

moved for leave to introduce Bill No. 215, to provide for a loan to the Vancouver Harbour Commissioners.

Motion agreed to and bill read the first time.

FOOD AND DRUGS ACT, 1920,
AMENDMENT

Hon. J. H. KING (Minister of Health) moved that the House go into committee on Bill No. 105, to amend the Food and Drugs Act, 1920.

Motion agreed to and the House went into committee, Mr. Johnston in the chair.

On section 2—Regulations.

Mr. KING (Kootenay): When the bill was in committee some days ago we passed the first clause and had a discussion on clause 2, when it was suggested that the bill, being somewhat of a technical nature, should be sent to a special committee in order that it might be considered in conference with officials of the department and others who might wish to be represented. That has been done and the committee have reported, suggesting some three or four amendments, a copy of which I am now sending over to you, Mr. Chairman. The first amendment is in regard to paragraph (b) of clause 2:

Defining official methods for biological testing.

I move to amend this clause by adding after the word "testing", the last word in the line, the words:

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

This gives the manufacturer an opportunity of sending his product out to a laboratory without having to maintain one on his own premises.

Mr. McGIBBON: Will the minister explain what he hopes to gain by this?

Mr. KING (Kootenay): As was stated some days ago in committee, under the subsection that it is desired to add to section 4 of the act we are proposing to standardize certain drugs that are mentioned in schedule B. If my hon. friend will turn to the schedule he will find the nature of the drugs there suggested. This will give us further power for the standardization of these special drugs. The matter is one that meets with the approval of the medical profession, and particularly now that we have agreed to make the suggested amendment it is not objected to by the manufacturers.

[Mr. Cardin.]

Mr. McGIBBON: I do not think the minister caught the meaning of my question. I quite agree with him that it is desirable to have drugs like these standardized. What I had in view was this: what control will the department have over these laboratories so as to be sure that it will get a standardized product—because this means subletting, so to speak, the contract for standardizing?

Mr. KING (Kootenay): Our inspectors will secure samples. We will make our examination, and if the samples are not up to standard the manufacturers will be so informed.

Mr. McGIBBON: The samples will be rechecked at Ottawa?

Mr. KING (Kootenay): Yes. In regard to part IV of the schedule, the arsenical preparations, as my hon. friend understands, are very difficult to manufacture, and in order to be sure that they are up to standard we require a sample from each batch.

Mr. ANDERSON (Halton): How will this clause apply to drugs imported from foreign countries? Will the drugs be tested at Ottawa?

Mr. KING (Kootenay): Firms importing drugs from foreign countries will have to come up to our standard. That is being done in Great Britain to-day where they are standardizing these drugs. It is also being done in France, and in fact in many countries certain standards have been established. If they come up to our standards, we will accept their drugs. If we find it necessary to visit their factories, we will do so at their expense. That is being done by the United States authorities at the present time. European manufacturers who are importing drugs into the United States have to come up to their standard and they submit to their inspection.

Mr. ANDERSON (Halton): As regards these pharmaceutical preparations imported from foreign countries, particularly from the United States, will there be a laboratory at Ottawa prepared to test and standardize these articles properly?

Mr. KING (Kootenay): We shall have a laboratory at Ottawa to make tests.

Mr. ANDERSON (Halton): Is any preparation being made for having such a laboratory established at Ottawa?

Mr. KING (Kootenay): There is one.

Mr. ANDERSON (Halton): Is there one in existence now capable of doing this work?

Mr. KING (Kootenay): Some other technical officers may be required, but the laboratory is in existence and I think it is now capable of doing the work.

Mr. ANDERSON (Halton): Who is the officer in charge?

Mr. KING (Kootenay): I forget his name for the moment.

Mr. ANDERSON (Halton): I presume the laboratory will be under the Department of Health?

Mr. KING (Kootenay): Yes.

Mr. ROSS (Kingston): Where is this laboratory?

Mr. KING (Kootenay): There is in Ottawa a laboratory that will do this work. As my hon. friend knows, the department is situated in the Elgin building. There are also laboratories in Montreal, Halifax and Vancouver. I hardly think they will be equipped to do work of this character, but the Ottawa laboratory should be.

