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Second Session—Twenty-seventh Parliament
1967

THE SENATE OF CANADA
PROCEEDINGS
OF THE
STANDING COMMITTEE
ON
NATURAL RESOURCES

The Honourable Cyrille Vaillancourt, *Chairman*

No. 1

Complete Proceedings on Bill S-27,

intituled: *Con: and Flynn*
"An Act to amend the Fish Inspection Act".

TUESDAY, DECEMBER 12th, 1967

WITNESSES:

*Department of Fisheries: H. V. Dempsey, Director, Inspection Service;
J. G. Carton, Departmental Solicitor, Legal Service.*

REPORT OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967



Second Session—Twenty-seventh Parliament
1987

THE STANDING COMMITTEE
ON
NATURAL RESOURCES

The Honourable Cyrille Vaillancourt, *Chairman*
The Honourable Senators

- | | |
|---|--------------------------------|
| Aird | Macdonald (<i>Brantford</i>) |
| Argue | McDonald |
| Basha | Méthot |
| Beaubien (<i>Provencher</i>) | Monette |
| Bélisle | O'Leary (<i>Carleton</i>) |
| Boucher | Paterson |
| Bourque | Pearson |
| Burchill | Phillips |
| Cameron | Power |
| Cook | Prowse |
| Dessureault | Quart |
| Fournier (<i>Madawaska-Restigouche</i>) | Vaillancourt |
| Gladstone | Vien |
| Hastings | Walker |
| Hayden | Welch |
| Hays | White |
| Kinley | Zuzyk—(34). |

Ex officio members: Connolly (*Ottawa West*) and Flynn.
(Quorum 9)

TUESDAY, DECEMBER 15th, 1987

WITNESSES:

Department of Fisheries: H. V. Dempsey, Director, Inspection Services;
J. G. Carlton, Departmental Solicitor, Legal Service.

REPORT OF THE COMMITTEE

ROGER DUHAMEL, P.R.C.
QUEBEC PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1987

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Tuesday, November 21st, 1967:

"Pursuant to the Order of the Day, the Honourable Senator Smith (*Queens-Shelburne*) moved, seconded by the Honourable Senator Connolly (*Halifax North*), that the Bill S-27, intituled: "An Act to amend the Fish Inspection Act", be read the second time.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Smith (*Queens-Shelburne*) moved, seconded by the Honourable Senator Isnor, that the Bill be referred to the Standing Committee on Natural Resources.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MACNEILL,
Clerk of the Senate.

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Tuesday, November 21st, 1907:

"Pursuant to the Order of the Day, the Honourable Senator Smith (Queens-Sheburne) moved, seconded by the Honourable Senator Conolly (Halifax North), that the Bill S-27, intitled: "An Act to amend the Fish Inspection Act," be read the second time.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Smith (Queens-Sheburne) moved, seconded by the Honourable Senator Janor, that the Bill be referred to the Standing Committee on Natural Resources.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MACNEILL,
Clerk of the Senate.

Senator
Hayden
Rays
Kilby

Ex-1

MINUTES OF PROCEEDINGS

TUESDAY, December 12th, 1967.

(1)

Pursuant to adjournment and notice the Standing Committee on Natural Resources met this day at 9:40 a.m.

Present: The Honourable Senators Vaillancourt (*Chairman*), Argue, Basha, Cameron, Cook, Flynn, Hastings, McDonald, Méthot, Paterson and Prowse—(11).

Present but not of the Committee: The Honourable Senators Smith (*Queens-Shelburne*) and Blois—(2).

In attendance:

R. J. Batt, Assistant Law Clerk, Parliamentary Counsel, and Chief Clerk of Committees.

On motion of the Honourable Senator Cameron it was *Resolved* to report, recommending that authority be granted for the printing of 800 copies in English and 300 copies in French of the Proceedings of the Committee on Bill S-27.

Bill S-27, "An Act to amend the Fish Inspection Act" was read and considered.

