

1960

c 137 Farm Products Marketing Act

Ontario

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CHAPTER 137

The Farm Products Marketing Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Farm Products Marketing Board;
- (b) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or part of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product, and such other natural products of agriculture as are designated by the regulations;
- (c) "licence" means a licence provided for under the regulations;
- (d) "local board" means a board constituted under a plan;
- (e) "marketing" means buying, selling and offering for sale, and includes advertising, assembling, financing, packing and shipping for sale or storage and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;
- (f) "marketing agency" means a marketing agency designated by the Board in the regulations;
- (g) "Minister" means the Minister of Agriculture;
- (h) "plan" means a plan to provide for the marketing or regulating of a farm product that is in force under this Act, and includes a scheme approved under any predecessor of this Act;
- (i) "regulated product" means a farm product in respect of which a plan is in force;
- (j) "regulations" means the regulations made under this Act. R.S.O. 1950, c. 131, s. 1; 1955, c. 21, s. 1; 1957, c. 34, s. 1; 1958, c. 27, s. 1, *amended*.

2. The purpose and intent of this Act is to provide for the control and regulation in any or all respects of the market-

Purpose
of Act

ing within the Province of farm products including the prohibition of such marketing in whole or in part. 1956, c. 20, s. 1.

Board
continued

3.—(1) The body corporate known as The Farm Products Marketing Board is continued.

Constitution
of Board

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances
to members

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant Governor in Council determines.

Officers,
clerks, etc.,
appoint-
ment

(5) The Board, subject to the approval of the Lieutenant Governor in Council, may appoint such officers, clerks and employees as it deems necessary, and the remuneration of such officers, clerks and employees shall be determined by the Lieutenant Governor in Council. R.S.O. 1950, c. 131, s. 2.

Authority
of Board

4.—(1) The Board may,

- (a) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product;
- (b) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;
- (c) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;
- (d) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board determines;
- (e) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product;
- (f) stimulate, increase and improve the marketing of farm products by such means as it deems proper;
- (g) co-operate with a marketing board, a local board or

a marketing agency of any other province for the purpose of marketing any regulated product;

- (h) do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations or any plan. 1957, c. 34, s. 2 (1); 1958, c. 27, s. 2.

(2) Upon an investigation under this section, the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1950, c. 131, s. 3 (2).

Powers of investigation
R.S.O. 1960
c. 323

(3) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may, at any time, terminate such delegation.

Delegation
of powers

(4) The Board may make regulations,

Regulations
respecting
the filing of
records with
the Board

- (a) providing for the filing by each local board and marketing agency with the Board of true copies of,

- (i) minutes of all meetings of the local board and the marketing agency,
- (ii) all orders and directions of the local board,
- (iii) all reports of annual operations of the local board and the marketing agency,
- (iv) all annual financial statements and audited reports of the local board and the marketing agency,
- (v) all agreements made between the local board and the marketing agency, and
- (vi) such further statements and reports as the Board requires from the local board or the marketing agency;

- (b) providing for,

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board and marketing agency, and
- (ii) the publication of the annual statement of operations and the financial report of each local board and marketing agency; and

- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Board, furnished to producers or published, as the case may be, under clause a or b. 1955, c. 21, s. 2 (3).

Local board
a body
corporate

(5) Every local board is a body corporate. R.S.O. 1950, c. 131, s. 3 (5).

Petition
for a plan

5.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the marketing or regulating of a farm product or any class or part thereof and where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the plan and matters relating to the marketing of the farm product. 1958, c. 27, s. 3, *part*.

Plebiscite
to establish
a plan

(2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or part thereof will be conducive to the more efficient production and marketing of the farm product, the Board may submit to a plebiscite of the producers of the farm product or class or part thereof the question of favour of the plan. 1958, c. 27, s. 3, *part*; 1959, c. 35, s. 1 (1).

Resubmis-
sion to
plebiscite by
producers

(3) Where the Board receives from producers of a regulated product a petition that in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a petition need not be considered by the Board in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years. 1958, c. 27, s. 3, *part*; 1959, c. 35, s. 1 (2).

Submission
or resubmis-
sion to
plebiscite
by Board

(4) Where in the opinion of the Board an existing plan should be submitted or resubmitted to a plebiscite, it may submit or resubmit to a plebiscite of the producers of the regulated product the question of favour of the plan. 1959, c. 35, s. 1 (3).

Plebiscite
on
amendment
of the
purposes
of a plan

(5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes. 1958, c. 27, s. 3, *part*.

