

pany will endeavour, wherever possible, to have any settlements approved by the Chief Justice of the Superior Court, Trial Division, in the particular province.

To ensure that every possible thalidomide claim is uncovered, it has been agreed that my Department and the company would exchange information available concerning the identifi-

cation of any case that may become known. Richardson-Merrell has indicated its complete willingness to negotiate any *bona fide* claim involving its product.

Letter from Minister of National Health and Welfare to parents or guardians of thalidomide children

It is my understanding that a child in your family has been affected by the administration of the drug thalidomide. As you can appreciate, I am deeply concerned about the well-being and the future of the victims of this tragedy. My Department and I wish to be as helpful as possible to you in facing the problems that you may experience in these circumstances.

The two brands of thalidomide which were sold in Canada were "Kevadon" distributed by Richardson-Merrell Inc. and "Talimol" distributed by Frank W. Horner Ltd. Recently, I had a meeting with representatives of Richardson-Merrell Inc. That company is very anxious to settle all outstanding *bona fide* claims against it, resulting from the taking of their

product "Kevadon", and wishes to enter into negotiation with you if you believe you have a claim against it. The company has requested that all parents of such children whose claims have not been settled and who are not represented by legal counsel select a lawyer of their choice, who can commence negotiations with the company if negotiations have not been undertaken by them. The company is prepared to pay the parents' complete legal costs in Canada in relation to any settlement reached with them.

If you believe your child to have suffered because of thalidomide treatment in Canada, would you or your lawyer be good enough to write to Mr. R.K. Laishley, Q.C., the general counsel in Canada for Richardson-Merrell Inc., at 116 Lisgar Street,

Ottawa K2P 0C2, Ontario, or you may write directly to me and I will ensure that your letter is referred to Mr. Laishley. (Quebec residents will be asked to write to the Minister or to Mr. Colin K. Irving, representing Richardson-Merrell in the province of Quebec.)

It is very much in your child's and your own interest that proper arrangements are made and I urge you, if you think that your child was affected in this way, to consult with your lawyer.

The Richardson-Merrell company has agreed to keep me informed about all thalidomide cases that come to their knowledge.

I wish to co-operate with you in every way possible and if you feel there is any area in which I can be of assistance, please write to me.

Impaired drivers beware

The Canada Safety Council has asked the Federal Minister of Justice to make changes in the Criminal Code of Canada to rectify what it believes are weaknesses in the present legislation regarding impaired driving.

B.J. Legge, President, D.D. McKay, Vice President and P.J. Farmer, Executive Director of the Canada Safety Council, who met with Justice Minister Otto Lang and representatives from the Justice Department recently, told him that, while the Council supported the .08 Law proclaimed in December 1969 (Criminal Code Sections 234, 235 and 236), the Council was concerned that the law had not been effective in preventing accidents caused by impaired driving. To rectify the weaknesses in the present law, the Canada Safety Council suggested that the relevant sections of the Criminal Code should be amended to include:

- (1) Roadside screening tests –
 - (a) on suspicion of drinking,
 - (b) after a driver has committed a driving violation,

- (c) after a driver is involved in a traffic accident,
- (d) at checkpoints.

Without such roadside screening tests, the Council feels that police officers do not have adequate tools to determine impairment.

- (2) Provision for suspended sentences for problem drinkers and driving while impaired, repeaters, coupled with mandatory referral to impaired driver clinics for counselling and treatment. At present the law does not provide for rehabilitation of the alcoholic or problem drinker charged with impaired driving. In many instances under the present legislation individuals with alcohol problems continue to drive after being convicted of impaired driving.
- (3) Chemical tests of blood and urine as well as breath should be required in cases where breath tests are negative. At present the enforcement agencies and courts have no method of determining the presence of drugs in cases of impaired driving, particularly when alcohol is absent.

The Canadian .08 Law proclaimed on December 1, 1969, resulted in a 59.3 percent increase in arrests for impaired driving in its first year of operation. There were 76,614 impaired driving cases in 1970, up nearly 30,000 from 1969. Another 4,083 drivers were charged after refusing to give a sample of breath.

Since Section 236 of the Criminal Code states it is an offence to drive if the driver's blood alcohol content exceeds .08 per cent the old argument about whether or not the driver was actually impaired is not a factor. This has resulted in a considerable saving of time not only on the part of the court but also the time of the arresting officer appearing in court as a witness. It also has resulted in a higher conviction rate.

However, the prime reason for this law was to prevent accidents caused by impaired driving. Unfortunately the evidence to date does not indicate that incidences of driving while intoxicated have been significantly reduced, nor has there been any appreciable reduction in accidents caused by impaired driving.