

associations, medical doctors, registered nurses, or social workers employed by public agencies recognized for this purpose by the province' to give birth control information.

The Ottawa *Citizen* editorial continues:

But an amendment to the Code should go farther. Under section 150 (c) of the Criminal Code, a person commits an offence (unless he can establish that the public good was served by his act) who 'offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception. . .'

Mr. Francis' amendment would be concerned, presumably, merely with the word 'instructions' in the statute. But this would leave a very wide area of the law open to infraction, simply because a large portion of society no longer accepts its validity. Contraceptives are widely sold in drug stores, with no questions asked. The 'public good' is not established. The authorities, perhaps wisely (for a law that is broken so often cannot be considered acceptable), do not enforce the statute.

A law that is not accepted by a large proportion of the community, and turns considerable numbers of people into law-breakers, is bad law and should be changed.

The Toronto *Daily Star* at that time had an editorial which said that the type of amendment presented by Mr. Francis was a good start but why be so restrictive, why not remove this altogether?

I would like to deal with some of the objections I have heard from members against the type of bill I have presented. They have said, in effect, "If you take this out of the Criminal Code altogether, what do you do about the question of advertising; and what do you do about the question of Juveniles?" On the question of juveniles, I can cite one case; in my own home town of Burnaby, about a year and a half ago there was a prosecution against a storekeeper who was selling contraceptives to juveniles. He was prosecuted under Section 33 (1) of the Juvenile Delinquents Act. That is a federal statute. It does not deal with the sale of contraceptive material particularly, but with tending to corrupt the morals of juveniles. The storekeeper was found guilty. Incidentally, this man was also apparently contravening a statute of the province of British Columbia which deals with pharmacy, and this declares that only pharmacists can sell contraceptive material. I do not know how this is in line with the Criminal Code, but I cite this as a case and mention that there is a Juvenile Delinquents Act, if this is indeed a problem at all.

In private discussion, some hon. members have stated they are concerned with the possibility of advertising because the present section of the Criminal Code prohibits advertising. I do not know what they fear; whether there will be widespread advertising of contraceptive material or what. I suggest that advertising comes under the general heading of the conduct of commerce, which is in the provinces. The provinces have passed laws governing liquor advertising and I think that if there is any problem in this field the provinces could handle it. However, I would point out that advertising is taking place. I mention to you that there were articles in *Le Devoir* and *La Presse* just two weeks ago. This is a form of advertising. The Planned Parenthood Association in Ottawa has a