ERNMENT

CANADA

STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA - CANADA

No. 50/12

PROTECTING THE CANADIAN CONSUMER

An address by Mr. Paul Martin, Minister of National Health and Welfare delivered in Ottawa on March 16, 1950 marking the 75th Anniversary of Food and Drug Control in Canada

75TH ANNIVERSARY OF CANADA'S FOOD AND DRUGS ACT

The consumer is too often forgotten. Tonight, however, we are celebrating the 75th Anniversary of a law that has helped the Canadian consumer to come into his own. Three-quarters of a century ago, on January 1, 1875, shortly after Canada became a nation, our Food and Drugs Act came into effect. This was the first such legislation on this Continent, preceding Indiana's pure food act by 25 years and the United States food and drug act by 31 years.

A government service such as the Food and Drugs Division of the Department of National Health and Welfare, to the extent that it is courteous and efficient and keeps abreast of progress, goes about its job quietly and with little public recognition or even awareness of the way in which, day after day, it is serving the public welfare. But tonight is an occasion to recognize meritorious service.

The success of this federal service owes much to the support given it by the press and by radio, as well as by Canadian business and, of course, by other departments of the Federal Government. It is appropriate that this 75th Anniversary Banquet should be attended by so many who have done so much to make possible the success of our food and drug administration. I am glad to welcome here tonight representatives of the press and of radio, and of national associations of Canadian industries, especially those that are directly affected by the regulations made under the Food and Drugs Act. In both Canada and the United States the development of food and drug regulations has kept pace with the steady increase in our level of living.

We are particularly glad to have with us the Surgeon-General of the United States, Dr. Leonard Scheele, who directs the renowned United States Public Health Service, with which we enjoy a most friendly and co-operative relationship, signalized recently by our collaboration on a film to promote cancer research. We are also honored to have with us a former Nova Scotian, Mr. Charles Wesley Dunn, Professor of Law at New York University and a world authority on food and drug legislation. Mr. Dunn, who is General Counsel for several national food and drug associations in the United States, two years ago voiced the wholehearted approval by business of federal action to protect the United States consumer, after ten years' experience with the amended legislation there:

> "The new National Food, Drug and Cosmetic law thus enacted is a strong one; it is indeed the most important social law yet enacted by Congress."

How do we assess our law in Canada after it has been for so many years in our service? There is much steady progress to report but little that is sensational. The Food and Drugs Act insures our people against health hazards and protects them against fraud. Its success lies in its quietly effective performance. But every day, in 25 districts in Canada, 40 members of the field force of this Division are on guard against the adulteration, misbranding or misleading advertising of food and drugs, while in five branch laboratories in Halifax, Montreal, Toronto, Winnipeg and Vancouver, and in the central laboratory in Ottawa, scientific tests are applied to the 60,000 samples sent in each year for checking and the claims made for them are closely scrutinized.

The Co-operation of the Canadian Producer

Not only the individual citizen and the individual family are given protection by this law - Canada's great food and drug industries, on whose prosperity so many depend, are also protected against loss of public confidence and against unfair or dishonest competition.

What Mr. Dunn has said about the United States food and drug act is true also of Canada's legislation:

> "This law has fundamentally benefited the drug industry by protecting its integrity, requiring its due operation and stimulating its constructive development....the National Drug Law has played an essential part in developing the science of medicine and in providing our country with the highest medical standards in history, which are nowhere surpassed."

This view, I am glad to say, is widely endorsed by representatives of Canadian producers affected by these regulations. The Department of National Health and Welfare, through its Food and Drugs Division, can always count on the co-operation and understanding of the Canadian manufacturer, wholesaler and retailer. While our law has teeth, and while prosecutions and seizures are necessarily part of our enforcement pattern, the main intent of our regulations is prevention -- to persuade anyone who is tempted to break the law to choose the way of wisdom and to correct faults brought to their attention before the public is injured. To ensure that the interests of both producers and consumers are reconciled, and that there will be willing acceptance of new regulations, they are first discussed by our officers with the producers concerned.

