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No. J. R. 8716-43 146115

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Date DECEMBER 16, 1943.

REGISTRY

Department of Justice

From PENSIONS & NAT. HEALTH

SUBJECT:

PROPOSED AMENDMENT TO SCHEDULE B. FOOD & DRUGS ACT. - ADDITION OF PART V.

Charged to E.A.D.

REMARKS:

CROSS REFERENCE:

JR 267-34

MPV / DSUU / ON FILE / SUR DOSSIER
YES / OUI (X) NO / NON ( )

ABSTRACTOR / RÉDACTEUR: GA

DATE: 84.03.12

EDITOR - DJ.

No. J. R. 8716-43

No. J. R. 8716-43 14115

COPY

January 28th, 1933.

MEMORANDUM

TO: Dr. J.J. Heagerty,
Chief Executive, Assistant.

FROM: Mr. H.M. Lancaster,
Chief Dominion Analyst.

Re: Amendment to the Food and Drugs Act.

Dr. Henderson's letter to the Honourable the Minister is so clear and covers the situation so completely that it seems almost unnecessary to supplement it. I am now in possession of a copy of the Addendum to the British Pharmacopoeia as developed by the Committee, and have drafted two Bills, either of which appears to meet the needs of the situation, although the procedures would be somewhat different. In the draft marked "A", an Order-in-Council would be necessary in adding the drugs mentioned in the Addendum to the Schedule to the Act; in "B", the amendment itself would add to the Schedule without an Order-in-Council being necessary.

In the event of either one being passed, a further Order-in-Council would be required to establish the standards as specified. The explanatory note to be placed in the hands of the legislators would be the same in both cases.

Inasmuch as the related legislation such as the Proprietary or Patent Medicine Act and the Opium and Narcotic Drug Act both empower the Governor in Council to expand the Schedules to these Acts, I am personally inclined to favour the draft marked "A".

Neither of these has been presented to the Department of Justice, and it might be well to submit them for consideration and an expression of opinion.

ENCL.

H.M. Lancaster,
CHIEF DOMINION ANALYST.

HML:EG.

COPY

A.

BILL

An Act to amend The Food and Drugs Act.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Part one of section three of The Food and Drugs Act, chapter seventy-six of the revised statutes of 1927, is amended by adding thereto the following as paragraph (i) thereof:-

(i) for adding to the Schedule to this Act the name of any drug, upon the request of a properly constituted committee on which the Canadian Medical Association, the Canadian Pharmaceutical Association, and the Canadian Pharmaceutical Manufacturers' Association are represented.

(FROM: THE BRITISH PHARMACOPOEIA 1932, pp. xii and xiii.)

BRITISH PHARMACOPOEIA STANDARDS

The present is the Sixth British Pharmacopoeia and has been prepared by the Pharmacopoeia Commission, and approved by the Pharmacopoeia Committee for submission to the Council.

It has been designed to include only the more important 'standard articles which are in general use throughout the Empire', and the following paragraph from the Report of the Committee of Civil Research Sub-Committee on the British Pharmacopoeia (page 54) has been borne in mind:

'Where it is desired that official recognition should be given in any part of the Empire to any local drugs or local substitutes, we suggest that this should be left to the Governments concerned, which, by means of Supplements or Addenda, to which they may accord the necessary sanction, can meet any local requirements or introduce any modifications or alternatives desired.'

COPY

B.

BILL

An Act to amend The Food and Drugs Act.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

The Food and Drugs Act, chapter seventy-six of the revised statutes of 1927, is amended by inserting the following section immediately after section six:-

Addition to the Schedule.

6A. The following is added to the Schedule to this Act as Part V thereof:-

Any Addendum to the British Pharmacopoeia prepared by a properly constituted committee on which the Canadian Medical Association, the Canadian Pharmaceutical Association, and the Canadian Pharmaceutical Manufacturers' Association are represented.

COPY

EXPLANATORY NOTE.

