

In April 1957, following a further Supreme Court judgment in respect to Ontario legislation, an amendment to the Federal Agricultural Products Marketing Act vested in the Governor in Council the right to authorize local boards to "fix, impose and collect levies or charges from persons engaged in the production or marketing of the whole or any part of any agricultural product and for such purpose to classify such persons into groups and fix the levies or charges payable by the members of the different groups in different amounts, to use such levies or charges for the purposes of such board or agency, including the creation of reserves, and the payment of expenses and losses resulting from the sale or disposal of any such agricultural product, and the equalization or adjustment among producers of any agricultural product of moneys realized from the sale thereof during such period or periods of time as the board or agency may determine".

There are at present 76 such marketing boards organized in Canada, 60 p.c. of which are in the Province of Quebec and 22 p.c. in Ontario; all other provinces with the exception of Newfoundland have one or more boards.

The annual statistical report prepared by the Economics Division of the Department of Agriculture in relation to these boards indicates that over one sixth of the farm cash income in Canada in 1961 was received from sales made under the control of provincial marketing board plans, including the following commodities: seed corn, potatoes, other vegetables, sugar beets, tobacco, hogs, certain dairy products, fruits, wool, honey, white beans, maple products, pulpwood, wheat and soybeans. As at May 31, 1963, 38 of these provincial boards had received an extension of powers for purposes of interprovincial and export trade from the Federal Government. Five boards had received authority with regard to eight commodities to collect levies in excess of administrative expenses.

The Agricultural Products Marketing Act does not give the local or provincial marketing board any greater control over agencies outside the province than is possible through the control of the commodity by the board and whatever contractual arrangements it may make with such agencies outside the province. It does make it possible, however, for marketing boards to give groups within a province complete marketing control over any commodity produced in that province, or any area of that province which may be defined.

Section 2.—Combinations in Restraint of Trade*

The purpose of Canadian anti-combines legislation is to assist in maintaining free and open competition as a prime stimulus to the achievement of maximum production, distribution and employment in a system of free enterprise. To this end, the legislation seeks to eliminate certain practices in restraint of trade that serve to prevent the nation's economic resources from being most effectively used for the advantage of all citizens.

By amendments which came into force on Aug. 10, 1960 (SC 1960, c. 45), all the provisions of the anti-combines legislation which previously had been divided between the Combines Investigation Act (RSC 1952, c. 314) and the Criminal Code were amended and consolidated in the Act. The substantive provisions now are contained in Sects. 2, 32, 33, 33A, 33B, 33C and 34 of the Combines Investigation Act. The Act was enacted in 1923 and was amended extensively in 1935, 1937, 1946, 1949, 1951 and 1952 as well as in 1960.

Sect. 32, generally speaking, forbids in Subsect. (1) combinations that prevent or lessen "unduly" competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article of trade or commerce or in the price of insurance. Subsect. (1) derives from Sect. 411 of the Criminal Code which was enacted originally in 1889. While Subsect. (2) provides that no person shall be convicted for participation in an arrangement relating only to such matters as the exchange of statistics or the defining of product standards, etc., Subsect. (3) provides that Subsect. (2) does not apply if the arrangement has lessened or is likely to lessen competition unduly in respect of

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