Silence and anonymity is the mark of the success of this regulatory service. For example, of 15,000 radio advertisements studied each year, prior rejection or amendment of many before they are broadcasted eliminates the need for prosecution after the harm has been done. Similarly, while misleading food and drug labels and advertisements are often rejected, increasingly they are referred voluntarily to our officers for advice before being used.

In its natural anxiety to avoid loss and to observe the rules for honest and fair dealing with the Canadian consumer, Canadian industry believes in prior consultation on all questions that, if not cleared up, would end in objectionable publicity and expensive public prosecutions. Consultation and co-operation -

and not compulsion - are the marks of our enforcement programme.

If producers are negligent in manufacturing methods or misleading in their claims, sample purchases made by our field officers will soon be on their way to a Food and Drugs Laboratory where the purity of the product, the accuracy of the claims made in its label and its advertising will all be carefully studied and any necessary action taken.

History of Canada's Food and Drug Law

The story of regulations for the sale of food and of drugs is as old as civilization. In earlier ages there was less need for control because so many people produced their own food, but as society became less rural in organization, it had to plan to protect its members against undesirable and even dangerous adulteration of food, drink and medicine, as well as against misleading and fraudulent claims.

For thousands of years, the need for such rules and regulations has been recognized. To bake poor bread in ancient Rome was a crime to be severely punished. A stern view has always been taken of anyone brewing bad beer - whether it was in ancient Athens or in medieval England.

In Canada, too, even before Confederation there was some control of the quality of food sold. In Nova Scotia, for example, standards were maintained for butter, bread, fish and meat. But Canada's historic food and drugs legislation developed primarily out of the fear of bad liquor. In 1874, Sir Richard Cartwright moved a resolution in the Canadian House of Commons "that all carrying on business as compounders and mixers of wine, brandy, or other alcoholic liquors be required to take out a licence to do so." Within two weeks, assent was given to "an Act to impose licence dues on compounders of spirits, and to amend the Act respecting Inland Revenue, and to prevent the adulteration of food, drink and drugs". In actual fact, after the Act came into operation with the appointment of local analysts at Halifax, Montreal, Toronto, and Quebec in March, 1876, little attention was paid to alcoholic spirits.

Since 1875, Canada's Food and Drugs legislation has been improved until it stands today a model of its kind. It is because our regulations are usually voluntarily observed, and it is because they are vigilantly enforced, that Canadians can buy with confidence at their corner grocery or drug store. Our consumers have learned to demand quality products in food and drugs, while our producers have learned the wisdom of giving good value for their money.

We have come a long way in Canada since the days of the insanitary bakehouse where bread was kneaded with the feet. The first annual report of the new regulatory service showed 51.5 per cent of food samples to be adulterated. In four years, this figure had been cut in half, and today the percentage is very small. Because of a long period of careful control and because of the quick acceptance of the practical business advantages of following good standards, we no longer find strawberry jam without strawberries; tea that is largely composed of worthless but cleverly dyed leaves, mixed with sand and floor sweepings; or coffee that is mainly roasted peas and corn. The falsification of spices and condiments in 1883 was so uniform it seems to have been practiced according to formula, and the samples examined were almost two-thirds adulterated.

ersonnel of the Food and Drugs Division

The way in which this important legislation has benefited e Canadian consumer owes much to the men who have administered it. n 1884, Mr. Henry Sugden Evans became the first Chief Analyst for anada. He has had distinguished successors in Thomas MacFarlane, thony McGill, H.M. Lancaster, J.G.A. Valin, and the present ffective and efficient Director, Dr. C.A. Morrell.

The Food and Drugs Division under Dr. Morrell has a fully ualified staff and is alert to new developments such as the recently eveloped wonder drug ACTH, which seems to hold such promise for the reatment of certain diseases. As soon as it became evident that upplies of this drug would be made available for research scientists n Canada and that basic standards would be needed, our officers mmediately arranged a small pilot run of ACTH to produce a ufficient quantity to establish a constant standard for comparison ith products of other laboratories.

