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Tuesday, November 22, 2005

Chair

Ms. Bonnie Brown

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● (0915)

[*English*]

The Chair (Ms. Bonnie Brown (Oakville, Lib.)): Good morning, ladies and gentlemen. It's my pleasure to call to order the 55th meeting of the Standing Committee on Health.

As you know, pursuant to Standing Order 108(2, we are beginning with a briefing session on natural health products, which this committee asked for. Then we will proceed to a clause-by-clause review of Bill C-420.

I will moving forward, then. It's my pleasure to introduce Philip Waddington, the director general of the natural health products directorate, health products and food branch.

Mr. Waddington, the floor is yours.

Mr. Philip Waddington (Director General, Natural Health Products Directorate, Health Products and Food Branch, Department of Health): Thank you.

Madam Chair, members of the committee, I wish to thank you for the opportunity to discuss once again the appropriate regulation of natural health products in Canada under the natural health products regulations.

I am pleased to inform the committee that the process improvements that the natural health products directorate has been implementing continue to be successful and well received by stakeholders. Since I last appeared before this committee a little over one month ago, an additional 315 product licences have been issued. In addition to clearing the backlog from monograph-based applications, the directorate has also cleared the backlog for clinical trials. Furthermore, once our process improvements are fully integrated, we are confident that the product backlog in the natural health products directorate will be virtually eliminated over the next year.

With regard to site licences, over 420 site licences are currently under full review by the directorate. An additional 94 have already been issued licences. As I mentioned during my previous appearance before this committee, we continue to have no backlog for site licence assessment.

Madam Chair, the natural health products directorate is a transparent regulator. We meet regularly with a wide range of stakeholder groups. Indeed, we have always taken the time to meet with stakeholders to discuss their views, their challenges, and the potential solutions.

The minutes of these meetings are posted on our website. Our commitment to transparency does not end there. The natural health products directorate also posts a list of all the products and site licences issued to date on our website, within 60 days of their issuance. This is an invaluable tool for consumers and other stakeholders.

Finally, we have enhanced our communications efforts to a quarterly report and a monthly communiqué. These documents provide stakeholders with detailed statistics regarding our performance, key challenges, newly classified ingredients, and upcoming deadlines. Through these mechanisms, stakeholders are kept aware of the developments regarding the natural health products directorate and the natural health product regulations.

Madam Chair, the natural health products directorate continues to move forward in its commitment to provide Canadians with access to natural health products that are safe, effective, and of high quality, while respecting their freedom of choice and philosophical and cultural diversity. Furthermore, we are doing so through an open and transparent process. We believe that through our process improvements and by working closely with our stakeholders, the natural health products directorate will continue to greatly improve its performance in product licence issuance.

I would like to note that when we appeared before you last time we mentioned that Health Canada was working on proposed amendments regarding section 3 and schedule A. As we stated that we would do so on Saturday, November 19, a proposed regulatory amendment was pre-published in *Canada Gazette*, part I, amending the food and drug regulations and the natural health product regulations to exempt non-prescription drugs and natural health products from the preventative and treatment prohibitions in subsections 3(1) and 3(2) of the act.

The proposed amendments would provide Canadians with more information on non-prescription drugs and natural health products and on labelling and advertising, where there's evidence to support risk reduction, prevention, and treatment claims for schedule A diseases. These claims must be approved by Health Canada on the basis of pre-market regulatory review. Prescription drugs are not included in this amendment, and the existing prohibitions for these products would remain in full force. This result is consistent with the views of Canadians and the position of this committee, which has been supportive of the prohibition against direct-to-consumer advertising of prescription drugs.

Food products are also not addressed by the proposed amendment. A different approach is required to assess evidence for specific health claims for foods as they do not undergo a pre-market regulatory review. To address this, Health Canada announced in the fall 2005 smart regulation report on actions and plans that it will develop a new regulatory framework for the use of food labels, health claims, and advertising to deliver reliable health information to the public.

