

Mr. DONNELLY: I fully agree with the Secretary of State (Mr. Cahan) when he says that evil doers who wilfully adulterate butter should be severely punished. I can imagine that last year when the price of butter was around 35 or 40 cents a pound cocoanut oil might have been mixed with good butter. We have reached a time however when the prices of butter and cocoanut oil are about the same, and there would not be much profit to the man who mixed them. When this bill was before the committee I objected to it on the ground that some people who are not adulterating butter but merely preparing it for the market may be punished for doing something they should be allowed to do. I would direct the attention of hon. members to subsections (b) and (c) of section 5 of the Dairy Industry Act. Subsection (b) is as follows:

No person shall mix with or incorporate with butter, by any process of heating, soaking, rechurning, reworking or otherwise any cream, milk, skim milk, buttermilk or water to cause such butter when so treated to contain over 16 per centum of water or less than 80 per centum of milk fat.

Then, subsection (c) is as follows:

No person shall melt, clarify, refine, re churn or otherwise treat butter to produce "process" or "renovated" butter.

Hundreds of retail merchants throughout the country live at long distances from the farmers who supply them with dairy butter. Those merchants receive butter of different grades, different colours, different degrees of saltiness, and in many cases they want to mix the different butters together, wash it to make the whole of a similar quality and so place it on the market. If however in doing so those merchants produce butter which contains 16 per cent of water they are liable to the penalty. If they are found reworking the butter or rechurning it they are subjected to a similar penalty. The bill states:

... melt, clarify, refine, re churn, or otherwise treat butter to produce "process" or "renovated" butter.

If a merchant renovates butter he is subject to a penalty, and if he mixes water with the butter so as to cause it to contain 16 per cent water he is subject to a similar penalty. I object to the bill on that point, because some people who are doing a legal and lawful business would be penalized.

Mr. LAPOINTE: May I ask my hon. friend the promoter of the bill if he agrees with the Secretary of State that all the evil doers are city people and that none of them live in the rural districts? Does the promoter of the bill wish to affect only the city people and not the farmers?

Mr. GOBEL: If butter makers or farmers adulterate butter I do not see why they should not be punished as much as the city men. I may say however that about ninety-nine per cent of the complaints are from the big cities.

May I say that the farmer or butter maker who puts more than 16 per cent water in butter does not come within the section to which my hon. friend from Willow Bunch (Mr. Donnelly) has referred. Such farmers or butter makers would come under section 6 of the act for the violation of which there is provided a maximum fine of \$50 and costs. The present amendment is intended to affect only those who are incorporating into their product foreign matters such as cocoanut oil.

Mr. MERCIER (St. Henri): It is quite apparent that the member who has just spoken has made a study of the subject. Has he the number of convictions in each province for last year, so that we may know whether the difficulty exists only in the province of Quebec?

Mr. GUTHRIE: That information was placed on Hansard when the bill was before the house on a former occasion.

Mr. WILFRID GIROUARD (Drummond-Arthabaska) (Translation): Mr. Speaker, I think that we should greatly hesitate in passing this bill. I am aware that the Dairy Industry Act was enacted some years ago for the purpose of protecting the market and supplying it with as pure a product as possible. On the other hand we should not pass a measure that might result in destroying the aim sought by the Act. In section 1, subsection (a) we find that for the first offence, a minimum fine of \$500 or a maximum of \$1,000 is provided. For the second offence the penalty is from \$1,000 to \$2,000. My first objection to this bill is that it does not allow sufficient latitude or discretion to the judge hearing the case. I have seen cases before the Arthabaska court where people acting in good faith were charged with having violated the Dairy Industry Act. After hearing the case, the magistrate had no alternative but to sentence those brought before the court, as the act was very explicit on that point, however, recognizing that these people were acting in good faith, the magistrate fined them the minimum amount. By this bill, the magistrate will not have this alternative. He will be forced, for a first offence—even in the case of a person acting in good faith—to fine this person \$500, and should the party be unable to pay the fine and costs, his sentence will be at least six months detention with or