

Senator Cook: What happened to that case, was it exported?

Mr. Carton: No, it was not. We kept it and seized it. We had no alternative. That is a fairly important market for this low-cost food, and whatever he might think I do not believe the people in Haiti would have been pleased to get it. They can buy little enough of what is sent to them anyway, but it is a fairly important market for certain packers in New Brunswick and Nova Scotia.

Senator Cook: Did he survive it?

Mr. Carton: Yes, he did as a matter of fact. He died about two years ago at the age of 88. I should explain that at the moment we have in our regulations defined the word "unwholesome". This is defined in the regulations.

Senator Flynn: Is the definition too long to quote?

Mr. Carton: "Unwholesome fish" means:

Fish that has in or upon it bacteria of public health significance, or substance toxically or esthetically offensive to man.

Senator Hastings: Is the word "tainted" defined?

Mr. Carton: Yes. "Tainted fish" means:

Fish that is rancid or has an abnormal colour, odour or flavour.

"Decomposed" in respect of fish means:

Fish that has an offensive or objectionable odour, flavour, colour or textural effect associated with spoilage.

There is this legal point. Since the word "unwholesome" occurs in the statute, to define it in the regulations or elsewhere we should have authority in the statute, which is the reason for section 2 (ab).

With regard to this word "unwholesome", I should explain that, as is our practice with all our fish inspection regulations and legislation, it has never been advanced or got to the point of being submitted to the Governor in Council, but it has been examined with the fishing industry through the Fishing Council of Canada and other associations involved with this, and this phrase is acceptable to them. They have been able to live with it. In fact they want it. They have found, as we have found that it is not simple. Nothing is simple.

Senator McDonald: The fishing associations want this?

Mr. Carton: I do not say they want it. Well, yes, they want it, but we propose it to them. We do not spring this on the fisheries people as law without consultation beforehand. This consultation sometimes takes months. It is done through their office here in Ottawa, who circulate the proposals to all member associations throughout Canada. They get their comments, they get a consensus of the associations, which is finally reflected in the legislation that we advance, whether by regulation or statute.

Senator Flynn: In your regulations do you have a definition of "fit for human food"?

Mr. Carton: No, we have not. This is precisely why we want to get rid of it. It is in the act at the moment.

Senator Flynn: Would it not be better to define "fit for human food" in the regulations rather than replace it by the word "unwholesome"?

Mr. Carton: No, sir, I do not believe so. This is just the difficulty I was explaining. "Fit for human food" is almost impossible to define.

Senator Smith (Queens-Shelburne): Eskimos eat rotten fish, which from our point of view would be unfit for human food. With them it is an ordinary everyday happening.

Mr. Carton: To protect our export market we would have to consider it unfit.

Senator Flynn: You would say it is unwholesome according to our definition?

Mr. Carton: That is right.

Senator Flynn: "Aesthetically offensive" is rather subjective, is it not?

Mr. Carton: Of course it is. That is just what I said. These things are bound to be subjective. I suppose we could put something else in there such as "revolting" or "disgusting". When you get into this area of quality control any phrase you use will have to be subject to the subjective interpretation of the qualified inspector inspecting it, unless there are other areas where you are speaking of a bacteria count.

Senator Flynn: If you are trying to improve the situation but are creating another which is not better, I do not see what you gain.