

Seeing Through the Smokescreen: An Update on the C-51 Mess

By Helke Ferrie Vitality September 2008

“By their works ye shall know them.” Jesus

“The greatest thing is sincerity. If you can fake that, you’ve got it made.” Groucho Marx

In April, the federal government informed Canadians that they were going to protect especially the nation’s children, and the rest of us, against unimaginable harm and the most abominable potential fraud, in exchange for the loss of our most basic Constitutionally-guaranteed freedoms. Towards this end Prime Minister Harper introduced legislation that would effectively outlaw natural health products and give the food, drug, and chemical industries license to saturate our food, medicines, air, water, and soil with as much poison as their cost-benefit calculations might suggest are profitably manageable. Unfortunately, this is no exaggeration.

The Harper government’s proposed bills C-51 (to amend the Food and Drugs Act) and C-52 (to amend the Hazardous Products Act) appear to have been crafted very carefully along the lines of Hitler’s prescient observation that people are more likely to believe a Big Lie than little ones. Fortunately, unlike Germany in the 1930’s, Canadians have a century and a half of experience with democracy and almost eight hundred years of ancestral memory of Common Law.

For me, as a medical science writer used to analyzing the cognitive dissonance between verifiable scientific facts and government and industry obfuscation of those facts, C-51 and C-52 are so far the lowest of all low points I have encountered. The Right Honorable Stephen Harper’s and the Honorable Tony Clement’s treacherous attacks against the public interest challenge even the most cynical. The acts, which they tell us need amending, are actually very good and if followed would truly protect the public from harm. However, these acts have for decades been willfully and consistently disregarded, as former Health Canada scientist Dr. Shiv Chopra describes in his memoirs. The government’s assertion that they need “modernizing” is nothing less than the blatant attempt at bringing this fundamentally decent existing legislation in line with the standard criminal routines that brought us all those deadly drugs, contaminated foods, poisoned water and soil, and contaminated air. The illegal sell-out of the public interest to corporate profits would be made legal if C-51 and C-52 were to become law.

But there is a federal election coming very soon, proving Tommy Douglas right who long ago taught us that “it is not too late to build a better world.”

Following the publication of my book on these two bills I was often asked what caused these two bills to be introduced in the first place. The answer can be found in NAFTA and the exclusive corporate-controlled club called the Security and Prosperity Partnership (SPP). NAFTA is a regular intergovernmental treaty of which 93% of Canadians currently disapprove; it was rammed down our throats by then Prime Minister Mulroney in total disregard of a national referendum nixing the

treaty. Today, the SPP is a private club of CEO's from some of the world's largest corporations, banks and weapons manufacturers all dedicated to increasing NAFTA's powers regarding privatization and deregulation; it does so without parliamentary input or public oversight. Both the treaty and the SPP's members require that all regulatory authorities in Canada, the US and Mexico be "harmonized" so that goods and services are streamlined and controlled by the corporations providing these goods and services and profiting from them. Some 86% of Canadians do not want the SPP either, mainly because none of us have any say in its objectives (it is essentially secret). Their annual meetings are hosted by the heads of state of the US, Canada and Mexico. What they report about these meetings on their websites is, of course, only what they are willing to tell us – and that's bad enough to give you sleepless nights.

The SPP and NAFTA require that all independent oversight becomes meaningless and that the citizens of all three countries are transformed from being citizens whose "first responsibility" is "to question authority", as Benjamin Franklin observed, into an obedient herd of dependable and predictable customers. In fact, all forms of true choice and independent accountability constitutes a so-called "trade irritant".

A government department like Health Canada would be a terrible trade irritant if it actually functioned along the lines of true public interest and asked questions, tested drugs in its own laboratories, insisted on complete data (not just what the agriculture and drug industry chooses to disclose), and worked to prevent Mad Cow disease and increasing cancer rates. So, anything the public can get at or question must disappear. One gets the impression that those two bills C-51 and C-52 were expected to be merely a formality because their implementation was already in full progress before their were introduced in parliament in April.

On June 6, the Professional Institute of the Public Service of Canada (PIPSC), was given a report which took two years to prepare, and it recommends completely dismantling all government involvement in anything that has to do with science and leaving everything (safety, quality, etc.) up to the corporations themselves. Similarly, the Minister of Agriculture, Gerry Ritz, drafted a plan to hand over the core functions of all food inspection and safety oversight to the food industry itself, including ending all testing for Mad Cow disease in beef. Luc Pomerleau was fired by the Canadian Food Inspection Agency for releasing this report to the public.

In preparation for the passage of C-51 and C-52 the government also published two appalling documents which masquerade as "consultation exercises". They are the November 2007 Discussion Paper entitled "Managing Health Claims for Foods in Canada: Towards a Modernized Framework", and the July 2008 "Consultation Draft Guidance Document" on Schedule A and Section 3 of the Food and Drugs Act. The first completely aligns Canada with the international Codex proposals and provides a systematic blueprint for killing the natural health products industry through a death by many cuts. The second promises that "for the first time health claims may now be made for natural health products" and then proceeds to present guidelines for the required compliance that only the pharmaceutical industry with its synthetic drug products can meet; the proposed "standards" for market

authorization are completely incompatible with natural health products. No vitamin, mineral, or herb could survive.

