

Mr. CURRAN: In my view it would have to be done under provincial legislation, unless we changed the whole basic structure, in which case we would get into a trade and commerce type of clause which means the provincial movement of products. At the present time we are working under the criminal law which has universal application in Canada, and if we change the basis we change the whole structure of the control.

Mr. VALADE: I have another question. Dr. Morrell said before that his department has no legal authority to act in regard to offences against the rules set by his department. Is that correct? Have you no authority to implement or to stop the distributor of drugs or to stop a drug from being put on the market if you feel that there might be danger in it? Is it true that you can just advise but that you do not have the power to enforce this?

Dr. MORRELL: In the amendment that was passed last fall we have certainly asked the minister to put that drug on schedule H which prohibits its sale entirely.

Mr. VALADE: But only if it is on that schedule?

Dr. MORRELL: There are other applications of this. If a product violates some section of the existing regulations of the act—let us forget schedule H—then we have the power to seize it. For example, if a drug was found not to meet the standard under which it is sold, and it might be twice as strong in which case it is dangerous, we do have the power to seize these tablets or whatever they are and to have them destroyed or reworked. However, it must violate some section of the act or some regulation. It is not because I do not like it or I am afraid of it, but it must meet the requirements of the law, and what we are here to do is to enforce the law as it exists. This is what we have tried to do.

Mr. VALADE: I asked that question because I think it was not clear.

Mr. MONTEITH: I think it is fair to say, Mr. Chairman, that Dr. Morrell does put before me every once in a while a submission that a certain quantity of a certain drug, picked up under certain circumstances, which is other than as advertised, should be destroyed, and this is done.

The CHAIRMAN: Before you go ahead, Dr. Horner, I should ask whether it is in accordance with the wish of the committee that we close this meeting at 12:15.

Mr. NICHOLSON: Do we reconvene this afternoon?

The CHAIRMAN: Let us discuss this at 12:15.

Mr. HORNER (*Jasper-Edson*): I would like to clarify the legal position here. As I understood it earlier, all patent medicine manufacturers are registered or licensed.

Dr. MORRELL: That is a voluntary thing. You do not have to register a product but you may go and ask for registration.

Mr. HORNER (*Jasper-Edson*): Let me get this clear. I can go out, make a concoction and peddle it to drugstores without registering it with your department and without having a licence from you?

Dr. MORRELL: That is correct.

Mr. HORNER (*Jasper-Edson*): How can your department have any control over patent medicines or other medicines?

Dr. MORRELL: You can make this concoction you are talking about and sell it to a drugstore. As soon as we know there is such a concoction on the market we would certainly take an interest in its composition and so forth. If we are not satisfied, then we can exert certain restrictions on the sale of that product. But if you want to make that concoction and go to the department and