I believe this proposed regulatory amendment is another important step in realizing our commitment to stakeholders and to this committee to modernize section 3 in schedule A. Informed choice, supported by sound evidence, is important, and health is important in helping Canadians to better maintain and improve their health.

Once again, thank you very much.

The Chair: Thank you, Mr. Waddington.

I would assume people have some questions, beginning with Mr. Lunney.

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you, Madam Chair.

Welcome back, Dr. Waddington.

I notice that you claim you've processed about 303 product licences in the last month. That's pretty good. At that rate, it would probably amount to about 3,000 a year. That's certainly an acceleration over what we've seen in the past year and a half. However, with 50,000 products out there, it looks to me like you might be 10 years or so trying to get caught up on what's out there. Even at that accelerated rate, I'm wondering how you say now that you figure you'll be caught up on the backlog and be all settled up by the end of the year.

● (0920)

Mr. Philip Waddington: That's within about a year. Again, for those 300—and it's now 315, because there were more signed up yesterday, but in the process of writing this speech it was hard to keep up with the rate at which the licences are being issued—it's not as if we are accelerating as we move forward and then suddenly we're going to stop at that rate. If you look at the rate at which the improvements are occurring, they're coming in an exponential manner. It's a geographic term. You can look at things and they're going up, and we anticipate that they will continue to do so.

Many things are under way. We're streamlining the process. We have worked on intelligent form builders, which means that when we get the information it's more complete. We've put in performance standards for the four steps of licence approval, and we have some of them down to 45 minutes as opposed to a couple of days, and they continue to accelerate. In working with stakeholders and understanding the needs they have and the needs we have, we've been able to put together forms that will allow them to fill in the information and only allow the information to come to us when it's complete, so that we're not going to be going back to them and asking them to fill in minor details that they may have missed.

Looking at all of the things that are under way, as I mentioned before, we're batching some of the ingredients together. That's something we talked about doing and are currently doing as well.

A number of processes like this are under way and will continue to increase this. We're looking to have web-based approval with respect to the monographs. There are a number of things. You're welcome to come and to run through them all, but they're just a—

Mr. James Lunney: No, that's great. I'm glad to hear it's accelerating.

Can you tell me now if you're accelerating through the list of single-ingredient products? The slow part seems to be when you have multiple ingredients, and we know many of the most effective natural products actually are combinations. Where are we on that front?

Mr. Philip Waddington: The vast majority of those, as you would anticipate and as we would propose it should be, are single-ingredient products. In any scenario, you take the fastest ones, you put them through first, and they're going to move the fastest. The monographs are set up around that, and the processing has been initiated with that and is going forward. So you're correct in stating that the vast majority of those are single-ingredient.

However, as I mentioned before, as we continue to do things that we say we're going to do, we're also looking to putting together monographs for combination ingredients. We're batching single ingredients first, looking to improve those, and once we have the process down, we'll move those processes to multiple-ingredient products as well.

So while we start with the single ingredients and that's where the greatest acceleration has been seen, those same benefits will be accrued onto the multiple-ingredient products.

Mr. James Lunney: Moving on to site licences, you said about 420 site licences are under full review and an additional 94 have been issued licences. How many site licences have been issued to date?

Mr. Philip Waddington: Ninety-four.

Mr. James Lunney: That's the total. So we have 94 site licences. How many sites have applied?

Mr. Philip Waddington: In addition to those numbers, about 500.

Mr. James Lunney: So that's the number that have applied.

A whole range of people seem not to have been encompassed yet in this, or caught, shall we say, like small manufacturers of herbal products in particular. Is it that they haven't applied? Some of them are complaining that they feel it's a very onerous application process, and they feel they're simply not going to be able to comply.