The following witnesses were heard:

Department of Fisheries:

H. V. Dempsey, Director, Inspection Service.

J. G. Carton, Departmental Solicitor, Legal Service.

On motion of the Honourable Senator Cook, it was *Resolved* to report the said Bill without amendment.

At 10:20 a.m. the Committee adjourned to the call of the Chairman.

Attest:

Patrick J. Savoie,
Clerk of the Committee.

REPORT OF THE COMMITTEE

TUESDAY, December 12th, 1967.

The Standing Committee on Natural Resources to which was referred the Bill S-27, intituled: "An Act to amend the Fish Inspection Act", has in obedience to the order of reference of November 21st, 1967, examined the said Bill and now reports the same without amendment.

Your Committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said Bill.

All which is respectfully submitted.

CYRILLE VAILLANCOURT,
Chairman.

The following witnesses were heard:

Department of Fisheries:

E. V. Dempsey, Director, Inspection Service.

J. G. Carter, Departmental Solicitor, Legal Service.

On motion of the Honourable Senator Cook, it was Resolved to report the said Bill without amendment.

At 10:20 a.m. the Committee adjourned to the call of the Chairman.

Attest:

Patrick J. Savoie,
Clerk of the Committee.

THE SENATE

STANDING COMMITTEE ON NATURAL RESOURCES

EVIDENCE

Ottawa, Tuesday, December 12, 1967

The Standing Committee on Natural Resources, to which was referred Bill S-27, an Act to amend the Fish Inspection Act, met this day at 9.40 a.m. to give consideration to the bill.

Senator Cyrille Vaillancourt (Chairman) in the Chair.

The Chairman: Honourable senators, shall we proceed?

Hon. Senators: Yes.

The Chairman:

The committee agreed that a verbatim report be made of the committee's proceedings on the bill.

The committee agreed to report, recommending authority be granted for the printing of 800 copies in English and 300 copies in French of the committee's proceedings on the bill.

The witnesses from the department are: Mr. H. V. Dempsey, Director, Inspection Service; and Mr. J. G. Carton, departmental solicitor.

Mr. Carton, the departmental solicitor, will explain the bill to us.

Mr. J. G. Carton, Departmental Solicitor, Department of Fisheries: Mr. Chairman and gentlemen, this bill, as you can see, is relatively short, consisting of three amendments.

The first is the definition of "container." The background of this amendment is to bring this definition of "container" into line with the definition which has been internationally accepted by the Codex Alimentarius Commission, with particular reference to adding to the definition this phrase "wrapper or confining band." In our own case this has practical significance, because there are at least two types of fish marketed and exported and moved in Canada in this way. One is blocks of heavy salt cod, and the other is

Pacific halibut. This definition was finally approved at a meeting held in Ottawa in June last at which 22 countries were represented. So, this has been approved by the Committee on Standards of that commission.

The second is "processing," and is precisely what was in the act up until now, with one important addition. We have added the word "canning" to make it absolutely certain that it is included. It could have been argued the way it read before it was included, but I do not believe it was the intention of Parliament to include it when the act was first passed and, certainly, an important function like canning requires mentioning specifically to make sure that it is included.

The third one is perhaps very important from our point of view, and that is the adding of a provision to define the words "tainted, decomposed or unwholesome." These words occur in the revised section 10 of the act which we are putting in. They are to facilitate the quality control of fish. We have found, through experience over the years, that the phrase which exists at present "wholesome and fit for human food" is almost impossible to enforce. It is true that even this definition is going to contain a certain objective element in it. For example, with regard to the phrase "fit for human food," I recall one instance some years ago, I believe in Saint John, New Brunswick, where the subject matter of an inspection was barrels of pickled alewives consigned to Haiti. Our inspector quite properly, I thought and as it turned out, rejected them on the basis that we have this phrase in our regulations "not fit for human food." The packer objected to this ruling, and his final proof that they were fit for human food was simply to take one out of the barrels and eat it right in front of the inspector. This can happen. It is not to be implied because they can still be eaten they are quality-controlled and that their export would do nothing but do Canada's exports any good.

