

and I do not think there is any question that the courts would throw out a regulation of that kind. It seems to me that a regulation which was completely unrelated to the question of health or fraud could be challenged successfully.

Hon. Mr. HAYDEN: That goes without saying; but that does not answer my point that it is a question of whether we are going to have some knowledge of what the definition is or whether the definition is to be made by the Governor in Council. My choice would be for a statutory definition.

Hon. Mr. ROEBUCK: You have not got a definition to suggest, have you?

Hon. Mr. HAYDEN: No. I am satisfied with the present Act.

Hon. Mr. ROEBUCK: What does the present Act say about this?

Hon. Mr. HAYDEN: Section 4 of the present Act says:

Food shall be deemed to be adulterated within the meaning of this Act

(a) if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

Hon. Mr. ROEBUCK: What is the matter with that?

Hon. Mr. HAYDEN: I do not see anything the matter with that. I object on principle to delegating our powers to the Governor in Council.

Dr. MORRELL: Do you think that butter which contains 5 per cent less than the prescribed quantity of fat is adulterated?

Hon. Mr. FARRIS: I would ask my friend Senator Hayden if there are no precedents for delegating our powers to the Governor in Council.

Hon. Mr. HAYDEN: Oh, yes, there are, but I have protested against the delegation every time I had an opportunity, and on occasions you have protested even more forcibly than I.

Mr. CURRAN: This is not a very realistic definition of "adulteration" in terms of modern manufacturing practice.

Hon. Mr. HAYDEN: That is your idea, Mr. Curran, and you no doubt sincerely believe that; but once this statute is passed it will endure for some time and we do not know who will be writing the definitions in future.

Hon. Mr. ROEBUCK: I will read section 4 of the present Act again:

Food shall be deemed to be adulterated within the meaning of this Act

(a) if any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

I think I could improve on that a little. However, what is it that you consider might be adulteration, besides the mixing with the food of some substance which reduces or lowers or injuriously affects its quality or strength?

Dr. MORRELL: Well, I will give as an illustration something that has happened. Someone takes nutmegs and extracts the oil from them and sells the residue as nutmegs. I think they are adulterated.

Hon. Mr. ROEBUCK: That instance would be covered by this definition.

Mr. CURRAN: That would not come under paragraph (a) of section 4, but it might come under paragraph (b):

if any inferior or cheaper substance has been substituted wholly or in part for the article.

Hon. Mrs. WILSON: Would it not come under paragraph (c)?

Mr. CURRAN: Yes. That reads:

if any valuable constituent of the article has been wholly or in part abstracted.