Mr. Philip Waddington: Obviously, I would say they have not applied; otherwise we would have them. So I'm not sure what you meant by that. The natural health products directorate has been very diligent in reminding people about this. Four communications have gone out with our quarterly reports and our monthly communiqués. We've sent out messages over our listserv, and it has been continually mentioned to the people that this is not going to be deadlined.

As is human nature, people tend to leave things to the end, and we anticipate that we'll have an ever-increasing number of applications as we get closer to the deadline. To prepare for that, we have teams that are already working on product licences at the moment. They're working on other issues, but as the site licences come in, they're prepared to move into that area to help to deal with that backlog, as it's anticipated. So we would anticipate that we'll get a larger number of applications toward the end of the year.

Mr. James Lunney: Do you have any idea of an estimate of how many sites prospectively have been out there in the last number of years?

Mr. Philip Waddington: We can estimate it. Estimates can run anywhere from 1,500 and up, so you could say we have a third, and some people would say it's even less than that. But because this has been an unregulated industry in the past, it's hard to put a firm estimate on that number.

Mr. James Lunney: Thank you.

With regard to the gazetted changes that just came out on November 19, a number of proposals are presented, and one of them—the preferred option—is to exempt natural products and non-prescription drugs from subsections 3(1) and 3(2) in schedule A claims if they've been approved—pre-market approval, I gather.

I notice there's a 75-day consultation period with industry. Can you tell us how this process works? In that 75-day period, if you have a lot of objections or concerns, will this actually go forward or might the department change its mind and simply not move ahead with that recommendation?

● (0925)

Mr. Philip Waddington: The whole gazetting process is to address the concerns of Canadians, so over those 75 days people would provide written comment to Health Canada as to what they feel is good or bad about this—things they think we should address, concerns they wish to put forward. Before you can go to CGII, you have to be able to address all the concerns. There may be concerns—one saying move right, one saying move left—and you can't answer all them saying we'll do what you say, but you have to address them all.

If there are concerns about what's gone forward and there are concerns about how it's proceeding, that's exactly what the gazetting process is aimed to do. To move to *Canada Gazette*, part II, we would have to know that we had addressed all the concerns that have been brought forward.

Mr. James Lunney: For my colleagues' benefit, I note that the transition team—and you're quite aware of that, Mr. Waddington—had recommended we get rid of schedule A and subsections 3(1) and 3(2), and the government, in accepting that report in 2000, indicated to the public that this was the course they would do. The diseases on schedule A would be eliminated through regulation, and subsections 3(1) and 3(2), through legislative renewal, would be eliminated. I note you're talking about a suspension at this point but not elimination.

Might I ask you about an incident? You talk about the department being open and transparent. I had a visit from Dr. Stéphane Croft from Quebec City. He had a visit from Health Canada officials on Thursday, November 3. They came into his clinic and said he was breaking the law with his product labels and his website. They told him he must drop everything to comply with the request. He had to reschedule his patients, losing business. They claimed he was violating section 3 of the Food and Drugs Act and told him if he didn't have a natural health product number by January 2006, Health Canada would come in and take everything. They requested that he send a letter of recall to all of his patients and customers to get them to send the product back, even though he had never received a single complaint from a customer or had any reports of adverse events and had had phenomenal benefits for his patients. They requested a list of all his customers and the contact information for all his suppliers, and he was told that there was a complaint from somebody.

Can you comment on this case, which seems to be rather heavy-handed in the kind of abuse of power that has initiated some of the concerns in the first place about the department?

Mr. Philip Waddington: I cannot comment on that case specifically. I'm not aware of it myself. But I can comment on the approach.

The inspectorate has limited resources that they apply to the areas where they believe there is the greatest concern. When they receive complaints from consumers, that's one of the areas they follow up on. As you said, there was a complaint received against that person and that's why the inspector would have pursued that course of action.

You mentioned section 3 in schedule A and how we proceeded on that, and I think it's worth addressing.

