

Book Review: Law Society of Upper Canada, Special Lectures, 1963, Part II, Trade Competition and the Law: "Unfair Distribution and Pricing Practices", by D. H. W. Henry; "Advertising and Promotions", by W. L. N. Somerville; "Importation of Goods and Dumping", by Murray E. Corlett

J. H. C. Clarry

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*Law Society of Upper Canada, Special Lectures, 1963, PART II, TRADE COMPETITION AND THE LAW: "Unfair Distribution and Pricing Practices", D. H. W. HENRY, Q.C.; "Advertising and Promotions", W. L. N. SOMERVILLE, Q.C.; "Importation of Goods and Dumping", MURRAY E. CORLETT, Q.C.*

This small volume is a very useful addition to the practitioner's library, dealing with problems which a lawyer is required to advise upon in fields of marketing and importation of goods under the Combines Investigation Act, the trading stamp and lottery sections of the Criminal Code, the Customs Tariff Act and the Customs Act. The need for a convenient source where one may turn for a quick "education" on these subjects is met by reprinting the lectures given at the session of Special Lectures in the Continuing Education of the Bar programme of the Law Society of Upper Canada in the spring of 1963 by D. H. W. Henry, Q.C., Director of Investigation and Research under the Combines Investigation Act on "Unfair Distribution and Pricing Practices", by W. L. N. Somerville, Q.C. on "Advertising and Promotions" and by Murray E. Corlett, Q.C. on "Importation of Goods and Dumping".

All three lectures deal with fields where what a practicing lawyer wishes most to know is often not so much the decisions of the courts as the interpretation of the law which is more or less accepted and followed by the enforcement authorities and by members of the profession. In this respect all lectures, and especially Mr. Corlett's, are helpful. It is to be regretted, perhaps, that neither Mr. Henry nor

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\*Miss Dymond is a member of the law firm of Ryan, McAlpine and Ryan in Toronto.

Mr. Somerville could really deal with one of the most frequent complaints made by clients to their lawyer in the fields covered by their lectures: "Everyone else is doing it and gets away with it—there can't be anything wrong with it".

Mr. Henry deals in turn with each of the offences under the Combines Investigation Act except Section 33B (promotional allowances) and provides, in the appendices, a unique and valuable reference source setting forth the statutory history of the Act, a full table of cases under the Act and under the comparable provisions formerly in the Criminal Code, and a list of references to legal periodicals. Nowhere else is there a comparable concise and thorough treatment of all the provisions of the Act. It does not detract from the value of the lectures to comment that they also express Mr. Henry's own views upon certain areas, such as mergers, where the enforcement authorities consider the law still unsettled.

Mr. Somerville, in addition to providing a useful summary of the leading cases on lotteries and trading stamps, gives the background of the statutory provisions dealing with these offences and with promotional allowances a background which is helpful in understanding the purpose of the legislation even though it may not always assist in dealing with the legal problems. It is interesting to note that, after considering the problems of complying with Section 33B of the Combines Investigation Act, Mr. Somerville concludes:

Would it not be infinitely easier and safer and cheaper to give a direct discount off the invoice price based on the volume of goods purchased? In my view every affirmative answer to this question achieves an underlying purpose of the legislation.

This, in effect, is what was stated in the explanatory note to the legislation when it was introduced in Parliament.

Mr. Corlett's lecture deals with an area that appears to have been completely neglected so far as legal education is concerned. Anyone unfamiliar with the principles on which the customs tariff is based and the scheme of the statutes is bound to find the task of quickly acquiring a familiarity with these matters one of considerable difficulty. No one is going to suggest that with this volume at hand a lawyer will be able to advise his clients with assurance on every problem which may arise in the application of the statutes concerned. One can say, however, that he will be much better able to determine his clients problems and consider whether or not a legal question is involved.

J. H. C. CLARRY\*

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\*Mr. Clarry is a member of the law firm of McCarthy and McCarthy in Toronto.