



## Alexandra M. Nicol

### Counsel

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[Advertising & Marketing](#)

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Alexandra's practice is focused on corporate and commercial law, particularly commercial regulatory matters that impact her clients. She provides strategic and practical advice to manufacturers, retailers and advertisers from a variety of industries (e.g., commerce/retail, automobile, financial services, health/food, clothing) on matters relating to advertising and marketing, including the following matters:

- Deceptive marketing practices in traditional and new media, such as drip pricing, **false and misleading claims et al.**
- Promotional contests, gift cards, loyalty programs, co-marketing agreements, and sponsorship agreements
- Labelling & packaging of consumer goods, food and health products, as well as other regulated products
- Consumer protection, including consumer agreements, product warranties, **consumer credit and e-commerce**
- French-language requirements under federal and Québec provincial laws
- Canada's anti-spam law compliance, privacy & access to information, particularly in the context of marketing programs, commercial operations, transactions and service-provider agreements

Within the firm, Alexandra is the National Leader of our Advertising & Marketing Group and she is an active member of the Financial Services Regulatory, Life Sciences, and Senior Living & Housing Groups.

## Experience

- PayBright Inc., one of Canada's leading buy-now-pay-later providers, in connection with its \$340 million acquisition by Affirm, Inc., a leading U.S.-based "buy now, pay later" platform.
- Advises on national and Québec-focused advertising and marketing campaigns for some of Canada's leading retailers and financial institutions, and numerous clients in the automobile, financial services, retail, food, cosmetic and pharmaceutical industries, to name a few. This includes advice on advertising initiatives, marketing, gift card and customer loyalty programs, as well as contest rules.
- Advises clients on compliance issues relating to CASL, privacy and access to information, particularly in the context of marketing programs, commercial operations, transactions and service-provider agreements.
- Negotiates, drafts and reviews website and e-commerce related policies and agreements.
- Provides advice to clients on consumer protection and consumer credit matters, and reviews agreements for large retailers, telecommunications companies and financial institutions (including credit card agreements), in order to ensure compliance.
- Advises clients with respect to the impact of federal and provincial legislation as well as industry codes of conduct governing the marketing of regulated products and services, including, without limitation, food, drugs, natural products, medical devices and cosmetics, as well as professional services.
- Advises residences for the elderly, residential and long-term care centres as well as other healthcare establishments on regulatory matters applicable to them.
- Represents clients before, and negotiates with, various federal and provincial government regulatory bodies and industry self-regulating bodies, such as the *Office québécois de la langue française* (OQLF), the *Régie des alcools, des courses et des jeux* (RACJ), and Ad Standards, to name a few.

## Insights & Events

- Author, "Time to open contests to Québec residents: Québec abolishes publicity contest rules", BLG Article, November 2023
- Author, "Government of Canada publishes NOI on labelling criteria for toxic substances under the CEPA", BLG Article, December 2022
- Author, "Bill 96: New French language obligations affecting workplaces, business, contracts and more", BLG Article, May 2022
- Author, "Linguistics 101: Our take on language reform in Québec's Bill 96", BLG Article, May 2021
- Marketing Your Business in Canada: Understanding the laws and risks involved, BLG Perspective, August 2020
- Author, "Refunds and returns in the COVID-19 era", BLG Article, July 2020
- Author, "Product advertising and marketing in the time of COVID-19", BLG Article, May 2020
- Preparing for open banking: Lessons from the U.K., BLG Perspective, February 2020
- Author, "Canadian Marketing Association Publishes Guide on Transparency for Consumers", BLG Article, March 2019
- Author, "Update to Québec's Proposed Loyalty Program Rules", BLG Article, June 2018
- Author, "As Of November 24th, Use Of Non-French Trademarks On Outside Signs Will Require The Presence Of French", BLG Article, November 2016

- Author, "Advertising Standards Canada Comes Out With An Updated Code And New Guidance On Testimonials And Endorsements (October 2016)", BLG Article, October 2016

## Beyond our Walls

### Professional Involvement

- Member, New York State Bar Association
- Member, Canadian Bar Association

### Community Involvement

- Member, Salvation Army Advisory Board, Québec Division (2011-2016)
- Member, Board of Directors, Centre de santé et de services sociaux (CSSS) Cavendish (2012-2015)

## Bar Admission & Education

- Québec, 2003
- New York State, 2002
- BCL/LLB, McGill University, 2001
- B.Comm., McGill University, 1997

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