

“What huge influence they could have !” : Consumer empowerment in and around Quebec’s first *Consumer Protection Act*

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Article abstract

This paper explores the figure of the empowered, and enlightened consumer, who is capable of inflecting the production and commercial processes to reflect his ideals, as it appears in the debates surrounding the adoption of Quebec’s first Consumer Protection Act in 1971. It shows that this ideal was defended strongly by groups who were, paradoxically, quick to criticize consumers’ inability to distinguish their wants from their needs. These groups also advocated many protection measures that were seemingly identical to those put forward by groups who imagined the consumer to be a much humbler figure. After reviewing the socioeconomic changes that led to the adoption of the law, I explore these paradoxes in light of the history and objectives of two consumer advocacy groups, the CAC and the FACEF. I suggest that the latter, the boldest of the two, had a coherent view of the consumer. However, the figure of the greater-than-life consumer was only one part of a much larger project of emancipation ; in the FACEF’s view, it could never have effectiveness as a mere legal concept.

“What huge influence they could have!” : Consumer empowerment in and around Quebec’s first *Consumer Protection Act*

Catherine LE GUERRIER*

This paper explores the figure of the empowered, and enlightened consumer, who is capable of inflecting the production and commercial processes to reflect his ideals, as it appears in the debates surrounding the adoption of Quebec’s first Consumer Protection Act in 1971. It shows that this ideal was defended strongly by groups who were, paradoxically, quick to criticize consumers’ inability to distinguish their wants from their needs. These groups also advocated many protection measures that were seemingly identical to those put forward by groups who imagined the consumer to be a much humbler figure. After reviewing the socioeconomic changes that led to the adoption of the law, I explore these paradoxes in light of the history and objectives of two consumer advocacy groups, the CAC and the FACEF. I suggest that the latter, the boldest of the two, had a coherent view of the consumer. However, the figure of the greater-than-life consumer was only one part of a much larger project of emancipation; in the FACEF’s view, it could never have effectiveness as a mere legal concept.

Cet article étudie la figure idéale du consommateur militant et éclairé, capable d’influencer l’économie et les systèmes de production pour qu’ils reflètent ses idéaux, tel qu’il apparaît dans les débats

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Article updated on July 28, 2022.

According to the linguistic rules of the journal, the use of the masculine form only is intended to simplify the text and, depending on the context, it refers to both women and men.

entourant l'adoption de la première Loi de la protection du consommateur en 1971. Il démontre que cet idéal était défendu par des groupes qui, paradoxalement, n'hésitaient pas à critiquer l'inhabilité des consommateurs à distinguer leurs vrais besoins de leurs simples envies. Ces organismes recommandaient aussi des mesures de protection similaires à celles préconisées par des groupes qui imaginaient le consommateur comme une figure plus terre-à-terre. Après une revue des changements sociaux-économiques ayant mené à l'adoption de la loi, l'article considère ces paradoxes à la lumière de l'histoire et des objectifs de deux organismes de défense des consommateurs, la CAC et la FACEF. Il suggère que le second, le plus ambitieux des deux, présentait une image cohérente du consommateur. Mais cet idéal plus grand que nature n'était qu'une partie d'un plan holistique d'émancipation, qui n'aurait aucune efficacité, selon la FACEF, sur papier, réduit à un simple concept.

Este artículo estudia el ideal del consumidor militante e ilustrado, el cual puede ejercer una influencia en la economía y en los sistemas de producción para que estos reflejen sus ideales, tal y como aparece en los debates relacionados con la aprobación de la primera Ley de Protección al Consumidor en 1971. Se demuestra que este ideal fue defendido por grupos que, paradójicamente, no dudaron en criticar la incapacidad de los consumidores para distinguir sus necesidades reales de sus meros deseos. Estos organismos también abogaron por medidas de protección similares a las propuestas de grupos que imaginaban al consumidor como una figura más realista. Después de una revisión de los cambios socioeconómicos que conllevaron a la aprobación de la ley, el artículo considera estas paradojas a la luz de la historia, y los objetivos de dos organizaciones de defensa del consumidor: la Consumers Association of Canada (CAC, por sus siglas en inglés) y la Fédération des Associations de Coopératives d'Économie Familiale (FACEF por sus siglas en francés). Se sugiere que el segundo organismo, el cual es el más ambicioso de los dos, presentaba una imagen coherente del consumidor. Sin embargo, este ideal superior al esperado era solo una parte de un plan holístico de emancipación, que resultaría ineficaz, en teoría, según la FACEF y que se reduciría a un mero concepto.

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Jurists who place high hopes in consumers’ ability to influence the economy to better match their social ideals may be disappointed with the current state of affairs. The financial difficulties faced by the small retail stores and newspapers that formed the heart of communities, or the ever-rising sales of airplane tickets and gas-guzzling vehicles at a time of ecological crisis, seem to point to a general disinterest in the mindful use of spending power. The consumer is perhaps best understood as a down-to-earth creature, concerned with comfort and convenience, and uninterested in steering the production process in any given direction.

In this context, some have argued that the law should take over where consumers have failed. Though they may act as if only concerned with their immediate material interests, judges should imagine them to be more responsible and ambitious. In a notable recent article, Lina Khan argued that lawmakers in the 19th century believed the average consumer was also concerned with the smooth functioning of the free market, democracy and justice; if he were still imagined in this way in anti-trust law, retail giant Amazon might be regulated more effectively, taking its rising economic and political clout into account¹. Whether a reconceptualization of consumers’ ambitions might have similar effects in the context of consumer protection law is certainly subject to debate. And this discussion, at least in legal circles, risks revolving around the legal

1. Lina M. KHAN, “Amazon’s Antitrust Paradox”, (2017) 126 *Yale L.J.* 710. In addition to Khan’s description and the ones below, I rely on the image of the socially and politically active consumer which I believe was popularized in the French-speaking world by Laure Waridel in Laure WARIDEL, *Acheter, c’est voter: Le cas du café*, Montreal, Éditions Écosociété, 2005.

mechanisms that might incentivize or even intensify activist consumerism. Some may ask whether creating a private right of redress for buyers of products designed to quickly become obsolete might harness consumer dissatisfaction for the benefit of the environment², for instance, or whether a class action by consumers shocked to learn big-brand chocolate makers have yet to eradicate child labour in their supply chain, might force them to take the issue more seriously³.

In this paper, I track the figure of the idealized consumer citizen in the debates surrounding the adoption of the *Consumer Protection Act* (the “CPA”)⁴ in 1971. I do so for two reasons. First, deeper knowledge the economic and political context that witnessed the adoption of the province’s very first CPA is valuable to situate and understand both this Act and consumer law in general. Second, this figure was not only already present in the comments made by various activist groups: it took on a more extreme and rather paradoxical form. Consumers were cast both as the key to a socially and economically emancipated Quebec, and as powerless, helpless victims of consumer capitalism. They were also expected to reach full power and liberation by using tools that were very similar to those that more modest reformers, who saw consumers as down-to-earth creatures with little interest in larger economic affairs, would grant them. I suggest that, though these interveners had little influence on the CPA itself, they promoted and helped shape the ideal of the consumer citizen concerned with the social impacts of his choices, which still appears in discussions on consumer law today⁵. The current elusiveness of this greater-than-life

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2. See, for example, Anouk PAILLET and Michelle CUMYN, “Le droit peut-il rendre les biens plus durables?”, (2020) *Chaire de rédaction juridique Louis-Philippe-Pigeon*, [Online], [www.redactionjuridique.chaire.ulaval.ca/le-droit-peut-il-rendre-les-biens-plus-durables] (July 1, 2022).
 3. At least one such class action has been commenced in Canada: according to class counsel’s website, the court has not yet decided the plaintiff’s certification application. A lawyer for the plaintiff told a news reporter that they did not “see any way of ending child slavery other than making it no longer profitable”. See Michelle ADELMAN, “Slaves to chocolate: the child labour in your Hershey’s bar”, (2020) *Now Toronto*, [Online], [www.nowtoronto.com/news/chocolate-child-labour-slavery-hersheys] (July 1, 2022).
 4. *Consumer Protection Act*, RSQ, c. P-40 (hereinafter “CPA”).
 5. Deciding how to gender this ideal consumer is no easy task; I am grateful to an anonymous reviewer for making this issue explicit and can do little more than to summarize here their concerns. On the one hand, at the time the bill was discussed, housewives were deemed to be responsible for decisions relating to the domestic sphere: see Joy PARR, *Domestic Goods: The Material, the Moral, and the Economic in the Postwar Years*, Toronto, University of Toronto Press, 1999. Three of the consumer activist groups mentioned in this paper, the Consumers Association of Canada, the Housewives Consumer Association, and the Association féminine d’éducation et

figure, which often fails to manifest as more than a theoretical ideal, may be explained by the peculiar circumstances that saw it enter the legal discourse.

This paper is divided in two parts. In the first part, I set up the context that led to the adoption of the first CPA in 1971. I briefly canvass the social and economic changes that represented the province’s turn to consumerism. I then introduce in some detail the history of two activist groups that presented memoranda to the Commission⁶, namely the Fédération des Associations de Coopératives d’Économie Familiale (the “FACEF”) and the Consumers’ Association of Canada (the “CAC”)⁷. On the one hand, the FACEF made the boldest demands and amassed the most support:

d’action sociale, were at least for some time women’s groups (see sections 1.2 and 2.2 below) and some have hypothesized that critiques of consumers as pliable, naive, and easily swayed rely on implicit biases against women (see section 2.2 below). On the other, the Fédération des Associations de Coopératives d’Économie Familiale, the main subject of this paper, existed because consumers and workers were seen as one and the same (see sections 1.2 and 2.2). Though this does not necessarily imply that they only had men in mind when discussing consumers, some of their materials, such as an advertisement campaign warning consumers against the practices of finance companies, represent “the” consumer as a man: see Denis FORTIN, *Histoire des luttes de protection des consommateurs 1962-1978*, Sainte-Foy, Groupe de recherche en action populaire de l’École de service social de l’Université Laval, 1981, p. 4. Ultimately, the debates at the National Assembly most often mentioned “le consommateur” rather than “la consommatrice”, and the Minister of Justice Jérôme Choquette explained that “celui à qui nous voulons principalement venir en aide est [...] l’homme marié et chef d’une famille de 4.3 personnes et le Québécois moyen bénéficiant d’un revenu de 2406\$ par année” (loosely translated as “the one we mainly wish to help is [...] the married man, head of a household of 4.3 people, and the average Quebecer taking home \$2,406 a year”). See QUEBEC, NATIONAL ASSEMBLY, *Journal des Débats*, 1st sess., 29th legis., November 24, 1970, “Second reading of bill 45”, p. 1748 (Mr. Jérôme Choquette) (hereinafter “Debates, November 24, 1970”). In the end, I have avoided gendering the consumer as much as possible but discuss “his” values and ambitions when necessary.

