

there is the use of it; secondly, the sale of it; and, thirdly, the promotion of it. In any normally used product perhaps the greatest emphasis is placed on promotion. In this case we know there is some form of promotion going on. Would it not be possible in amending this act to make the promotion of these substances also an offence? This is actively happening. In fact, the television shown on some of these things showed a shot—and perhaps you saw it, Mr. Chairman—where they promoted the use of marijuana, LSD and other drugs. Surely, the promotion of these things should be an offence?

Dr. HARDMAN: Mr. Chairman, Senator Molson, there is a provision within the general act itself which defines a drug as a substance or material restoring, correcting or modifying organic functions in man and animals. We have not tested this in the courts, but it may be that we could under our present legislation take action against advertising because the general offence under the Food and Drugs Act is a contravention of the provision that no person shall advertise any food, drug, cosmetic or device to the general public as a treatment—

Senator McDONALD (*Moosomin*): Could we have that section?

Dr. HARDMAN: This in section 2 of the Act itself.

The CHAIRMAN: You are talking about the Food and Drugs Act?

Dr. HARDMAN: I am talking about the major Act.

The CHAIRMAN: The Food and Drugs Act?

Dr. HARDMAN: Yes, not the bill in front of you. The definition of a drug is contained in paragraph (f) of section 2, which reads:

“drug” includes any substance or mixture of substances manufactured, sold or represented for use in

(i) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or the symptoms thereof, in man or animal,

(ii) restoring, correcting or modifying organic functions in man or animal—

So, our problem, as I see it, is that while we can prevent advertising of the drug it might be extremely difficult to prevent advertising of adjuvants to drug usage—such things as mood music or music to take LSD by, or hooker pipes. It is this type of thing that might be extremely difficult to control.

Senator MOLSON: You are talking about advertising, and I am talking about promotion. They are completely different things. The use of these drugs can be promoted without any advertising whatsoever, and the promoters are inciting people to use the drug. Why should not that be an offence?

Dr. HARDMAN: I do not know. I would say that this would be a very difficult thing to enforce, because promotion in this case is almost entirely by word of mouth, or by interpretation of a magazine or newspaper article. In presenting what they believe to be a fair side of the picture they may have the hazards at the end of the article and the delights at the start, and then it would be up to the courts to decide whether this is promotion or not. It is a very narrow definition, and we are looking for guidance in this.

Senator MOLSON: If you open a shop to sell accessories to the use of these things then surely that is not a narrow thing and hard to define.

Dr. HARDMAN: Well, the people who are doing this are claiming they are promoting the psychedelic experience. They are having group sessions, not unlike the meetings held by evangelists of previous times, at which they have flashing strobe lights, music, incense, and all of those appurtenances which they claim in themselves will promote the psychedelic experience. So, if legislation were brought forward to apply to this area, as you suggest, I can see that they would not even mention LSD in their promotion.