



1950

c 232 Milk and Cream Act

Ontario

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CHAPTER 232

The Milk and Cream Act

1. In this Act, "municipality" does not include county. Interpretation.
R.S.O. 1937, c. 302, s. 1.

2. The council of any municipality may pass by-laws for Powers of municipal councils. regulating milk or cream produced for sale, offered for sale or sold within the municipality as to the,

- (a) care of cows producing milk for sale for domestic consumption;
- (b) cleanliness, ventilation and sanitary conditions of the places in which cows are kept or milked or in which milk or cream is stored;
- (c) water supplied to cows;
- (d) care and cleansing, construction and type of all utensils used in handling milk or cream whether by producers, carriers or vendors;
- (e) care, storage, transportation and distribution of milk by producers, carriers or vendors;
- (f) making of bacteriological tests for the purpose of ascertaining the wholesomeness of milk or cream offered for sale by any producer, carrier or vendor;
- (g) other matters regarding the production, care, transportation or sale of milk or cream which the council may deem necessary,

and upon any such by-law being approved in writing by the Minister of Agriculture, it shall apply to all milk produced for sale, offered for sale or sold within the municipality. R.S.O. 1937, c. 302, s. 2.

3.—(1) The council of any municipality may pass by-laws By-laws regulating the granting of licences. for licensing and regulating the granting of licences to vendors of milk or cream for human consumption, and may refuse or cancel such licences.

(2) No person shall sell milk or cream in a municipality in Not to be sold without a licence. which any such by-law is in force without first obtaining a licence therefor. R.S.O. 1937, c. 302, s. 3.

By-laws prescribing hours of delivery.

4. The council of any municipality may pass by-laws prescribing the hours during which milk and cream may be delivered by vendors to consumers for human consumption within the municipality. 1941, c. 30, s. 1.

By-laws fixing standards of butter fat and solids.

5.—(1) The council of any municipality may pass by-laws fixing the standards for butter fat in cream, and the butter fat and total solids in milk sold in the municipality, but no cream containing less than sixteen per cent butter fat or milk containing less than eleven and three-quarters per cent total solids of which three and one-quarter per cent is butter fat, shall be sold for human consumption.

Preservatives, etc., not to be used.

(2) No person shall place any preservative in milk or cream intended for human consumption, or sell or offer for sale to any vendor, milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of the change to the vendor.

Departures from standard or normal condition must be advertised.

(3) No vendor of milk or cream shall sell or offer for sale milk or cream not complying with the standard, or milk from which butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without clearly and distinctly advertising the same in the manner prescribed by the by-law of the municipality in which it is sold or offered for sale. R.S.O. 1937, c. 302, s. 4.

Municipal inspectors.

6.—(1) The council of any municipality may by by-law appoint one or more inspectors for the enforcement of this Act and any by-law passed hereunder.

Powers.

(2) Every such inspector may prohibit the sale within the municipality for which he is inspector of milk or cream for human consumption which, in his judgment, is produced or handled contrary to this Act or any by-law passed hereunder.

Powers.

(3) Every such inspector may inspect the premises of every vendor licensed to sell milk or cream within the municipality to ensure that the requirements of this Act and the by-laws are fully complied with, and may take samples of milk or cream for examination and testing.

Powers.

(4) Every such inspector may enter the premises, wherever located, of every person producing milk or cream for sale or consumption within the municipality, inspect the same and take for examination and testing samples of milk or cream produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Powers.

(5) Every such inspector may inspect and take samples of milk or cream for sale or consumption within the municipality

while in transit, and may enter any premises in order to procure samples of such milk or cream.

(6) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality. R.S.O. 1937, c. 302, s. 5, *amended*. Publication of tests.

7.—(1) No person shall sell or offer for sale milk or cream from any cow which upon physical examination by a qualified veterinary surgeon is declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis is shown to contain tubercule bacilli or which is known to be suffering from splenic fever or anthrax or any other general or local disease which is liable to render milk or cream from such cow dangerous to health. Milk from diseased cows.

(2) Where an inspector suspects that a cow is affected with any of such diseases, he shall notify the owner that the milk or cream of the cow must not be sold or offered for sale until a permit has been granted by the board of health of the municipality in which the milk or cream is to be consumed, and after such notice is given, the milk or cream from the cow shall not be sold until the permit is granted. R.S.O. 1937, c. 302, s. 6, *amended*. Idem.

8. No person suffering from, or who has knowingly, within a time prescribed by the regulations of the Department of Health, been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, chickenpox, measles, glanders, anthrax, venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending of milk or cream, and no owner, manager or superintendent of any dairy or dairy farm shall knowingly permit any person so suffering or exposed, to work or assist in the production, transportation or vending of milk or cream, and the sale of milk or cream produced or handled under such circumstances may be prohibited by the inspector. R.S.O. 1937, c. 302, s. 7. Persons suffering from diseases not to be employed.

9. Cans, bottles and other utensils used in the distribution of milk or cream shall not be used for any other purpose, and shall be thoroughly cleansed before being used again. R.S.O. 1937, c. 302, s. 8. Use and cleansing of utensils.

10. The council of any municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk or cream depots in order to furnish a special supply of milk to infants. R.S.O. 1937, c. 302, s. 9. Municipal milk depots.

Penalty.

11. Every person contravening any of the provisions of this Act or of any by-law passed hereunder shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$1 and not more than \$50. R.S.O. 1937, c. 302, s. 12.
