

Hon. Mr. FARRIS: Could I say a word about section 21? I am afraid I cannot get back.

The CHAIRMAN: Certainly.

Hon. Mr. FARRIS: I think that paragraph (a) of subsection (1) of section 21 is very badly drawn, and makes possibilities for abuse which the Department never intended.

(1) An inspector may at any reasonable time—

- (a) enter any place where on reasonable grounds he believes there is an article to which this Act or the Regulations apply and examine any such article and take samples thereof.

Now, the articles included there are articles that are in every home,—food, even chewing gum; and an inspector who wished to abuse his privileges could walk into your home or my home and insist on examining the bread, or anything else. The only reasonable ground he would have for entering would be to believe that such articles were in my home. Is that right?

Dr. MORRELL: That certainly is not intended.

Hon. Mr. FARRIS: But there it is. The thing is written. No policeman can do that.

Dr. MORRELL: If it is not for sale—

Hon. Mr. FARRIS: This does not say anything about "sale".

Dr. MORRELL: Does this apply to articles that are not for sale?

Hon. Mr. FARRIS: This article says "enter any place where he... believes there is any article to which this act or the regulations apply". If you turn to the definitions you will find, in the same section:

For the purposes of subsection (1), the expression "article to which this act or the regulations apply" includes

- (a) any food, drug, cosmetic or device.

Dr. MORRELL: I remember discussing that with the legal people when we were drafting this, and pointing this out.

Hon. Mr. FARRIS: I am surprised the "legal people" would give their approval to that.

Dr. MORRELL: And I was told it applied to what was sold.

Hon. Mr. FARRIS: "Reasonable belief" is at the wrong end. Of course there is flour, chewing gum, all these things in your home and mine. That is not the point. There should be reasonable belief that the articles there were kept or sold in violation of the law.

Dr. MORRELL: Then if they were sold in violation of the law I would not want them coming in my house, I do not think that was the intention.

Hon. Mr. FARRIS: Oh, no. You know the place that is paved with good resolutions. I am thinking about the possibilities of someone abusing this power. And they could not do a thing to him. He says "I knew that that man had bread, or chewing gum, or something else packed at a certain place, and I wanted to find out how they handle "the thing", so he walks in, and you can't do a thing to him.

Hon. Mr. STAMBAUGH: Have you some amendment that would cover this?

Hon. Mr. FARRIS: I have no objection to an inspector going into a commercial place, although even then he should not do it unless he has reasonable grounds for believing there is a violation of the law. But no man should be allowed to get in my home unless he comes in under a warrant, the same as a policeman has to get.