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c 136 Farm Products Grades and Sales Act

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CHAPTER 136

The Farm Products Grades and Sales Act

1. In this Act,

Interpre-
tation

- (a) "farm product" means such animals, animal products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations;
- (b) "grade" means a grade established under this Act;
- (c) "grader" means a grader appointed under this Act;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "package" includes any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1950, c. 130, s. 1; 1960, c. 35, s. 1.

2.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) designating as a farm product any farm product or a class thereof or any article of food or drink manufactured or derived in whole or in part from a farm product;
- (b) establishing grades for a farm product;
- (c) providing for the inspecting, grading, packing and marking of farm products;
- (d) respecting the buying, selling, advertising, handling shipping and transporting of farm products;
- (e) respecting packages for farm products;
- (f) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in a shipment;

- (g) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of accounts of purchase of farm products and for the investigation of such statements and the transactions represented thereby;
- (h) prescribing the fees payable upon the inspection and grading of a farm product;
- (i) prescribing the powers and duties of inspectors and graders;
- (j) providing for the issuing of inspection and grading certificates by inspectors and graders;
- (k) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (l) respecting the cleanliness and sanitation of premises in which a farm product is stored, processed, graded, packed, sold or offered for sale;
- (m) providing for the issuing of licences for engaging in the marketing or storing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (n) prohibiting persons from engaging in the marketing or storing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
- (o) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1960, c. 35, s. 2.

Limitation
as to time

(2) Any regulation may be limited as to time and place.

Definitions

(3) Any word or expression used in a regulation may be defined in the regulation for the purpose of the regulation. R.S.O. 1950, c. 130, s. 2 (2, 3).

Inspection
points

3.—(1) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary.

(2) The Minister may, by order, require persons in charge of farm products that are being transported from an area designated by him to proceed to a designated highway inspection point and to remain there until the farm products are inspected. R.S.O. 1950, c. 130, s. 3 (2, 3). ^{Idem}

4. The Minister may authorize the experimental use of any package, but such package shall be identified and used only in the manner authorized by the Minister. R.S.O. 1950, c. 130, s. 3 (4). ^{Experimental use of packages}

5. The Minister may appoint inspectors and graders whose duties are to carry out the provisions of this Act. R.S.O. 1950, c. 130, s. 3 (1). ^{Inspectors, appointment}

6.—(1) Every inspector, for the purpose of enforcing this Act and the regulations, may, ^{Powers of inspectors}

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing, grading, packing, selling or offering for sale, shipping or transporting of any farm product and inspect any farm product found therein;
- (b) stop any conveyance that he believes to contain any farm product and inspect such conveyance and any farm product found therein;
- (c) obtain a sample of any farm product at the expense of the owner for the purpose of making an inspection thereof;
- (d) require the production or furnishing of copies of or extracts from any books, shipping bills, bills of lading or other records relating to farm products. R.S.O. 1950, c. 130, s. 4 (1); 1960, c. 35, s. 3 (1).

(2) For the purpose of inspecting a farm product, the inspector may detain it at the risk of its owner and, after detaining it, the inspector shall forthwith notify the owner or person who had possession of it of the detention by prepaid telegram or such other means as in the circumstances he deems proper. R.S.O. 1950, c. 130, s. 4 (2). ^{Detention of product for purpose of inspection}

(3) No person shall hinder or obstruct an inspector or a grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information. 1960, c. 35, s. 3 (2). ^{Obstruction of inspector or grader}

(4) A person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product. R.S.O. 1950, c. 130, s. 4 (4). ^{Production of documents}

Detention
of products

7. Any farm product, in respect of which in the opinion of an inspector an offence against this Act or the regulations has been committed, may be placed under detention at the risk and expense of the owner by the inspector until such time as the owner of the farm product complies with this Act and the regulations and, where a person is convicted of an offence in respect of any such farm product, the convicting magistrate may declare such farm product to be forfeited to Her Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister directs. R.S.O. 1950, c. 130, s. 5.

Detention
of package

8. For the purpose of inspecting a package, an inspector may detain it, including any farm product that may be contained in it, at the risk of its owner, and the provisions of this Act relating to the detaining and placing under detention of farm products apply *mutatis mutandis* to packages and any farm products contained therein. R.S.O. 1950, c. 130, s. 6.

Certificate
of inspector
or grader

9. The production by an inspector or a grader of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and as conclusive proof of the authority of the inspector or grader to inspect or grade any farm product. 1960, c. 35, s. 4, *amended*.

Offences

10.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for a first offence and to a fine of not less than \$50 and not more than \$500 for a subsequent offence.

Obstruction
of inspector

(2) Every person who contravenes any of the provisions of subsection 3 of section 6 is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1950, c. 130, s. 8, *amended*.

Legal
remedy not
affected

11. No proceedings or conviction under this Act affects the right of any person to any legal remedy to which he would otherwise be entitled. R.S.O. 1950, c. 130, s. 9.

Where
matter com-
plained of
deemed
to have
arisen

12. For the purpose of jurisdiction, in an information or conviction for a contravention of any of the provisions of this Act or the regulations, the matter complained of may be alleged and shall be deemed to have arisen at the place where the farm product was packed, sold, offered, exposed or had in possession for sale or transportation, as the case may be, or at the residence or usual place of residence of the person charged with the contravention. R.S.O. 1950, c. 130, s. 10, *amended*.