

a crime of minor injustices which may result in relatively small losses to individual victims but in large collective losses to consumers as a whole.

The fact that individual losses may be small does not, in the Committee's view, lessen the severity of the offence or provide grounds for ignoring the impact of such wrong-doings on the victims. As Mr. Edward Belobaba, an expert in consumer protection and constitutional law, noted, these "little injustices" need to be remedied because they form a large part of everyday living. Furthermore, the method by which society is seen to deal with them will contribute to the development of people's attitudes toward all aspects of the justice system.

Early on, the Committee came to recognize that penal sanctions may not be the most effective method of dealing with most misleading advertising offences. Several witnesses suggested that the criminal law is too blunt an instrument for this purpose, its processes being too slow, cumbersome and costly. Others questioned the deterrent value of the fines levied by the courts. Above all, witnesses emphasized that the current system gives the victims of misleading advertising little opportunity to obtain redress for their losses.

While the Committee believes that penal sanctions are appropriate in certain misleading advertising cases, especially for intentional, fraudulent or repeated violations, it also believes that such sanctions may not be suitable in all situations. For this reason, the report focuses on an approach to misleading advertising regulation that is designed to compensate consumers for their losses and to provide a range of remedies and procedures that can be adapted to meet the exigencies of each case. In addition, by proposing that consumers have adequate tools to deal with misleading advertising, the Committee seeks to achieve a balance between public and private initiative that may ultimately produce better informed consumers and enhance law enforcement.

In short, the Committee hopes that its recommendations will achieve three objectives: first, redress for the victims of misleading advertising; second, deterrence of violations; and finally, the creation of a more flexible, cost-effective system for handling misleading advertising offences.