Mr. McGIBBON: I quite agree with the minister that it should be, but is it? I have grave doubts.

Mr. KING (Kootenay): Once we undertake this work it will be.

Mr. McGIBBON: And that means the creation of a staff, probably a new department?

Mr. KING (Kootenay): No.

Mr. McGIBBON: A new sub-department. I quite agree with the minister that this work should be done. While I may not be in order, I think the minister's whole department, not due of course to any fault of his, has fallen down lamentably in scientific research work. I took a great part in getting this act on the statute book, and it was distinctly understood at that time that we were to have a department of scientific research. That has not been carried out and I do not think we have a man capable of doing this work.

Mr. ANDERSON (Halton): The Department of Health was created for that very purpose, and so far as carrying out its main purpose is concerned, it has been a total failure. Has the minister formed any estimate of the cost of the establishment of a laboratory in order to make these standard tests?

Mr. KING (Kootenay): I do not think it is necessary to make any estimate. We are doing that kind of work to-day, and we have not had any complaints. It is true

that the biological testing provided for under this section is outside the regular work we have been doing, but when this section becomes law, that will be provided for naturally; it is a matter of administration. So far as the testing of foods and drugs is concerned, that is being done to-day, and I have not heard much complaint; I have heard complaints from the people who got into trouble, but generally speaking the department's administration, I think, has been very good. I think that was demonstrated when the committee was discussing this bill the other day. The representatives of the manufacturers were present, and the general opinion was that the administration of the act had been good. These minor amendments will improve the act, more particularly in regard to drugs.

Amendment agreed to.

Section as amended agreed to.

Sections 3 and 4 agreed to.

On section 5—Seizure of suspected articles.

Mr. ANDERSON (Halton): What is the procedure in regard to these seizures? What is done with these articles?

Mr. KING (Kootenay): We are amending this section so that we can control the article beyond the period that is possible now under the act. Under the present law, after the article has been analysed we have no right to continue to hold it. This amendment gives us that right and brings the article under our control until proper disposal has been made of it.

Section agreed to.

On section 6—Seizure.

Mr. ROSS (Kingston): I think the minister knows—in fact, I have brought up several cases myself—that under this act his officials are interfering with the use of inert and harmless preservatives. Several of these articles mentioned in the act have been used by the manufacturers of certain articles of food for twenty-five or thirty years. Is the department still keeping up its interference with their use? I think the minister will remember that one of them is used in bologna sausages, which is a very cheap food. The preservative used by the manufacturer is an inert and harmless one, as the inspectors admit, yet they come around repeatedly and interfere. Could not the minister see that his officials give a more practical interpretation to the act so as to stop this interference?

Mr. KING (Kootenay): I think the administration by the officials has been reason-

able. The preservative mentioned by my hon. friend, while it is not altogether harmless, is deceptive. It gives the meat a colour which it otherwise would not have, and the person buying it is thereby deceived. That is the attitude of the department. I have had a number of cases before me recently. I know what my hon. friend is referring to, but there is an opinion in the minds of the officials that this substance should not be used because it is deceiving the buying public.

Mr. ROSS (Kingston): Not at all. The minister will agree that this article is sold because of its colour. If you changed the colour you would not sell the meat; that is the claim of the butchers. All the inspectors claim that it has no injurious effect whatever upon the meat, that the preservative is harmless and inert, but they interfere with its use just the same. That is the reason why I am so much opposed to giving these inspectors the powers they have, because they simply step in and interfere unnecessarily. When an inspector finds a condition of that kind, if he used the common sense that the minister suggests his officials use in the administration of the act, he would not interfere; but that does not happen. The men are brought up and fined. Not only that, but men are allowed to go around selling this article, and the butchers innocently buy it. Its colour is the means of selling it. It is a cheap food.

Mr. KING (Kootenay): I shall be glad to consider my hon. friend's suggestion, but it is not a new matter in the department.