Senator Cook: What happened to that case, was it exported?

Mr. Carton: No, it was not. We kept it and seized it. We had no alternative. That is a fairly important market for this low-cost food, and whatever he might think I do not believe the people in Haiti would have been pleased to get it. They can buy little enough of what is sent to them anyway, but it is a fairly important market for certain packers in New Brunswick and Nova Scotia.

Senator Cook: Did he survive it?

Mr. Carton: Yes, he did as a matter of fact. He died about two years ago at the age of 88. I should explain that at the moment we have in our regulations defined the word "unwholesome". This is defined in the regulations.

Senator Flynn: Is the definition too long to quote?

Mr. Carton: "Unwholesome fish" means:

Fish that has in or upon it bacteria of public health significance, or substance toxically or esthetically offensive to man.

Senator Hastings: Is the word "tainted" defined?

Mr. Carton: Yes. "Tainted fish" means:

Fish that is rancid or has an abnormal colour, odour or flavour.

"Decomposed" in respect of fish means:

Fish that has an offensive or objectionable odour, flavour, colour or textural effect associated with spoilage.

There is this legal point. Since the word "unwholesome" occurs in the statute, to define it in the regulations or elsewhere we should have authority in the statute, which is the reason for section 2 (ab).

With regard to this word "unwholesome", I should explain that, as is our practice with all our fish inspection regulations and legislation, it has never been advanced or got to the point of being submitted to the Governor in Council, but it has been examined with the fishing industry through the Fishing Council of Canada and other associations involved with this, and this phrase is acceptable to them. They have been able to live with it. In fact they want it. They have found, as we have found that it is not simple. Nothing is simple.

Senator McDonald: The fishing associations want this?

Mr. Carton: I do not say they want it. Well, yes, they want it, but we propose it to them. We do not spring this on the fisheries people as law without consultation beforehand. This consultation sometimes takes months. It is done through their office here in Ottawa, who circulate the proposals to all member associations throughout Canada. They get their comments, they get a consensus of the associations, which is finally reflected in the legislation that we advance, whether by regulation or statute.

Senator Flynn: In your regulations do you have a definition of "fit for human food"?

Mr. Carton: No, we have not. This is precisely why we want to get rid of it. It is in the act at the moment.

Senator Flynn: Would it not be better to define "fit for human food" in the regulations rather than replace it by the word "unwholesome"?

Mr. Carton: No, sir, I do not believe so. This is just the difficulty I was explaining. "Fit for human food" is almost impossible to define.

Senator Smith (Queens-Shelburne): Eskimos eat rotten fish, which from our point of view would be unfit for human food. With them it is an ordinary everyday happening.

Mr. Carton: To protect our export market we would have to consider it unfit.

Senator Flynn: You would say it is unwholesome according to our definition?

Mr. Carton: That is right.

Senator Flynn: "Aesthetically offensive" is rather subjective, is it not?

Mr. Carton: Of course it is. That is just what I said. These things are bound to be subjective. I suppose we could put something else in there such as "revolting" or "disgusting". When you get into this area of quality control any phrase you use will have to be subject to the subjective interpretation of the qualified inspector inspecting it, unless there are other areas where you are speaking of a bacteria count.

Senator Flynn: If you are trying to improve the situation but are creating another which is not better, I do not see what you gain.

Mr. Carton: I think the situation is better because it is definable and acceptable, and on occasion we have been able to make this definition hold up in court.

Senator Cook: This arises out of your previous experience. Because of your unsatisfactory experience you want this change?

Mr. Carton: Yes. We want to get rid of this phrase "fit for human food" because it is almost impossible to convince anybody at what point something is not fit. If you want to take an extreme example, even rotten eggs are fit for human food.

Senator Flynn: In Japan they bury them and eat them some years later. It is supposed to be a delicacy.

