:

Stop placing or posting your ad

Change their policies that determine what you can't write in your ad and what content you can't use in your pictures, videos, etc.

Not change anything and maybe risk prosecution for advertising your sexual services

## IMPACTS

Although the advertising offence doesn't criminalize sex workers directly, the result is that there are fewer places where we **can advertise**. This limits our ability to meet clients and to communicate with them.

When we can't meet clients we can't make money this impacts our financial security. It also impacts our physical health and safety:

- Not being able to meet clients through our ads forces us to meet them in more precarious and less safe situations.
- Not being able to explicitly and clearly communicate our services and prices prevents us from properly screening our clients and ensuring they understand our prices, limits and services before we meet them.

## PROTECT YOUR PERSONAL INFORMATION

Someone who is arrested for advertising your services can be forced to give authorities information so that they can identify and find the person who placed the ads (that could be you).

If you use your personal information (i.e. legal name, address, date of birth) or your personal computer or IP address to pay for the ad, the person who is prosecuted may be forced to give this information to authorities.

## **QUESTIONS TO ASK YOURSELF:**

- Do you know the name of the person or company you pay for your advertising (domain name, host server)?
- Do you provide them with personal information (ie. legal name, address, date of birth, etc.)?
- Are you using a personal or public computer or a fixed or roaming IP address?
- Are you using your personal credit card or a pay-as-you-go credit card?

### **CONTACT US FOR MORE INFORMATION OR SUPPORT**

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Suite 404 – Buzzer 65  
Frontenac Metro  
Tel : (514) 289 – 8889



We accept collect calls from people who are detained or incarcerated.

### **OTHER CARDS AVAILABLE IN THIS SERIES**

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