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Manufacturers, Importers, Distributors and Retailers: the Public's Safety is your Business

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The increasing number of recalls of consumer products in recent years is indicative of a trend that has raised concerns for governmental authorities. In response, the Canadian government announced, on April 8, 2008, a reform of the existing legislation to strengthen the protection of human health and safety. The first step was the introduction of the *Canada Consumer Product Safety Act and the second, the reform of the Food and Drugs Act.*

Both elements of this reform may have considerable impact on this critical sector of our economy. The *Canada Consumer Product Safety Act* is ambitious and may have serious repercussions on the activities of any number of businesses, and so it warrants particular attention.

A contravention of the provisions of the Bill (if it becomes law), its regulations or an order issued pursuant to it may lead to sanctions, including fines and imprisonment. Where a corporation contravenes the Bill, its directors, officers, agents and representatives who acquiesced or participated in the commission of the offence will be considered parties to the offence and be liable on conviction to the punishment provided for by the Bill. Although Bill C-52 is making its way through the legislative process, the government has already made it clear that the current regime does not provide consumers with sufficient protection and that it intends to clamp down on manufacturers and importers. Although the proposed legislation will in all likelihood be adopted, much of the detail will be contained in the regulations which have yet to be published.

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