Senator Smith (Queens-Shelburne): Do you have many cases of fish packers who are quite willing and ready to export fish products that could not comply with any definition, but which someone else might think are suitable for and exportable to the country for which they are destined? Is this a general problem? Does it happen very often?

Mr. Carton: I think it would be better if the Director of the Inspection Service answered that.

Mr. H. V. Dempsey, Director, Inspection Service, Department of Fisheries: I suppose there are always people in every business who are prepared to market something if they can make a dollar doing so. I am sure there are people who would attempt to market fish which we would judge by all standards to be decomposed or unwholesome. I might explain that we have been using these definitions for five years in Canada. I discussed them with industry in meetings from coast to coast in Vancouver, Edmonton, Prince Albert, Winnipeg and other cities, and there is understanding in the industry of what they mean.

I might make one other point. We in the Inspection Service do not rely on prosecutions in order to achieve improvement in quality, because you do not succeed in inspection if you attempt to apply coercion. In our service we have had great co-operation with industry because we have approached it on a co-operative basis, firmly believing that 99 per cent of the time when bad or poor quality fish is produced or available to the consumer it is because of lack of information on the part of the manufacturer

and not because of a deliberate attempt to do so. In a year we have seldom had more than three prosecutions in Canada because of this. Unfortunately, we have to approach some people.

The specific answer to your question would be that if an inspector did find—and this rarely happens—fish offered for export inspection which did not meet the requirements of the regulations he would refuse to issue a certificate. There has been no offence committed. Withholding the certificate is in itself all the action that is required. We explain to the packer what is wrong with the fish, and we have rarely had any difficulty.

Senator Flynn: If the inspector makes a bad decision is there any recourse?

Mr. Carton: There is provision for appeal.

Senator Flynn: Appeal to whom?

Mr. Carton: For re-inspection by other officers.

Senator Methot: If a certificate is withheld and he exports, is there any offense?

Mr. Carton: There would be an offense, yes, if he exported without a certificate. Of course, he would be in trouble at the other end, because in the United States and many other countries the consignee would not accept the fish.

Senator Flynn: If his appeal succeeds can he claim damages?

Mr. Carton: If he wins his appeal, if his fish were passed by our inspectors, he would suffer no damage.

Senator Flynn: But if the inspector refuses to issue the certificate and there is an appeal, he wins the appeal but because of the delay he suffers damages, is there then any recourse open to him?

Mr. Carton: Not in any of our statutes, unless under the Crown Liability Act we feel compelled to take action.

Senator Smith (Queens-Shelburne): Perhaps this would have to be a civil action?

Mr. Carton: Yes, a civil action.

Senator Cook: Provided you show malice.

Mr. Carton: Malice.

Senator Cameron: It is conceivable that this lack of quality could come about through

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

remember that the Three Card Monte is described as the game which is known as Three Card Monte—which is not particularly informative, except in a circular way.

Senator Flynn: You seem to be adding the word “unwholesome” and deleting the words “not fit for human food”. There may be some advantage in including the word “unwholesome” but I do not see that you gain by deleting the words “not fit for human food”. I wonder whether it would not achieve your purpose in some way by saying that it is “tainted, decomposed, unwholesome, or unfit for human food”. If all of these terms were used, they would tend to define each other and you probably would have, let us say, a frame that would be a better definition than the one you have now?

Mr. Carton: Sir, from our experience with this phrase “fit for human food” I would suggest it is just worthless.

A senator: Worthless in a discussion about something being “fit for human food”?

Mr. Carton: That is right. It is almost impossible to come up with anything which will stand up and which can be substantiated as being “unfit for human food”.

Senator Paterson: “Unwholesome” in the broad term. Every stout woman finds fish unwholesome.

Mr. Carton: I hope that does not get into the news.

Senator Argue: Getting back to your refusal of certificates for this, and in regard to the provision for an appeal, what percentage of cases are there in which appeals have been involved? Is this a case where they are frequent or infrequent?

Mr. Dempsey: I would think it very uncommon.

