ask for its registration, consideration will be given to whether or not it is proper to register it under the Proprietary Patent Medicine Act.

Mr. HORNER (*Jasper-Edson*): May I ask you a further question in this regard? Do you not feel that your department and your directorate would have a better opportunity to police the drugs if all manufacturers of drugs were licensed even as to product? In other words, anyone who makes anything for medicinal purposes has to be licensed with your department. Is this unconstitutional?

Mr. CURRAN: Mr. Chairman, this is a very complicated field and I do not like to give an opinion on this. There are many ways in which controls can be exercised short of absolute licensing. Normally the licensing of a manufacturer would be a matter for provincial consideration, and I distinguish here between the agricultural statutes which proceed under a different basis. In the case that Mr. Horner has mentioned, it would have to comply with the Food and Drugs Act and all the conditions of the act including suitable conditions of manufacture and all controls which are applicable to all drugs. Therefore, it is not quite as easy as suggested for anyone to come along and put a concoction on the market. He is still subject to the Food and Drugs Act, and he is subject to all of the controls of the Food and Drugs Act including prosecution and seizure if his product violates any of the provisions of the act. Licensing by itself would not necessarily do any more than is being done at the present time under the elaborate control which the act provides. In case of proprietary patent medicines, it is a voluntary matter with the manufacturer. If he wishes to sell his product under a registration number, this is his choice. The product is then scrutinized, and if Mr. Soucy and the food and drug authority are agreeable that the product has therapeutic values, then registration can be given. However, it is a voluntary matter with the manufacturer. Otherwise he can market his product only subject to the rigid controls of the Food and Drugs Act.

Mr. BALDWIN: I have a supplementary question on that issue. I also think that such a person would be subject to the provision under the Criminal Code which deals with deceptive and improper advertising, so that if claims were made which were not correct then this person could be prosecuted under criminal law.

Mr. CURRAN: That is correct. I think it is section 3 or 7, which provides it to be an offence if a person should advertise a product for the purpose of stimulating its sale and makes claims for it that have not been subject to adequate and proper tests. The onus is on the accused to show the adequate and proper test to which a product has been subjected. It is also subject to the provisions of the Food and Drugs Act. There are therefore two statutes which would govern this situation.

Mr. VALADE: The department has some inspectors whose duties are to check into all the distributing sources and to report to your directorate on new drugs, patent medicines and things of that nature. Is that not so?

Mr. CURRAN: That is so.

Mr. HARLEY: I have two questions; the first one I will put to Dr. Morrell. Could he tell us the method by which heroin was taken off the market? This is apropos to what Mr. Valade was asking.

Dr. MORRELL: I will ask Mr. Hammond.

Mr. HAMMOND: Mr. Chairman, the story behind this is that the world health organization recommended that the use of heroin be restricted. I think it was in 1954 or 1955, I am not sure, but from that date on we did not issue any further permits or licences permitting the importation of supplies into Canada. The fact is that we still have supplies in Canada and they are not being used. With the changing events in medicine there has been a change from heroin to other analgesics.