

2. Section 498A of the said Act, as enacted by section 9 of chapter 56 of the statutes of 1935, is repealed and the following substituted therefor:—

Discrimination in trade.

“498A. Every person engaged in trade or commerce or industry is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars or to one month’s imprisonment, or, if a corporation, to a penalty not exceeding five thousand dollars, who

En. 1935, c. 56, s. 9.

(a) is a party or privy to, or assists in, any transaction of sale which discriminates, to his knowledge, against competitors of the purchaser in that any discount, rebate or allowance is granted to the purchaser over and above any discount, rebate or allowance available at the time of such transaction to the aforesaid competitors in respect of a sale of goods of like quality and quantity;

Exceptions.

The provisions of this paragraph shall not, however, prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society;

Lower prices in particular area.

(b) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, for the purpose of destroying competition or eliminating a competitor in such part of Canada;

Lower prices to destroy competition.

(c) engages in a policy of selling goods at prices unreasonably low for the purpose of destroying competition or eliminating a competitor:

Proviso.

Provided that if a corporation offend against this section any director or officer of such corporation who assents to or acquiesces in the offence committed by the corporation shall be guilty of that offence personally and cumulatively with the corporation and with his co-directors or associate officers.”

Liability of directors assenting to offences.

3. Section 37 of the *Combines Investigation Act*, chapter 26 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Liability of director assenting to offences.

“37. If a corporation offend against section thirty-two, section thirty-five or section thirty-six any director or officer of such corporation who assents to or acquiesces in the offence committed by the corporation shall be guilty of that offence personally and cumulatively with the corporation and with his co-directors or associate officers.”