An amendment to this Act made in 1927 established a schedule of drugs for which Canadian standards of quality and potency could be prescribed by the Governor in Council.

It was pointed out that the pharmacopoeias which are revised at intervals of ten or more years cannot keep pace with advances in science; that Canada with no pharmacopoeia of her own has, nevertheless, her own characteristic needs; that there were certain drugs for which special Canadian standards were necessary.

The operation of the amendment of 1927 has been highly satisfactory, but the professions of medicine and pharmacy have pointed out that the list of drugs so controlled should be extended to meet the requirements of present conditions. The amendment now proposed would expand the Schedule to the Act, thereby enabling action as need arises.

OTTAWA, December 28, 1943.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report that he deems it necessary in the public interest that the material described in Part II of Schedule B to the Food and Drug Act be removed from the schedule and that the material hereinafter described be added thereto.

The undersigned, therefore, has the honour to recommend that Your Excellency in Council, pursuant to the powers conferred by the Food and Drugs Act, R.S.S. 1927, chapter 76, as amended by chapters 23 and 30 of the Statutes of 1930, chapter 54 of the Statutes of 1934, and chapter 3 of the Statutes of 1939, be pleased to make the following regulations:

1. The material described in Part II of Schedule B to the Food and Drugs Act is removed and the following material is added to the said Part II of Schedule B:

Preparations of Pituitary, Adrenals, Sex Hormones and any other animal tissue preparations or any synthetics purporting to have physiological action similar to any of the foregoing.

2. The following material is added to Schedule B to the Food and Drugs Act under the following heading:

P A R T V

(Describe material)

Respectfully submitted,

:KS

December 28, 43

TO: W. G. Gunn, Esq., Departmental Solicitor,
Department of Pensions and National Health, Ottawa.

J.R. 8716-43
Re: Proposed amendment of Schedule B
to the Food and Drugs Act.
Your ref. Legal 13.

Referring to your letter of December 15th, I have to advise that I can see no objection to adding a new Part V to Schedule B to the Food and Drugs Act in the terms and in the manner proposed.

I enclose for your consideration a revised draft report to Council recommending the addition of this Part V to Schedule B and also substitution of certain material for that set forth under Part II which, I suggest, might be more suitable than the draft submitted with your letter.

F. P. Varcoe

Deputy Minister.

Enc.

E.D.:KS

Ottawa, December 28, 1943.

MEMORANDUM FOR THE DEPUTY MINISTER:

J.R. 8796-43

The Department of Pensions and National Health submits for your consideration a draft report to Council amending Schedule B to the Food and Drugs Act. The proposed amendment would add certain drugs to Part II of Schedule B and would add a new Part V to the schedule.

Clause (i) of s.s.1 of s.3 of the Food and Drugs Act, as enacted by s.1 of c.54 of the Statutes of 1934, provides that the Governor in Council may make regulations "adding to or removing from the list contained in Schedule "A hereto such abnormal physical states, disorders, diseases, "or symptoms of diseases, and adding to or removing from "Schedule B hereto such material as may be deemed by the "Minister to be necessary in the public interest."

The present Schedule B consists of four parts. The question here is whether the proposed addition may be made to Part II and whether the Governor in Council has authority to add a new part to Schedule B.

The Food and Drugs Act, as contained in the revised statutes, c. 76, had a schedule in the same terms as the present Schedule B but there was no authority to amend the schedule by regulation. Under s.s.3 of s.6, the Governor in Council could make regulations respecting the drugs mentioned in Schedule B and he had authority to make different regulations with respect to different parts. Thus he could provide for the licensing of manufacturers preparing drugs mentioned in Part II and III and could require manufacturers of drugs mentioned in Part IV to submit samples.

