On section 12—Sale of certain drugs prohibited unless safe for use.

The CHAIRMAN: Shall section 12 carry?

Mr. LAVERTY: Mr. Chairman, I represent the pharmaceutical manufacturers, and with respect to section 12 we have no objection except we think that the right of the Department to add to Schedules C and D should be limited. When I made my representations to this body I suggested that another paragraph should be added, reading:

> No drug, even if its name or description appears in Schedule C or D, shall be subject to the provisions of this section if there exists for such drug a test which properly demonstrates its potency or safety.

I am making that submission now.

Dr. MORRELL: Mr. Chairman, if there is an adequate test for its potency or safety, I presume you mean something that can be carried out in the laboratory?

Mr. LAVERTY: Like any other drug.

Dr. MORRELL: Yes. I would like to point out here that we are dealing with a peculiar class of drug.

Mr. LAVERTY: I quite realize that. That is why I have no objection to it.

Dr. MORRELL: I want to point out to Mr. Laverty that that would exclude diphtheria toxoid from the list.

Mr. LAVERTY: Perhaps it should not be in.

Dr. MORRELL. I don't think you want to do that particularly.

Mr. LAVERTY: But I say, perhaps it should not be in.

Dr. MORRELL: You can test diphtheria toxoid for its potency and for its safety, but still it is made from dangerous material, pathogenic bacteria. You suggest there may be a danger in the processing, but I do not think we would like to exclude that because we have a test. Suppose, for instance, John Jones wants to start up a plant for the manufacture of biologics in his basement, which is a filthy place. He need know nothing, or very little about the subject, and he can put his product on the market. The result is actually that we would have to test every ampule that he put out, to be sure that the public got a safe product. We could not, as we do now, go around every once in a while and spot check what is on the market. We can do that now because we know the equipment, the personnel, the records of the manufacturers who are engaged in this business are sound. If we leave it only to the final test I think we would be in a very dangerous position. We would not be able to say to an individual, "You have not the equipment; "You have not the qualifications; you have not the knowledge which would permit you to manufacture these products with safety to the public."

Mr. LAVERTY: But what would you say to the people about any drug?

Dr. MORRELL: Those are peculiar to themselves.

Mr. LAVERTY: Well, where do you draw the line?

Dr. MORRELL: I think we draw the line with this list.

Mr. LAVERTY: Yes, but new drugs may be discovered which should be on that list later on. There should be some test to enable us to say, "Well, we can put that under Schedule C or D or we cannot." As it is now you can put any drug there.

Dr. A. GRIEVE, Canadian Pharmaceutical Manufacturers Association: I am also representing the Canadian Pharmaceutical Manufacturers Association. Perhaps I can amplify a little bit what Mr. Laverty has said. What we are endeavouring to work out is some clarification of the contents of Schedules C