

inadvertence, breakdown in the freezing plant, or delay in the delivery, or anything like that?

**Mr. Carton:** Yes, I think it is quite possible.

**Senator Cook:** If he does not get a licence to export, what happens to the fish? Is it destroyed? Can he sell it locally?

**Mr. Carton:** If we have already seized it, we would not be inclined to release it. If the quality of the fish indicated that it has been intended for the export market and it did not measure up, we might have to seize it and destroy it. It is possible to do that.

**Senator Cameron:** Would you destroy the fish or send it to a fertilizer plant or something like that?

**Mr. Carton:** No, it is not the custom to send it to a fertilizer plant.

**Senator Blois:** Mr. Chairman, I am not a member of this committee, but with your permission I would like to say something. As I said when I spoke in the chamber when this bill was being discussed, I sent it to a number of fish packers in my own province for their comments. I received a number of letters. They are very much in favour of it. I think all the inspectors and the Nova Scotia people, as well as those in the Atlantic provinces, are very keen to have the fish marketed in the best possible state. They take strong exception to the definition given to the word "unwholesome". This is due to the fact that the definition is "aesthetically offensive to man".

I looked up the word "aesthetically" and it refers to beauty. Now, it is hard to conceive that something can be "beautifully offensive". I do not wish to spend your time here, but I would give an indication by saying that a short time ago I was at a lobster party and there was someone who said that the lobster had a nice taste but that it made her ill just to look at it. Who is going to decide what is "beautifully offensive to man". Some people would say a tomato, or others may say caviar would be offensive.

The Nova Scotia fish packers are wondering if there is not some other phrase than "beautifully offensive," because the two words do not seem to team together.

I must say we were satisfied with the words changed—I heard your explanation this morning and can understand that. Is

there not some other word that could take the place of both "beautiful" and "offensive"? They do not seem to go together. I looked it up in several large dictionaries in the library and "aesthetic" refers to "beauty, art, or science".

**Mr. Carton:** We should be clear here about the definition of the phrase "aesthetically offensive". I do not wish to get into a discussion on that, but I should point out that this does not occur in the bill before the committee.

**Senator Blois:** No.

**Mr. Carton:** It occurs in the regulations.

**Senator Blois:** Yes.

**Mr. Carton:** It occurs in the definitions which are in the Fish Inspection Regulations made under the existing statute. These definitions can be changed any time by the Governor in Council. We still require this authority to define it. I do not know whether this is the perfect word. I do not know whether we can find one that would permit us to define "unwholesome". It does not necessarily have to be this. There are other phrases which may be better and some that obviously would be worse. Regardless of what change we make, if any, in the regulations to define the word "unwholesome," we must still have authority in the statute to define it in some way in the regulations.

**Senator Blois:** Yes. You already have one word there and could put in another word which might be different from this.

In the regulations, P.C. 1967-920, which is the one I referred to as showing the words "aesthetically offensive," that word "aesthetic" seems to be the one causing trouble, because it refers to beauty, science, art, and does not seem to tie in.

**Mr. Carton:** That is quite true, but of course you run into this situation. I suppose we could go on like this for a long time. You run into a situation everywhere, where in statutes and regulations and any other type of legislation you define things. You take a word and arbitrarily give it a meaning, which it has only for that legislation and not for general usage. To that extent you are able to change or alter or circumscribe the meaning of a word. I suppose one of the famous examples is the definition which appears in the Criminal Code. You will