Regulations
for taking
of
plebiscite

(6) Where the Board submits or resubmits to a plebiscite of the producers of a farm product or class or part thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

- (a) prescribing the manner of taking votes in the plebiscite;
 - (b) defining "producer" for the purpose of the plebiscite;
 - (c) providing for the registration of producers and the preparation and revision of voters' lists;
 - (d) providing for the appointment of revising officers and deputy returning officers and prescribing their powers to add names to or strike names from the voters' lists;
 - (e) providing for appeals to the Board from any decision of a revising officer;
 - (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;
 - (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purpose of the plebiscite and the notices to be given to producers;
 - (h) respecting any matter that the Board deems necessary or advisable for the taking of the plebiscite.
- 1958, c. 27, s. 3, *part*; 1959, c. 35, s. 1 (4, 5).

(7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be.

Result of plebiscite to establish or amend a plan

(8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote prescribed in the regulations, the Board may recommend that the existing plan be revoked. 1958, c. 27, s. 3, *part*.

Result of plebiscite on re-submission of plan

(9) Where the Board submits to a plebiscite of the producers of a farm product or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any farm product or regulated product.

Additional questions may be submitted to plebiscite

- (10) No plebiscite shall be declared invalid by reason of,
- (a) any irregularity on the part of the returning officer or a deputy returning officer or in any of the proceedings in respect of the plebiscite;

Plebiscite not invalid for any irregularity, etc.

- (b) failure to hold a poll at any place appointed for holding a poll;
- (c) non-compliance with the provisions of this Act or the regulations in respect of the plebiscite as to the taking of the poll or the counting of the votes, or as to limitations of time; or
- (d) any mistake in the use of the forms prescribed in the regulations in respect of the plebiscite,

if it appears that the irregularity, failure, non-compliance or mistake did not affect the result of the plebiscite.

Irregularity
in voters'
list not to
invalidate
plebiscite

(11) Any irregularity in the preparation or revision of the voters' list for a plebiscite is not a ground for questioning the validity of the plebiscite and the persons whose names appear on the voters' list as finally revised shall be deemed to be the producers entitled to vote in the plebiscite.

Recount of
ballots, etc.

(12) The Board may in such manner as it deems proper provide for a recount of the ballots cast in any of the polling districts for a plebiscite and may provide for a plebiscite to be resubmitted on the same question or questions in any or all polling districts.

Voting
documents
to be
retained

(13) The Board shall retain in its possession any documents in respect of a plebiscite for at least one year after the last day of voting in the plebiscite. 1959, c. 35, s. 1 (6).

Regulations
re plans and
local boards

6.—(1) Notwithstanding section 5, the Lieutenant Governor in Council may make regulations,

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;
- (b) defining producer or classes of producers for the purpose of any plan;
- (c) giving to any local board any or all of the powers that are vested in a co-operative corporation that is under Part V of *The Corporations Act* as amended from time to time, and providing that in the exercise of such powers the members of the local board shall be deemed to be the shareholders and the directors thereof;
- (d) prescribing by-laws for regulating the conduct of the affairs of the Board;
- (e) prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws not inconsistent

R.S.O. 1960,
c. 71

with this Act, the regulations made under this clause or the regulations made under the plan under which the local board is established as amended from time to time;

- (f) notwithstanding any other Act providing for,
- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
 - (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
 - (iii) the disposing of any or all of the assets of a marketing agency in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails;

- (g) dissolving a local board on such terms and conditions as he deems proper and providing for the disposition of its assets. 1958, c. 27, s. 3, *part*; 1959, c. 35, s. 2 (1-3); 1960, c. 36, s. 1.

(2) A plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product marketed for a particular purpose, and to any or all persons engaged in producing, marketing or processing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product marketed for a particular purpose.

(3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established. 1958, c. 27, s. 3, *part*.

(4) The acts of a member or an officer of a local board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and appointment or election. 1959, c. 35, s. 2 (4).

7.—(1) Every person, when requested so to do by an officer of the Board or a local board or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product, shall in respect of the regulated product produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

Obstruction
of officers

(2) No person shall hinder or obstruct an officer of the Board or of a local board or a person appointed by the Board or by a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate
of
appointment

(3) The production by any person of a certificate of his appointment by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of a regulated product purporting to be signed by the chairman and secretary of the Board or the local board shall be accepted by any person engaged in the producing or marketing of the regulated product as *prima facie* proof of such appointment. 1957, c. 34, s. 4, *part*.

