

Mr. CURRAN: —you will find that the whole of the section, with the exception of paragraph (g), is substantially taken care of in section 4 of the bill. I am talking about foods only now. When you come to paragraph (g), that relates to standards prescribed by regulation, and it says that if an article differs from the standard, it is adulterated. Originally the concept of adulteration meant some debasement or cheapening of the article by substituting an inferior ingredient to increase its bulk and weight. With modern methods of manufacturing foods that concept has undergone a very substantial change.

Hon. Mr. ROEBUCK: Excuse me a minute. I have heard adulteration defined as something which decreases the effectiveness of the substance for the purpose for which it was intended.

Mr. CURRAN: That is substantially the Encyclopaedia Britannica definition.

Hon. Mr. ROEBUCK: I did not look it up, but it was lurking in my mind.

Mr. CURRAN: The Encyclopaedia Britannica definition is substantially of that kind. The point is this, that there are departures from the standard which are not necessarily for the purpose of depreciating the food, and manufacturers did not like the word "adulterated" to be used for some deviation from the prescribed standard. We felt that it was more realistic to deal with standard foods on their own merits, to deal with things that inherently debase a food—filth and injurious substances—by direct prohibition. But there does remain a fringe area which may not be clearly covered by one of these direct prohibitions, and it is in relation to that type of thing, that, as Dr. Morrell points out, there would be a definition of adulteration, but we did not consider it feasible to define adulteration particularly without creating more problems than would be solved.

Hon. Mr. HAYDEN: You are creating a lot of problems if you take complete power in the Governor in Council to define generally or in relation to a particular food or drug what shall constitute adulteration. You are just taking away from us any authority to say what we think about your definitions.

Hon. Mr. ROEBUCK: The first thing you know, you would banish pumpkin pie from our tables, because it is all made of squash, sometimes with a little apple to give it a tang.

Mr. CURRAN: That would be dealt with by prescribing a standard.

Hon. Mr. HAYDEN: I am not attempting to interfere. What I am asking is, why we should abrogate, in favour of the Governor in Council, the right to write a statutory definition of "adulteration". You go ahead and provide all the standards you require by regulating all the degrees of variability. You have been doing it in the present act, and it has worked all right.

Mr. CURRAN: Well, if I may respectfully differ with Senator Hayden, I would suggest that it has not worked all right, because objection was taken to the arbitrary designation of a food as being adulterated merely because it failed to comply with the designated standard.

Hon. Mr. HAYDEN: You want to do the same sort of thing by definition, even more arbitrarily, and parliament will not have any say in it at all.

Mr. CURRAN: That would be so if "adulteration" were defined in a completely unrealistic way, but in that event the definition could be challenged in the courts.

Hon. Mr. HAYDEN: How could a definition be challenged in the courts if we gave you power to make the definition?

Mr. CURRAN: Section 24 authorizes regulations only for carrying the purposes and provisions of this Act into effect. Now, if we made a regulation which was not related at all to the purposes of the Act, it could be challenged,