Senator Flynn: In two-thirds of the cases, once a seizure has taken place, no one wants to lose more money in appealing. It would be losing time in many cases.

Senator Argue: I would think that has to have some bearing. If there are a great many appeals, it would look very important to me. If they were seldom appealed, it would look obvious that the department is doing a reasonably good job.

Mr. Carton: There are not many appeals, and this bill has no juridical procedure that

involves hiring a lot of people. It is a request to have the fish re-examined by another inspector.

Senator Flynn: The chance of another inspector saying that a colleague is wrong, is rather seldom?

Mr. Carton: I am afraid I could not agree with that.

Senator Cook: Is it not a fact that if fish have gone bad, they have gone bad, that there is nothing in between, that there is no margin. Fish is either good or bad and if the fish is bad, it is bad and there is not much appeal or argument you can make, in my experience.

Senator Cameron: I can see the point. You can come into the market in New Delhi and see them marketing fish, chickens and other things for humans, which most people here would not consider fit.

If you go to the fish market in Hong Kong, you would hold your nose at what they are buying and eating. We would reject it, but they would accept it. I can understand the difficulty in this.

Senator Flynn: The phrase “unfit for human consumption” is defined in accordance with the local practices. If no amendment is suggested, Mr. Chairman, I think it would appear to be the general view of the committee that the definition in the regulations cannot be improved.

Senator Smith (Queens-Shelburne): I would like to ask Mr. Dempsey or perhaps Mr. Carton whether they have any direct representations from the Nova Scotia Fish Packers Association. They represent the medium-sized packers and all the big ones?

Mr. Dempsey: Not recently, Mr. Chairman. As I explained, we did distribute these regulations in the industry for comment in 1964. I have a note here of a letter from the Nova Scotia Fish Packers Association dated December 29, 1964 in which they ask for further clarification of the definition of “wholesome”. This was again discussed with them at a meeting on February 4, 1965 when we explained to them that the wholesomeness of the product would continue to be interpreted in the light of the requirements of the public health regulations.

This was apparently acceptable. I have no further notes of comments or objections from the Nova Scotia Fish Packers Association.

This same point was raised by the Fisheries Association of British Columbia. It was raised by the Vancouver Fish Dealers Association, and it was raised by the Prairie Fisheries Federation at a meeting I had with them in Winnipeg on July 5, 1965.

In each instance, we explained the use of the words "aesthetically offensive" as an all-embracing term which covers all kinds of other descriptions, such as that used in the Food and Drug regulations which reads:

consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance.

It was our view that the words "aesthetically offensive" would include all of these terms, because we interpret "aesthetically offensive" as something offending one of the human senses. No other interpretation can be placed upon it. There is no question of beauty. It offends the human senses, such as someone's smell, sight, or taste, in some way.

Senator Cook: As I understand it, the word "wholesome" is in the bill, and there is no doubt that the definition can be amended or improved after discussions between the department and the trade. As I see it, and subject to other views, we would do well to pass the section as it is now, and agree with the witnesses that the word "wholesome" should be better defined after there has been a meeting of minds between the department and the industry. If that is agreeable to the committee I would move that the bill be reported.

Senator Blois: I was wondering, Mr. Chairman, in order to satisfy people in my province, whether that could be changed before this bill is passed. I can see your point, sir. You did not get any reports from them because they thought the bill contained what was in their minds. I do not have any letters from them authorizing me to speak, but I have heard from one of the leading members of the Fish Packers Association, and also from some of the small fishing plants, to the effect that they take serious objection to this, and they were hoping there would be some word which would not give them cause to complain.

I think in all of the letters I have received the question they asked was: Who is going to decide what is "aesthetically offensive"? They ask this because to many people, and particularly the ladies, most of these things,

if you speak about them in the sense of art of beauty, would be offensive, but that does not mean that they are not mighty good eating and good food.

