power by dividing the totality of public power among the federal government and the provinces. Food, drugs, cosmetics and medical devices are nowhere mentioned in the division of subjects of the public power in the British North America Act. This is not surprising, given the minor role of the state in health matters at the time of Confederation in 1867. These subjects are not explicitly mentioned. Control over those substances has, however, been determined to be a matter of criminal law and therefore within federal jurisdiction.

Several landmark decisions have upheld the federal primacy in this area and most authorities no longer seriously question it. Hence it is possible for us to legislate and regulate in these areas whether or not the subject matter is one which remains within a province or crosses provincial boundaries.

The Food and Drugs Act provides authority to establish standards for the composition and identity of foods; to prohibit the sale of foods that are manufactured under unsanitary conditions or are adulterated; and to prohibit the advertising, labelling, packaging, processing or sale of foods in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety.

The practical enforcement of the Food and Drugs Act requires that certain sections be supplemented with regulations that interpret the act. Consequently there has been developed over many years an extensive body of regulations which provide standards, set out requirements for labelling and establish prohibitions or exemptions for certain substances within the scope of the act. The regulations, of course, frequently are changed as new foods are developed and new processes devised. The use of certain chemicals as direct or incidental additives, for example, is under continual review and new data on the safety of a particular chemical may require regulatory amendments.

Mr. Yewchuk: Mr. Speaker, would the hon. member permit a question?

Mr. Breau: Yes.

Mr. Yewchuk: The hon. member is talking about labelling the food supply. I wonder if he can explain to the House why most foods are not labelled specifically with regard to which chemicals are in them but simply say "artificial colouring and flavouring" rather than naming the specific chemical. The importance of that stems from the comments made by the hon. member for Windsor-Walkerville (Mr. MacGuigan) who said that allergies can occur to certain chemicals in the food supply, but if they are not labelled people who may be allergic to them cannot tell. My question is: why has the government not taken action as far as labelling accurately is concerned, if not in banning some of these substances?

Mr. Breau: Mr. Speaker, I cannot answer for the government on that point.

Mr. Yewchuk: You are speaking for the government.

[Mr. Breau.]

Mr. Breau: No, I am not speaking for the government. I am speaking to the motion.

An hon. Member: You are blocking it for the government.

Mr. Breau: I am speaking on the subject because I think it is a very important one. The objective desired by this motion, I believe, is covered by the Food and Drugs Act. There is no reason to have any other action.

Mr. Yewchuk: I just gave a reason.

Mr. Breau: The hon. member is asking for chemicals to be labelled or identified now. I do not see that in the motion.

Mr. Yewchuk: You are talking about labelling.

Mr. Breau: I talked about labelling because I went into the activities of the Health Protection Branch. I am explaining how that branch operates and what it does. It labels food and it does all the things I just mentioned.

Mr. Munro (Esquimalt-Saanich): Not very well.

Mr. Breau: I suppose the question the hon. member poses is an important one, as is his motion. I hope that someone can answer it later in the debate.

The Health Protection Branch, as a regulatory agency, is not isolated from the political process, though it is much more isolated from partisan politics than are some similar agencies elsewhere. The mechanism whereby it reports to a politically elected representative who has ministerial responsibilities before parliament, provides a continuing sensitivity to and awareness of the fact that the value judgments of society must be taken into account in reaching the final decisions about issues such as food safety, acceptable risks, and the legitimate role of a regulatory agency.

It is good that the hon. member interrupted to ask a question. This part of my notes answers his motion—that because the minister is responsible to parliament for the Health Protection Branch he has to be aware of what goes on in parliament and has to be aware of the initiatives of private members. I think it is very valuable to have this in our system, as the hon. member for Grenville-Carleton said. The Health Protection Branch is sensitive to all these things, and I am sure that is what is looked for in the motion. Since the hon. member brought the matter up, I assume it is important.

● (1630)

The task of the health protection branch is to provide the minister with the best advice, which means technically best advice. The minister bears responsibility for policy and often has to defend his decisions on the floor of the House of Commons or before parliamentary committees. It is against this general background that the enforcement philosophy and the administrative mechanisms to obtain compliance with the law are formulated.

Since Canada is a significant importer of food it is important to consider carefully the impact of legislation affecting