It speaks highly of the technical skill of those in this ivision that such a production was possible. And yet with the omplexity of the problems coming each day for study to our Food nd Drug Laboratories, it is essential that its staff include hemists, pharmacologists, bacteriologists, physiologists and other cientific experts, all forming a team capable of analyzing any new roduct for human consumption or for the treatment of our health eeds.

The work of this Division is exacting, it requires long ours of faithful study and careful application, it requires a udicial approach and patience and skill of high order. In these ays, with the important health role being played by products such s insulin, and antibiotics such as penicillin and streptomycin, he work of analysis becomes ever more important to health. The iscovery of the significance of vitamins has also made it necessary o widen the scope of food investigation beyond questions of purity nd wholesomeness to consider total food value.

Since the Division's first Ottawa laboratory was set up in the West Block of the Parliament Buildings in 1885, it has made several moves. A fine modern building is now in prospect to replace the present well-equipped but badly housed laboratory.

To supplement the work of the Food and Drugs Division, the roprietary or Patent Medicine Act was passed in 1908 to bring atent medicines under control. The Division also works closely ith the federal Laboratory of Hygiene, which has the important task of testing biological products for it.

OOD AND DRUG CONTROL IN INTERNATIONAL TRADE

Before a food or drug can be imported into Canada it also must meet Canadian standards of quality and satisfy our regulations as to labelling and advertising. Inspectors from this Division are constantly checking incoming shipments. It is worth noting here the wide variance in food and drug laws in most countries. These differences should not be allowed to interfere with the free flow of food-stuffs and drugs in international trade. I think that we could develop international standards and agreements on the quality to be asked for in these products and also on the technical names under which they could be listed.

Efforts have been made and are being made to reach international agreement on standards for drugs, and to agree on uniform nomenclature. Canada is glad to co-operate in every way with other countries that are anxious to develop legislative standards in

these fields. From our long experience with such legislation we are also glad to assist in developing suitable systems elsewhere.

There is less trade difficulty with food than with drugs and less need for exact international standards. However, differences do exist. For example, there seems little reason why agreement could not be reached on a universal list of acceptable food colouring agents. Agreement might also be sought in choice of food names and labels.

Canada has collaborated closely with the United States and Great Britain in setting up standards for drugs and also in devising methods of testing them. We take a real interest in international committees, both of the World Health Organization and of other organizations, whose work it is to devise and study methods of test and biological assay. Canada has contributed significantly to the advancement of this science.

PROTECTION OF THE CONSUMER IS PARAMOUNT TO PROFIT

The work of our Food and Drugs Division never ends; laws and regulations must constantly be changed to meet changing conditions of business and trade; standards must alter and new methods be devised to keep pace with advances in science and in industrial techniques. At all times, the primary purpose of the Act must be uppermost in the minds of its administrators: to protect the health -- and the purse - of the Canadian consumer.

Food and Drug control has come a long way in the last 75 years. Most of our important drugs have been discovered and developed since 1875, as have many new food handling procedures such as commercial canning, refrigeration and transportation. A Food and Drugs enforcement officer today must be well qualified in science, familiar with processing, advertising and marketing methods, and alert to changes in any of these.

The modern Food and Drugs Act of Canada is extremely broad in its scope. It is concerned with nearly everything taken into the mouth, injected into the body or put on the skin. Its authority also extends to medical appliances as well as to poisons for destroying insects and rodents.

In its enforcement, nearly every branch of science plays some part. It is an extremely interesting and even exciting field for the scientist and the administrator. Its purpose is, above all, to protect the consumer, but it also sets standards by which to create a code of honesty and fair dealing to protect the reputable manufacturer or merchant from dishonest and unscrupulous competition.....

Our Food and Drugs Act has been successful because the Canadian producer has come to recognize the rights of the consumer, and to show a real interest in helping to protect these rights. The growth of this realization -- that protection of the consumer is paramount to profit -- is an important aspect of our social progress in the three-quarters of a century since the Food and Drugs Act came into force. It is encouraging to note this development because there is probably no act on our statute books that affects more intimately the everyday life of the Canadian people.

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