The Act was amended in 1934 in the terms above quoted. The reason for the amendment was to provide flexibility necessary to meet changing conditions resulting from advancements in science and alterations ~~for~~ trade conditions. The amendment is wide enough in its terms and, construing it literally, authorizes the Governor in Council to add or remove anything from the schedule. In other words, the Governor in Council, in making additions to the schedule, is not restricted to the classes of which the enumerated drugs form a part. This is the literal construction and I see no reason why it should not apply, although the effect is to extinguish the significance of the division into parts so far as s.s.3 of s. 6 is concerned. In the exercise of his powers under s.3, the Governor in Council could now, for example, remove all drugs from Part IV or could include in Part IV all the drugs mentioned in Schedule B. The division ~~of~~ into parts, however, still serves a very useful purpose. Regulations have been made with respect to the individual parts of the schedule and the division into parts facilitates reference to these groups of drugs.

It is proposed to add to the schedule a long list of drugs which do not fit into the existing divisions. The Department does not wish to include them in the existing parts because it would then be necessary to revise completely the existing regulations. It has, therefore, been suggested that a new part be added and in his letter of reference, Mr. Gunn expresses doubt as to whether the Governor in Council has authority to add a new part.

....

I can see no objection. The statute authorizes the addition of any material as may be deemed by the Minister to be necessary in the public interest. The statute does not prescribe the manner in which these additions shall be made and there is nothing to indicate that the Governor in Council is to confine himself to existing parts. To list these drugs under the heading, "Part V", merely provides a device whereby the additions can be identified. This in no way interferes with the scheme of the Act because there is no mention of a Part V in the statute and the references to parts by numbers in s. 6 have, as indicated above, lost their significance. Moreover, granting that the Governor in Council has authority to add material in ejusdem generis it would be unreasonable to say that he must include these additions in existing groups of another class.

So far as the addition to Part II is concerned, it seems to be clear that the Governor in Council may do so.

Clause (i) is rather strangely worded in that the Governor in Council is empowered to do something in the Minister's discretion. I suggest that the report to Council should be framed so as to show that the Minister has exercised such discretion.

Attached is draft letter and report to Council.

E. A. D.

DEPARTMENT OF
PENSIONS AND NATIONAL HEALTH

CANADA

OTTAWA, December 15th, 1943.

IN YOUR REPLY REFER TO FILE NO.
Legal 13.

The Deputy Minister of Justice,
Department of Justice,
Ottawa.

Re: Proposed amendment of Schedule B
to the Food and Drugs Act.

I am enclosing herewith a "Memorandum re proposed order amending Schedule B to the Food and Drugs Act." As you will observe, the memorandum proposes to amend Schedule B by adding a new Part thereto to be called Part V. I am in doubt as to whether such an amendment can be made pursuant to paragraph (i) of subsection (1) of section 3 of the Food and Drugs Act.

Before proceeding with the drafting of a submission to Council embodying the proposed amendments, I would appreciate having the benefit of your opinion whether paragraph (i) aforesaid, or any other provision of the said Act, can be relied upon for authority to amend Schedule B by adding thereto a new Part to be known as Part V as set out in the second page of the above-mentioned memorandum.

I wish to thank you in advance for your consideration of the point involved and your advice thereon.

Respectfully submitted,

W. G. Gunn,
Departmental Solicitor.

WGG/ML
Encl.

Lancaster.

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R
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F
T

MEMORANDUM RE PROPOSED ORDER AMENDING SCHEDULE B TO THE FOOD AND DRUGS ACT

WHEREAS changes in the drug field occur with the advancement of science;

WHEREAS the British Pharmacopoeia, one of the primary authorities recognised by the Act, is necessarily broad in scope, being planned to meet Empire needs and is not always sufficient for local requirements;

WHEREAS these circumstances have tended to create confusion and both the British Pharmacopoeia and the Act provide means whereby an effective supplement to the British Pharmacopoeia may be established and

WHEREAS the Canadian Committee on Pharmacopoeial Standards, appointed under the authority of Order in Council of June 9th, 1942, (P.C. 4739), has recommended that the public interest be served by an appropriate amendment to Schedule B to the Act and that suitable regulations be made stipulating standards of quality and purity for drugs named in Schedule B to the said Act as amended.