6. Approximately fifty memoranda were presented, with seventeen from pro-consumer associations. In addition to the coalition headed by the FACEF, there was the Conseil de la coopération du Québec, the Association pour la protection des automobilistes, the Canadian Association of Consumers, the Association féminine d’éducation et d’action sociale, the Montreal Better Business Bureau, the Family Service Association of Montreal, the Citizen’s Rights Against Bailiffs’ Seizures Committee, as well as McGill Law professor M.M.J. Trebilcock and law students from his consumer protection law class. See below, the various transcripts of the presentations to the NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 2nd sess., 29th legis., January–February 1971, “Bill 45 – Consumer Protection Act” (hereinafter the “Commission”).
7. The CAC changed its name from the Canadian Association of Consumers to the Consumers’ Association of Canada in the 1960s: J. PARR, *supra*, note 5, p. 112. I use the acronym CAC for both names throughout the text.

it headed a coalition of nine groups⁸ and was explicitly endorsed by one more⁹, thus speaking for more than half of the pro-consumer interveners appearing before the Commission permanente des Institutions financières, Compagnies et Coopératives (“the Commission”). It was also in its first year of existence, the product of the federation of local cooperatives which were created for the most part by a union, the Confédération des syndicats nationaux (the “CSN”), to help workers with budgeting and financial issues. The CAC, on the other hand, was a well-established information and advocacy group created specifically to deal with consumer issues. After reviewing their public calls to action in the year preceding the presentation of the bill, I summarize the Liberal Party’s 1971 CPA—a modest first attempt at protecting consumers.

In the second part of this paper, I delve into debates of the National Assembly and the Commission to tease out the paradoxical image of the consumer and explore its relevance for contemporary discussions. Here, I associate the interventions of the FACEF and others with the speeches of the few elected members of the Parti Québécois (the “PQ”) and the Ralliement créditiste¹⁰. They shared more radical views on

8. The Confédération des syndicats nationaux, the Fédération des ACEF du Québec, the Fédération des travailleurs du Québec, the Conseil du bien-être du Québec, the Institut de protection et d’information du consommateur, the Mouvement pour l’abolition de la publicité destinée aux enfants, the Corporation des enseignants du Québec, the Fédération des services sociaux à la famille and the Société nationale des Québécois de Chicoutimi presented as one, with the representative from the FACEF speaking most of the time. See below the various transcripts of the presentations to the Commission, *supra*, note 6.

9. Ms. Plamondon, who presented for the Association féminine d’éducation et d’action sociale, explained that she volunteered with the Shawinigan ACEF and that her group endorsed the FACEF’s memorandum: NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 2nd sess., 29th legis., February 4, 1971, pp. B-375 to B-379 (Madeleine Plamondon) (hereinafter “Commission, February 4, 1971”).

10. This should not be taken as a blanket statement presenting the Ralliement créditiste as a leftist party. Rather, I rely for my statement here on strong similarities between the party and the FACEF and the CSN on a small set of economic questions. Mr. Bernard Dumont, an MNA for the party, appears to have argued that Quebec should nationalize lending, which was a position advocated by the FACEF at the time: NATIONAL ASSEMBLY OF QUEBEC, *supra*, note 5, pp. 1759 and following. In the CSN’s publication to its members, labour advisor André Laurin, whose relationship with the ACEFs and other groups is presented in more detail in section 1.2, explained that he was researching a way to make “un vieux rêve créditiste” (loosely translated as an “old creditist dream”) of interest-free loans come true, which suggests there was some overlap between the union’s objectives and social credit: “Un vieux rêve: de l’argent gratuit!”, *Le Travail (Organe officiel de la CSN)*, October 1964, p. 14.

consumerism, on average, than the members of the Liberal Party and the Union Nationale (the “UN”)¹¹. It was them who argued that the new rules and institutions should do more than protect consumers from dishonest practices, but empower them to inflect the production process as they saw fit. It was also them who most harshly criticized consumer choices. Furthermore, while Members of the National Assembly (“MNAs”) from all parties and radical and moderate consumer groups alike insisted on the importance of consumer education, they hinted at important yet difficult to express differences between their suggestions. To help resolve these two paradoxes, I consider these interventions in light of the FACEF’s objectives and history. Here, I suggest that key aspects of the organization’s approach to consumer protection were lost in translation: while they were obvious in the FACEF’s actions with members and other organizations, they were difficult to express within the confines of a formal presentation relating to legislation meant to mitigate the worse effects of private law on consumers. This mismatch between the means the FACEF wished to use to achieve consumer emancipation and those offered by legal advocacy may explain the awkward position of the current-day consumer. Though he has inherited strong legal protections, he is, without the existence of groups like the FACEF to theorize and organize his role in the economy, like a worker benefiting from good labour standards, but non-unionized: better off, but not much of an economic force himself.

1 Lead-up to the debates

1.1 A new economy

It is generally accepted that Canada began to turn to consumerism in the 1950s. Historian Joy Parr puts forward two statistics that encapsulate the meaning of that change: “Personal expenditures on consumer durables trebled from 1948 to 1960, and consumer credit outstanding rose fivefold¹².” The first rise is confirmed elsewhere: in his study of wages, consumption,

11. The legislature was at something of a halfway point between pre- and post-Quiet revolution political dynamics. In the 1970 election, the Union nationale lost its majority to the Liberal Party, for only the third time since Duplessis’s first tenure in 1936; it would never hold power again. The Parti Québécois’ seven MNAs were the first to be elected for their party, and they would benefit from the interventions of the representatives of the Ralliement créditiste who often agreed with their positions on the new consumer bill; by 1978, they formed a majority and would not have gained much from affinities with the one remaining representative of the Ralliement, which would be dissolved the very day of the second reading of the rehailed act adopted in 1978 *Consumer Protection Act*, CQLR, P-40.1.

12. See J. PARR, *supra*, note 5, p. 101.

and poverty in Quebec from 1920 to 1960, historian Jean-Pierre Charland calculated that from the 1945 to 1960, the consumption of durable goods rose by 567 % in Quebec, compared to a rise of 146 % for all household spending¹³. Parr explains that washing machines, stoves and refrigerators were rarities during the war, such that in 1945 “more than 80 per cent of Canadian households did not own refrigerators, and most of the washers and ranges they were using dated from the late twenties and early thirties¹⁴.” Housewives were eager to purchase these items once available, having restricted their consumption to adapt to the war economy despite seeing their disposable income rising during that period¹⁵. New goods like the television were attractive¹⁶, as were automobiles which were taxed during the war¹⁷. In addition, Charland notes, the price of these consumer items relative to the average salary had lowered over the years¹⁸.

The reasons for the rise in indebtedness are more contested¹⁹. The rise in the availability of loans can be traced back to the 1920s, when credit began attracting finance and became more than a way for small shop owners to gain client loyalty, but an industry in and of itself²⁰. The transition to consumerism may have facilitated, or been facilitated by, a number of

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13. Jean-Pierre CHARLAND and Mario DÉSAUTELS, *Système technique et bonheur domestique : rémunération, consommation et pauvreté au Québec, 1920-1960*, Québec, Institut québécois de recherche sur la culture, 1992, p. 89.
 14. J. PARR, *supra*, note 5, p. 35.
 15. *Id.*, p. 22.
 16. Which according to Charland, appears in the Eaton catalogue in 1954–1955 : J.-P. CHARLAND and M. DÉSAUTELS, *supra*, note 13, p. 85.
 17. J. PARR, *supra*, note 5, chapter 1. This chapter gives an overview of the government’s control on materials and its choices to allow the fabrication of appliances made of metal. Charland rather gives an overview of the taxes applicable to these objects once they were produced, in J.-P. CHARLAND and M. DÉSAUTELS, *supra*, note 13, p. 88.
 18. J.-P. CHARLAND and M. DÉSAUTELS, *supra*, note 13, p. 85. See also the comparative table on p. 81. For Charland, this change in degree becomes a change in nature when ownership of domestic goods replaces the communal (and political) life of the urban working class (the television is not only a thing that is owned, but the main cause of the move away from the workers “association de loisirs”) and is sufficiently important to cause economic development : *Id.*, p. 33-35 and 86. Matthew Hilton offers a similar definition in Matthew HILTON, *Consumerism in Twentieth-Century Britain : The Search for a Historical Movement*, Cambridge, Cambridge University Press, 2003, p. 4.
 19. In a recent paper, historian Sylvie Taschereau writes that we do not know how the province moved from having elites resolutely opposed to anything but productive credit, to our current representation of credit : “Plutôt ‘s’endetter sur l’honneur’. Le débat sur la loi Lacombe (1900–1903) et les origines de la société de consommation au Québec”, (2009) n° 42 *Histoire sociale/Social History* 389, p. 391.
 20. *Id.*, p. 421. Another study of the borrowing habits of Quebecers, published by the FACEF in 1973, concludes that the rise of mass consumption coincided with the creation and development of finance companies : FÉDÉRATION DES ASSOCIATIONS

changes. According to Parr, what shifted was not “the attitude or the norm towards credit but rather the definition of what constitutes the basic needs of the population”, most likely relying on the work of sociologist Gérard Fortin to support this conclusion²¹. Fortin co-authored with anthropologist Marc-Adélarde Tremblay a report on the consumption habits of Quebecers in 1958, published in 1963, in which the authors concluded that since satisfying basic needs like food and shelter was now a given for most families, other goods gained in relative importance and became needs themselves²². In addition, they hypothesized that advertising contributed to presenting these other goods as needs, by creating a standard norm of consumption all families should aspire to, seemingly irrespective of their income²³.

Parr also points to institutional changes. Until the 1950s, consumers would obtain credit directly from stores, who financed these loans by selling their clients’ obligations to finance companies²⁴. But finance companies started making less cumbersome direct loans to wage earners, and “their

COOPÉRATIVES D'ÉCONOMIE FAMILIALE DU QUÉBEC, *Les Assoiffés de crédit*, Montréal, Éditions du Jour, 1973, p. 145 and 149. Those that were the most active in 1960s had all been incorporated between 1919 and 1923.

21. She attributes the quote to “Gerald Fortin, director of the Social Science Research Institute at Laval University”, without citing a specific source: J. PARR, *supra*, note 5, p. 102.
22. The authors explain that, with the exception of nutritional needs which can be objectively assessed, even necessities like housing are influenced by social norms, which give tangible meaning to words like “adequate”: Marc-Adélarde TREMBLAY and Gérard FORTIN, “Enquête sur les conditions de vie de la famille canadienne-française: l’univers des besoins”, (1963) 4 *Recherches sociographiques*, vol. 4, 1963, p. 10-11 and 25 (our translation). To identify what counted as needs and what counted as necessities, they proceeded as follows. First, they defined a need as what a person feels entitled to, and they observed that the households they surveyed felt the most deprived when they were unable to spend as they wished on what the authors call “new needs”: an automobile, insurance, leisure, and furniture, a category which includes appliances. Second, when families had an increase in disposable income, they would almost always spend more in these four categories, rather than increasing spending on food and shelter.
23. *Id.*, pp. 17 and 25. A recent study of the development of print advertising between the years 1920 and 1970 confirms this observation. As more and more families were able to aspire to a comfortable lifestyle after the war, older markers of class and identity vanished from printed ads, and most Quebecers began identifying neither as bourgeois nor working class, but as middle class: Sébastien COUVRETTE, *Le récit de la classe moyenne: la publicité des quotidiens montréalais, 1920-1970*, Montréal, Leméac, 2014, p. 32. The term then simply signalled that one could access what Tremblay and Fortin dub “new needs”.
24. J. PARR, *supra*, note 5, p. 103.

share of the consumer loan market doubled between 1948 and 1964²⁵. Banks also began issuing consumer loans in 1958. As Parr explains, “with more funds to lend than businesses wanted to borrow, the banks began to realize that at some rates of interest handling small loans might be worth their while”²⁶. The fact that consumer loans became more accessible because more lenders sought to profit from this market complicates the picture: it is perhaps not sufficient to point to changing definitions of wants and needs to explain the turn to consumerism. Indeed, a more granular account of changing lending practices, in the form of a case study of the evolution of the Caisses Desjardins, reveals both a strong pressure to lend and the active promotion of credit for consumption purposes.