Mr. ANDERSON (Halton): Will this clause empower the department to look after certain patented remedies that are on the market? There are many combinations of drugs on sale in our drug stores that are misbranded; they are labeled with names they do not deserve because of the drugs that are in them. I noticed one article in an Ottawa drug store called "double pepsin". There is no such thing as double pepsin, and I think the article in question has no pepsin whatever in it, but it is being sold in large quantities to the average consumer as a splendid remedy for indigestion. It may be a good remedy, but it is certainly not double pepsin, and people are buying it under a misconception. There are also many desiccated cereals, breakfast foods, that are supposed to be very nutritive which are not nutritive at all. Will the department undertake this amended act to investigate these articles and find out what is good and what is not, and have the ones that are no good taken off the market altogether?

[Mr. J. W. King.]

Mr. KING (Kootenay): The officials of the department are doing that work from day to day throughout the country. It is true that many of these articles should not be on the shelves and offered for sale. It is the work of the department to protect the public, and tests and examinations are continually being made to check these things up.

Mr. ANDERSON (Halton): Would it be necessary to add the words "or any combination of drugs"? Is that covered as the section stands?

Mr. KING (Kootenay): I do not think it would be necessary to add those words.

Mr. ANDERSON (Halton): I doubt if many combinations of drugs would come under this section.

Mr. KING (Kootenay): I think they would come within the definitions.

Mr. KAISER: The section says that whenever any article of food or any drug is reported as being adulterated or misbranded the inspector may seize and inspect the article. Does that refer to an inspector of the federal Health department, or to a municipal inspector appointed under the authority of the provincial board of health?

Mr. KING (Kootenay): We have inspectors throughout the various provinces who are going amongst the trade every day taking samples and having them sent in to the laboratory for examination. That work is being done by the officials of the Dominion Department of Health. If an officer of the provincial health department feels disposed to advise us in regard to a food or drug which he thinks is improper we shall be glad to have the information and make an investigation, but the work is done by Dominion officials.

Mr. McGIBBON: Has any individual the privilege of sending a sample to the department for analysis?

Mr. KING (Kootenay): Yes, I think it is quite proper. If they wish to send a sample, or to call attention to articles which are on the market and of which they are suspicious, we are glad to have the information.

Mr. ANDERSON: They examine the food?

Mr. KING (Kootenay): I am not so sure about that.

Mr. McGIBBON: If that were permitted, I think it would add to the usefulness of the department, because the inspectors of the department are more or less restricted.

Mr. ANDERSON (Halton): There are large quantities of what are termed non-intoxicating drinks on the market, such as orange crush and so on. I think the department is responsible for the fact that some of these contain a considerable amount of alcohol and are really more intoxicating than 4.4 beer. Does the department look into that matter and ascertain whether the aerated drinks contain no improper ingredients?

Mr. ADSHEAD: Do I understand the minister to say, with reference to food, that he objects to colouring being put in?

Mr. KING (Kootenay): No, that is not so. There are certain standard colours which can be used in the manufacture of confectionery, for instance. These are allowed by the department. But is it wise that some preparation should be used, for example, in the making of sausage, to change the colouring of the meat and thus deceive the purchaser? The opinion in the department is that it is not fair to the buying public. The people who are manufacturing sausage should put good meat into it.

Mr. ADSHEAD: That would not refer to butter.

Mr. KING (Kootenay): No.

Mr. ROSS (Kingston): The analyst of the department reports that this is harmless, and that the only effect of the drug is to give colouring in a percentage of it.

Mr. KING (Kootenay): I shall be glad to take it up further with the officials. They have been making seizures for some time.

Mr. KAISER: The question may be looked at from the commercial aspect: a food or drug may be adulterated and the adulteration may have the effect of increasing the commercial value. But another element which is of far more importance is the question of selling goods which may not only be adulterated or misbranded but which may contain germs of disease. Will the analyst of the department undertake to look into matters of that kind and see that the foods are free from disease?

Mr. KING (Kootenay): My hon. friend speaks of canned goods. That matter comes under another act.

Mr. McGIBBON: With regard to the seizure of goods, who is going to stand the loss?

Mr. KING (Kootenay): The person who has the product which is not up to standard.

Mr. McGIBBON: That might not be fair. A druggist might buy a quantity of goods in good faith, but they might contain some alcoholic extracts.

Mr. KING (Kootenay): In section 10 provision is made to bring in the third party, and that will meet the situation.

