

The term ice cream conveys to the public mind that they are obtaining a product made of iced dairy cream. Second: That cream is the most essential, costly and nutritive component of the food stuff and is the basis taken by physicians in prescribing its use.

It might be well to note here that in Bulletin 218 it is claimed that there was an "improvement" in the quality of Canadian ice cream, it being stated that the percentage of collected samples conforming to the standards had improved from 50 per cent. in 1908, to 70 per cent. in 1910. If this was an argument in 1910, then what is to be said of the situation in 1914 (Bulletin 276) when but 64 per cent. of the samples collected conformed? But it is submitted that this is not an argument, for the percentage of collected samples does not show that a certain percentage of the ice cream sold conformed in any way to the percentage of samples which were found to be up to standard.

What is ice cream? The term "ice cream" is generic. Like "candy," "confectionery," "bread," "cake," "pudding," "soup," etc., the term "ice cream" is the general name for a large class or group of products having some characteristics in common but varying widely as to ingredients—this variety extending to kind as well as to proportions. In the absence of qualifying words or phrases it is impossible to define "ice cream" with accuracy. That is to say, a statement reciting a list of ingredients, giving kind and amount or proportion, coupled with a description of the process of manufacture, does no more than describe one kind of ice cream.

To prove common knowledge, we must consult people who know, and in this matter the testimony of large and experienced manufacturers are submitted, which, together with the dictionaries and cook books, show the common knowledge. The experience of the largest manu-