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Anita Banicevic Speaks About Competition Bureau's Lawsuit Against Ticketmaster over Alleged Deceptive Pricing Practices

Speaking to *The Globe and Mail* and the Canadian Press, Davies partner Anita Banicevic discussed the application filed this week by the Competition Bureau against Ticketmaster and its parent company Live Nation Entertainment for allegedly imposing non-optional fees that are not disclosed in the advertised price, a practice referred to as "drip pricing." In Ticketmaster's case, the Bureau said that this practice raises prices more than 20% – and sometimes more than 65% – above the advertised price of the ticket.

According to Anita, the Bureau's theory that "drip pricing" (even where such additional fees are disclosed at some point prior to purchase) is false or misleading has not been tested by the courts as companies have historically settled with the Bureau in cases involving such allegations. In 2011, for instance, the Bureau reached an agreement with Bell Canada that entailed the telecom company agreeing to modify its approach to advertising prices (to include all non-optional fees) and pay an administrative penalty of \$10 million.

Anita noted that one issue that the Court might consider is the fact that some provinces are already asking ticketing companies to implement transparency in ticket pricing and requiring itemized disclosure of all fees. "Is there anything else the Bureau needs to address if the provinces are already on it?" she said.