

*Consumer Packaging and Labelling Act*

**Mr. Benjamin:** Thank you, Mr. Speaker. I am trying to bring forward evidence to support the case that standardizing packages by itself will not be sufficient in providing the consumer with information to which he has a right. He must also have the right of being able to know. I have a table of prices taken at Shoppers City on Wednesday, February 24, 1971. The table illustrates sizes of cans of beans. The example refers to 4½-ounce, 8-ounce, 14-ounce, 19-ounce, 28-ounce and 48-ounce sizes and gives marked prices as well as unit prices for Clark's canned beans. Similarly, it illustrates marked prices and unit prices for Libby's canned baked beans.

Mr. Speaker, all per unit prices of Libby's beans are higher than Clark's, except the 28-ounce size which, significantly, is cheaper per unit than almost all other sizes. In addition, the 19-ounce size of Clark's beans, which was on special for 22 cents, or 1.16 cents per ounce, is dangerously close to the price of the 28-ounce can of Libby's beans, which is priced at 33 cents, or 1.18 cents per ounce. The combination of prices and sizes given in the example, which is part of the table that I hope will be included in *Hansard*, shows how difficult it is for the consumer to compare prices. The example includes only two of several different brands that are available. Surely this example is a prime candidate for unit prices.

● (9:00 p.m.)

As I said earlier, we do not ask nor suggest—neither does the amendment suggest that the minister would have to immediately go out and require by regulation that every retailer put the unit price on every product on his shelves. Of course he would not do that. In fact, if this provision were in the legislation it would be up to the minister to decide whether to use it. If he did decide to use it in the case of even one product, he would do this in consultation and with the consent of the manufacturer or producer of that product. This would be done for no other reason than to determine whether it would improve the sale of that product, whether it was of use to the consumer and, more important, whether it was constitutional.

I believed the minister, as did the hon. member for Vancouver-Kingsway, when he stated to the committee that he was as much in favour and sympathy with unit prices as anyone else. I accepted and believed that. He may think the hon. member for Vancouver-Kingsway was using rhetoric. He may think I am also doing that. I do not care. It is about time the minister started acting instead of just talking. If unit prices are unconstitutional, then this whole damn piece of legislation is unconstitutional. Under the definition of "dealer" retailers are included. They are totally under provincial jurisdiction. To suggest that the minister can order an inspection of retailers' labels and packages, have jurisdiction over them and not be able to inspect them for unit prices just does not wash.

In his remarks the minister quoted Professor Ziegel as an authority. Surely we can safely assume that Professor Ziegel is also an authority on prices, whether at the manufacturer, wholesaler or retail level. I wish to quote

[The Acting Speaker (Mr. Richard).]

from Professor Ziegel's letter of February 12. The minister has a copy of it. I quote as follows:

In giving evidence before your committee on January 14th last, the Honourable Ron Basford left the impression that the federal government lacks the constitutional power to impose unit pricing at the retail level.

He continues:

While I can see the significance of the difference in the context of anti-combines legislation I have some difficulty in following the distinction from the constitutional point of view.

Later in his letter he says:

It might be relevant if the federal government sought to rest its jurisdiction on the trade and commerce power in section 91(2) of the B.N.A. Act but, to the best of my knowledge, the distinction has never been applied with respect to the exercise of the criminal law power under section 91(27) or the weights and measures power. In any event, the minister is mistaken in suggesting that Bill C-180 only applies to manufacturers and wholesalers since the bill applies to a "dealer" and dealer is defined in section 2(d) as including a person who is a retailer.

We contend that the minister's worries about the constitutional aspects of this amendment are unjustified and unfounded. They have been refuted by constitutional and legal experts who have a reputation in this field. I do not pretend to have such a reputation. I quote the experts in support of my request to the minister to accept this amendment.

The hon. member for Wellington was worried about the manufacturers, processors, wholesalers and retailers who would have a lot of work and trouble marking packages. I accept the hon. member's genuine concern about the problems that a manufacturer, processor and, particularly, a retailer might have if it were necessary to mark every package. However, as I said at the outset, the amendment does not ask, nor do we suggest that every product be amenable to unit pricing, nor is it necessary to have unit pricing on every package. I wish the hon. member for Wellington would quit having such unfounded worries about the wholesaler and retailer and would worry more about the consumer.

**Some hon. Members:** Hear, hear!

**Mr. Benjamin:** If it can be shown to be profitable to put unit prices on selected products, which the minister can insist on under the regulations of this bill, the wholesalers and retailers will do it. They will do it if it is profitable or if it makes the consumer feel more kindly toward them. Retailers have to mark every product that now goes on their shelves. All they would need is a little larger rubber stamp. They already spend many hours during the night marking every package and can that goes on the shelves. To suggest that it would be impossible to mark the unit price on each package or can on the shelves just does not wash.

Some products lend themselves to unit prices, some do not. In consultation with the manufacturers, the minister and his officials could select those products which are amenable to unit pricing. The constitutional argument is not credible. Those who want to act like Arab sheiks in their own little province or region say it is unconstitu-