I wonder if you could clarify this in any way, because it would make people feel better. People today, you know, have the idea that we members of parliament have a tendency to make things as difficult for them as they can. I do not intend to make any fuss about it, but can we not make it easier for people to understand?

Mr. Carton: It is not difficult, but when you ask: "Why do we not change it immediately?" I would point out that we do not ever change any of our fish inspection legislation without consulting the industry. This is not an immediate process. It has to be circulated through their head offices, and it takes a bit of time. If we can come up with something that would be suitable then certainly I think the department would be prepared to investigate it, but to say that we will put something before the Governor in Council within a week or two—well, that is just not practical.

Senator McDonald: Senator Cook has proposed that the bill be reported, and that the officials of the department, after hearing the discussion this morning, would endeavour to search out a better word.

Senator Cook: After consultation with the industry.

Senator McDonald: As we have been told, it is not possible to do this within the next day or two because of the practice of consulting with the industry before changes are made. I think that this is a good procedure, and that we should adopt it. Surely, we can rely on the officials of the department to read the evidence that has been given, and to pay some attention to it.

Mr. Carton: And remember this, that the changes you are speaking of are not changes in the legislation. They will be incorporated in the regulations that come out of the legislation, if we can come up with something acceptable to the industry and ourselves.

Senator Cameron: Could we not re-define this word "aesthetically" as it is used in the regulations?

Mr. Carton: That would be a solution, yes.

Senator Prowse: What would be the situation were somebody to use the enzymatic

process for producing fish protein concentrate. This process, I understand, includes a period of fermentation. Fish protein concentrates are intended for human consumption. I know some people who are very interested in getting into the business, and the process they are looking at is the enzymatic process. I would think that the mulch which is produced in some part of the procedure would probably be aesthetically offensive to people who looked at it as such before all the stages of the process and the extraction were completed.

Mr. Carton: You would not then be speaking of the final product.

Senator Prowse: Yes, it is only the final product that is sold.

Mr. Carton: Yes. I think that this so-called controlled type of decomposition occurs in many food products. Cheese is a common one.

Senator Prowse: Yes, and some cheeses are aesthetically offensive.

Mr. Carton: Yes, I have to say that they are, so far as I am concerned.

Senator Smith (Queens-Shelburne): Before the motion is put, Mr. Chairman, I wonder if Mr. Dempsey would give us a word on the techniques of the inspection branch in an endeavour to improve the quality of the fish after it reaches its destination in one of the provinces of Canada. You do not have the constitutional power to inspect fish after it has crossed a provincial border in the first place, do you?

Mr. Carton: We can inspect it at the point of consignment, or the point of origin. The only fish we cannot inspect or deal with is fish sold for consumption within a province.

Senator Smith (Queens-Shelburne): Have you any powers that enable you to go into a market and insist that stale fish shall not be sold to the consumer? Is not that a provincial matter?

Mr. Carton: As far as I know, we have never done that.

Mr. Dempsey: Except on an advisory basis.

Mr. Carton: That can be done, and is done, by the local officials, and sometimes by the Food and Drugs people.

Senator Smith (Queens-Shelburne): But having regard to the constitutional aspect of the matter, the federal department does not have any power to deal with the inspection of fish after it is in a market?

Mr. Carton: No.

Senator Smith (Queens-Shelburne): I know that once a shipment has reached, say, Montreal, which is a point of destination, you have some power to say whether it should be marketed or not, but if it has gone to the wholesaler, and from him out to the retailer, you have no power then to follow it up, and insist on standards of marketing that fish to the consumer?

Mr. Carton: No.

Senator Smith (Queens-Shelburne): That is a provincial responsibility. Now, I am coming to this point: Do you ever have any consultations with those people in the provinces, and within whose jurisdiction this comes, to try to work out a co-operative technique in order to improve the marketing of fish with the use of provincial powers?

Mr. Dempsey: Yes, Mr. Chairman, we do meet frequently with the provinces. In the Province of Quebec, for example, the federal officers enforce both the federal legislation and the provincial legislation by arrangement with the province. Our officers are clothed with provincial authority.

