

Mr. THOMPSON: My next point is in connection with section 21. Under this clause the Department are suggesting certain changes to enable an inspector to seize and get certain information from books and so on. We have been wondering about the question of the confidential nature of information thus received, and we have been thinking that something should be included to keep this information secret. Certain of the information they receive they have to publicize: they have to say that "such-and-such has been found to be an offence against the act"; and it is quite difficult to suggest what should go in the bill, if anything, to make it quite fair to the manufacturer and to the inspector that this information will be kept confidential. The inspectors, indeed all the officials, take an oath of secrecy, and perhaps that is enough; but we are a bit concerned about the keeping of this information confidential except for purposes of the administration of the act. Whether a section stating that "any information obtained by an inspector shall be kept secret except in the administration of the act" would do, I do not know. At one time we did suggest some such section in the Income Tax Act, but it is not on all fours, because there, there is no reason to give the information to anyone outside, whereas under this act there must sometimes be releases stating that certain drugs, or whatever the article may be, are on the banned list. If honourable senators think well of having something of that kind in the bill, perhaps the Department along with the Department of Justice could suggest a suitable provision. So long as we get the idea there, it does not have to be too strict. But these things must be kept secret as far as they can be, so that the trade secrets of one manufacturer will not be passed on to another, or anything of that nature. We do not suggest that it has been done, but we are afraid that it could be done, and very valuable information might be passed on, and the reward to the passer-on might be considerable and might be very tempting.

That is my submission. Thank you very much.

The CHAIRMAN: Mr. Connolly represents the Ottawa Truss Company of Canada, and he wishes to make some representations with regard to appliances.

Mr. JOHN J. CONNOLLY, Q.C.: Mr. Chairman and honourable senators, as the Chairman has intimated, the company on whose behalf I appear is the Ottawa Truss Company of Canada, which is the largest manufacturer of articles defined by the proposed act as "devices". These devices consist mainly of supports and belts for various parts of the body which may require that kind of treatment—if I can use the word, although it is apparently prescribed by the Act.

I may say that, although the company is the manufacturer of these appliances, these devices, except in their own retail store in Ottawa they do not distribute them. They are sold by some 1,200 or more of the druggists of the country.

The first thing that I would like to refer to is the provision in section 3 which says that—

- (1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases . . . (etc.) mentioned in Schedule A.

First of all, the policy of the company is not to advertise its product as a treatment, preventative or cure. I think that perhaps the time will come in the future when a definite line of distinction will be drawn between the kind of advertisements that may be made. If a company says "Here is a truss" or shows a picture of a truss, somebody in the department may rule that "In saying that is a truss, or showing a picture of a truss, you are suggesting an element of treatment there." That I think will be unavoidable, when the word "treatment" or "preventative" is in the Act.