Therefore it is recommended that the Governor in Council, pursuant to powers vested in him by paragraph (i), subsection 1 of Section 3 of the Food and Drugs Act, amend Schedule B to the Act, and further, under the authority of paragraph (a) of subsection 3 of Section 6 of the said Act, to prescribe standards of quality and potency for the said drugs, do order that the drugs named or described in Part II of the said Schedule be removed therefrom, and that the following be added to Part II thereof:-

Preparations of Pituitary, Adrenals, Sex Hormones and any other animal tissue preparations or any synthetics purporting to have physiological action similar to any of the foregoing.

And further, that the following drugs be added to the said Schedule B as Part V.

PART V

ACIDUM NICOTINICUM
ACIDUM PHOSPHORICUM
ACIDUM PHOSPHORICUM DILUTUM
ALCOHOL TRIBROMOETHYLICUM
ALCOHOLIA LANAE
AMARANTHUM
AMYLENI HYDRAS
BENZOINUM
BENZYLIS BENZOAS
BROMETHOL
BUTACAINAE SULPHAS
CAERULEUM NITENS
CYCLOPROPANUM
DIPHENYLHYDANTOINUM SOLUBILE
DITHRANOL
EPHEDRINA SICCA
EXTRACTUM CASCARAE SAGRADA SICCUM
HEXOBARBITONUM SOLUBILE
LEPTAZOL
LIQUOR ARSENICALIS
LIQUOR HYDROGENII PEROXIDI
MENADIONUM
MORPHINAE SULPHAS
NEOSTIGMINAE BROMIDUM
NEOSTIGMINAE METHYLSULPHAS
NICOTINAMIDUM
NIKETHAMIDUM
NITROGENII MONOXIDUM
OESTRIADIOLIS BENZOAS
OESTRONUM
OLEUM CASSIAE
OLEUM COCOIS
OLEUM HIPPOGLOSSI
OLEUM MAYDIS
PARAFFINUM LIQUIDUM LEVE
PENTOBARBITONUM SOLUBILE
RIBOFLAVINA
RUBRUM CUMIDINUM
SAPO DURUS
SAPO MOLLIS
STILBOESTROL
STILBOESTROLIS DIPROPIONAS
SULPHADIAZINA
SULPHANILAMIDUM
SULPHAPYRIDINA
SULPHAPYRIDINA SOLUBILIS
SULPHATHIAZOLUM
SULPHATHIAZOLUM SOLUBILE
SYRUPUS FERRI PHOSPHATIS CUM STRYCHNINA
TARTRAZINA
TETRACAINAE HYDROCHLORIDUM
THIAMINE HYDROCHLORIDUM
THYROIDEUM SICCUM
THYROXINUM
UNGUENTUM HYDRARGYRI
UNGUENTUM HYDRARGYRI DILUTUM

105.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to amend The Food and Drugs Act, 1920.

As Amended and reported by Special Committee.

The MINISTER OF HEALTH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
35512 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to amend The Food and Drugs Act, 1920.

1920, c. 27.

HIS Majesty, by and with the advice and consent o the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

1. (1) Paragraph *(b)* of section two of *The Food and Drugs Act, 1920*, chapter twenty-seven of the statutes of 1920, is repealed, and the following is substituted therefor:—

"Dominion Analyst."

"*(b)* 'Dominion analyst' means any analyst designated for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst";

(2) Paragraph *(c)* of the said section is repealed, and the following is substituted therefor:—

"Drug."

"*(c)* 'drug' includes all medicine for internal or external use for man or animal; and any substance or mixture of substances intended to be used for the treatment, mitigation or prevention of disease in man or animal";

2. Section four of the said Act is amended by adding thereto the following subsections:—

Regulations.