What Health Canada has done is try to balance the views that are being reflected by Canadians to the consultations. This is something that we've been looking at for a long period of time. By eliminating it, we would be going against one of the recommendations of this committee—the people sitting around this table—around direct-to-consumer advertising.

The approach that's taken is very clever in that it enhances people's ability to make self-care decisions but it doesn't undermine the prohibitions against direct-to-consumer advertising. It's an approach that meets the needs of Canadians.

Mr. James Lunney: Excuse me, but I have limited time here. I appreciate what you're saying.

Are you saying that the approach that's recommended in the *Gazette*...? But we have no assurance at this point whether those will actually be implemented. I mean, this is through your own admission, because it's being gazetted and it's subject to a reconsideration, and Parliament is dissolved, and 75 days come and go and people have a change of mind.

Mr. Philip Waddington: That's the parliamentary process. What do you wish us to do? If you have a better approach you can certainly propose it, but I don't think it will come forward in Canada right now.

The Chair: Thank you, Mr. Lunney.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Madam Chair, the Bloc Québécois has no further questions. I don't know if my NDP or Liberal colleagues have any more questions, but I would like to propose that we allow our Conservatives to have a second round.

Later, we can turn our attention to Mr. Thibault's motion, since we've had an opportunity to converse with Mr. Waddington on a number of occasions.

● (0930)

[*English*]

The Chair: That's very gracious, Mr. Ménard, but I did have a request from Ms. Dhalla, and then I have to offer the floor to Ms. Crowder, and then we'll come back to the Conservatives.

[*Translation*]

Mr. Réal Ménard: We won't be asking any questions.

[*English*]

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): I'll just make it quick, since my colleague Mr. Ménard is anxious to get on with business.

Thank you very much for coming back again.

I have a couple of questions. You had said the backlog is completely cleared up. Does that mean there are no pending applications right now?

Mr. Philip Waddington: No, I'm sorry. Let me be clear.

There are a couple of application processes within the directorate. One is with respect to clinical trials, and that one has been cleared up; one is with respect to site licences; the other is with respect to compendial applications, where it goes against the monograph; and then there are their regular product applications.

The one for regular product applications has not been completely removed. There is a backlog there. As was stated, around 9,000 applications have come in. Just over 1,200 licences have been issued.

Ms. Ruby Dhalla: So there are 10,000 in that particular category?

Mr. Philip Waddington: Yes, and that's the one that we anticipate moving to over the next year or so.

With respect to the site licence applications, where I continue to say there's no backlog, each of those is being picked up, handled, communicated with the person, and then responded to within 60 days, which is our performance standard for that. So when we say there's no backlog, it doesn't mean we don't have any in-house; it means we're dealing with them within the 60-day performance standard that we have.

Ms. Ruby Dhalla: Okay.

In terms of when we first started off this process and Mr. Carrie introduced the bill, versus now, it has been quite a few months. How has your timeframe improved?

Mr. Philip Waddington: When we first started, in our first quarter, we got out one licence in the quarter. That's what you'd anticipate.

Through the first year and a half, we moved that up, and now we're putting out around 10 licences a day, or just better than that. If you go on our website, there's a quarterly communiqué that gives statistics as to how it has improved. The number of applications has gone up geometrically. It's gone up in an ever-accelerating manner. I'm not sure of the actual percentage, but it has been going up continually, from one licence per quarter to 10 a day. It's hard to draw a graph of that.

Ms. Ruby Dhalla: Are the people in the directorate, with you heading it up, goal oriented such that they have to get through *x* number of applications; or is it on an application-by-application basis, in the interim ensuring there's always quality and all the standards are met?

Mr. Philip Waddington: I must say I'm very proud to work with the people in the directorate. It's an amazing group of people. They're goal oriented, but their real goal is to be effective.