Recently we have had discussions with Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island with this object in mind, and the development of provincial legislation which will complement the federal inspection legislation.

As a matter of policy, the minister has advised the provincial ministers that the federal officers would enforce provincial legislation if it is the wish of a province that they do so. We will be meeting shortly with Ontario and the other western provinces in the hope that we can have this complementary legislation which would fill this gap of which you speak.

Senator Smith (Queens-Shelburne): I think it is evident, Mr. Chairman, that those of us who have lived most of our lives on the coast have a set of standards with respect to acceptable quality. As a personal example let me say that the only fish that I will order in Ottawa is a smoked fish or a salt cod—something that has been cured—or a frozen scal-

top. These cannot be harmed by marketing techniques, and so on. Perhaps the standards are much higher up here now, for I have given up trying to eat fresh fish. It always strikes me as a mighty shame that the people in this part of the country do not have a higher standard of quality before they buy it from the market.

I have even heard it said that there are some housewives in Ottawa who think that good fish does not smell like fish, it does not smell like anything, it is pure and sweet. It is on this standard that I choose not to order fish any more than I have to when I am in this part of the country. I would certainly hope that there will be a little better co-operation and some attention given to this, because the market for fish has got to be

broadened within our own country. On a per capita basis we are not making any ground at all. When we compare our consumption with some of the European countries it is very discouraging. That is merely a comment, not a question.

The Chairman: It is not necessary to read all the clauses, is it?

Hon. Senators: No.

The Chairman: Is it the wish of the committee that I should report the bill without amendment?

Hon. Senators: Agreed.

Whereupon the committee concluded its consideration of the bill.

Mr. Dampney: Yes, Mr. Chairman, we do meet frequently with the provinces. In the Province of Quebec, for example, the federal government enters into the federal legislation and the provincial legislation by arrangement with the province. Our officers are charged with provincial authority.

Recently we have had discussions with Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island with this object in mind and the development of provincial legislation which will complement the federal legislation.

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Mr. Carlson: Yes, I have to say that they are so far as I am concerned.

Senator Smith (Queens-Bellevue): Before the motion is put, Mr. Chairman, I wonder if Mr. Dampney would give us a word on the development of the legislation which is an endeavour to improve the quality of the fish after it reaches its destination in one of the provinces of Canada. You do not have the (constitution) power to inspect fish in the first place, do you?

