

Strike out lines 11 to 14, on page 18, and substitute the following therefor:

"supply any product only in a defined market, or exacts a penalty of any kind from the customer if he supplies any product outside a defined market;"

Strike out lines 39 to 44, on page 18, and lines 1 to 18, on page 19, and substitute the following therefor:

"(2) Where, on application by the Director, and after affording every supplier against whom an order is sought a reasonable opportunity to be heard, the Commission finds that **exclusive dealing or tied selling**, because it is engaged in by a major supplier of a product in a market or because it is widespread in a market, is likely to:

(a) impede entry into or expansion of a firm in the market,

(b) impede introduction of a product into or expansion of sales of a product in the market, or

(c) have any other exclusionary effect in the market, with the result that competition is or is likely to be lessened substantially, the Commission may make an order directed to all or any of such suppliers prohibiting them from continuing to engage in such exclusive dealing or tied selling and containing any other requirement that, in its opinion, is necessary to overcome the effects thereof in the market or to restore or stimulate competition in the market."

Strike out lines 19 to 35, on page 19, and substitute the following therefor:

"(3) Where, on application by the Director, and after affording every supplier against whom an order is sought a reasonable opportunity to be heard, the Commission finds that market restriction, because it is engaged in by a major supplier of a product or because it is widespread in relation to a product, is likely to substantially lessen competition in relation to the product, the Commission may make an order directed to all or any of those suppliers prohibiting them from continuing to engage in market restriction and containing any other requirement that, in its opinion, is necessary to restore or stimulate competition in relation to the product."

Strike out line 13, on page 20, and substitute the following therefor:

"securing loans made by him and is reasonably necessary for such purpose,"

Add immediately after line 33, on page 20, the following:

"(6) For the purposes of this section, a company is deemed to be controlled by a person if shares of the company carrying voting rights sufficient to elect a majority of the directors of the company are held, other than by way of security only, by or on behalf of that person.

(7) For the purposes of subsection (4) in its application to market restriction, where there is an agree-

ment whereby one person (the "first" person) supplies or causes to be supplied to another person (the "second" person) an ingredient or ingredients that the second person processes by the addition of labour and material into an article of food or drink that he then sells in association with a trade mark that the first person owns or in respect of which the first person is a registered user, the first person and the second person are deemed in respect of such agreement, to be affiliated."

Strike out line 35, on page 20, and substitute the following therefor:

"Director, and after affording a reasonable opportunity to be heard to all persons and companies to whom an order hereinafter referred to would apply, the Commission finds that"

Strike out lines 22 to 26, on page 21, and substitute the following therefor:

"the Commission may, by order, direct that"

Strike out line 38, on page 21, and substitute the following therefor:

"Director, and after affording to the person or company, hereinafter referred to, a reasonable opportunity to be heard, the Commission finds that a"

Strike out lines 42 to 45, on page 22, and substitute the following therefor:

"the Commission may, by order, direct that"

Strike out line 21 on page 23, and substitute the following therefor:

"alleged in the application.

31.7 Where, on application by the Director, and after affording every person against whom an order is sought a reasonable opportunity to be heard, the Commission finds that a supplier outside Canada has refused to supply a product or otherwise discriminated in the supply of a product to a person in Canada (the "first" person) at the instance of and by reason of the exertion of buying power outside Canada by another person, the Commission may order any person in Canada (the "second" person) by whom or on whose behalf or for whose benefit the buying power was exerted

(a) to sell any such product of the supplier that the second person has obtained or obtains to the first person at the laid-down cost in Canada to the second person of such product and on the same terms and conditions as the second person obtained or obtains from the supplier; or

(b) not to deal or to cease to deal, in Canada, in such product of the supplier.

31.8 (1) For the purposes of this Part, the Commission is a court of record.

(2) In all applications to the Commission under this Part, the burden of proof is upon the person making the application.