The Caisses Desjardins began developing in rural parishes at the turn of the 20th century and, until the 1950s, stayed true to their founder’s wish that they stimulate the economic development of small towns and rural areas²⁷. They only granted “productive” loans that supported agricultural, artisanal or small-scale industrial activity for the benefit of the community²⁸. They also regularly informed their members of the dangers of other forms of credit, which filled the home with useless goods and led to financial ruin²⁹. In the early 1950s and early 1960s, however, the Caisses changed their rules on lending. So-called “millionaire Caisses” in Montreal, flush with wartime savings and led by professional managers wishing to put this amassed capital to profit, led the charge on the rural Caisses’ self-professed Christian and social ideal of lending³⁰. They argued at planning events that loans should be made out solely on the capacity to repay, explaining that their members could in any event turn to finance companies specializing in credit for consumption if their Caisses denied them a loan³¹. The Caisses then began producing documents for their members explaining that good credit was, rather than “productive” credit, intelligent credit, which respected a borrower’s ability to reimburse the loan³². This story of the shift to consumerism can be reconciled with

25. *Id.*

26. *Id.*, p. 104.

27. Roger LEVASSEUR and Yvan ROUSSEAU, “Un tournant dans l’évolution des Caisses Desjardins au Québec: La question du crédit à la consommation dans l’après-guerre”, *Annals of Public and Cooperative Economics*, vol. 63, 1922, p. 28.

28. It was also possible to obtain a loan if the loan could prevent the borrower from entering a vicious circle of debt which could lead to bankruptcy or unemployment: *Id.*, p. 28–30.

29. *Id.*

30. *Id.*, pp. 39–40.

31. *Id.*, pp. 43–45.

32. *Id.*, p. 28

Fortin and Tremblay’s account: in 1958, they observed that households had not fully accepted the new norms of consumption³³, which implies that consumers might not have come to condone the use of credit to satisfy “new needs” if left to themselves.

1.2 Consumer activism, left and centre

By 1970, Quebec was behind all of the other provinces when it came to protecting consumers. In addition, the Liberal government was under pressure to act. The previous UN government had drafted a consumer protection bill that was never presented, and the bill was leaked to *Le Devoir*. On June 25, the paper announced it would present the main features of the bill over the following three days³⁴. The very first sentence of the first article on the bill lamented that had it been adopted, the province would have been ahead of Ontario and the United States in terms of social legislation, “for once³⁵”. The next day, an editorialist at *Le Soleil* would urge the Bourassa government to make the bill into law³⁶. On June 27, the third and last article published by *Le Devoir* was supplemented with a short announcement: Prime Minister Robert Bourassa announced that his government would present a similar bill by October of that year³⁷. *Le Devoir* credited its own reporting on the previous bill for this announcement³⁸. Then, when Bourassa failed to deliver a bill by October as promised, *La Presse* chose to quote Jacques Parizeau asking why Quebec was the only province without consumer protection legislation³⁹. When the bill was finally tabled in the National Assembly, its sponsor, the Minister of Justice

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33. When Tremblay and Fortin asked families to identify the salary that would be necessary for a family like theirs to live comfortably, a majority (55%) named a salary that was slightly lower than their own. The authors explain that these families believed on some level that these “new needs” are luxuries; (other) families could and should be satisfied following older, less onerous patterns of consumption: M.-A. TREMBLAY and G. FORTIN, *supra*, note 22, pp. 32–34.
34. Normand LÉPINE, “Le projet de loi sur la protection du consommateur que devait déposer le gouvernement Bertrand: Première partie”, *Le Devoir*, June 25, 1970, pp. 1 and 11.
35. Our translation.
36. Paul LACHANCE, “Protéger l’acheteur”, *Le Soleil*, June 26, 1970, p. 4.
37. Pierre-L. O’NEILL, “Dès la prochaine session à Québec: Le gouvernement verra à protéger le consommateur”, *Le Devoir*, June 27, 1970, pp. 1 and 2.
38. *Id.*
39. “Qu’est-ce qui empêche le Québec d’adopter une véritable loi de protection des consommateurs? Il est la seule province à n’en pas avoir”: “La construction domiciliaire sera peut-être la planche de salut de l’économie du Québec”, *La Presse*, November 2, 1970, p. A6.

Jérôme Choquette, recognized that Quebec was acting late compared to the other provinces⁴⁰.

In addition, some form or another of consumer protection legislation was requested by various civil society actors. In 1970, many of the organizations that would present comments on the bill were actively consulting their members and making public statements. It should be noted that the printed press was eager to give a voice to these groups; that year, every paper consulted dedicated at least one first page to consumer protection⁴¹.

The CAC's Quebec branch held an assembly in May and its members voted on a number of demands⁴². They asked the provincial government to adopt a consumer protection act, as well as to regulate the power and use of snowmobiles, to forbid the unsolicited distribution of credit cards and force lending companies to print their interest rate on the card, to prescribe a maximum amount of pesticides to be used on vegetables, and to oppose a marketing scheme for eggs, pork and poultry⁴³. It also held

40. François TRÉPANIÉ, "Mesures additionnelles pour protéger le consommateur", *La Presse*, November 2, 1970, p. A1. Similarly, the Minister of Institutions made responsible for the bill during its presentation at the Commission, Mr. Tetley, would not hesitate to mention it when he believed that a given provision of the bill was bolder or better than anything the other provinces had. See, for example, Commission, February 4, 1971, *supra*, note 9, p. B-378 (William Tetley) or NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 2nd sess., 29th legis., July 8 and 9, 1971, p. B-3492 (William Tetley) (hereinafter "Commission, July 8 and 9, 1971"). Again, papers did as much: the *Le Soleil* editorialist who had urged the government to adopt a Consumer Protection Act, Paul Lachance, said of the Liberal bill that it was "à l'avant-garde de la législation sociale nord-américaine": Paul LACHANCE, "Une loi d'avant-garde", *Le Soleil*, November 12, 1970, p. 4.

41. I researched the coverage of three papers: *La Presse* and *Le Devoir*, in Montreal, and *Le Soleil*, in Quebec City. *Le Soleil* announced the presentation of the bill on its first page: Monique D. PAYEUR, "Loi québécoise pour protéger le consommateur", *Le Soleil*, November 11, 1970, p. 1. *La Presse* gave voice to different advocacy groups as they made demands during the summer of 1970: Claude TURCOTTE, "Le Conseil de la consommation préconise l'adoption d'une loi globale sur le crédit", *La Presse*, July 3, 1970, p. A1 and Marcel DESJARDINS, "Les magasins Coop demandent une plus grande protection pour le consommateur", *La Presse*, July 29, 1970, p. A1. *Le Devoir* covered the FACEF's presentation at the Commission on its first page: Pierre-L. O'NEILL, "Le bill du consommateur divise patrons et syndicats: Le débat s'annonce très laborieux", *Le Devoir*, December 3, 1970, p. 1. The three articles that presented the previous government's draft bill, discussed above, were also printed in part on the first page.

42. "L'Association des consommateurs du Canada se préoccupe de la lutte anti-inflation", *La Presse*, May 7, 1970, p. 42.

43. *Id.* This last resolution was adopted despite the presence of a representative of the Union catholique des cultivateurs, who argued that the marketing scheme would not

a two-day convention in October with various stakeholders, including industry representatives⁴⁴.

The FACEF and its member organizations, eight regional ACEFs, were just as active. They publicly called the previous government to action in January⁴⁵ and March 1970⁴⁶ and presented the Bourassa government with a draft consumer protection bill, developed during a two-day convention in October⁴⁷. This draft bill echoed one of the CAC’s demands: credit contracts should clearly specify the applicable interest rate as well as the amount to which that rate would be applied. The ACEFs also asked, among other requests, that every sale be subject to a ten-day cooling-off period, that the voluntary deposit act be modernized and include a way for debtors to be liberated from their debts and that consumer lending be nationalized so that ordinary citizens may have access to credit at reasonable rates and that the province may profit from the lending⁴⁸. A buyer’s cooperative associated with the Conseil de la Coopération du Québec (“CCQ”) would also make the news by publicly calling on both the federal and provincial governments to act⁴⁹.

These calls to action reflected each organization’s composition, history and beliefs. The CAC was created in 1947, as a “housewives’ organization” that continued, in essence, the work of the Women’s Regional Advisory Committees of the Wartime Prices and Trade Board⁵⁰. In 1961, it opened

raise prices and would benefit the consumer by giving them access to higher quality, fresher products.

44. *La Presse* gave a short overview of the proceedings of the conference: “Sans vigilance collective, les consommateurs se font les artisans de leur propre malheur”, *La Presse*, October 21, 1970, p. H2.
45. Teddy CHEVALET, “Tracts aux députés fédéraux et provinciaux du Québec: L’Association coopérative d’économie familiale à la défense des droits du petit consommateur”, *La Presse*, January 8, 1970, p. 57.
46. Renée ROWAN, “L’ACEF demande au gouvernement d’établir une politique de protection du consommateur”, *Le Devoir*, March 11, 1970, p. 11; Monique BRUNELLE, “Mémoire de la Fédération des ACEF aux gouvernements québécois et canadien: Une politique globale de protection et de défense du consommateur”, *Le Soleil*, March 11, 1970, p. 49.
47. Réal BERCIER, “L’ACEF soumet à Québec un projet-type de code de protection aux consommateurs”, *La Presse*, October 21, 1970, p. H2; Michel LEFÈVRE, “Le code de protection des consommateurs: L’ACEF envisage de créer un front commun”, *Le Devoir*, October 23, 1970, p. 10.
48. M. LEFÈVRE, *supra*, note 47.
49. Respectively, M. DESJARDINS, *supra*, note 41 and “La loi pour la protection du consommateur en devrait être un d’avant-garde”, *Le Soleil*, June 16, 1970, p. 20.
50. Anna SADOVNIKOVA, Andrey MIKHAILITCHENKO and Stanley J. SHAPIRO, “Consumer Protection in Postwar Canada: Role and Contributions of the Consumers’ Association of Canada to the Public Policy Process”, *The Journal of Consumer Affairs*, vol. 48, 2014, p. 380 at pp. 383–385.

its membership up to men⁵¹. In addition to studying various products and publishing reports and magazines to inform consumers, “it followed a policy of accommodation, working in close cooperation with both government and the corporate sector”⁵². One of its main achievements was obtaining the creation of a federal department of consumer affairs⁵³. It also launched various campaigns to urge the federal government to regulate packaging and labelling as well as deceptive trade and advertising practices and also asked the federal and provincial governments to impose new credit reporting policies⁵⁴.