To be an effective regulator, you have to be able to reach the goals in an efficient manner and in a way that makes sure the safety of Canadians is being protected. It's all those things coming together. No one single issue can override another. You can't say, well, safety is so important that it doesn't matter how long it takes, because then you'll have consequences out in the marketplace. It's all of those working together, and the people in the directorate are an amazing group of people with whom I'm very proud to work.

Ms. Ruby Dhalla: In regard to some of the initiatives you had outlined in the beginning in terms of the streamlining of the process, the four steps for the licence approval, how have you been communicating those initiatives to the stakeholders?

Mr. Philip Waddington: The communication within the directorate has been outstanding. We've been meeting with stakeholder groups on an ongoing basis since we started this process.

To improve that, when there are hot issues, as there are with some organizations from time to time, we have weekly or biweekly teleconferences with these organizations. We've implemented the monthly communiqué, which deals with the issues of the day, if there were products that we were having trouble with or issues with respect to applications. We want to inform the applicants so they don't make the same errors. There's a quarterly report that goes out to discuss our statistics, how we've been changing our processes, what our anticipated plans are, and how our improvements have been implemented.

So all these things have been going out on an ongoing basis. The stakeholders right now are very satisfied with the amount of information they're getting from the directorate.

Ms. Ruby Dhalla: Yes. In terms of closing, and I don't know if we have more time left for my colleague Ms. Chamberlain to ask questions, but for me as a chiropractor and someone who has dealt with hundreds of patients who took natural health care products, I cannot stress enough the importance of the type of work you're doing, because the dynamics of medicine have tremendously changed. We look at some of the challenges that we face now, and having a proactive approach in so many of these particular health disease areas is of vital importance to having a healthy population.

So I think the work the directorate is doing is tremendously important, but I would just hope you would never lose sight of the fact that there are thousands of Canadians who are taking these products and the importance of working with the stakeholders who are actually producing them. Moving forward into the future, having a multidisciplinary approach and that cooperation is what's going to be key to building a healthy population in our country.

Thank you.

Mr. Philip Waddington: I couldn't agree more.

The Chair: Thank you, Ms. Dhalla.

Ms. Crowder.

● (0935)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Actually, I just want to thank Mr. Waddington for the update. I don't have any questions. I would agree that we should get on with Mr. Thibault's motion.

The Chair: Yes.

Is there anybody else?

Mrs. Chamberlain, did you want to speak?

Hon. Brenda Chamberlain (Guelph, Lib.): No, thank you. I think everything has been said.

The Chair: Mr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): I too would like to thank Dr. Waddington for the update.

I have a couple of quick questions.

One is about the 60-day disposition clause. How many product applications are being approved in the 60-day timeline mandated by the regulations, which have been enforced for about two years?

Mr. Philip Waddington: I'm sorry, I don't know how many products have gone through each particular stream.

As we stated before, the vast majority of them have gone through. It's a good-news story that the 60-day disposition was with respect to the monograph applications. The process is working very well, and we've been fortunate to get a large number of products through. I'm not sure about the actual number, but it's certainly the vast majority of the products.

Mr. Colin Carrie: Okay. Great.

The next question is basically on the regulations and what you've got gazetted here. I have a copy of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights. My understanding is that the new regulations must abide by the Canadian Bill of Rights and the Charter of Rights and Freedoms. Is that correct?

Mr. Philip Waddington: I presume so.

Mr. Colin Carrie: We want to be sure. From my standpoint, on subsections 3(1) and 3(2) and schedule A, it seems to be fairly heavy-handedly enforced, and that's what some of the people who have come to us as witnesses have experienced. I only want to make sure the regulations aren't infringing on the rights of Canadian businesses to buy, sell, and produce natural health food products.

I'm assuming they've gone through the regulatory committee. Do you have written confirmation that the changes in the gazettes are constitutional and abide by the Canadian Bill of Rights?

Mr. Philip Waddington: Any regulation will go through an analysis to make sure there aren't those kinds of contradictions. This one has gone through that as well.

Mr. Colin Carrie: It has already gone through that.