Today, about 90% of all natural products on the market and still available are not licensed and will have to go through this process guaranteed to stop their availability. Right now, more than 55% of all single ingredient market applications have already failed to meet the Big Pharma standards, and Health Canada hasn't even started on the multi-ingredient products. Australia did all of this successfully, starting in 2003, and actually managed to implement what Canada has in mind right now. Australia's Conservative government shut down Pan Pharmaceuticals when some non-lethal adverse events were reported on a natural health product. (Interestingly, nobody suggested shutting down the whole of Merck when several hundred thousand people were dead worldwide due to Vioxx!). In August the company won their court case against the Australian government proving the company was illegally shut down. This case was, incidentally, the pretext used by Codex in an attempt to stop natural health products worldwide (read the whole story in the new edition of my book on C-51 and C-52.)

Instead of stocking up with a life-time's supply of supplements, while they are still available, I suggest we use the political clout we actually have and throw these guys out. However, voting out the Conservatives and thereby killing C-51 and C-52 on the order papers is only the first step we need to take. After that comes the huge task of cleaning up the regulatory garbage they will have left behind. To my knowledge, the NDP, the Greens, and the Canadian Action Party demand that the SPP be brought under parliamentary scrutiny, that NAFTA be totally renegotiated, that C-51 and C-52 can never be reintroduced, that the current legislation governing foods and drugs be actually followed, and that Canadians must retain the right to treat their ailments as they see fit and that we are entitled to know what we eat.

The wave of protest against C-51 in particular was amazing. Marches, meetings, huge public lecture events took place; tens of thousands of petitions were sent to flabbergasted MPs; entire websites devoted to stopping both bills sprang up providing first-class information; and I wrote a whole book on both bills – a first in Canadian political history, I understand. It sold out in 5 weeks. (Profits are dedicated to continuing legal action against Health Canada.) With the financial help of Toronto's Naka Herbs and Newmarket's Nature's Emporium, a copy was sent to every MP and every Senator with an accompanying letter. (A completely revised, updated, and expanded second edition is available by the end of September.

More than 10,000 outraged and deeply troubled citizens sent copies of lawyer Shawn Buckley's legal discussions on those two bills directly to the Prime Minister's office, thereby causing some thoroughly deserved stress to that office. Some MPs, like mine, David Tilson, resorted to the lamest of tactics: playing hard to get. MP Tilson cancelled requested appointments from constituency members over and over again and even took off for a vacation in Europe while Parliament was still in session – anything to avoid talking about C-51! Finally, when cornered he flatly denied and declared as “impossible” that the bill includes foreign governments and corporations as part of the definition of “government”. His embarrassment was acute when shown Section 30.7 in C-51 which states exactly that.

Several more influential groups joined the many organizations and public interest groups that were part of the original uproar: the Chinese medicine community formally protested in July; many First Nation chiefs did the same, as did the Canada Safety Council. However, the Canadian Health Food Association decided to oppose their own membership and was ready to sign a memorandum of agreement with the Health Minister Tony Clement to indicate that C-51 would be acceptable provided the Minister made some cosmetic amendments. The displeasure of the membership scuttled that love-in and the cards sent to MPs reading “Stop C-51” far outnumbered the cards the CHFA printed reading “Amend C-51”. Interestingly, the latter cards provided no clue as to where they came from! The “Stop C-51” card identified authorship, namely the Canadian Natural Health Coalition.

All this public protest obviously required some serious efforts at damage control which the Minister of Health worked on very hard. His efforts included sending an e-mail to Vitality and me, suggesting an interview to “explain his side of the story”. I responded by objecting that C-51 wasn’t a story and there were no “sides”, only legal facts which required explanation. Editor Julia Woodford agreed that the Minister was free to write an article answering those questions and it would be published in the next edition of Vitality. I sent him 6 questions on both bills – which he never answered.

Alive magazine was more obliging and provided him with a platform to explain his intentions – and avoid the nasty facts altogether - of the government’s Food and Consumer Action Plan. Asked the most accommodating and unchallenging questions, the Honorable Tony Clement assured Alive readers that he has the best interest of all Canadians at heart, that C-51 would make availability of natural products easier, and that we will be protected in future from all manner of terrible things – such as the ingestion of toad venom for purposes of obtaining an aphrodisiac – and that we will absolutely not have anything to do with Codex. Apparently, the Honorable Tony Clement never read C-51 and C-52 which he claims to have personally “created” to protect Canadians.

It is very important not to lose sight of the big picture when confronted with such abysmal betrayal. Much like the emotional turmoil endured in a nasty divorce, throwing out one’s government must be undertaken with courage, persistence and careful thinking. This is not the end of the world – this is the beginning of a new world we are free to create. Every disaster is an opportunity and every betrayal leads to the discovery of new truth.

