

*Clause 18*

Strike out lines 4 to 9, on page 31, and substitute the following therefor:

"the price at which the product has been sold by sellers generally in the relevant market unless it is clearly specified to be the price at which the product has been sold by the person by whom or on whose behalf the representation is made."

Strike out lines 25 to 33, on page 31, and substitute the following therefor:

"a person as ultimate user, or

(e) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatever made available to a member of the public,

shall be deemed to be made to the public by and only by the person who caused the representation to be so expressed, made or contained and, where that person is outside Canada, by"

Strike out line 41, on page 31, and substitute the following therefor:

"(3) Subject to subsection (2), every one who, for the purpose"

Strike out lines 5 to 22, on page 32, and renumber subsection 36(5) as subsection 36(4), and subsection 36(6) as subsection 36(5).

Strike out line 34, on page 32, and substitute the following therefor:

"imprisonment not exceeding five years; or"

Strike out lines 36 to 38, on page 32, and substitute the following therefor:

"in the discretion of the court and to imprisonment not exceeding one year, or to both."

Strike out lines 5 and 6, on page 33, and substitute the following therefor:

"(b) publish a testimonial with respect to the product,"

Strike out line 19, on page 33, and substitute the following therefor:

"case may be,

and the representation or testimonial accords with the representation or testimonial previously made, published or approved."

Strike out line 24, on page 33, and substitute the following therefor:

"imprisonment not exceeding five years; or"

Strike out lines 26 to 28, on page 33, and substitute the following therefor:

"in the discretion of the court and to imprisonment not exceeding one year, or to both."

Strike out lines 42 to 45, on page 33, and lines 1 to 3, on page 34, and substitute the following therefor:

"play or sale, or

(c) on an in-store or other point of purchase display or advertisement."

Strike out lines 1 to 9, on page 35, and substitute the following therefor:

"(2) No person shall induce or invite another person to participate in a scheme of pyramid selling."

Strike out line 14, on page 35, and substitute the following therefor:

"imprisonment not exceeding five years; or"

Strike out lines 16 and 17, on page 35, and substitute the following therefor:

"in the discretion of the court and imprisonment not exceeding one year or to"

Add immediately after line 18, on page 35, the following:

"(4) This section does not apply in respect of a scheme of pyramid selling that is licensed or otherwise permitted by or pursuant to an Act of the legislature of a province."

Strike out line 29, on page 35, and substitute the following therefor:

"made, other than by the second person, to other persons whose names are"

Strike out line 38, on page 35, and substitute the following therefor:

"imprisonment not exceeding five years; or"

Strike out lines 39 to 41, on page 35, and substitute the following therefor:

"in the discretion of the court and imprisonment not exceeding one year, or to both."

Add immediately after line 41, on page 35, the following:

"(4) This section does not apply in respect of a scheme of referral selling that is licensed or otherwise permitted by or pursuant to an Act of the legislature of a province."

Strike out line 15, on page 36, and substitute the following therefor:

"supply in reasonable quanti-"

Strike out lines 21 to 32, on page 36, and substitute the following therefor:

"(3) Subsection (2) does not apply to a person who establishes that

(a) he took reasonable steps to obtain in adequate time a quantity of the product that would have been reasonable having regard to the nature of the advertisement, but was unable to obtain such a quantity by reason of events beyond his control that he could not reasonably have anticipated;

(b) he obtained a quantity of the product that was reasonable having regard to the nature of the ad-