"(3) Notwithstanding anything contained in subsections one and two of this section, the Governor in Council may make regulations respecting any or all of the drugs mentioned or described in Schedule B to this Act,—

"*(a)* prescribing standards of quality and potency

"*(b)* defining official methods for biological testing;

"*(c)* providing for the licensing of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;

"*(d)* providing for the inspection of premises, equipment and technical qualifications of the staff of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;

"*(e)* requiring that manufacturers of drugs mentioned or described in Part IV of Schedule B submit test portions of each and every batch of such drugs to be tested in the laboratories of the Department of Health,

Explanatory Notes.

With the repeal of the Adulteration Act in 1920, the Food and Drugs Act was passed in order, primarily, that the purchasing consumers in Canada might be protected from injury to health as well as from fraud arising from the sale of adulterated foods and adulterated drugs. It has also served as a corrective measure where infractions have been found and has done much to prevent unfair competition in business.

In the course of six years' experience in the administration of this Act, the officers of the Department of Health have found it by no means free from defects and it is desirable that it be so amended that its usefulness may be increased.

Section **1.** The paragraphs to be amended read as follows:—

"*(b)* 'Dominion analyst' means any analyst appointed for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

"*(c)* 'drug' includes all medicines for internal or external use for man or animal;"

(b) The change in wording is necessary in order that effective use may be made of the services of technically trained men already appointed to the staff, their positions bearing various titles as required by the classification used by the Civil Service Commission.

(c) The definition of "drug" is to be extended by the addition of the underlined portion.

In the absence of a definition of "medicines" the term has been interpreted as including all preparations used for the treatment of disease. This definition leaves antiseptics and prophylactics (such as vaccines) beyond the scope of the Act. It is desired that these be included within the definition of "drug".

Section **2.** Subsections three and four to be added to section four of the Act are new. Although the drug standards established by section four are satisfactory for many pharmaceutical preparations, they are entirely inadequate for preparations mentioned or described in the new schedule. These drugs are of greatest importance in the practice of medicine and are very widely used. However, results obtained may be unsatisfactory if the potency is deficient and serious damage may be caused if the quality is unsatisfactory in other respects. The official pharmacopoeias are revised from time to time, but only at intervals of ten years or more and consequently the standards established thereby always fail to incorporate the authoritative information supplied by progressive scientific investigations in chemistry, bacteriology, pharmacology and therapeutics. It is therefore advisable to make provision for the control of the drugs mentioned or described in the schedule. The Health Section of the League of Nations, with a similar object in view, is engaged in considering the establishment of standards governing the purity, potency and control of such drugs. In some countries legislation, such as that embodied in this amendment,

Which methods shall permit manufacturers to have biological tests made in any laboratory.

of inspection.

(c) and *(d)* Drugs mentioned or described in Parts II and III of the schedule may be dangerous unless prepared under proper supervision. It is important that the manufacture of these lines be entrusted only to manufacturers adequately equipped and that proper attention be paid to plant sanitation. It is of special importance that those undertaking the manufacture of the drugs referred to shall have a staff with proper technical qualifications.

(e) The manufacture of these drugs is of such an intricate character that even slight variations in technique may lead to the formation of toxic by-products. Consequently every batch should be individually tested and controlled.

(f) The fees referred to are to be nominal, covering necessary expenses in connection with the several items.

This section is intended to ensure the practical operation of the principles already outlined.

Explanatory Notes.

With the repeal of the Adulteration Act in 1920, the Food and Drugs Act was passed in order, primarily, that the purchasing consumers in Canada might be protected from injury to health as well as from fraud arising from the sale of adulterated foods and adulterated drugs. It has also served as a corrective measure where infractions have been found and has done much to prevent unfair competition in business.

In the course of six years' experience in the administration of this Act, the officers of the Department of Health have found it by no means free from defects and it is desirable that it be so amended that its usefulness may be increased.

Section **1.** The paragraphs to be amended read as follows:—

"*(b)* 'Dominion analyst' means any analyst appointed for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

"*(c)* 'drug' includes all medicines for internal or external use for man or animal;"

(b) The change in wording is necessary in order that effective use may be made of the services of technically trained men already appointed to the staff, their positions bearing various titles as required by the classification used by the Civil Service Commission.