Mr. Philip Waddington: Yes.

Mr. Colin Carrie: Great. Do you have confirmation that it has gone through, so that we're not infringing on any Charter of Rights or Bill of Rights issue?

Mr. Simon Carvalho (General Counsel, Justice Canada): Can you clarify the question? Confirmation in what way?

Mr. Colin Carrie: After you've put it through the regulatory committee, don't you get written confirmation that they're not infringing on any rights issues?

Mr. Simon Carvalho: Any proposed regulation will undergo a *vires* analysis to ensure that it's consistent with a regulation-making authority and an analysis to confirm that it is properly enacted. In this case, it's the Food and Drugs Act. I can confirm that is the case here.

Mr. Colin Carrie: These abide by the Canadian Charter of Rights and Freedoms.

Mr. Simon Carvalho: Yes, we had a *vires* analysis conducted on these regulations.

Mr. Colin Carrie: Okay. The other thing I wanted to talk about was on what Dr. Lunney talked about with Stéphane Croft, the naturopath. My concern is again on the heavy-handedness of how this is sometimes brought down.

Other than that, I think I'm done.

The Chair: Thank you, Mr. Carrie.

Seeing no further hands, on behalf of the committee, I want to thank you, Mr. Waddington. You and your team have obviously been really working hard. We thank you for that, and we thank you for always being available to come and update us.

Mr. Philip Waddington: It's a pleasure. Thank you.

The Chair: We wish you good luck in your future endeavours.

Colleagues, you'll recall that on October 4, the day that was scheduled for clause-by-clause consideration of Bill-420, the meeting started with a motion proposed by Mr. Thibault, with a subsequent motion to suspend consideration of that motion and defer it until November 22, which is today. That motion carried.

We now pick up the threads of where we left off with Mr. Thibault's motion. It has already been moved. However, if Mr. Thibault would like to speak to it, that would be appropriate.

Hon. Robert Thibault (West Nova, Lib.): I'll be very brief.

I want to thank officials from the department for having done all that excellent work, following the directions, intentions, or desires of the committee in making these regulations quite appropriate and answering the concerns that we've heard from presenters in the committee.

In my motion, Madam Chair, there is an error that I'd like to have corrected. It is in the French version of the operational part of the motion, in the very last paragraph, where it says:

[*Translation*]

"Par conséquent, il est résolu que le présent comité, suivant le Règlement 97.1, recommande que la Chambre des communes [...]. The words "ne poursuive pas l'étude du projet de loi " should be substituted for "renonce à amender ".

[*English*]

That would put the French version in conformity with the English version of the motion. It doesn't change the intent in any way.

With that, I would present the motion as such.

● (0940)

The Chair: Do you agree, Mr. Ménard?

[*Translation*]

Mr. Réal Ménard: Yes.

[*English*]

The Chair: Thank you.

Are there any other speakers to this motion?

Mr. Lunney.

Mr. James Lunney: Certainly, we agree with the amendment to make the language correct for the record. I think that is what we were asking agreement for.

For the motion itself, colleagues, the last time we discussed this I reviewed at some length the recommendations of the transition team report. I trust all of you have had time to read the minutes from the last meeting in which we discussed this, but I would like to reiterate that the vision of the transition team and the hope of Canadians was that there would be a significant change in the way natural health products are regulated. The whole furor that led to the health committee report in 1998 and the consultations, which took perhaps a year, was because Health Canada proposed to regulate natural products as drugs, and frankly, that's where we've landed today.

The committee had recommended, through legislative renewal, that there be a third category—not food, not drugs. The transition team picked up on that and talked about subsections 3(1) and 3(2) and schedule A, which go back to 1934. They were very clear that these sections serve no purposes that are not covered by other sections of the act, that the vast majority of scientific evidence confirms the mitigation of various diseases, and they recommended that we eliminate those sections.

