

1937

c 302 Milk and Cream Act

Ontario

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8. PREVENTION OF FRAUDS.

CHAPTER 302.

The Milk and Cream Act.

Interpre-
tation.—
"municipi-
pality."

1. In this Act "municipality" shall not include county.
R.S.O. 1927, c. 265, s. 1.

Powers of
municipal
councils.

2. The council of every municipality may pass by-laws for regulating milk or cream produced for sale, offered for sale or sold within such 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; and
- (g) other matters regarding the production, care, transportation or sale of milk or cream which the council may deem necessary;

Approval of
regulations.

and upon such regulations being approved in writing by the Minister of Agriculture, they shall apply to all milk produced for sale, offered for sale or sold within such municipality.
R.S.O. 1927, c. 265, s. 2.

By-laws
regulating
the granting
of licenses.

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

(2) No person shall sell milk or cream in a municipality in which such by-laws are in force without first obtaining a license therefor. R.S.O. 1927, c. 265, s. 3.

Not to be sold without a license.

4.—(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 such municipality, but no cream containing less than sixteen per centum butter fat or milk containing less than eleven and three-quarters per centum total solids of which three and one-quarter per centum is butter fat, shall be sold for human consumption.

By-laws fixing standards of butter fat and solids.

(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 such change, to such vendor.

Preservatives, etc., not to be used.

(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. R.S.O. 1927, c. 265, s. 4.

Departures from standard or normal condition must be advertised.

5.—(1) The council of every municipality may by by-law appoint an inspector or inspectors for the enforcement of this Act and any by-law passed hereunder, and 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 the provisions of this Act or the by-law.

Appointment of municipal inspectors.

(2) Every such inspector may inspect the premises of every vendor licensed to sell milk or cream within the municipality to see 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 of inspectors.

(3) Every such inspector may enter the premises, wherever located, of every person producing milk or cream for sale or consumption within the municipality, fully 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.

Right to enter, take samples, etc.

Inspecting
and taking
samples in
transit.

(4) 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.

Publication
of tests.

(5) 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. 1927, c. 265, s. 5.

Milk from
diseased
cows.

6.— (1) There shall not be sold milk or cream from any cow which upon physical examination by a duly 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.

Idem.

(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 such 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 such milk is to be consumed, and after such notice is given, the milk or cream from such cow shall not be sold until the permit is granted. R.S.O. 1927, c. 265, s. 6.

Persons
suffering
from
diseases
not to be
employed.

7. 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. 1927, c. 265, s. 7.

Use and
cleansing
of utensils.

8. Cans, bottles or 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 again used. R.S.O. 1927, c. 265, s. 8.

Municipal
milk depots.

9. The council of every 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. 1927, c. 265, s. 9.

10.—(1) The term “certified” shall not be applied to any milk unless,— ^{Use of word “certified.”}

- (a) it is taken from cows semi-annually subjected to the tuberculin test and found without reaction; ^{Conditions.}
- (b) it contains not more than 10,000 bacteria per cubic centimetre from June to September, both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May, both inclusive;
- (c) it is free from blood, pus, or disease producing organisms;
- (d) it is free from disagreeable odour or taste;
- (e) it has not undergone pasteurization or sterilization and is free from chemical preservatives;
- (f) it has been cooled to forty-five degrees Fahrenheit or under within half an hour after milking, and kept at that temperature until delivered to the consumer;
- (g) it contains twelve to thirteen per centum of milk solids, of which at least three and one-half per centum is butter fat;
- (h) it is from a farm the herd of which is inspected monthly by a duly qualified veterinary surgeon, and the employees of which are examined monthly by a legally qualified medical practitioner.

(2) No milk shall be sold as “certified” unless a certificate ^{Duration of certificate.} setting forth that the above conditions have been complied with has been obtained within one year from the medical officer of health of the municipality in which it is to be consumed or from an incorporated society of medical practitioners in Ontario. R.S.O. 1927, c. 265, s. 10.

11. The word “pasteurized” shall not be applied to any milk unless all portions of it have been subjected for at least ^{Use of word “pasteurized.”} twenty and not more than thirty minutes to a temperature of not less than one hundred and forty and more than one hundred and fifty degrees Fahrenheit and then at once cooled to forty-five degrees Fahrenheit or under and kept at that temperature until delivered to the consumer, and the process of pasteurization shall be subject to inspection by the local medical officer of health or such inspector as he may designate. R.S.O. 1927, c. 265, s. 11.

12. Any person contravening any of the provisions of this ^{Penalties.} Act or of any by-law passed hereunder shall incur a penalty of not less than \$1 nor more than \$50 recoverable under ^{The Rev. Stat. c. 136.} *The Summary Convictions Act*. R.S.O. 1927, c. 265, s. 12.