Mr. HEAPS: Is there anything in any of the acts to compel anyone who sells these foodstuffs to show by way of a label or card what has been used in their preparation?

Mr. KING (Kootenay): There is a system of labelling which describes weight and so on, but I am not sure that it is the practice to describe the colouring matter that is used. Certain standard colours are allowed to be used in foodstuffs. They are known to the manufacturers. They are used more particularly in confectionery.

Mr. HEAPS: A person who buys a certain article should know what is in it, and the only protection is that which is given by the authorities. I think it would be wise if some amendment were made compelling the person selling these goods in which colouring matter has been used to place a label on them showing what they contain.

Mr. KING (Kootenay): That would possibly be developed by the regulations that would be made under section 4.

Mr. HEAPS: Would the minister consider putting such regulations into effect?

Mr. KING (Kootenay): Yes, I should be glad to.

Mr. ANDERSON (Halton): Will the minister give me some information about section 6, which says:

Whenever any article of food or any drug is reported by a dominion analyst as being adulterated or misbranded—

And so on. How wide is that clause? Does it take in goods in cold storage?

Mr. KING (Kootenay): The section is very definite. It reads:

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 analyzed 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.

Mr. ANDERSON (Halton): It is so wide that it includes all drugs and food.

Mr. KING (Kootenay): No, it is confined to the act itself.

Mr. STEVENS: That is, within the meaning of the whole act.

Mr. KING (Kootenay): The activities of the department are circumscribed by the act.

Mr. ESLING: Does the act provide for any analysis of beer? As the hon. minister is well aware, charges have been made on the floor of the legislature of British Columbia to the effect that beer is offered for sale in the province containing ether, resin and other chemicals. In fact it is frequently remarked that chemists rather than brewers are needed in the manufacture of this poisonous beer. Is it within the jurisdiction of the minister's department to take samples of beer for analysis?

Mr. KING (Kootenay): I have not had brought to my attention any seizures of beer by my department under this act. I will make inquiries and inform my hon. friend later whether beer would come within its scope.

Mr. ESLING: Does not the minister consider that beer should come within the jurisdiction of this department for the protection of the public? I think he should have jurisdiction in determining the quality of a beverage such as I have described just as another department has jurisdiction over weights and measures. Surely anybody who drinks beer at random will readily realize the great difference in quality between the products of various breweries. I think the act provides explicitly what ingredients shall be taken into a brewery.

Mr. KING (Kootenay): Beer is not classified as a food or drug under this act. Its manufacture is controlled under the Inland Revenue Act.

Mr. ESLING: But does not the minister think it would be a good thing to protect the public health by providing that beer be analyzed at the discretion of the department? Let his inspectors take samples here and there of this bottled poison and determine what should be done with it.

Section agreed to.

Section 7 agreed to.

On section 8—Analysts may be designated.

Mr. ROSS (Kingston): What will be the qualification for a Dominion analyst?

[Mr. R. K. Anderson.]

Mr. KING (Kootenay): We have, in the service men who are classified as chemists. This section will afford us the opportunity of utilizing their services and classifying them as Dominion analysts.

Mr. McGIBBON: What is the basis of standardization of these drugs?

Mr. KING (Kootenay): They will be tested biologically.

Section agreed to.

Sections 9, 10 and 11 agreed to.

On section 12—Distribution of samples.

Mr. KING (Kootenay): This section has been amended.

The CHAIRMAN: All the words after the word, "drug", in the thirteenth line are stricken out and the following substituted:

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 redistribution to adults only.

Amendment agreed to.

Section as amended agreed to.

Section 13 agreed to.

On section 14—Schedule amended.

The CHAIRMAN: Part IV of the schedule has been amended by striking out all the words after "and" in the first line. Part IV will then read:

Organic compounds of arsenic and analogous preparations prepared for parenteral medication.

Mr. KAISER: Preparations of arsenic are inorganic. The proper word is not used.

Mr. KING (Kootenay): This is the proper wording as I understand it. It was discussed in committee and the amendment proposed does limit arsenical preparations to the medical purposes intended.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported.

Mr. SPEAKER: When shall said bill be read a third time?

Mr. ROSS (Kingston): Next sitting of the House.

Mr. SPEAKER: Next sitting of the House.