Regulations

8.—(1) The Board may make regulations generally or with respect to any regulated product marketed locally within Ontario,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of a regulated product;
2. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence;
3. providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to engage in properly the business for which the application was made, or for any other reason that the Board deems proper;
4. providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the the Board or local board or marketing agency;
5. providing for the right of any person whose licence was refused, suspended or revoked or was not renewed to show cause why such licence should not be refused, suspended or revoked or why such renewal should not be refused, as the case may be;
6. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees and the recovering

of such licence fees by suit in a court of competent jurisdiction;

7. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees to the local board or marketing agency;
8. prescribing the form of licences;
9. providing for the exemption from the regulations under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and providing for the administration and disposition of any moneys or securities so furnished;
11. providing for the fixing and allotment of quotas for any regulated product and for the marketing of any regulated product on a quota basis and for prohibiting any producer from marketing any of the regulated product in excess of the quota allotted to such producer;
12. providing for the regulating and the controlling of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;
13. authorizing a local board to use any class of licence fees and other moneys payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established;
14. notwithstanding any other Act, providing that no local board or marketing agency shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board;
15. authorizing a local board to establish a fund in connection with any plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 13;

16. providing for the establishment in connection with any plan, negotiating agencies that may be empowered to adopt or settle by agreement any or all of the following matters:
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,
 - (iii) any charges, costs or expenses relating to the production or marketing of the regulated product;
17. providing for the arbitration by a board of any matter not adopted or settled by agreement under paragraph 16;
18. providing for the arbitration by an arbitrator or by a board of any dispute arising out of any agreement adopted or settled under paragraph 16 or any award made under paragraph 17;
19. determining the constitution of such negotiating agencies and boards of arbitration and regulating the practice and procedure of such agencies and boards;
20. authorizing any local board or marketing agency to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product locally within Ontario and requiring such local board or marketing agency, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers;
21. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board;
22. except where a marketing agency has been designated for the marketing of a regulated product, authorizing

any local board to prohibit the marketing of any class, variety, grade or size of any regulated product;

23. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;
24. designating as a farm product any article of food or drink manufactured or derived in whole or in part from a farm product or any natural product of agriculture;
25. prescribing the percentages of votes required under section 5;
26. designating a marketing agency by or through which a regulated product shall be marketed and requiring the regulated product to be marketed by or through such marketing agency;
27. providing for the revocation of the appointment of a marketing agency designated under paragraph 26;
28. providing for the holding of public hearings on matters respecting a vote of producers before the adoption or amendment or revocation of a plan is recommended by the Board under section 5, and respecting notices, advertising, procedures, reports and other matters relating to the public hearings;
29. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Board or a local board or a marketing agency; and
30. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1957, c. 34, s. 4, *part*; 1958, c. 27, s. 4; 1959, c. 35, s. 3 (1); 1960, c. 36, s. 2 (1-3).

(2) Every agreement made under paragraph 16 of subsection 1 and every award made under paragraph 17 or 18 of subsection 1 and every re-negotiated agreement or award made under clause *b* of this subsection,

Agreements
and awards

- (a) shall be filed with the Board forthwith after the making thereof and the Board may by order declare the agreement or award or re-negotiated agreement or award or part thereof to come into force on the day it is so filed or on such later day as is named in the agreement or award or re-negotiated agree-

ment or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

- (b) may at any time upon an order of the Board be re-negotiated in whole or in part in such manner as the Board determines. 1959, c. 35, s. 3 (3).

Where
R.S.O. 1960,
o. 349, not
to apply

- (3) *The Regulations Act* does not apply to any order of the Board made under subsection 2.

Regulations
may be
limited

- (4) Any regulation made under this section may be limited as to time and place.

Delegation
of powers
to local
board

- (5) The Board may delegate to a local board such of its powers under paragraphs 1 to 12 of subsection 1 as it deems necessary, and may at any time terminate such delegation. 1957, c. 34, s. 4, *part*.

Regulations
vesting
powers in
marketing
agency

9.—(1) The Board may make regulations vesting in any marketing agency any powers that the Board deems necessary or advisable to enable such marketing agency effectively to promote, regulate and control the marketing of the regulated product locally within Ontario, and without limiting the generality of the foregoing, may make regulations,

- (a) vesting in any marketing agency designated under paragraph 26 of subsection 1 of section 8 any or all of the following powers:
- (i) to direct and control, by order or direction, either as principal or agent, the marketing of the regulated product, including the times and places at which the regulated product may be marketed,
 - (ii) to determine the quantity of each class, variety, grade and size of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to determine from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario,
 - (v) to impose such service charges as are fixed from time to time by the local board for the marketing of the regulated product,

- (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the marketing agency,
- (vii) to collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of the regulated product owing to the producer,
- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing agency deems advisable;
- (b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product;
- (c) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause a its expenses in carrying out the purposes of the plan;
- (d) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause a and to fix the times at which or within which such payments shall be made;
- (e) providing for statements to be given by any marketing agency to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it. 1957, c. 34, s. 4, *part*; 1959, c. 35, s. 4 (1); 1960, c. 36, s. 3 (1-4).

