

Dairy Industry Act

without hard labour. I share the views of those who believe that transgressors should be punished, however, I think, that the penalty should be in keeping with the offence.

When I consider that a person who might have violated section 5, subsection (b) specially, may be fined a minimum of \$500 or sentenced to six months of detention with or without hard labour, I respectfully submit sir, that this penalty is too severe.

Mr. LAPOINTE (Translation): We might as well hang him right off.

Mr. GIROUARD (Translation): Certainly. It is only necessary to read subsections (b) and (c) of section 5 to be satisfied that this bill goes too far:

No person shall mix with or incorporate with butter, by any process of heating, soaking, rechurning, reworking or otherwise any cream, milk, skim milk, buttermilk or water to cause such butter when so treated to contain over 16 per centum of water or less than 80 per centum of milk fat.

Then, subsection (c) is as follows:

No person shall melt, clarify, refine, re churn or otherwise treat butter to produce "process" or "renovated" butter.

If the judge were allowed a certain discretion, he could fine those who openly transgress the law \$500, and I would not find any fault in this respect. However, I think the act is too severe as regards those who unintentionally transgress the law. To inflict the minimum fine of \$500 or detention in default of payment for such an offence, I submit is to go beyond the intention of the members who approved this act some years ago.

I am informed that the bill under discussion was approved by Mr. Ruddick, in committee. I readily understand that Mr. Ruddick does not object to enacting this measure, he should have stated, however, that by passing this bill we were destroying the good results which the act might otherwise have. It is not by inflicting exorbitant penalties that we can hope to remedy a state of things far less serious than what it is stated to be. Some instances of violation of the Act have been quoted in the house, but they are very few and isolated cases. The few infractions in Ontario or in Quebec would not warrant our enacting such an unjust measure, one depriving the judge who hears the case of all discretion as to the penalty to inflict.

We should amend this bill. Let the maximum penalty of \$1,000 remain, but let us do away with the minimum fine of \$500 so as to allow the judge or magistrate who hears

[Mr. Girouard.]

the case the option of determining whether the law has been intentionally violated or not. These are the only comments that I wish to make. I think that the sponsor of this bill would be acting in the interest of the farming class if he carried out my suggestions.

Mr. DUPUIS: As a representative of the farmers I fully concur in the remarks of the hon. member for Drummond-Arthabaska (Mr. Girouard). In the city of Montreal it has been found that usually it is only those engaged exclusively in the butter trade who are guilty of violations of the Dairy Industry Act which it is the purpose of this bill to discourage. I think it is a good idea that there should not be a minimum penalty of \$500, but that this should be left to the discretion of the judges. Personally I have great confidence in our judges, and I know they are well qualified to decide whether an accused should be punished by a severe penalty or dealt with leniently as a first offender. In the case of those making a regular practice of adulterating butter with coconut oil or other adulterants, I think the minimum penalty of \$500 is not too high, and that the object of the sponsor of the bill to punish those in our large cities who are engaged in the business of selling adulterated butter is to be commended; but where adulterated butter is sold unwittingly by a farmer, I am of opinion that the district judge should have discretion to deal leniently with the case.

Mr. SHAVER: Did the hon. member ever know of a case where a farmer was prosecuted for adulterating butter?

Mr. DUPUIS: I do not know of any, but I think that is an argument in favour of modifying the proposed legislation. Nobody in the world would desire to see a poor farmer convicted and fined \$500, for he would not be able to pay the penalty and would have to go to gaol for six months. The farmers do not make a practice of adulterating their butter; it is the butter merchants in the cities who are guilty of this practice. I am not discussing this bill in any partisan spirit; I am speaking not as a Liberal but as a representative of the farmers, and I congratulate the sponsor of the bill for introducing this measure. In cases where a judge is not given any discretion the accused sometimes is punished with undue severity. I remember a case of a postal employee who on New Year's day found that one of the parcels he had for delivery had been broken open. He found some advertisements of a playing card company and thought that since the address was lost he could take home one of