While some celebrate the CAC’s effectiveness, calling it a “driving force” and the “vanguard” of consumer activism⁵⁵, others are less convinced. In a report on the state of the consumer movement in Canada, based on two dozen interviews with members of various organizations including the CAC, Jonah Goldstein argued that by 1977, the CAC had yet to develop a clear definition of the interests it defended⁵⁶. It struggled to act as a consumer advocate, which is what the federal government expected of it, but was not a role it was well suited to occupy⁵⁷. Furthermore, Goldstein claimed that the CAC was still in part attached to an ineffective, yet typically Canadian “elite accommodation” model of advocacy⁵⁸. The relationship between the CAC and producers was complex. On the one hand, the CAC was criticized for failing to challenge the industry⁵⁹. On the other hand, it openly stated that Canadians would not pay more for Canadian goods and often challenged tariffs or marketing schemes, which angered those whose livelihood depended on such schemes, including some of its own members⁶⁰. Beyond these issues, it was seen by more radical

51. *Id.*

52. *Id.* See also Jonah GOLDSTEIN, “The Consumer Movement in Canada”, *Occasional Papers of the Consumer Interest Study Group*, vol. 1, 1977, p. 2; J. PARR, *supra*, note 5, chapter 4.

53. A. SADOVNIKOVA, A. MIKHAILITCHENKO and S.J. SHAPIRO, *supra*, note 50, pp. 383–385.

54. *Id.*, pp. 386–390.

55. *Id.*, pp. 384 and 381, respectively.

56. J. GOLDSTEIN, *supra*, note 52, p. 3.

57. *Id.*, pp. 3–5, pp. 26–27, pp. 34–35.

58. *Id.*, pp. 4–5.

59. The *Le Devoir* reporter covering the CAC’s October convention was skeptical of the choice to invite industry representatives and concluded her article with, “It remains to be seen whether the CAC truly represents Canadian consumers”, “On tentera également de voir si l’ACC représente véritablement les consommateurs du Canada”: Renée ROWAN, “Avant sa naissance, l’Office de protection du consommateur est doté d’un directeur: Luc Laurin”, *Le Devoir*, September 2, 1970, p. 9 (our translation).

60. Parr explains that there were sharp tensions between the CAC and “farm women” who resented the CAC’s opposition to marketing boards and protectionist tariffs and its work to have a ban on margarine, created to protect the dairy industry, lifted.

activist groups, such as the Housewives Consumer Association, as being too focussed on middle-class consumerist issues and seeking consensus⁶¹.

The FACEF stemmed not from a government advisory board, but from a family budget service offered by a union, the CSN. According to various sources, the first ACEF was created somewhere between 1962 and 1965 in Shawinigan by labour counsellor André Laurin⁶². By 1970, there were seven more, which were more loosely connected to the CSN. For instance, in Montreal, the ACEF was headed by a member the Company of Young Canadians, with the CSN as a member organization and Laurin as its “technical counsellor”⁶³. ACEFs existed to serve member organizations and members of the working class who were in need of legal and financial assistance⁶⁴. In December 1970, they federated and created the FACEF⁶⁵, which appears to have been essentially a higher-level forum, as well as a legal department and a research and information department. It was this research and information department that drafted an “Étude préliminaire à l’implantation d’une Régie québécoise de financement des biens et

Parr herself deems the CAC’s interventions in this sector “ill-informed and full of suspicion” but credits the CAC for its “complex and sympathetic understanding of how consumers’ concerns might be tied to the health of the manufacturing sector”: J. PARR, *supra*, note 5, pp. 99–100. Goldstein’s account is less enthusiastic, however, and he provides an example of the CAC’s failure to see these ties. In 1976, the CAC’s executive recommended to the Textile and Clothing Board that constraints on imported textiles be relaxed. It had not consulted provincial branches or its members, for lack of time, but reasoned that “free trade and cheap clothing imports were in accordance with the general philosophy of its members”. The Quebec branch was angry that it was not consulted and worried that this recommendation “might endanger the Quebec textile industry”, and so it released a statement in 1977 defending the opposite position: J. GOLDSTEIN, *supra*, note 52, pp. 38–39. This anecdote is less directly relevant to this paper, which is concerned with the Quebec branch of the CAC only, but it nonetheless shows how confident the executive was that low prices were always in the consumers’ interest. The Association féminine d’éducation et d’action sociale believed the exact opposite and asked that the new consumer protection bill help identify Quebec-made products: Commission, February 4, 1971, *supra*, note 9, p. B-374.

61. J. PARR, *supra*, note 5, p. 93.

62. Two sources suggest the year 1965: D. FORTIN, *supra*, note 5, p. 7, as well as the FACEF’s own report on its first year of existence, which claims the first ACEF was celebrating its fifth anniversary in 1970: FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D’ÉCONOMIE FAMILIALE DU QUÉBEC, “Rapport annuel 1970-1971”, *Archives Nationales du Québec*, 1971, p. 3. In some interviews, however, Laurin claims the first ACEF was created in 1962. See, for example, “Le moteur: André Laurin”, *Le Travail (Organe officiel de la CSN)*, October 1970, vol. 46, n° 11.

63. “La Compagnie des Jeunes Canadiens permet au projet de démarrer”, *Le Travail (Organe officiel de la CSN)*, January 1968, p. 21 (our translation).

64. *Id.*

65. FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D’ÉCONOMIE FAMILIALE DU QUÉBEC, *supra*, note 62, p. 1.

services” (loosely translated as “Preliminary study for the implementation of a Quebec Goods and Services Financing Board”) which supported the demand to nationalize consumer lending⁶⁶.

The legal department was given two objectives : bringing strategic cases to court and recouping money lost to illegal practices⁶⁷. In his presentation to the National Assembly, the FACEF’s representative stressed that it had developed a line of jurisprudence more favourable to the consumer than the new rules set out in the CPA⁶⁸. But the FACEF’s discussion of its own objectives shows that its legal department wished to offer more than advocacy. It often pointed out the exact amounts it put back into workers’ pockets⁶⁹. These large numbers highlighted the extent of the problems consumers were facing, but they were certainly intended to be read as an indication of the FACEF’s effectiveness in helping its members as well. These sums were not only symbols of a legal or economic dysfunction : they represented the potential benefit of implementing solutions, the real impact of these issues in a worker’s life. The FACEF also had a holistic view of legal change. At its 1971 Annual General Meeting, its members agreed to push for reforms to make the legal system more accessible. These went from creating community legal clinics to having judges hearing cases on evening and weekends, following simplified procedures and equity, and wearing plainclothes⁷⁰.

The ACEFs came to be seen as a part of the CSN’s “second front” to help workers fight against exploitation beyond the realm of production⁷¹. In this way, they evoke to the American “working-class version of consumerism” of the 1930s, which “regarded the organization of consumers and workers as necessary halves of a single political and economic strategy aimed at challenging the power of corporate America”⁷². And the CSN’s

66. *Id.*, p. 13.

67. *Id.*, p. 16.

68. NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 1st sess., 29th legis., December 9, 1970, p. B-1734 (hereinafter the “Commission, December 9, 1970”).

69. NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 1st sess., 29th legis., December 2, 1970, p. B-1701 (hereinafter the “Commission, December 2 1970”); FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D’ÉCONOMIE FAMILIALE DU QUÉBEC, *supra*, note 62, p. 18.

70. FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D’ÉCONOMIE FAMILIALE DU QUÉBEC, “Rapport annuel 1972-1973”, *Archives Nationales du Québec*, 1973, annex.

71. D. FORTIN, *supra*, note 5, p. 7.

72. Meg JACOBS, “Democracy’s Third Estate”: New Deal Politics and the Construction of a “Consuming Public”, *International Labor and Working-Class History*, vol. 55, 1999, p. 28.

reporting on its 1973 convention, to take but one example, demonstrates that this second front was taken seriously. Its first page lists several battles to be fought by the CSN, including having union leaders released from jail⁷³. To win these battles, workers needed tools and strategies, and the CSN chose to highlight four of them: ensuring the CSN’s financial viability, creating action committees in every union, training new activists and electing competent representatives and, finally, “cooperat[ing] together to give ourselves an economic force that belongs to us” with the help of the ACEFS⁷⁴. In this context, “us” must be read as including more than workers, but also French-speaking Quebecers, the Québécois people.

The FACEF itself was one element of a complex web of organizations that were all invested in the creation of a cooperative economy in Quebec. It was a member of the CCQ, which would also present a memorandum to the Commission, though the FACEF believed the CCQ’s approach to cooperation was too mild: it created its own committee to study production cooperatives⁷⁵ and was involved in the creation of the Magasins coopératifs Cooprix, which were meant to take over where the CCQ’s stores had failed by emulating the practices of the big-box stores they were meant to replace⁷⁶. As an author for the CSN explained, the old

73. “Dans toutes ses batailles, il faut s’équiper pour vaincre”, *Le Travail (Organe officiel de la CSN)*, April 1973, p. 1.

74. As well as the help of the Caisse d’économie, also developed by André Fortin, and the Cooprix stores, discussed below: *Id.* (our translation).

75. FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D’ÉCONOMIE FAMILIALE DU QUÉBEC, *supra*, note 70, p. 19.

76. “La nouvelle coopérative”, *Le Travail (Organe officiel de la CSN)*, October 1970, vol. 46, n° 11. This article presents the Magasins coopératifs Cooprix as “les comptoirs alimentaires [...] de l’ACEF”, “the ACEF’s food counters” while “La caisse d’économie des travailleurs du Québec: la renaissance du coopératisme québécois”, *Le Travail (Organe officiel de la CSN)*, April 1971, p. 2, presents André Laurin himself as the father of the stores. When asked what the Coop stores thought of the new Cooprix stores, Laurin responded: “La fédération, disons qu’elle est heureuse de notre initiative. Elle n’emboîte pas le pas officiellement avec nous, mais officieusement elle nous appuie à un point tel que nous en sommes heureux. Nous n’avons donc aucune plainte à formuler à son égard.” (loosely translated as “The federation, let’s say it is happy with our initiative. It does not officially follow in our tracks, but unofficially it supports us to such extent that we are happy. We thus have no complaints against it.”). See “Le moteur: André Laurin”, *supra*, note 62. The CCQ’s presentation to the Commission shows it agreed with many of the CSN’s positions and initiatives by 1971. Not only did its memorandum present similar points regarding the composition and functioning of the OPC, but also it recommended that the Montreal ACEF be given the task of creating legal information clinics: NATIONAL ASSEMBLY OF QUEBEC, *Journal des débats*, Commission permanente des institutions financières, compagnies et coopératives, 2nd sess., 29th legis., January 12, 1971, p. B-19 (hereinafter “Commission, January 12, 1971”).

cooperative movement, which included the CCQ's Coop stores and savings cooperatives like the Caisses Desjardins, had had some economic success, but it had nevertheless failed to compel its members to truly take charge of their affairs⁷⁷. When the CCQ shared with its members a working document to stimulate reflection on the role of cooperatives in the province, the FACEF produced a response in which it spelled out its own, quite different perspective on the cooperative movement, which included a call to leverage cooperatives as a tool of economic development⁷⁸. The cooperative movement, it stressed elsewhere, had socialist roots⁷⁹.

