

this point. But if you say that no representations can be made indirectly which might result in the sale or the promotion of a product, you are going a long way.

Dr. MORRELL: Yes.

Mr. MACNEILL: Because if, for instance, after a speech by a doctor on vitamin A, or any other product, the sale of that product suddenly increases, would that not be evidence of the fact that his indirect statement had promoted the sale of the product?

Dr. MORRELL: Yes.

Hon. Mr. EULER: The direct statement of Dr. Shute this morning could be interpreted in that way?

Mr. MACNEILL: Yes. He may be making that statement only to show that this particular drug is useful in the treatment of a certain disease, but by making that statement he may certainly directly or indirectly increase or promote the sale of that product.

Hon. Mr. HAIG: He is bound to.

Mr. MACNEILL: Yes, probably so if he has any reputation.

Hon. Mr. MCGUIRE: Under this Act, if a person goes into a drug store and asks for a certain type of product the druggist will not be allowed to give his opinion on what the customer should use.

Mr. MACNEILL: Of course, there is also the danger that if you take this out some chap who might not be strictly ethical may take advantage in order to do the very thing you want to prohibit. The only recourse there, if this person were a doctor, would be by any disciplinary action the medical profession might take.

Hon. Mr. HAIG: And the medical profession will take such disciplinary action.

Mr. MACNEILL: But by giving a doctor this right you may be allowing somebody else to come in and do the thing you want to prohibit.

Mr. CURRAN: Mr. Chairman and honourable senators, we should distinguish very carefully between the purpose of the definition of an advertisement and the prohibition which is contained in section 3. There is nothing to prevent a doctor or anybody else representing a drug to the general public unless such drug is for the treatment of a condition which comes within schedule A. Schedule A covers the kind of things for which it is considered improper that a person should treat on his own diagnosis with drugs that he purchases across a counter.

Hon. Mr. HAIG: Give us a case that does not come under Schedule A.

Mr. CURRAN: The common cold. There would be nothing to prevent any person representing vitamin E for treating a common cold, but when you come into heart conditions you are dealing with something that comes under schedule A. In other words, it is a scheduled disease and it is considered improper that people should take vitamin E for any use except on the advice of a physician. Dr. Shute himself said this morning that no one should take vitamin E except under medical supervision.

Hon. Mr. HAIG: Supposing I should advertise in this way: "Buy vitamin E to cure heart disease, but before using it get your doctor's advice". Is that good or bad?

Mr. CURRAN: The Department of Justice has given an opinion on that very point. They have said that that in effect constitutes a representation to the general public. You cannot advertise this so that everyone can read it.