

The CHAIRMAN: It could be advertised for that purpose?

Mr. CURRAN: Yes, but it could not be advertised for treatment.

Hon. Mr. HAYDEN: A company could advertise its name and say that it sells trusses of such and such a size?

Mr. CURRAN: Yes.

Hon. Mr. ROEBUCK: Why can it not say that a truss will relieve the condition of rupture?

Mr. CURRAN: No, it cannot advertise that.

Hon. Mr. ROEBUCK: Can it not use the word "rupture"?

Mr. CURRAN: No.

Hon. Mr. BURCHILL: In last night's Montreal Star there was an advertisement of a device for rupture. I wish I had cut it out, because I am not entirely sure of just what it said, but I think it used the word "support". On reading it you certainly would get the idea that if you had a rupture you could be helped by one of those devices. I gather that under this new law the company could be prosecuted for publishing that advertisement.

Dr. MORRELL: It would be the general impression we got from the advertisement, I think, that would decide what we would do about it.

Hon. Mr. ROEBUCK: Will you explain that? Do you mean if you did not like the people or the way they were carrying on business, or something of that kind, you would prosecute?

Dr. MORRELL: No.

Hon. Mr. HAYDEN: Just what do you mean by the words "the general impression we got from the advertisement"?

Dr. MORRELL: Well, we would have no objection to the company advertising it as an abdominal support, for example.

Hon. Mr. ROEBUCK: But that would be a misstatement. A truss is not an abdominal support. The purpose of a truss is to reduce a rupture, and what you are proposing to do is to allow a misrepresentation of a truss.

Dr. MORRELL: If someone advertised "These trusses are excellent for the treatment or cure of rupture," we probably would object to it.

The CHAIRMAN: Would you object to someone advertising that trusses are a relief for rupture?

Hon. Mr. ROEBUCK: A truss certainly does relieve a rupture.

The CHAIRMAN: There is no objection to advertising that a truss may be used for the relief of rupture; is there?

Hon. Mr. HAYDEN: It seems to me it would be an offence.

The CHAIRMAN: I do not think so. I think that the offence consists in advertising it as a "treatment, preventative or cure".

Hon. Mr. HAYDEN: I asked both Dr. Morrell and Mr. Curran if I advertised something as a relief for any condition listed in Schedule A would I or would I not be offending against section 3, and they told me I would.

Mr. CURRAN: I think I qualified that a few seconds afterwards, senator, by saying that we were of the opinion that it would be necessary to relate that to the particular representation as well as the particular condition before you could say whether it infringed the section or not.

Hon. Mr. FARRIS: The trouble with that is that it makes the enforcement depend more upon the opinion of the department than on what the section itself says.

Hon. Mr. ROEBUCK: That is right.