(c) The definition of "drug" is to be extended by the addition of the underlined portion.

In the absence of a definition of "medicines" the term has been interpreted as including all preparations used for the treatment of disease. This definition leaves antiseptics and prophylactics (such as vaccines) beyond the scope of the Act. It is desired that these be included within the definition of "drug".

Section **2.** Subsections three and four to be added to section four of the Act are new. Although the drug standards established by section four are satisfactory for many pharmaceutical preparations, they are entirely inadequate for preparations mentioned or described in the new schedule. These drugs are of greatest importance in the practice of medicine and are very widely used. However, results obtained may be unsatisfactory if the potency is deficient and serious damage may be caused if the quality is unsatisfactory in other respects. The official pharmacopoeias are revised from time to time, but only at intervals of ten years or more and consequently the standards established thereby always fail to incorporate the authoritative information supplied by progressive scientific investigations in chemistry, bacteriology, pharmacology and therapeutics. It is therefore advisable to make provision for the control of the drugs mentioned or described in the schedule. The Health Section of the League of Nations, with a similar object in view, is engaged in considering the establishment of standards governing the purity, potency and control of such drugs. In some countries legislation, such as that embodied in this amendment, is already in force.

(a) Standards are necessary in order that physicians may depend upon the uniform quality of the drugs employed and that their patients may be protected from the dangers attending the use of inferior preparations. Standards established must be sufficiently high to exclude the possibility of defective drugs being dumped upon the Canadian market.

(b) The ordinary chemical methods of testing should be supplemented by biological tests accurately defined for the guidance of manufacturers and for purposes of inspection.

(c) and *(d)* Drugs mentioned or described in Parts II and III of the schedule may be dangerous unless prepared under proper supervision. It is important that the manufacture of these lines be entrusted only to manufacturers adequately equipped and that proper attention be paid to plant sanitation. It is of special importance that those undertaking the manufacture of the drugs referred to shall have a staff with proper technical qualifications.

(e) The manufacture of these drugs is of such an intricate character that even slight variations in technique may lead to the formation of toxic by-products. Consequently every batch should be individually tested and controlled.

(f) The fees referred to are to be nominal, covering necessary expenses in connection with the several items.

This section is intended to ensure the practical operation of the principles already outlined.

SECTION **3.** The two lines to be repealed and replaced are as follows:—
"Food shall be deemed to be misbranded within the meaning of this Act,—"

SECTION **4.** Paragraph *(f)* to be repealed and renewed reads as follows:—
"*(f)* if in package form, sealed by the manufacturer or producer, and bearing his name and address, the contents of each package are not conspicuously and correctly stated within limits of variability to be fixed by regulations as in this Act provided, in terms of weight, measure or number, upon the outside of the package; provided that this subsection shall not apply to packages the weight of which including the package and contents is under two ounces; provided also that nothing in this section shall be taken to require the statement of weight, measure or number upon containers or packages of standard size as provided by orders of the Governor in Council under The Meat and Canned Foods Act, *and provided further that the Governor in Council may make regulations deferring the operation of this subsection in whole or in part for such period as he may prescribe, up to the first day of July, 1923.*"

This paragraph has operated very effectively with respect to foods, not only in securing proper labelling, whereby the purchaser is supplied with information to which he is entitled, but also in preventing misleading and deceptive advertising. It is desirable that the same features be extended to include drugs.

The last five lines of the paragraph are obsolete and are to be removed.

Packaged goods are increasing in number every year and many persons have taken advantage of what might be termed the sealed package to evade the requirements of this paragraph. These will be included if the words "*or put up by*" are inserted.

SECTION **4.** Paragraphs *(g)* and *(h)* to be repealed and renewed read as follows:—
"*(g) if sold as a compound, mixture, imitation or substitute*, it is not labelled in accordance with the requirements of this Act;
"*(h)* if the package containing it, or the label on the package, bears any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device is false or misleading in any particular; or"

The alterations to paragraph *(g)* are necessary in consequence of the above noted alteration in the first line of section five.

