

Combines Investigation Act

An hon. Member: We sell those to the Liberals.

Mr. Rodriguez: I would not want to do anything like that. They suffered enough of a heart seizure last night after losing the Hochelaga constituency.

The whole area of cosmetics advertising is very serious. The advertisements claim that these products will make women more beautiful and appealing. Well, they do that; but they can also do other things. For example, certain lipsticks can cause very serious damage to the lips. When applying eye shadow, if the tip of the brush gets into the eye, it could cause serious infection. Our amendment would place a serious responsibility on the sellers of these products to not only conform to fair approaches to advertising but also to health standards.

It is interesting to look at the penalties imposed on companies found guilty of false advertising. Woolworth's were given a slap on the hand. As I pointed out before, if a woman should rip off welfare for \$65 a week, she would be put in jail and her children looked after by Children's Aid. If a fellow rips off the unemployment insurance, he receives a heavy fine. However, Woolworth's was only given a stern warning, a slap on the wrist. This is characteristic of our approach to false advertising.

At this time, when the push to sell products is so great, we should pay careful attention to legislation that will control advertising so that the consumer will be aware of what he is purchasing and aware of any side-effects of a particular product. It is only fair that all definable qualities should be described in an advertisement.

Mr. Lambert (Edmonton West): It should also apply to political advertising.

Mr. Rodriguez: I am glad the hon. member raised that, because it is a very important area. Perhaps the jails about which the hon. member was so concerned would be filled with members of parliament. It might be a good chance to see what they are like. What the hon. member is talking about might be dealt with under misleading advertising.

The amendments being put forward by my party are extremely important to the consumer. Advertising methods are becoming highly technical and the consumer is not trained to deal with this kind of mass advertising. We have to ensure proper protection for the consumer when he steps into the marketplace.

● (1710)

I know that the good sense which prevails in this House will encourage hon. members to support the amendments we have put forward. Think of what happened the other night in terms of wage and price controls. We know how easy it is to control wages. There is no problem at all. Falconbridge says to its workers, "We cannot pay more than 10 per cent; the government says so." When we consider providing protection for the consumer, on the other hand, all possible arguments will be put up. The minister will argue that too many bureaucrats would be required to provide the kind of protection we have in mind.

It seems to me that if we are serious about protecting the consumer against practices which unfairly separate him from his hard-earned money in times of inflation, some protection should be provided through the legislative

[Mr. Rodriguez.]

process. The people who lost out as a result of the fine ham caper had no way of coming to grips with Woolworth's. Maybe a thousand people bought that fine ham and were ripped off. What is an individual to do? Can he take Woolworth's to court to get 60 cents back from them? I think our system has done much more than take 60 cents from that consumer: we have violated his trust. The company concerned has violated the trust of consumers, and that is a much more serious matter than taking 60 cents from a consumer.

The minister does not even allow class actions in this bill. He says we have to wait for the next bill, phase two. So the bill before us does not allow consumers to get together as a class in order to bring an action. I can only urge hon. members to use their good sense and the sense of fair play which I know they have, and support these amendments.

Mr. A. C. Abbott (Mississauga): Madam Speaker, in rising to discuss the motion put forward by the hon. member for Nickel Belt (Mr. Rodriguez) on behalf of his party, let me say, first of all, that it is difficult to deal with the remarks he made. He spent most of his time under the cover of what I would call a misleading representation that he would deal with the subject of motion No. 11. Instead, he told us at considerable length about the fine ham caper, and that, along with the other nonsense he spoke, could I think fairly be described as mainly boloney.

The motion itself seeks to make specific a series of offences under the general heading of misleading advertising. The problem is not that the hon. member has perhaps plumbed the depths of his imagination and come up with as many specific instances of misleading advertising as he can; the question is whether the consumer can be better protected by criminal law prohibitions of very specific practices or by well formulated general rules which can apply to new problems as they develop.

The government is not convinced that the benefits to be gained from specific enumeration of offences, such as those proposed, would be as important as the danger that these specific offences might be viewed as an exhaustive statement of the prohibited practices. The objective of dealing with misleading advertising might not be reached because the proposal would result in exempting other forms of false information from the purview of the act.

I do not think it should be forgotten, Madam Speaker, that the general prohibition of misleading advertising in the present Combines Investigation Act has produced very extensive jurisprudence which has applied a prohibition, stated in precise terms, to a very large number of specific representations. This process, however, has not restricted the application to new problem situations which may occur, and for the reasons I have advanced we oppose the amendment before us: we think it ill serves the objective set forward by the hon. member for Nickel Belt.

I was struck by the hon. member's remarks in an earlier lengthy speech which he made on loss leaders, in the course of which he suggested that stores in the food business were insufficiently competitive. He said there were not enough stores to provide adequate competition. It is interesting to note that the NDP government of Manitoba should have provided itself, at great expense, with a