(2) Any powers exercisable by a marketing agency may be limited as to time and place. 1959, c. 35, s. 4 (2). Powers may be limited

(3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency and, without limiting the generality of the foregoing, may require the local board to furnish particulars of, Board may require information

- (a) the service charges fixed under clause b of subsection 1;
- (b) the purposes for which the service charges are used and the amounts expended for each purpose;
- (c) any proposed changes in the amounts of the service charges;

- (d) operating deficits or profits and reserves of the local board or the marketing agency;
- (e) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and
- (f) the purposes of the plan in effect for the marketing of the regulated product.

Maximum
service
charges

(4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper.

Board may
require
information

(5) The Board may require any local board,

- (a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
- (b) to carry out any purpose of the plan that the Board deems necessary or advisable;
- (c) to vary any purpose of the plan as the Board deems advisable; and
- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

Regulations
to give local
board power
of market-
ing agency

(6) Except where a marketing agency is designated under paragraph 26 of subsection 1 of section 8, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *d* and *e* of subsection 1.

Marketing
of regulated
product by
local board

(7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board. 1960, c. 36, s. 3 (5).

Limitation
of powers
of local
board

10. Where the Board delegates to a local board any of its powers or vests in a marketing agency powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time,

- (a) limit the powers of the local board or the marketing agency in any or all respects; and
- (b) revoke any regulation, order or direction of the local board or marketing agency made or purporting to be made under such powers. 1959, c. 35, s. 5.

Administra-
tion of Act

11. The moneys required for the administration of this Act shall be paid out of the sums appropriated therefor by the Legislature. R.S.O. 1950, c. 131, s. 8.

12.—(1) Where an association of producers of a farm product, other than a regulated product, that is incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts and that has as objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, requests for the purpose of defraying the expenses of the association in the carrying out of its objects that every producer of the farm product be required to pay fees to the association, the Board may, if it is satisfied that 60 per cent of the producers are in favour, make an order,

Establishment of fund for producers' association
R.S.O. 1960,
cc. 6, 71

- (a) requiring producers so engaged in the production of the farm product to pay fees to the association;
- (b) designating the amounts of fees, and requiring payment of the fees in different amounts or in instalments;
- (c) requiring persons who buy the farm product from a producer to deduct the amounts of the fees payable by such producer from moneys payable to the producer and to pay such amounts to the association;
- (d) authorizing the association to use the fees for the purposes of defraying the expenses of the association in the carrying out of its objects;
- (e) requiring the association to furnish to the Board such information and financial statements as the Board determines.

(2) Any order under subsection 1 may be limited as to time and place and may exempt from the order any person or class of persons or any class, variety, grade or size of the farm product and may fix fees of different amounts for different classes, varieties, grades or sizes of the farm product.

Limitations and exemptions

(3) Where an order has been made under subsection 1, the association may appoint any person to inspect the books, records and premises of persons who produce or buy the farm product and section 7 applies *mutatis mutandis* in respect of a person so appointed. 1957, c. 34, s. 5, *part*.

Inspection of records

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order or direction of the Board or any local board or any marketing agency, or of any agreement or award or re-negotiated agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for

Offences

a subsequent offence to a fine of not less than \$50 and not more than \$500. 1959, c. 35, s. 6.

Failure
to pay
minimum
price

14.—(1) Every person who fails to pay at least the minimum price established for a regulated product in an agreement or award filed with the Board is, in addition to the fine provided for in section 13, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product.

Disposition
of penalty

(2) Every penalty imposed under subsection 1 shall be paid to the local board and the local board shall,

- (a) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum price; or
- (b) use the money to stimulate, increase and improve the marketing of the regulated product. 1957, c. 34, s. 5, *part*.

Moneys
received
by Board

15. All moneys received by the Board shall be deposited to the credit of the Consolidated Revenue Fund. 1959, c. 35, s. 7.

Evidence

16. In an action or prosecution under this Act where production of an agreement, award, order, direction, rule, resolution, determination or minute of the Board, a local board or a marketing agency is required, any document purporting to be a copy of such agreement, award, order, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Board, the local board or marketing agency, as the case may be, is admissible in evidence as *prima facie* proof of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. 1957, c. 34, s. 5, *part, amended*.

Onus in
action or
prosecution

17.—(1) In an action or prosecution under this Act, the onus is upon the defendant or the accused, as the case may be, to prove that the product in respect of which the action or prosecution is brought is not a regulated product within the meaning of this Act.

Evidence
applicable
R.S.C. 1952,
c. 6

(2) In a prosecution under the *Agricultural Products Marketing Act* (Canada), the magistrate, if he finds that the offence is not proved under that Act but the evidence establishes an offence of a similar kind in relation to the control or regulation of the marketing of the regulated product locally within Ontario under section 13 or 14, may convict the accused under this Act notwithstanding that no information has been laid under this Act. 1957, c. 34, 5, *part*.