The addition of the underlined portion in paragraph *(h)* will provide means of dealing with the matter of deceptive and slack-filled containers. If the package is very much larger than may be necessary to carry the amount of material it is said to contain, a printed statement of net contents is not regarded as a sufficient corrective.

SECTION **5.** Subsection 2 of section 7 reads as follows:—
"(2) An inspector may, if he has reason to believe than any article of food or drug is held or exposed or offered for sale in violation of the requirements of this Act, seize and hold such article until a sample taken by him and submitted for analysis to a Dominion analyst has been reported upon."

As this subsection stands in the Act of 1920, control of the seizure lapses immediately upon the receipt of the certificate of analysis. In some instances this has proved disastrous as during the interval between the receipt of the report of analysis and the final disposal of the case by the courts, the owners of the goods have disposed of the same. The extension of time is therefore necessary to make the seizure completely effective.

reported upon and thereafter until the inspector has given an order for its disposal."

6. Subsection one of section twelve of the said Act is repealed, and the following is substituted therefor —

Seizure.

"**12.** (1) Whenever any article of food or any drug is reported by a Dominion analyst as being adulterated or misbranded within the meaning of this Act, the Department may order such article, and all other articles of the same kind which were in the same place at the time the article analysed was obtained, to be seized by an inspector and detained by him until an analysis of the sample of the whole is made, and thereafter until the inspector has given an order for its disposal."

7. Paragraph *(e)* of section fifteen of the said Act is repealed, and the following is substituted therefor:—

Regulations as to disposal.

"*(e)* for the disposal of import shipments of food or drugs refused entry under subsection three of section seven of this Act."

8. Section fifteen of the said Act is further amended by adding thereto the following paragraph:—

Analysts may be designated.

"*(f)* for designating as Dominion Analyst any member of the technical staff already appointed to the services of the Department of Health."

9. The said Act is further amended by inserting the following section immediately after section fifteen thereof:—

Regulations, effect of.

"**15A.** Regulations made under any of the provisions of this Act shall have the same force and effect as if embodied in this Act."

10. Subsection two of section seventeen of the said Act is repealed, and the following is substituted therefor —

Defence by purchaser in good faith.

"(2) If, as provided for in subsection one of this section, the person presenting such defence submits a sworn declaration that he purchased the article in good faith, he or the prosecutor shall lay information against such third party,

Complaint against third party.

and the magistrate shall at the same time hear all the parties and decide upon the entire merits of the case, including the question of costs, not only as regards the person originally accused, but also as regards the third party so brought into the case."

11. The said Act is further amended by inserting the following sections immediately after section twenty thereof:—

Interference with goods seized.

"**20A.** Every person who removes, alters or interferes in any way with any goods seized under this Act without

SECTION **6.** Subsection 1 of section 12 reads as follows:—

"12. (1) Whenever any article of food or any drug is reported by a Dominion analyst as being adulterated or misbranded within the meaning of this Act, the Department may order such article, and all other articles of the same kind which were in the same place at the time the article analysed was obtained, to be seized by an inspector and detained by him until an analysis of a sample of the whole is made."

This amendment is made for the same reason as that noted in section 5 above.

SECTION **7.** Paragraph *(e)* of section 15 reads as follows:—

"*(e)* for deferring from time to time the operation of any portion of this Act until July first, nineteen hundred and twenty-two, where deemed necessary or expedient to allow of the disposal of stocks on hand."

This is to be replaced by the new paragraph dealing with imports. Where shipments of food or drugs are refused entry their disposal presents many problems. For shipments which are undergoing active fermentation or putrefaction, destruction may be necessary. Return to the country of origin may be advisable. In some instances to facilitate trade, goods may be sorted and the defective portions destroyed.