What's being proposed by the department today is that we leave those intact but provide an exemption for natural health products that have been through the pre-approval process. I suggest to you, colleagues, that this does not satisfy either what the government said it was going to do or the wishes of Canadians at the time. And I would remind you of the hope that was expressed in that report, that the minister himself would become a champion of natural health products, that he would communicate in all of his strategic communications that Canada was taking a new approach to natural health products, and that it would be a strategic part of our plan to mitigate disease through the judicious use of natural health products; that disease prevention and health promotion would become an integral part of all strategic decisions by Health Canada.

Now, that is not what is happening under the proposed changes that are coming in the department. We have, again, the same type of regulation with pre-market approval. And I would suggest to you, despite the optimism of Mr. Waddington, who is talking about his exponential curve in the last month of the number of products that have been through, that indeed the department is finally dealing with the easy ones, but as they get through the single-monograph products, the single-ingredient products, and they hit the combination products, that's going to flatten out very quickly. My concern is that if Bill C-420 dies, the motivation for the department to accelerate any approval in these things is going to be removed significantly.

So in this particular motion, we're basically asking that we kill the bill. I would encourage colleagues to consider that we still have the opportunity to fulfill, with this bill, in the short time that's allotted to us, at least a recommendation and send a signal that when the government makes a promise, it is the desire of the committee to make sure that those promises, particularly when they're in the public interest, are fulfilled and not simply tweaked to keep a process in place that has actually been used to frustrate advances in treatment options to Canadians and information sharing.

In our recent discussion here on the reproductive technology bill, we see how we're looking now at four years to get these things in place. The process is grinding along in a way the committee did not intend, because of the slow pace and how implementation of those regulations often impede the intended objective of legislation or of committees.

I would therefore encourage you to consider this carefully and to seize the opportunity that's here to at least send a signal to the department that this committee, in the little bit of time that's left to us, is making a statement that we think subsections 3(1) and 3(2) and schedule A should be eliminated, as the government promised in the first place, not just tweaked.

● (0945)

Natural products might be exempted under certain conditions, and in fact, when the regulation is in place, that could be tweaked again another way to allow the existing subsections 3(1) and 3(2) to continue to squelch products, as we see in the case of the doctor we just referred to, Dr. Croft from Quebec City, who was very upset as the machine rolled in to tell him, basically, that what he was doing was illegal. And frankly, there's no evidence of harm. There was a complaint, but they won't tell him who complained. It certainly wasn't anyone they would identify as one of his patients, or anybody that he knew, but they won't identify the complainant. This kind of abuse in the process, I would suggest, has been going on for a long time, and is still going on, as evidenced by this incident just this month, on November 3.

So I suggest to you, colleagues, that we still have an opportunity to at least make a statement. I think we all realize that this legislation is probably never going to make it through the House, regardless of what we do today, but I think we do have the opportunity to at least make a strategic statement, and I would encourage you to find a way to do that today.

Thank you very much, Madam Chair.

The Chair: Thank you, Mr. Lunney.

Are you ready for the question? You have the motion before you that essentially says that the House of Commons not proceed further with Bill C-420.

(Motion agreed to: yeas 7; nays 4 [See *Minutes of Proceedings*])

The Chair: May I just say that I think the committee is grateful to Mr. Carrie and Mr. Lunney for bringing these issues forward, as I think they were our resident experts, assisted by Ms. Dhalla, on this whole issue.

There is an old saying in politics that sometimes when you win, you lose; and sometimes when you lose, you win. So I don't want you two to think that you've lost today. You certainly have moved the yardstick down the field and have educated all of us on these issues. I think the community or people who were looking to you for leadership will not be disappointed, in the sense that we have produced results as a committee in pursuing the subject that you wished to pursue through your private member's bill.

So thank you very much for all of your work and your effort and your passion on this subject. I think we have all benefited from them.

Thank you very much, ladies and gentlemen.

This meeting is adjourned.

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