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Ottawa invites parents of thalidomide babies to seek compensation

National Health and Welfare Minister Marc Lalonde wrote a letter to the parents of thalidomide children and made the following statement on April 4:

The drug thalidomide went on prescription sale in Canada in April 1961. Towards the end of that year, reports indicated the occurrence in foreign countries of possible adverse effects upon the children born to mothers who had taken this drug. Upon receiving confirming evidence, in February 1962, that children in foreign countries had indeed been born with deformities attributable to the drug thalidomide, the Federal Government prohibited on March 2, 1962 the further distribution of thalidomide in Canada. The Federal Government also made funds available for special programs to help thalidomide victims.

The Federal Government has maintained an active interest in this situation and has supported programs of treatment, habilitation, training and research through existing cost-sharing programs, grant structures and through direct annual grants to projects to be used in the interests of these children. Further, the Minister of Finance proposed last May that the Income Tax Act be amended so that the income derived from funds and annuities resulting from personal injury damage awards to a child, and held in trust for the child until he or she reaches age 21, shall not be taxed while the child is under 21 years of age. Thalidomide children are examples of those who could benefit from such amendment.

A complicating factor throughout the history of this unfortunate occurrence has been that distribution of thalidomide occurred in Canada under two trade names: Kevadon (Richardson-Merrell Inc.) and Talimol (Frank W. Horner Ltd).

As late as last December, my officials met and discussed the situation with representatives of Richardson-Merrell Inc., the distributor of "Kevadon", one of the brands of the drug implicated.

I, myself, have now had an opportunity to meet with representatives of Richardson-Merrell to discuss the present situation. I understand that all known thalidomide claims against that company involving its product and respecting children born in Canada outside of Quebec have now been settled. In Ontario, these settlements have been approved by the Chief Justice (Trial Division) of the Supreme Court of Ontario and by the Official Guardian of that province. I understand also that in claims settled in Nova Scotia and Manitoba, the settlements were in each case approved by the Chief Justice of the respective superior court trial divisions. Four cases have been settled in Quebec, the claimants having been represented by legal counsel. Approximately 28 cases appear to be outstanding in that province; it would appear that all but two of these are currently being dealt with by counsel for the parties. In addition to the unrepresented cases in Quebec, there appears to be about 29 other cases not represented by counsel in the other provinces. There may possibly be other claims in Canada which have not yet come to light.

Pursuant to my meeting with representatives of Richardson-Merrell Inc., I have written to every known parent or guardian of children whose claims have not been presented and who are apparently not represented by counsel, informing them of arrangements agreed to by the company and to provide the co-operation of my Department in every possible way. I have advised those parents to select counsel of their choice and informed them that the company is prepared to pay the parents' complete legal costs where a legitimate claim against the company is established. The company has also agreed to forward to me periodic reports as the matters progress. As well, the com-