Thus, the CAC and the FACEF had different views on the potentially disruptive effects of consumer activism. The CAC was not concerned with patterns of production, while the FACEF, relying on Vince Packard's work, believed that the relation between mass production and mass consumption was "the equation of the century"⁸⁰. The FACEF saw consumer activism as an opportunity to build a national cooperative economy, rather than mitigate consumerism's most salient negative aspects. The two organizations can summarily be associated with two related yet different strategies for social change: advocacy and organizing⁸¹.

1.3 A new consumer protection bill

In the end, the CPA was tabled in the National Assembly for first reading on November 10, 1970, the day of the Assembly's homage to Pierre Laporte⁸². The bill was briefly introduced and immediately sent to second

77. "Tâches urgentes #5 – Des coopératives populaires", *Le Travail (Organe officiel de la CSN)*, December 1970, vol. 46, n° 16, p. 6: "Le mouvement coopératif d'autrefois (Caisses populaires, fédération des magasins co-op, etc.) a eu un succès économique, mais il n'a pas réussi à engager la population dans un mouvement de prise en main de ses affaires."

78. FÉDÉRATION DES ASSOCIATIONS COOPÉRATIVES D'ÉCONOMIE FAMILIALE DU QUÉBEC, "Pour l'élaboration d'un manifeste du mouvement coopératif", *Archives Nationales du Québec*, 1973, p. 6.

79. FÉDÉRATION DES ASSOCIATIONS COOPÉRATIVES D'ÉCONOMIE FAMILIALE DU QUÉBEC, *supra*, note 62, p. 5.

80. *Id.*, p. 1.

81. I rely on the conceptual distinction made by Jane McAlevey in Jane MCALEVEY, *No Shortcuts: Organizing for Power in the New Gilded Age*, Oxford, Oxford University Press, 2016, introduction. In short, "[a]dvocacy groups tend to seek one-time wins or narrow policy changes, often through courts or back-room negotiations that do not permanently alter the relations of power", while "[o]rganizing groups transform the power structure to favor constituents and diminish the power of their opposition", favouring campaigns that "fit into a larger power-building strategy", table 1.1 at p. 11.

82. NATIONAL ASSEMBLY OF QUEBEC, *Journal des Débats*, 1st sess., 29th legis., November 10, 1970, "First reading of bill 45", p. 1462 (Jérôme Choquette) (hereinafter "Debates, November 10, 1970").

reading, which took place on November 24 and 26, 1970⁸³. The MNAs then referred the document to the Commission, which held seven days of hearings and heard submissions from approximately fifty groups and associations. Amendments were made to the bill, which was sent back to the National Assembly for a third reading on July 8, 1971⁸⁴. The bill was returned to the Commission the very same day, where MNAs adopted it section by section⁸⁵. The bill received assent on July 14, 1971.

The bill was composed of fifteen sections⁸⁶. It was concerned for the most part with credit contracts of 50\$ or more (with some provisions applying specifically to loans, variable credit, contracts involving accessory credit and instalment sales), as well as contracts by door-to-door salesmen (named in the law, “itinerant vendors”) of 25\$ or more. By law, such contracts had to be done in writing and include the name and address of the merchant. Credit contracts were required to disclose the true cost of the loan and repayment terms. Contracts for instalment sales were required to explain the legal technicalities of the instalment sale and to state the cash price of the item being purchased, the amount extended as credit, and the cost of that credit, including all supplementary fees necessitated by credit, such as insurance⁸⁷. Door-to-door sales were to be subject to a five-day cooling-off period. Representations regarding the quality or appearance of goods sold, as well as advertised warranties, were deemed to be part of the contract between a merchant and a buyer. Door-to-door salesmen as well as used car vendors were required to obtain permits. Penal sanctions were spelled out, and the bill gave consumers the opportunity to rescind unconscionable transactions or transactions that did not respect the law, as well as to contradict a written contract with oral testimony if the merchant had breached the law. The bill also created two organizations. The first was the Office de la protection du consommateur (“OPC”, in English the “Consumer Protection Bureau”) charged with upholding the law. The second was the Conseil de la protection du consommateur (“CPC”, in English the “Consumer Protection Council”), tasked with advising the government on consumer protection issues. In addition, a few amendments were made to the bill after the interventions at the Commission. The main

83. Debates, November 24, 1970, *supra*, note 5; NATIONAL ASSEMBLY OF QUEBEC, *Journal des Débats*, 1st sess., 29th legis., November 26, 1970 (hereinafter “Debates, November 26, 1970”).

84. NATIONAL ASSEMBLY OF QUEBEC, *Journal des Débats*, 2nd sess., 29th legis., July 8, 1971 (hereinafter “Debates, July 8, 1971”).

85. Commission, July 8 and 9, 1971, *supra*, note 40.

86. *Consumer Protection Act*, bill 45 (assented on July 14, 1971), 1st sess., 29th legis. (Qc) (hereinafter “Bill 45”).

87. Contracts for sales assorted with credit were also required to list this information.

amendment involved the inclusion of a new section on credit reports, which gave consumers the right to access reports in their name⁸⁸.

2 Debating the bill

The important ideological and organizational differences highlighted above became apparent as these groups filed memoranda with the Commission. They also mapped on just-as-visible disagreements between MNAs. They did not relate straightforwardly to the opposition between the greater-than-life consumer citizen and the more modest view of consumers, which sees them as mainly interested in their immediate material well-being, however. Two incongruences prevent the match. First, those who argued most vehemently that the consumer should be given more power and voice were also those more comfortable criticizing the consumer's inability to identify his own needs. This is not only paradoxical, but somewhat sobering: the picture was grim for the consumer citizen if this is how his champions viewed him. Second, these same advocates stressed the potentially radical, system-changing consequences of consumer education and empowerment, while struggling to explain how their view of education differed from that of their more moderate counterparts. Thus, the most optimistic groups put forward solutions that, although bold in appearance, still seemed to respond foremost to consumers' material and immediate interests.

88. Most modifications were minor or technical, which is not to say they were unimportant: the FACEF suggested a number of them to proactively close potential loopholes. A few other substantial modifications are worthy of note. The rule that contracts may be written in French or English was replaced with a rule stating they should be written in French unless a consumer request an English copy, and a rule stating that warranties included in the contract must be in the same language as the contract was added (CPA, *supra*, note 4, ss. 4 and 65). Two sections on negotiable instruments and debt assignments were added (*Id.*, ss. 18–19), as well as a section declaring all contracts for pyramid or multi-level sales to be void (*Id.*, s. 75). The Act gave the Attorney General the power to apply for a writ of interlocutory injunction to compel repeat offenders to cease committing offences (*Id.*, ss. 116, CPA). Three changes also appear to have taken away rights from consumers. First, a section that gave the consumer the benefit of “any error in the calculation or statement of credit charges” was removed (Bill 45, *supra*, note 86, s. 14). Second, a section requiring that at least 15% of the price of a good sold by instalment be paid on the day of purchase was removed (*Id.*, s. 31). Third, while the right to dissolve a contract entered into with a door-to-door salesperson within five days was kept, the bill would have given consumers five days from the moment of performance by the salesperson (*Id.*, s. 48), while the law gave him five days from the moment the contract became executory (CPA, *supra*, note 4, s. 53) which, according to another addition to the law, occurred when each party received a duplicate of the contract (*Id.*, s. 7).

In this second section, I begin by providing an overview of the debates at the National Assembly, before further detailing these two tensions and suggesting in the end that they dissolve when one considers the FACEF’s history and objectives. Simply put, the group never envisioned the law would be used by consumers acting alone. It would appear that it rather believed the law would have little utility without collective action to systematically vindicate the rights it created. Only, though the consumer citizen is but a part of the whole that the FACEF imagined to be the key to economic emancipation, it is this part that appears to have been preserved in legal discourse.

2.1 Main points of discussion at the National Assembly

According to Choquette, the new bill was necessary because modern consumers required more protection than their predecessors: they had no way to fend for themselves in the complex operations of an advanced industrial society⁸⁹. Firstly, sellers and producers simply had too many means at their disposal to obtain an unfair advantage in transactions⁹⁰. Secondly, as the distance between consumers and those who made and sold the goods they sought to acquire grew, they lost opportunities to exercise agency and obtain justice if need be⁹¹. Thirdly, the complexity of goods, whether it be credit or a television set, limited the possibility for self-help⁹². Choquette also stressed that the main victims of unfair sales tactics were often the poorest members of society⁹³. By ensuring that sellers and producers could not take undue advantage of their strong position and resources, the bill would ensure general welfare⁹⁴.

In line with Choquette’s general presentation of the bill’s *raison d’être*, members of his party explained that it was designed to prevent exceptional situations of exploitation. The Minister of Finance stressed that fraudulent behaviour was not the rule and that the law should not restrict honest merchants’ activities⁹⁵. Misinformation was also targeted, whether it was brought about by misleading advertising⁹⁶ or the result of

89. Debates, November 24, 1970, *supra*, note 5, p. 1747 (Jérôme Choquette).

90. *Id.*

91. *Id.*

92. *Id.*, p. 1748.

93. *Id.*

94. *Id.*, p. 1749.

95. Debates, November 26, 1970, *supra*, note 83, pp. 1820–1821 (Raymond Garneau).

96. *Id.*, pp. 1832–1833 (Léo Pearson).

consumer ignorance⁹⁷. Some MNAs would even go so far as to explain that they wished to help honest merchants as much as consumers⁹⁸ or that the law would protect those people who did not have a good sense for business⁹⁹. The notion that the law simply targeted exploitative practices was a popular, almost inescapable one. Even consumer advocacy groups identified specific swindles they believed should be prohibited¹⁰⁰.

MNAs for the Liberal Party also tended to compare the new rules introduced in the bill with the rules on contracts set out in the *Civil Code*. One explained that its provisions moved an important number of contracts from an agreement-based logic to a formalist one; in addition, these new rules recognized that a contract between adults may result in lesion, which was impossible pursuant to the terms of the *Civil Code*¹⁰¹. Another denounced the ideals of freedom and equality set out in the *Civil Code*, stating that the theory simply did not apply in reality where producers and merchants imposed their conditions upon buyers¹⁰². The strong contrast with the fundamental rules of contract led a MNA for the UN to argue that some provisions of the new law were revolutionary¹⁰³.

