

Criminal Code

thing it was even several decades ago when the Combines Investigation Act was first passed and these sections were first included in it. I do not remember the year.

Mr. Turner (Ottawa-Carleton): 1936.

Mr. Lewis: I knew it was several decades ago. Today advertising has become one of the major industries in society. It is the means by which people are persuaded to want what they get.

The Acting Speaker (Mr. Béchard): Order. I regret to interrupt the hon. member, but his time has expired.

Some hon. Members: Carry on.

• (9:50 p.m.)

The Acting Speaker (Mr. Béchard): Does the house give unanimous consent for the hon. member to continue?

Some hon. Members: Continue.

Mr. Lewis: Thank you very much. I appreciate the kindness of hon. members. I was saying that advertising in our modern society does what Professor Gad Horowitz states in a chapter of a recent book. It makes certain that people want what they get instead of getting what they want.

Mr. Turner (Ottawa-Carleton): That is Galbraith.

Mr. Lewis: No, that is Horowitz, but since the minister wants Galbraith I will give this to him too. As Professor Galbraith pointed out, and this is why this is important and why I will have something unkind to say to the minister on the subject:

It is part of the strategy by which firms minimize their subordination to the market; by which they take labour and capital supply, public policy and prices within their broad ambit of control.

He says that in our modern society the individual, instead of being sovereign in our economic system is, in large degree, the instrument of advertising. So that false advertising, fraudulent advertising and improper advertising ought to be prohibited in the strictest possible way. So far as the proposal by the minister is concerned, the strictness appears to me to be there, to the extent I have been able to study the words.

I have in my files a clipping of a statement made in some speech by the minister of consumer affairs and reported in the *Financial Post* of November 9, 1968. In this speech the

minister underlined that he had very few people in his department able to enforce these provisions about false advertising; the amendment he has proposed to the Combines Investigation Act. If that is the case his law is not worth anything. No law, however good, which remains on the statute books without being enforced is worth the paper on which it is written. If this minister, the Minister of Consumer and Corporate Affairs (Mr. Basford) and the government as a whole are serious about stopping false and fraudulent advertising, and serious about protecting our society against the manipulations which the advertising industry performs on innocent people, they ought to provide the funds to the minister, or whatever other department may be available, to give them the staff to enforce the amendment which has been presented. Without that, this is a sham and nothing more.

If the minister has had difficulty in getting funds from the cabinet or the President of the Treasury Board (Mr. Drury), as far as my colleagues and I are concerned we hope that he fights as hard as he can to get the necessary staff to enforce the law which is contained in his bill on this point.

Mr. Turner (Ottawa-Carleton): That was in 1967, when I was the minister of consumer affairs.

Mr. Lewis: The minister says it was 1967.

I want to be finished by at least ten o'clock, so as not to take to extreme the kindness the house has shown me. I want to list several things that are not in the bill which make the bill much less useful than it ought to have been. I cannot for the life of me understand why the bill does not contain provisions for the right of an accused to counsel. This is contained in the charter for human rights which the Prime Minister presented to the constitutional conference a year ago. It is still there, therefore the government believes in it. It is obvious that this charter may take a long time to come into being. The gestation period has been a year already, and I think it will be one or two more years. This will not be done in months. In the meantime, why should the right to counsel not be written into the criminal law? There is no excuse for this. It is not too difficult a subject on which to draft an amendment to the Criminal Code. We should guarantee the right to counsel to every person who requires counsel. The absence of this right is what makes one law for the rich and one for the poor. It is the capacity to have the best legal advice which makes the difference in the application of the law.