

mend to the government, in the event of such policies being practised, the vigorous enforcement of Section 498A of the Criminal Code which reads as follows:

“Every person engaged in trade or commerce or industry is guilty of an indictable offence and liable to a penalty not exceeding \$1,000.00 or to 1 month’s imprisonment, or if a corporation, not exceeding \$5,000.00 who:

(a) is a party or privy to, or assists in, any transaction of sale which discriminates, to his knowledge, against competitors of the purchaser in that any discount, rebate or allowance is granted to the purchaser over and above any discount, rebate or allowance available at the time of such transaction to the aforesaid competitors in respect of a sale of goods of like quality and quantity;

The provisions of this paragraph shall not, however, prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society;

(b) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, for the purpose of destroying competition or eliminating a competitor in such part of Canada;

(c) engages in a policy of selling goods at prices unreasonably low for the purpose of destroying competition or eliminating a competitor, 1935, c. 56, s. 9.”

Your Committee is of the view that if other types of predatory price cutting, the possibility and the nature of which cannot at the present time be foreseen, take place, the Government should then consider placing before Parliament further amendments of the Combines Investigation Act or the Criminal Code prohibiting such other types of predatory price cutting and providing adequate penalties for them.

A copy of the Minutes of Proceedings and Evidence of the Committee is appended.

(For Minutes of Proceedings, Evidence, etc., accompanying said Report, see Appendix to the Journals, No. 5)

PROPOSED BILL

An Act to amend the Combines Investigation Act.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Combines Investigation Act, chapter twenty-six of the Revised Statutes of Canada, is amended by adding thereto, immediately after section thirty-seven thereof, the following section:

“Dealer” defined.

37A. (1) In this section ‘dealer’ means a person engaged in the business of manufacturing or supplying or selling any article or commodity.