This focus on the legal aspects of consumerism, as opposed to the social and economic ramifications of the shift, was criticized by MNAs for other parties. A member of the PQ argued that one of the main issues with the bill was its legalism: the consumer as he appears in the bill is merely a legal construct, nothing more than the subject of the bill as defined therein, whereas he should have been represented in his totality, meaning, arguably, as being embedded in different dynamics and relations that should have been apprehended holistically to be properly understood¹⁰⁴. This echoed the FACEF's oft-repeated claims that the social and the economic ramifications could only be distinguished on paper and that consumers were not "abstract bipeds"¹⁰⁵. Members of the PQ and the UN repeatedly questioned why the

97. One MNA explained that the consumer is "souvent exploité, plus souvent mal renseigné": *Id.*, p. 1836 (André Marchand). "Mal renseigné" might mean misled or simply misinformed, depending on context.

98. For example, *Id.*, p. 1836 (André Marchand); Debates, July 8, 1971, *supra*, note 84, p. 3319 (William Tetley).

99. Debates, November 26, 1970, *supra*, note 83, p. 1828 (Rémi Paul).

100. For example, the Family Service Association of Montreal described a number of door-to-door pyramid schemes: Commission, February 4, 1971, *supra*, note 9, pp. B-410–B-411.

101. Debates, November 26, 1970, *supra*, note 83, p. 1821 (Raymond Garneau).

102. Debates, November 24, 1970, *supra*, note 5, p. 1773 (Jacques Veilleux).

103. Debates, November 26, 1970, *supra*, note 83, p. 1830 (Rémi Paul).

104. Debates, November 24, 1970, *supra*, note 5, p. 1766 (Camille Laurin).

105. FÉDÉRATION DES ASSOCIATIONS DES COOPÉRATIVES D'ÉCONOMIE FAMILIALE DU QUÉBEC, *supra*, note 62, p. 2 (our translation).

bill had not been sponsored by the Minister of Institutions rather than the Minister of Justice¹⁰⁶. Choquette would eventually agree; he announced on the first day of the Commission’s hearings that William Tetley, the Minister of Financial Institutions, Cooperatives and Companies, would be the minister responsible for the bill from that point on¹⁰⁷.

Though only opposition MNAs claimed the legal focus of the bill was an issue, MNAs for all parties appeared to share a general unease with consumerism¹⁰⁸, especially advertising and consumer credit. Some pointed out that it was good to live in a society of abundance¹⁰⁹ and that this abundance would not be possible were it not for credit. One MNA would boldly claim: “Without credit, it is the end of our economy.”¹¹⁰ But even Choquette would recognize that easy access to credit led to certain difficulties, as one would need to be “almost an ascetic” to refuse it¹¹¹. For some, since it allowed people to live above their means¹¹², credit had to be regulated, and it was suggested that credit was only available for useless goods¹¹³. For others, credit had to be regulated for the opposite reason: because families needed to resort to credit to obtain basic goods¹¹⁴.

There was also a sense that the production was wagging the consumption dog’s tail¹¹⁵ and that consumers had no power to shape the market, as the rules of supply and demand did not hold in this new economy¹¹⁶. For instance, all agreed that misleading advertising should

106. Debates, November 10, 1970, *supra*, note 82, p. 1464 (Jean-Jacques Bertrand); Debates, November 24, 1970, *supra*, note 5, p. 1755 (Jean-Guy Cardinal) and 1766 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1837 (Claude Charron).

107. When this was announced, Mr. Tetley explained that Mr. Choquette had been until recently Minister of Institutions. Having worked on the bill under that title, it was decided he would keep it under his responsibility despite his new title. Yet, it was later decided that Mr. Tetley should take responsibility for the bill: Commission, December 2, 1970, *supra*, note 69, p. B-1713.

108. I borrow the term from Marcel Léger, who explicitly named his feeling “malaises”: Debates, July 8, 1971, *supra*, note 84, p. 3309.

109. Debates, November 24, 1970, *supra*, note 5, p. 1763 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1820 (Raymond Garneau).

110. Debates, November 24, 1970, *supra*, note 5, p. 1771 (Jean-Jacques Bertrand) (our translation).

111. *Id.*, p. 1747 (Jérôme Choquette) (our translation).

112. *Id.*, p. 1769 (Guy Leduc); Debates, November 26, 1970, *supra*, note 83, p. 1833 (Léo Pearson).

113. Debates, November 26, 1970, *supra*, note 83, p. 1834 (Fabien Roy).

114. *Id.*, p. 1826 (Florian Guay).

115. *Id.*, p. 1820 (Raymond Garneau).

116. Debates, November 24, 1970, *supra*, note 5, p. 1765 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1823 (Marcel Léger).

not be allowed, and MNAs for different parties asked that the bill prohibit advertising to children¹¹⁷. Advertising was also denounced for its role in making products more expensive¹¹⁸, yet many could not help also decry its simple omnipresence¹¹⁹: advertisements that targeted adults and did nothing more but create new wants were described as victimizing¹²⁰.

2.2 Distinguishing wants from needs

The bill that was adopted made no difference between wants and needs and prioritized the regulating of the economic sectors where consumers were particularly vulnerable, rather than sectors that were most fundamental to human life. Though it was not rare for MNAs to mention that the problems being discussed affected the poor in particular¹²¹, it was not so common either. Perhaps the poor were hurt more by predatory lending or fraudulent practices, but the fact that fraud was committed seemed to matter more than the fact that families would lack necessities as a result. The exception to this trend was interventions by MNAs for the PQ, who were most willing to consider the impact of consumerism on people of difference classes, to denounce the overabundance of luxuries and to state that advertising was not only enticing, but also that it impaired the ability to distinguish want from need¹²². One would ask what the law might do to prevent merchants from pushing useless merchandise onto uninformed consumers simply because it was cheap¹²³. This question echoed concerns over the fact that families that were so poor that they had to depend on food donations might nonetheless own a television and recent model automobile¹²⁴.

Many of the consumer advocacy groups expressed similar views. The FACEF's representative, Pierre Marois, would not hesitate to qualify

117. Debates, November 24, 1970, *supra*, note 5, p. 1766 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1832 (Léo Pearson). On the third reading of the bill, the Minister of Institutions stressed that the modification was not needed, since the bill gave the Office the power to regulate advertising: Debates, July 8, 1971, *supra*, note 84, p. 3320 (William Tetley).

118. Debates, November 24, 1970, *supra*, note 5, p. 1769 (Guy Leduc).

119. *Id.*, p. 1755 (Jean-Guy Cardinal) and 1764 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1823 (Marcel Léger) and p. 1832 (Léo Pearson).

120. Debates, November 24, 1970, *supra*, note 5, p. 1756 (Jean-Guy Cardinal).

121. *Id.*, p. 1765 (Camille Laurin); Debates, November 26, 1970, *supra*, note 83, p. 1828 (Rémi Paul) and p. 1839, where Jean-Paul Cloutier suggests that the problem of consumer protection may be of particular interest to welfare bureaus.

122. Debates, November 26, 1970, *supra*, note 83, p. 1824 (Marcel Léger).

123. Debates, July 8, 1971, *supra*, note 84, p. 3310 (Marcel Léger).

124. Debates, November 26, 1970, *supra*, note 83, p. 1823 (Marcel Léger).

consumers as passive recipients in a system that created false wants from thin air¹²⁵. He also explained that the strong protective measures that the organization sought to have included in the law would force merchants to be more honest as to the objective value and usefulness of the goods they sold¹²⁶. He claimed that consumers were simply not free to choose, both because some level of consumption was unavoidable and because of advertising¹²⁷; in truth, only producers were free to choose¹²⁸. The Association féminine d'éducation et d'action sociale expressed concern with consumers' difficulty to identify real value in other ways. It suggested that the newly created OPC should have the power to inform consumers of the “true value” of products¹²⁹. It explained that it was not opposed to all advertising of credit, but that advertisements should be limited to informing consumers that credit was available at a given rate, “and those who truly need it can come see us¹³⁰”. Finally, the Family Service Association of Montreal recommended a tax on advertising because it led people to buy things they would not otherwise purchase¹³¹.

Though these comments may seem to have amounted to little more than disdain about consumers' inability to take true advantage of the protection against fraud offered by the bill, I suggest they were in fact related to an ambitious vision for consumer emancipation. This is far from the only available read. Joy Parr, for instance, endorses the thesis that unacknowledged gender stereotypes underpin the view that consumers are passive: women, seen as pliable, simply consume what men produce and market for them¹³². Following this interpretation, the consumer's passivity is interpreted as a fundamental flaw, which might make her worthy of contempt. And certain exchanges reveal that many interveners accepted sexist stereotypes: some MNAs and the FACEF explained that the cooling-off period for door-to-door sales would allow husbands to

125. “de toutes pièces”: Commission, December 2, 1970, *supra*, note 69, p. B-1711.

126. “Ils vont y penser à deux, trois, sept fois avant de commencer littéralement à pressuriser les consommateurs, soit pour leur vendre des trucs dont ils n'ont absolument pas besoin ou pour créer artificiellement des besoins qui ne correspondent pas aux problèmes fondamentaux qu'on vit chez nous”: Commission, December 9, 1970, *supra*, note 68, p. B-1725.

127. Commission, December 2, 1970, *supra*, note 69, p. B-1701.

128. Commission, December 9, 1970, *supra*, note 68, p. B-1727.

129. Commission, February 4, 1971, *supra*, note 9, p. B-373 (our translation).

130. “et ceux qui en ont réellement besoin peuvent venir nous voir”, *Id.*, p. B-381 (our translation). Other demands included that women be present on the Conseil and that products made in Quebec be identifiable as such (*Id.*, pp. B-374 and B-375). The group also endorsed all of the FACEF's comments (*Id.*, p. B-375).

131. *Id.*, p. B-410.

132. J. PARR, *supra*, note 5, p. 6–7.

correct their wives' mistakes upon returning home from work¹³³; a woman working for the Caisses Desjardins who had expertise in savings and credit was repeatedly asked about another group's experimental kitchens, in which housewives could test the usefulness and quality of products, which a male colleague was there to present¹³⁴.

But two facts suggest that these interveners did not see consumers as inherently passive; they were rather tragically rendered passive by a flawed economic system. First, it mattered to the MNAs who were critical of the consumerist economic system that consumers were also producers. Florian Guay, an MNA for the Ralliement créditiste who did not hesitate to point out that consumers would buy useless objects simply because they were new and cheap, also stated the following: "If there is a priority for the legislator, it is certainly that of ensuring that the consumer, who is himself creator of goods, be able to access them without being exploited."¹³⁵ Guay was not relying on the opposition between the (male, active) producer and the (female, passive) consumer. It is rather the fact that consumers were also producers that seemed key to him. Second, MNAs for the PQ in particular were concerned with the wasteful aspects of consumerism. The problem with consumerism was not simply that the goods that were produced were useless and of bad quality or that too much money was being spent on pushing them. Rather, the issue was that these false needs distracted from real needs: education, health care, public transit and other public concerns. If every gun that is made is a theft from those who hunger and are not fed, so is every Presto Hot Dogger.¹³⁶

133. See, for example, Debates, November 26, 1970, *supra*, note 83, p. 1836 (André Marchand); Commission, December 9, 1970, *supra*, note 68, p. B-1724 (Pierre Marois for the FACEF); Debates, July 8, 1971, *supra*, note 84, p. 3311 (Marcel Léger).

