

Combines Investigation Act

should be in here in its present form, which does give it specific relation to pricing.

Mr. Pearson: Would the minister not agree that those misrepresentations, and what he calls blow-ups and exaggerations in a dishonest sense, are not confined, of course, to prices as pointed out by my hon. friend, and therefore by mentioning prices only is he not in danger of minimizing the offence in relation to other forms of misrepresentation and dishonest advertising?

Mr. Fulton: I should not really think so, Mr. Chairman. The other matters are covered in the Criminal Code sections; there have been some prosecutions under them. I am not at all sure actually, whether if you simply left the section, as this amendment would, to deal with misrepresentation generally, there might be some question whether the courts would hold that a false statement as to the price at which such article is sold in ordinary retail sales is actually a misrepresentation as to the article itself. It is certainly misrepresentation as to the price of the article, but when you are asking the court to hold that this is misrepresentation of the article itself, as you have to do if this amendment carried, there might be some question there. We felt that it was appropriate to include a section that specifically related to misleading price advertising.

Amendment (Mr. McIlraith) negatived: Yeas, 10; nays, 47.

Mr. Howard: Mr. Chairman, it seems to me that this is the decent course to take in so far as the elimination of false and untrue advertising is concerned; but it is qualified somewhat; it implies that a person can be a little bit dishonest or misleading or quite a bit, maybe half way misleading or dishonest before he runs afoul of the provisions of the law. I am making reference to the word "materially". The clause reads:

Every one who, for the purpose of promoting the sale or use of an article, makes any materially misleading representation to the public—

I wonder whether it is necessary to have the word "materially" in here since it is a qualifying phrase of "misleading" and indicates that "materially" could have a number of connotations. I take it from this it means that a large degree, or more than just a slight amount of misleading must take place. I take it the word is synonymous with the word "substantial", or that it relates to the definition or degrees of misleading rather than to the definition of the word "materially". Before I go any further can the minister indicate just what it means? Perhaps I should stop, since it is five o'clock.

The Deputy Chairman: Order. It being five o'clock, it is my duty, pursuant to section 3 of standing order 15, to leave the chair in order for the house to proceed to the consideration of private and public bills.

Progress reported.

PRIVATE BILLS

Mr. Speaker: Order. It being five o'clock, the house will now proceed to the consideration of private and public bills, the former having precedence, pursuant to section 3 of standing order 15.

Mr. McCleave: I think there is agreement among all parties that private bills are to be dispensed with and the house will resume the business which was interrupted at five o'clock.

Mr. Pickersgill: I may say it is agreeable to us, sir.

Mr. Speaker: Does the house give unanimous consent to waive the hour for private bills?

Some hon. Members: Agreed.

Mr. Speaker: The house will resume the business which was interrupted at five o'clock.

**COMBINES INVESTIGATION ACT—
CRIMINAL CODE**

AMENDMENTS RESPECTING MERGERS,
MONOPOLIES, ETC.

The house resumed consideration in committee of Bill No. C-58, to amend the Combines Investigation Act and the Criminal Code—Mr. Fulton—Mr. Rea in the chair.

Mr. Howard: At five o'clock I was asking the minister what was meant by the word "materially".

Mr. Fulton: The word "materially" here is not intended to have the effect, and I do not think has the effect, that the hon. member for Skeena attributed to it. It does not have the effect of saying that it has to be a great big misrepresentation and that a small misrepresentation would go scot-free. What is intended, and I am certain the effect it does have, is to say that it must materially mislead somebody. The effect must be to mislead somebody in a material manner so that they form an erroneous conclusion which is material to them and without which they would not have gone in to buy the article or would not have taken the action they took. It is so that the person who complains that they were misled cannot make a case out of some trifling effect on them that the misrepresentation may have. The misrepresentation has to have the effect of misleading them in a material way.