SECTION **8.** Paragraph *(f)* added to section 15 is new. If individuals are named in this way and the list published in the Canada Gazette, it will relieve the difficulties of establishing proof as to whether or not the signature attached to a certificate of analysis submitted as evidence is that of a Dominion Analyst as defined by subsection *(b)* of section 2 of the Act.

SECTION **9.** This adds a new section to the Act. It is necessary that the regulations made under the Act shall be recognized as having the effect of law.

SECTION **10.** Subsection 2 of section 17 of the Act reads as follows:—

"(2) If the person presenting such defence *shall, upon his* sworn declaration that he purchased the article in good faith *and as provided for in the last preceding subsection, obtain a summons to call such third party into the case*, the magistrate shall at the same time hear all the parties and decide upon the entire merits of the case, including the question of costs, not only as regards the person originally accused, but also as regards the third party so brought into the case."

In several important cases complications have arisen from the lack of a specific definition of what is meant by the expression "obtain a summons to call." The third party summoned as a witness does not bear the responsibility which the spirit of the section clearly intends. The amendment is planned to bring the third party into the case in such a way that he cannot evade the responsibility for any adulteration or misbranding which he may have practised.

SECTION **11.** These are new sections to be added to the Act. They are necessary to make an effective seizure.

an Inspector's order for disposal shall be deemed guilty of an offence under this Act.

Storage of seized articles.

"**20B.** Any article seized under this Act may at the option of the Inspector be kept or stored in the building or place where it was seized or such article may, by the direction of the Inspector, be removed to any other place."

12. The said Act is further amended by inserting the following section immediately after section twenty-one thereof:—

Distribution of samples.

"**21A.** No person shall distribute, cause or permit to be distributed from door to door or in a public place or on a public highway or through the mail, any sample of any drug, ~~provided that this section shall not prevent manufacturers or wholesale dealers from distributing samples to physicians, veterinary surgeons, dentists or to retail druggists.~~"

13. The said Act is further amended by inserting the following section immediately after section twenty-two thereof:—

Penalty for unprovided cases.

"**22A.** Any person failing to observe any requirement of this Act for which a specific penalty has not been provided shall for a first or subsequent offence incur in each case the penalty provided in section twenty of this Act."

Schedule amended.

14. The heading of the Schedule to the said Act is amended so as to read Schedule A , and the following schedule is added to the said Act:—

Schedule of drugs.

"SCHEDULE B.

PART I.

Preparations of Strophanthus, Digitalis, Ergot, and any other vegetable preparations for which biological tests are deemed necessary.

PART II.

Preparations of Pituitrin, Thyroid, Adrenalin and any other animal tissue preparations.

PART III.

Serums, Viruses; Toxins, Vaccines; Analogous biological preparations.

PART IV.

Organic compounds of arsenic and ~~other drugs prepared for parenteral medication.~~"

SECTION 12. This also adds a new section. Indiscriminate distribution of samples of medicine by mail, or otherwise, is regarded as a menace to health inasmuch as drugs more or less potent may fall into the hands of children. This amendment will bring the Food and Drugs Act into harmony with the Proprietary or Patent Medicine Act, which prohlbits the distribution of samples of registered preparations.

provided that this section shall not prevent manufacturers or wholesale dealers from distributing samples by mail or otherwise in compliance with individual requests for same, or from distributing samples to physicians, veterinary surgeons, dentists, registered nurses, hospitals, or to retail druggists for individual re-distribution to adults only.

analogous preparations prepared for parenteral medication.

route other than the mouth or the intestinal tract.

SECTION **12.** This also adds a new section. Indiscriminate distribution of samples of medicine by mail, or otherwise, is regarded as a menace to health inasmuch as drugs more or less potent may fall into the hands of children. This amendment will bring the Food and Drugs Act into harmony with the Proprietary or Patent Medicine Act, which prohlbits the distribution of samples of registered preparations.

SECTION. **13.** This is adding a new section, as regards cases where no specific alty has been attached to offences against the new provisions.

NOTE.—"Parenteral medication"—meaning administration of a drug by any route other than the mouth or the intestinal tract.