

advertise and distribute advertising circulars claiming to have discovered a remedy which would cure la grippe or influenza in a few hours (and assist in curing a number of other diseases), and did solicit and request that all letters of enquiry in reference to the remedy should be sent to him, etc., and that said advertising pamphlets were distributed to some of the residents of the county of Ontario and throughout the province.

In answer to a letter from the appellant's solicitor asking for full particulars as to wherein the advertisement or circular was infamous or disgraceful, the solicitor made response, referring to the words quoted, and saying: "No further particulars necessary. The mere fact of Crichton permitting his name to be used in connection with an advertisement of a patent medicine, which apparently this is, is sufficient to bring him within the wording of the Act. We cannot see that we can give any further particulars." Letter, 23rd April, 1906.

Thereupon and thereafter the enquiry was resumed, and a second trial had with the taking of further evidence, in addition to what had been given on the former enquiry.

The rule of law in such trials is that "The accused person is not to be taken unawares. . . . Full particulars should be given so that he may be fully apprised with what he is being specifically charged." *Re Washington*, 23 O. R., 309. The charge was not substantially varied from what it was at first, and the new evidence given was not essentially different from the old, with this single exception, that "grippura" had been meanwhile analyzed and its ingredients reported as being about 8 per cent. of hydriodic acid and the rest glycerine and water. This analysis was *ex parte*, and the accused asserts that in addition to these there are other ingredients which he did not disclose. Page 147.

Dr. Crichton was again called, and repeated his honest belief that all the statements were true. He referred to Dr. Smith, a medical graduate of Queen's (not licensed in this Province), who writes: "After using thirty bottles" (not personally, I assume), "he was convinced that many of the statements in the circular are true." He also repeats his offer to have the medicine tested by other doctors in fair cases, or in any hospital (119).

The prosecutor then called Dr. Pyne to prove his analysis. He said: "It is disgraceful to advertise something, and to get money by it, when it will not cure; it would be misrepresentation and misleading." Page 126. "That composition would