

vertisement, but was unable to meet the demand therefor because that demand surpassed his reasonable expectations; or

(c) after he became unable to supply the product in accordance with the advertisement, he undertook to supply the same product or an equivalent product of equal or better quality at the bargain price and within a reasonable time to all persons who requested the product and who were not supplied therewith during the time when the bargain price applied and that he fulfilled the undertaking."

Strike out lines 36 and 37, on page 36, and substitute the following therefor:

"in the discretion of the court and imprisonment not exceeding one year, or to both."

Strike out lines 2 and 3, on page 37, and substitute the following therefor:

"in the discretion of the court and imprisonment not exceeding on year, or to both."

Add immediately after line 3, on page 37, the following:

"(3) This section does not apply

(a) in respect of an advertisement that appears in a catalogue in which it is prominently stated that the prices contained therein are subject to error if the person establishes that the price advertised is in error,

(b) in respect of an advertisement that is immediately followed by another advertisement correcting the price mentioned in the first advertisement, or

(c) in respect of the sale of a security obtained on the open market during a period when the prospectus relating to that security is still current.

(4) For the purpose of this section, the market to which an advertisement relates shall be deemed to be the market to which the advertisement could reasonably be expected to reach, unless the advertisement defines the market more narrowly by reference to a geographical area, store, department of a store, sale by catalogue or otherwise."

Strike out lines 13 to 18, on page 37, and substitute the following therefor:

"chance and skill whatever unless such contest, lottery, game or disposal would be lawful except for this section and unless

(a) there is adequate and fair disclosure of the number and approximate value of the prizes, of the area or areas to which they relate and of any fact within the knowledge of the advertiser that affects materially the chances of winning;"

Strike out line 30, on page 37, and substitute the following therefor:

"imprisonment not exceeding five years; or"

Strike out lines 32 and 33, on page 37, and substitute the following therefor:

"in the discretion of the court and imprisonment not exceeding one year, or to"

Strike out lines 35 to 41, on page 37, and substitute the following therefor:

"37.3 (1) Sections 36 to 37.2 do not apply to a person who prints or publishes or otherwise distributes a representation or an advertisement on behalf of another person in Canada, where"

Add immediately after line 3, on page 38, the following:

"(2) No person shall be convicted of an offence under section 36 or 36.1, if he establishes that,

(a) the act or omission giving rise to the offence with which he is charged was the result of error;

(b) he took reasonable precautions and exercised due diligence to prevent the occurrence of such error;

(c) he, or another person, took reasonable measures to bring the error to the attention of the class of persons likely to have been reached by the representation or testimonial; and

(d) the measures referred to in paragraph (c), except where the representation or testimonial related to a security, were taken forthwith after the representation was made or the testimonial was published.

(3) Subsection (2) does not apply in respect of a person who, in Canada, on behalf of a person outside Canada, makes a representation to the public or publishes a testimonial."

Strike out line 6, on page 38, and substitute the following therefor:

"product, or who extends credit by way of credit cards or is otherwise engaged in a business that relates to credit cards, or who has the exclusive rights"

Strike out line 22, on page 38, and substitute the following therefor:

"Canada because of the low pricing policy"

Strike out lines 32 and 33, on page 38, and substitute the following therefor:

"(b) companies, partnerships or sole proprietorships that are affiliated,

or where the person attempting to influence the conduct of another person and that other person are principal and agent."

Strike out lines 38 and 39, on page 38, and substitute the following therefor:

"arrived at, is, in the absence of proof that the person making the sug-