134. Ms. Laviolette was speaking as one of three representatives of the Conseil de la Coopération du Québec: Commission, January 12, 1971, *supra*, note 76, p. B-1. The very first question directed to her asked about the group's experimental kitchens: *Id.*, p. B-7. She responded that she had no knowledge as the experimental kitchens, as she worked for a financial institution. Despite this, not one, but two other MNAs would ask her again to tell them about the experimental kitchens: *Id.*, pp. B-9 and B-11.

135. "S'il existe une priorité pour le législateur, c'est bien celle de s'assurer que le consommateur qui est lui-même créateur des biens de consommation y ait droit sans se faire exploiter": Debates, November 26, 1970, *supra*, note 83, p. 1826 (our translation).

136. The analogy to Eisenhower's speech is mine, but it reflects the discussions. See, for example, *Id.*, p. 1824 (Marcel Léger): "Face à cette situation, M. le Président, où l'on crée artificiellement des besoins pour les satisfaire à fort coût par des produits souvent insignifiants et inutiles dont on tente de nous imposer, par la publicité, l'urgente nécessité, il faut prendre conscience que les ressources matérielles et les moyens demeurent rares et que de vastes secteurs sont comparativement très dépourvus."

This concern with systemic issues explains the ease with which these MNAs and NGOs criticized consumers' choices: in a way, these issues absolved consumers, even those who used credit irresponsibly to purchase luxury goods. It was acceptable to present the hungry family who owned a car as a failure, because it was a system-wide failure rather than a personal one. It also suggested that having only the power of a consumer, despite being a worker, was a loss and an injustice. Workers were deprived from the opportunity of shaping their world as they saw fit and of using their labour toward their common advancement and emancipation. This logic was expressed most clearly by Claude Charron, who adapted critical theorist Herbert Marcuse's *One-Dimensional Man* during the debates: the fact that a working-class man might drive the same car as an MNA, the fact that both the owner of the Expos and one of their fans could watch the same game together, was not proof that class distinction had been abolished, but rather that “the needs and satisfactions that serve the preservation of the Establishment are shared by the underlying population¹³⁷”. What was consumed mattered because it revealed who chose what would be produced; the goods were useless not because consumers did not know how to spend their money, but because capitalism forced them to produce goods that were not those they would have produced had they been in charge. This position betrays an ambiguous reaction to the disappearance of the notion of class from norms of consumption. If, on the one hand, it may be difficult to wish the return to a time where poorer members of

137. This last quote is from Marcuse. The text Charron almost certainly alludes to is, “If the worker and his boss enjoy the same television program and visit the same resort places, if the typist is as attractively made up as the daughter of her employer, if the Negro owns a Cadillac, if they all read the same newspaper, then this assimilation indicates not the disappearance of classes, but the extent to which the needs and satisfactions that serve the preservation of the Establishment are shared by the underlying population”: Herbert MARCUSE, *One-Dimensional Man*, London, Routledge, 1964, p. 10. Charron himself said the following (I have edited the speech to remove interruptions and insults addressed to the interrupter): “quand un secrétaire de bureau porte la même robe [...] quand un Noir conduit une Cadillac [...], quand on retrouve à la même joute de baseball [...] Charles Bronfman, propriétaire des Expos et Jos. Leblanc, fanatique des Expos, qui va gaspiller ses 2,50\$ tous les soirs là-bas, ce n'est pas que les classes sociales n'existent plus. Quand un gars du comté de Saint-Jacques conduit une Buick semblable à celle du député de Bagot, ce n'est pas que les classes sociales n'existent plus. C'est que les riches sont devenus suffisamment forts pour permettre aux pauvres d'avoir ces 'gadgets'-là sans qu'ils soient eux-mêmes attaqués. Et même plus que ça, ils sont même prêts à leur fournir les 'gadgets' pour les appauvrir davantage”, in *Debates*, November 26, 1970, *supra*, note 83, pp. 1838–1839.

society were told not to expect ever owning a car¹³⁸, on the other hand, those who believed the working class could aspire to more economic and political power regarded the new, single consumption norm of the large middle class with suspicion. To fight for more economic rights, the working class had to at least recognize itself as such.

These different views of the consumers' interests explain the FACEF's staunchly pro-consumer suggested amendments. While the majority believed cooling-off periods should be imposed in areas where pressure selling and fraud were prevalent, the FACEF, driven by the belief that it was difficult to objectively assess what one needed under consumer capitalism, asked that all credit contracts for and the sale of all automobiles, both new and used, be subject to a ten-day cooling-down period¹³⁹. It would also have extended the cooling-down period for door-to-door sales from five to fifteen days, explaining that this period should serve as an easy alternative to rescinding the sales contract because of a product defect¹⁴⁰. While a majority of MNAs seemed to agree that freedom of choice mattered and that it was not the government's role to protect consumers from themselves¹⁴¹, the FACEF insisted that the province resume imposing a maximum interest rate, as it had in the past¹⁴². It would have widened the scope of application of the law to contracts of amounts of more than \$10 and door-to-door sales of more than \$10 (as opposed to \$50 and \$25, respectively) as well as to sales of land parcels in cases of solicitation¹⁴³. It suggested the OPC produce standard forms that merchants could use and that would set out the penal and civil consequences of breaching the new law¹⁴⁴.

2.3 Information, awareness, education

Despite these differences, all parties involved stressed that the CPA should do more than provide legal remedies and have a social dimension: suggestions that consumer protection laws and home economics be

138. Stéphanie O'NEILL, "Y aura-t-il toujours des pauvres?": les transformations des discours sur la pauvreté en période de prospérité", *Labour / Le Travail*, vol. 79, 2017, p. 157 at 166 and 167.

139. Commission, December 9, 1970, *supra*, note 68, pp. B-1724 and B-1726 (Pierre Marois for the FACEF).

140. *Id.*, p. 1737.

141. Though the logic was only put into so many words by one MNA: Debates, July 8, 1971, *supra*, note 84, p. 3319 (Florian Guay).

142. Commission, December 9, 1970, *supra*, note 68, p. B-1728 (Pierre Marois for the FACEF).

143. *Id.*, p. B-1728, pp. B-1736–B-1737.

144. *Id.*, pp. B-1730 and B-1748.

taught in high schools and CEGEPs, that the bill be adapted to be easily understood by laypeople or that information bureaus be set up, were very popular ones¹⁴⁵. The CAC agreed with the FACEF and the CCQ that the law should be given a truly social dimension and that the OPC and the CPC should be used to that effect¹⁴⁶. It believed that consumers and the grassroots organizations that represented them should have a strong voice at the CPC¹⁴⁷. Similarly, they agreed that the OPC should not only respond to complaints, but proactively disseminate information and help consumers¹⁴⁸. The bill was amended by the addition of the OPC’s list of duties: to protect and educate consumers, in addition to informing them, as the bill would have required, and to subsidize and contribute to the development of consumer protection services and bodies, rather than simply promoting their establishment¹⁴⁹.

According to some, however, this apparent consensus hid a divergence in the imagined reach and significance of giving the consumer protection act a “true” social dimension. The Family Service Association of Montreal would stress, rather cryptically, that consumer education “is not the same as consumer information. Consumer education involves not only the sharing of information but how you will plan that information, and we would feel that this aspect should be emphasized.¹⁵⁰” Its insistence on what may seem to be pure semantics was very similar to the PQ MNAs’ insistence that the law be not a simple act, but a code. Colleagues pointed out that a different title or structure would not in itself help consumers, with one MNA claiming that the party’s insistence on make sweeping changes to solve all problems at once was simply the result of its political inexperience¹⁵¹, and another stating that it betrayed either naivety or a

145. See, for example, Debates, November 24, 1970, *supra*, note 5, p. 1770 (Guy Leduc), p. 1771 (Jean-Jacques Bertrand) and p. 1773 (Jacques Veilleux); Debates, November 26, 1970, *supra*, note 83, p. 1822 (Raymond Garneau), p. 1830 (Rémi Paul), p. 1835 (Fabien Roy), p. 1836 (André Marchand) and p. 1839 (Jean-Paul Cloutier).

146. It agreed with the Conseil de la Coopération du Québec’s memorandum, which the Conseil itself explained was “prudent”: Commission, January 12, 1976, *supra*, note 76, p. B-9.

147. Commission, December 2, 1970, *supra*, note 69, p. B-1703; Commission, February 4, 1971, *supra*, note 9, p. B-365.

148. Commission, December 9, 1970, *supra*, note 68, p. B-1740 and following; Commission, February 4, 1971, *supra*, note 9, p. B-361.

149. Compare CPA, *supra*, note 4, s. 79 and Bill 45, *supra*, note 86, s. 70.

150. Commission, February 4, 1971, *supra*, note 9, p. B-410.

151. Debates, November 24, 1970 *supra*, note 5, p. 1770 (Jean-Jacques Bertrand).

lack of knowledge¹⁵². Nevertheless, the PQ argued until the very end that the law should at least contain a preamble listing consumers' fundamental rights¹⁵³.

It is unquestionable that the PQ and the FACEF, on the one hand, and the Liberals and the CAC, on the other hand, had different endpoints in mind. A PQ MNA explained that the Liberals' law only allowed consumers to defend themselves, but they needed to go beyond defence and attack¹⁵⁴. If workers now had rights as both workers and citizens, they ought to claim rights as consumers¹⁵⁵. They should organize (and be organized pursuant to laws and the OPC) rather than resist alone¹⁵⁶: "If only consumers organized, if only they became aware, in the least, of their strength, what huge influence they might have on the entire behaviour of the economic system in which we live!¹⁵⁷"

In some instances, this difference in ambition related to a disagreement about means. While both the FACEF and the CAC questioned whether the Minister of Justice would be best placed to administer the law, the CAC suggested that a Ministry of Consumption be created¹⁵⁸, while the FACEF asked that the Prime Minister be given the task, so that the CPA could be used, as it ought to be, as a tool of economic control and development¹⁵⁹. The CAC did not explain its reasoning, but when asked to defend the federal ministry by an MNA who believed most of its battles had been sterile, the CAC responded that its greatest victory was that it had raised

152. "[I]l faut certainement être naïf ou manquer de connaissances pour vouloir donner l'impression que le consommateur serait mieux protégé si on avait intitulé la loi: Le code de protection du consommateur": Debates, November 26, 1970, *supra*, note 83, p. 1820 (Raymond Garneau).

153. The preamble was suggested on third reading and a suggestion was made during the adoption of the Bill, section by section, in the Commission: Debates, July 8, 1971, *supra*, note 84, p. 3314 (Marcel Léger); Commission, July 8 and 9, 1971, *supra*, note 40, p. B-3475 (Marcel Léger).