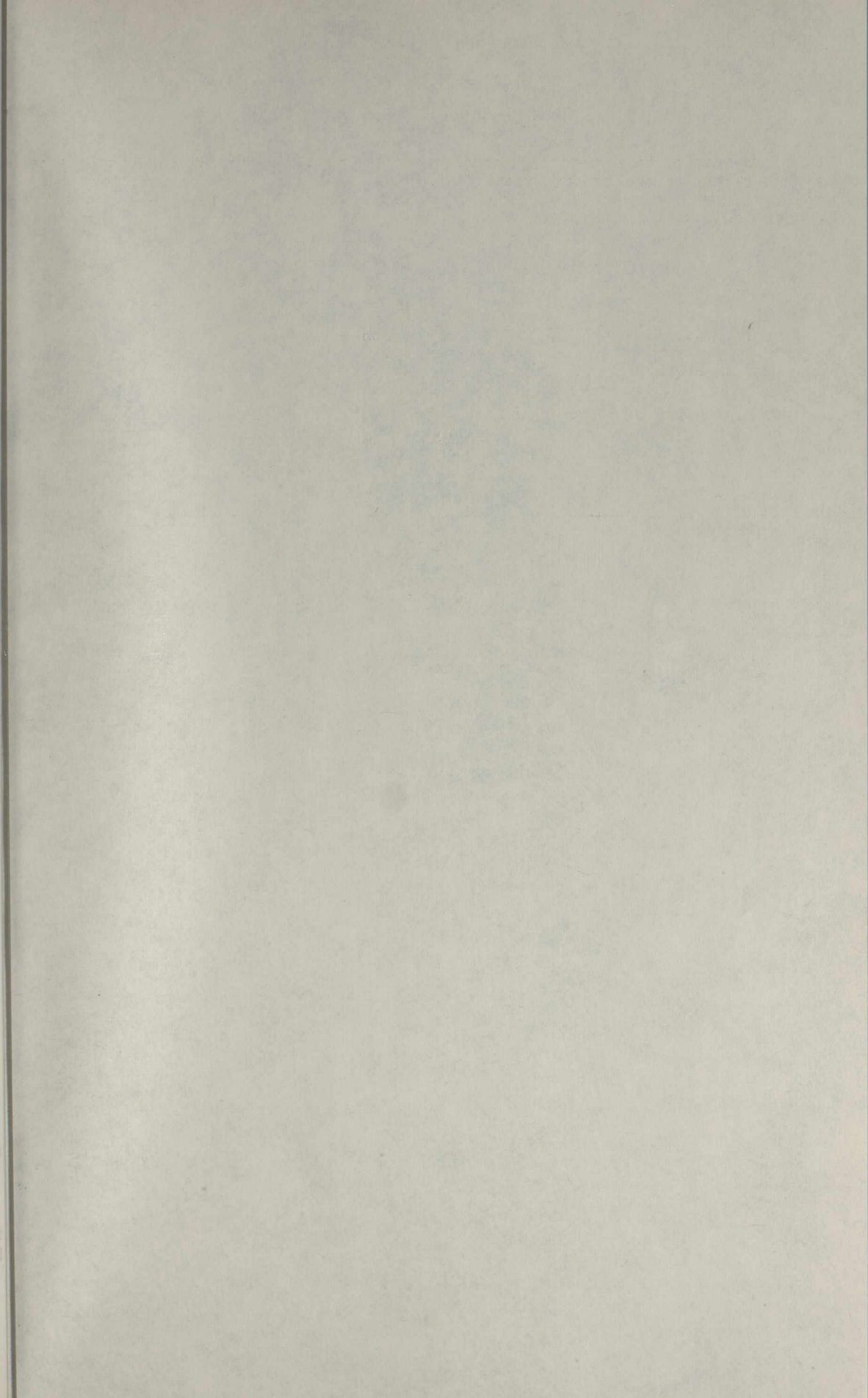
Mr. Carlson: We can inspect it at the point of consumption, at the point of origin. The only fish we cannot inspect or deal with is fish sold for consumption within a province.

Senator Smith (Queens-Bellevue): Have you any power that enable you to go into a market and inspect that fish and not be sold to the consumer, is not that a provincial matter?

Mr. Carlson: As far as I know, we have never done that.

Mr. Dampney: Except on an advisory basis.

Mr. Carlson: That can be done, and is done, by the local officials, and sometimes by the Food and Drug people.



Standing Committee

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SENATE OF CANADA
Standing Committee on
Natural Resources 1967/68

INDEX

	Page
FISH INSPECTION ACT	
<u>BILL S-27</u> - AN ACT TO AMEND THE FISH INSPECTION ACT	
"AESTHETICALLY OFFENSIVE" Definition	4,6-7
CARTON, J.G., DEPARTMENTAL SOLICITOR, DEPARTMENT OF FISHERIES Explanation of Bill S-27	1
"CONTAINER" Definition	1
DEMPSEY, H.V., DIRECTOR, INSPECTION SERVICE, DEPARTMENT OF FISHERIES Inspection of fish packing	3
FISH, EXPORTS Inspection, violation	3,4,7
FISH INSPECTION ACT, AN ACT TO AMEND, BILL S-27 Regulations Reported without amendment	5-6,7 8
FIT FOR HUMAN FOOD Definition, difficulty	2-3,5,8
"PROCESSING" Definition	1
"TAINTED, DECOMPOSED, OR UNWHOLESOME" Definition	1,2