So, what can you do?

Order the DVD in which lawyer Shawn Buckley takes you step by step through the verifiable facts and deconstructs the BS as only a lawyer knows how to do. Read my book so you are informed when you attend all-candidates meetings. Tell your MP you will not vote for him or her unless C-51 and C-52 are killed and the current legislation is followed. Download the excellent letter provided on the Natural Health Products Protection Association, headed by Shawn Buckley, which should be sent to you MP, the Minister of Health and the Prime Minister. “Be the change you want to see,” as Mahatma Gandhi advised and refuse to let the bastards get you down.

Resources:

Shawn Buckley explains C-51 on DVD “Endangered Natural Health Products” published by Health Action Network Society (HANS) order through www.hans.org or www.nhppa.org where you can also access the legal analysis of C-51, C-52, and download the letter of protest against these bills to be sent to the Prime Minister, the Minister of Health and your local MP.

S. Chopra, *Corrupt to the Core: Memoirs of a Health Canada Whistleblower*, Kos Publishing, 2008

H. Ferrie, *What Part of No! Don't Understand? Rescuing Food and Medicine from Government Abuse – A Manifesto*, completely revised, expanded and updated to September 2008, Kos Publishing, call 519-927-1049 e-mail Helke@sympatico.ca

I thank Raffi Nacachian of NAKA Herbs for informing me of Pan Pharmaceuticals' defeat in court of the Australian government's health products regulatory authority.

Sources:

On the website of the Natural Health Products Protection Association (www.nhppa.org) you will find a new item entitled “Bill C-51 Must be Stopped NOT Amended”. Lawyer Shawn Buckley explains in detail why this is so.

Information on the Security and Prosperity Partnership (SPP), in which we as citizens have no say because its activities are not under parliamentary scrutiny, is available by googling SPP. This brings up first the Government of Canada website devoted to the SPP (www.psp-spp.gc.ca/resource-centre/news-en.aspx) with its information updated to July 2008. How much at variance the aims of the SPP are with the legislation passed by the Canadian parliament (which at least technically represents the wishes of Canadians) is shown on page 1: the fourth item states that the SPP has developed “a common set of principles to guide their [e.g. Canada's, the US's, and Mexico's] regulatory policies and practices...” The fifth item specifically highlight “regulatory corporation on pesticides ... for the approval of new conventional pesticides ... [and to] resolve priority trade irritants”. Since 2006, Canada has national pesticide legislation designed to get conventional pesticides off the market in accordance with mandatory toxicity tests and reviews of existing literature. Obviously, the SPP takes no notice of national legislation and the preferences for safety of its citizens.

Wikipedia has an entry under “North American Competitive Council” which is the club of CEOs that runs the SPP.

The NDP websites have information on why they oppose the SPP and want to bring it under parliamentary scrutiny so Canadians can vote on these issues. The Canadian Action Party, which began in 1997 specifically to oppose NAFTA, provides useful information on the SPP and its role in creating North American Union.

Council of Canadians devoted the Summer 2008 issue of their Canadian Perspectives to the SPP in which statistics on Canadian opinion polls on the subject are provided.

The story of the dismantling of all forms of public science, so everything is regulated by the industry itself, was e-mailed across the country by Maude Barlow and the Council of Canadians and came to me through Dr. Shiv Chopra, July 29th, 2008: “Transfer of Federal Labs: A Blueprint for Dismantling Public Science” from the public service union PIPSC. The details about the report, prepared over the past two years, is accessible by googling PIPSC. This report originated in principle with Stehen Harper when he was president of the right-wing National Citizens’ Coalition. He advocated that government should be diminished to the point where it “can be drowned in a bathtub.” Note: This organization now opposes Harper because of their rejection of bill C-51.

The story about Canada’s Agriculture Minister stopping tests for Mad Cow Disease can be read on Public Values.ca, July 28, 2008

Health Canada’s reports “Draft Guidance Document – Schedule A and Section 3 to the Food and Drugs Act, revising the 2003 guidelines for the pharmaceutical and natural products industry is available on www.hc-sc.gc.ca/dhp-mps/consultation/drug-meic/scheda-eng.php. The November 2007 documents “Managing Health Claims for Foods in Canada: Towards a Modernized Framework” is on the Health Canada website. Both consultation documents are now obsolete and we will see what they will implement. Both documents make it impossible for natural health products to survive the regulatory hurdles set for them.

The statistics about what Canadians think about NAFTA were published by Angus Reid polling on July 22, 2008: www.angus-reid.com/polls/view/31294 (click on PDF version)

The information on the Australian government having been found guilty of using dirty tricks and breaking the law to shut down the country’s biggest natural health product manufacturer was published by Decision News Media SAS, August 18, 2008

Health Minister Tony Clement losing his temper over the Truehope case and C-51 was reported in the Bracebridge Examiner, July 21, 2008. The interview he requested with Alive was in their September 2008 issue.