154. Debates, November 26, 1970, *supra*, note 83, p. 1838 (Claude Charron).

155. *Id.*, p. 1839 (Claude Charron).

156. *Id.*, p. 1825 (Marcel Léger).

157. "Si seulement les consommateurs s'organisaient, si seulement les consommateurs prenaient conscience, le moins du monde, de leur force, quelle immense influence ils pourraient avoir sur tout le comportement du système économique dans lequel nous vivons!": Debates, July 8, 1971, *supra*, note 84, p. 3318 (Claude Charron) (our translation).

158. Commission, February 4, 1971, *supra*, note 9, p. B-362.

159. Commission, December 2, 1970, *supra*, note 69, pp. B-1712–B-1713.

consumer awareness¹⁶⁰. Here, the diametrically opposed views of the point of consumer legislation were expressed in opposing suggestions¹⁶¹.

Just as often, however, very similar means were proposed to reach ends of wildly different magnitudes. The rights that the PQ insisted should be included in the bill’s preamble were the right to security, to freedom of choice and to protection against fraud¹⁶². The right to security in this case entailed consumers’ right to assemble and organize to vindicate their rights and the right to participate in the creation of new laws and regulations that were relevant to them¹⁶³. In addition to helping orient the interpretation of the law and introduce it in simple terms to laypeople¹⁶⁴, this preamble would clearly spell out consumers’ needs to orient further legislative actions¹⁶⁵. None of these rights, however, were all that different from those that the CAC seemed to be attempting to vindicate in more specific rules.

A Cooprix advertisement published in *La Presse* in October 1970 (see Figure 1) perfectly encapsulates this jump from rather mundane concerns to bold ideals. The ad began by stating that the cooperative had lowered prices on grocery items, moved on to criticizing the selling practices of for-profit stores, then promoted its services to its member and called for the adoption of a consumer protection act, to finally end by inviting workers to build a cooperative economy. The jump from the first four invitations to the last might seem to strain credulity, but it can be explained, to a point, when one considers the FACEF’s holistic understanding of its own mission, and consults the list of other cooperatives found at the bottom of the ad. The two figures of the consumer are so blurred as to seem to be one when one apprehends them from within the law. But it is outside the law that the greater-than-life consumer will take shape, provided he is joined by others and properly organized.

160. Commission, February 4, 1971, *supra*, note 9, p. B-368. This fit with the CAC’s view of the role of a consumer bill: to preserve freedom while intervening in specific areas to compensate for the ignorance of the consumer: *Id.*, p. B-361.

161. In addition to having much more modest ambitions, the CAC also had a much more modest strategy. While the FACEF suggested over 120 amendments, the CAC claimed that the law’s “merits were undeniable” and that it “did not intend to dilute its spirit by suggesting too many amendments”. “Ses mérites sont indéniables et l’ACC du Québec n’entend pas en déduire l’esprit par la proposition de trop nombreux amendements.”: *Id.* (our translation).

162. Debates, July 8, 1971, *supra*, note 84, p. 3314 (Marcel Léger).

163. Commission, July 8–9, 1971, *supra*, note 40, p. B-3475.

164. *Id.*

165. Debates, November 24, 1970, *supra*, note 5, p. 1766 (Camille Laurin).

Conclusion

The FACEF was not uninterested in legal reform, as its appearance before the Commission indicates, but neither did it believe it would necessarily be the most productive front to fight for consumer emancipation. When the Liberal Party announced in 1976 that it intended to modify the CPA, the FACEF publicly stated that it would not make representations to the National Assembly, citing two reasons: the fact that only 7 of its 120 recommendations to improve the 1970 version of the bill had been accepted and the OPC's poor performance since its creation¹⁶⁶. Then the newly elected PQ presented a new bill that would replace the old law entirely, dubbed by the opposition “la loi de la surprotection du consommateur¹⁶⁷” (loosely translated as the consumer overprotection law). However, as the law became robust, the province also moved on to a new era of consumer protection; from the “popular movement stage” in which many grassroots organizations advocated for changes in a variety of ways to an “organizational/managerial stage” and finally the current “mature, bureaucratic stage” in which protection schemes have been institutionalized and consumer activism is on the decline¹⁶⁸.

Yet understanding how the figure of the empowered, enlightened citizen was invoked and imagined in different stages remains fruitful: it can reveal what may have been lost as the province moved on to a new law and a different, more technocratic way of dealing with consumer issues. My argument is not that the FACEF's conception is the only correct one or that the empowered consumer can only exist as he was imagined in the early 1970s. I do suggest, however, that the current elusiveness of the empowered consumer citizen, his less-than-real character, may stem from the fact that he is something of an artefact: the sole surviving fragment of a more holistic plan that could not be translated—and thus preserved—in the law. Those who were most invested in the creation of a cooperative economy, in which consumer choices would serve to empower workers who would, in turn, more effectively address consumers' real needs also had very little trust that the consumer left alone could achieve much. They put forward a concept that is similar to the one discussed today, but they most likely never imagined that it could survive merely as an “abstract biped”, the theoretical backdrop to legal action.

166. D. FORTIN, *supra*, note 5, pp. 11 and 15.

167. National Assembly of Quebec, *Journal des Débats*, 3rd sess., 31st legis., November 2, 1978, p. 3472 (Jean-Noël Lavoie).

168. See A. SADOVNIKOVA, A. MIKHAILITCHENKO and S.J. SHAPIRO, *supra*, note 50, p. 381 in which the authors argue that the different stages did take place roughly as theorized in Canada, and D. FORTIN, *supra*, note 5, in which Quebec's experience is broken down in similar stages.

CE MESSAGE A ÉTÉ PAYÉ PAR LES 16,000 MEMBRES DE

:cooprix:::

BAISSE DE PRIX DANS LE RAYON ÉPICERIE

L'un des principes coopératifs prévoit que tout surplus d'opération doit être retourné aux usagers. Nous nous étions engagés à remettre tout surplus soit à l'achat, en vous offrant le prix le plus bas, soit en vous donnant de nouveaux services collectifs. Nous maintenons cette politique. Face à l'augmentation de notre volume au cours des dernières années et à une démontée préparatoire de nos frais d'opération, nous sommes donc en position de baisser nos prix sur plusieurs items d'épicerie, afin de respecter la nature même de notre entreprise, une association coopérative sans but lucratif.

A DES MEMBRES QUI PENSENT et non A DES CLIENTS QUI "DÉ-PENSENT"

Nous aurions pu nous servir de ces surplus comme true publicitaire, en vous invitant à venir acheter un certain nombre d'items au prix coûtant, allant même jusqu'à vous en offrir certains, en lieu du prix coûtant. Notre code d'éthique nous oblige non seulement à ne pas agir ainsi, mais à dénoncer explicitement de notre volume au cours des dernières années et à une démontée préparatoire de nos frais d'opération, nous sommes donc en position de baisser nos prix sur plusieurs items d'épicerie, afin de respecter la nature même de notre entreprise, une association coopérative sans but lucratif.

COOPRIX FACE A LA PUBLICITE

On ne composera et on ne diffusera, en connaissance de cause, aucune annonce qui comportera explicitement ou implicitement des descriptions mensongères, tendancieuses, injustifiées ou exagérées.

On ne composera et on ne diffusera aucune annonce dans le prix de rebais aurait pour but d'attirer le consommateur, avec l'espérance non-aveuse de se reprendre sur d'autres produits en réaction, tel que pratiqué dans le commerce.

On ne composera et on ne diffusera, en connaissance de cause, aucune annonce d'un produit avec vente conditionnelle, dans le bien-fondé de cette pratique est uniquement de faire le consommateur à acheter certains produits sous prétexte d'économie quand, en réalité, ceci fait l'efface du consommateur seulement.

COOPRIX INFORME

Cooprix met à votre service un Institut de Protection et d'Information du Consommateur (I.P.I.C.).

Cet institut comprend une diététicienne, une cuisine expérimentale, un centre de recherches dans l'unique but est de mieux informer le consommateur.

L'institut est financé par les consommateurs eux-mêmes, aide par la Fédération de Montréal des Caisses Desjardins et par la Fédération des Caisses d'Économie du Québec; c'est donc dire que l'institut est libre de toutes pressions, tant des producteurs que des manufacturiers.

COOPRIX PROTÈGE

Face à la publicité trompeuse et mensongère, face à certaines méthodes frauduleuses de mise en marché, face à des mécanismes qui protègent le producteur du dédain du consommateur, face aux abus de toutes sortes qui exploitent le consommateur, Cooprix a gagné plusieurs combats, mais il demeure impuissant avec les lois actuelles. Cooprix réclame du gouvernement du Québec **UNE LOI POUR PROTÉGER LE CONSOMMATEUR** (une loi avec des dents) et un office de protection du consommateur, lesquels représenteraient vraiment les intérêts du consommateur.

Prenez l'option de votre choix. \$1.00 dépensé dans le commerce conventionnel, n'est un encouragement à maintenir le système actuel.

COOPRIX VOUS LAISSÉ CHOISIR

Un rayon alimentaire complet, un rayon de meubles (avec financement coopératif sur place), un rayon de variétés à prix coopératifs, enfin, depuis quelque temps un service d'huile à chauffage pour tous les membres du Grand Montréal, rive sud et ville de Montréal, un service de 24 heures.

Cooprix vend à ses membres seulement. Nous croyons aider ceux qui veulent s'aider. Il vous suffit de souscrire une part sociale de \$1.00 à la Fédération des Magasins Co-op pour vous associer à cette grande coopérative de combat.

TRAVAILLEURS, BATISSONS ENSEMBLE UNE ÉCONOMIE COOPÉRATIVE

secteur de Production:

Coopérative Fédérale
Coopérative Agricole de Granby
Crisol
Producteurs du sucre d'érable
(Chaudière)
Pêcheurs Unis (Baie-St. Pierre)

secteur de Consommation:

Magasins Co-op
Club populaires de consommation
Coopérative Co-op
Ass. Coopérative d'investissement
du Québec
Institut de protection et d'informa-
tion du consommateur
Ass. Coopérative Féminine du
Québec

secteur Épargne - Crédit:

Caisses populaires
Caisses d'économie
Assurances
Société d'Assurance des Caisses Populaires
Mutuelle S.S.Q.
Mutuelles locales
Assurance Vie Desjardins
Société des Artisans
La Sécurité

secteur divers:

Cassa-Habitat
Société de Police du Québec
Les placements collectifs inc.
Association coopérative
d'économie Familiale
Coopératives éducatives
Coopératives des Indiens
Association coopérative des
publications populaires

Savez-vous que votre épargne déposée à vos caisses populaires ou caisses d'économie et vos transactions avec les coopératives d'assurance ou autres institutions coopératives financent le développement des Cooprix. Il s'agit d'un heureux retour de vos économiens, qui servent à bâtir une institution génératrice de richesse pour les consommateurs.

1420 E., rue Legendre 1ère rue au nord du Métropolitain par Ch. Colomb, Tél. 382-1465

Figure 1: Advertisement for Cooprix cooperatives, *La Presse* (October 20, 1970) C3.