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c 303 Milk, Cheese and Butter Act

Ontario
CHAPTER 303.

The Milk, Cheese and Butter Act.

1. In this Act,—

(a) "Cheese factory," "creamery" and "Minister" shall have the same meaning as in The Dairy Products Act; R.S.O. 1927, c. 266, s. 1.

(b) "Factory" shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving station or other premises where milk and cream is collected for sale or shipment or manufacture. (See 1930, c. 53, s. 1, cl. f.)

2. The owners or board of management of a factory may make such rules and regulations as may be deemed advisable for the due carrying on of the business of the factory. R.S.O. 1927, c. 266, s. 2.

3. The patrons of all factories may be required to subscribe their names to such rules and regulations, and the same shall be binding on them and on the owners and board of management. R.S.O. 1927, c. 266, s. 3.

PREVENTION OF FRAUDS.

4.—(1) The owner or manager of a factory may require the owner or custodian of a cow whose milk is being bought for, or supplied or sent to the factory to submit such cow, at the premises where it is usually kept, to such milk test by persons named by such owner or manager as may be necessary for them to ascertain the quantity and quality of the milk of such cow on any day as may be appointed by such owner or manager.

(2) If the owner or custodian refuses to so submit the cow or obstructs the persons making the milk test, or interrupts the test, or interferes in any way with it he shall for every such offence incur a penalty of not less than $10 nor more than $100. R.S.O. 1927, c. 266, s. 4.

5.—(1) The owner or manager of a factory who suspects any person selling, supplying, sending or bringing milk to the factory, of an offence against this Act, may enter upon,
or may appoint some person or persons to enter upon, and such person or persons may enter upon the premises of the suspected person, with or without notice, and take samples of milk from any cow from which the supposed offender was, or had been immediately before then, procuring the milk or part of the milk so sold, supplied, sent or brought.

(2) Any such suspected person who obstructs or refuses to permit the taking of any such sample shall incur a penalty of not less than $10 nor more than $50. R.S.O. 1927, c. 266, s. 5.

6. No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or milk in which any preservative is contained without distinctly notifying in writing the owner or manager of such factory of the fact. R.S.O. 1927, c. 266, s. 6.

7. No person who, in the course of his business, agrees to sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured, the milk of any cow shall, in the course of such dealing and business, keep back any part of the milking of such cow without distinctly notifying in writing the owner or manager of such factory what portion of the milk he has so kept back. R.S.O. 1927, c. 266, s. 7.

8. No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured any milk tainted or partly sour without distinctly notifying in writing the owner or manager of such factory of the fact. R.S.O. 1927, c. 266, s. 8.

9. Every person supplying milk or cream to a factory shall keep his dairy, milk house, milk stand, vessels and equipment used for storing or carrying milk or cream in a clean and sanitary condition. R.S.O. 1927, c. 266, s. 9.

10.—(1) Every factory and its surroundings shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy product shall be clean and pure.

(2) The owner or manager of a factory who refuses or neglects to observe the provisions of this section after being warned or advised by a dairy inspector shall incur a penalty of not less than $5 or more than $200. R.S.O. 1927, c. 266, s. 10.
11.—(1) Upon the recommendation of the Minister the Lieutenant-Governor in Council may appoint one or more persons as inspectors for enforcing the provisions of this Act who shall be known as dairy inspectors.

(2) The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors. R.S.O. 1927, c. 266, s. 11.

12.—(1) Every dairy inspector shall have free access and admission to every factory and to all the land adjoining the same and to the premises of all persons supplying milk or cream to any cheese factory or creamery.

(2) Every such inspector may take and test samples of milk found in a factory or in transit between a producer and a factory.

(3) Every such inspector may take and test samples of milk found upon the premises of producers supplying milk to a factory, and may take and test samples from cows which have been producing milk to be sold to factories.

(4) Any person refusing admission or offering obstruction to the work of inspection or of taking samples or testing the same shall incur the penalty provided by section 14.

(5) Every inspector may at any time take samples for testing any product manufactured in any factory. R.S.O. 1927, c. 266, s. 12.

13. Every inspector shall make such reports and in such form as the Minister may direct. R.S.O. 1927, c. 266, s. 13.

14.—(1) Any person who, by himself or by his servant or agent, contravenes any of the provisions of sections 6, 7, 8, 9 and 12 shall incur a penalty of not less than $5 or more than $50.

(2) For the purpose of establishing the guilt of any person under section 6 or 7 it shall be sufficient prima facie evidence to show that such person, by himself, his servant or agent, sold, supplied, sent or brought to be manufactured to a factory milk which, by comparison made by means of a lactometer and Babcock Tester, was substantially below the standard of that actually drawn, or by the accused represented as having been drawn from the same cows within two weeks.
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(3) In a complaint under section 6, 7, 8, 9 or 12 and in a Description of offence conviction thereon, the milk may be described as deteriorated in Information or without specification of the cause or mode of deteriora- complaint. tion, and the matter complained of may be declared and shall be held to have arisen within the meaning of The Summary Convictions Act at the place where the milk was to be manu- factured notwithstanding that the deterioration was affected elsewhere. R.S.O. 1927, c. 266, s. 14.

15. A pecuniary penalty under section 14 in respect of Selling, supplying or bringing milk to a factory shall when recovered by payable one-half to the informant and the other one-half to the owner of the factory to which the milk was sold, supplied, sent or brought in contravention of any of the provisions of this Act to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. R.S.O. 1927, c. 266, s. 15.

16.—(1) The owner or manager of a factory, who know- ingly and fraudulently uses or directs any of his employees to use for his or their individual benefit any cream from the milk brought to the factory without the consent of all the owners thereof shall for every offence incur a penalty of not less than $1 or more than $50, which when recovered shall be payable one-half to the informant and the other one-half to the treasurer of the municipality in which the offence was committed.

(2) Any person aggrieved by such fraudulent conduct may at his election recover from the offender by action the amount of damages sustained. R.S.O. 1927, c. 266, s. 16.

17. Prosecutions under this Act shall be before a magistrates or two justices of the peace, and the provisions of The Summary Convictions Act shall otherwise apply. R.S.O. Rev. Stat. 1927, c. 266, s. 17.

18. Nothing in this Act shall apply to milk sold or offered for sale for human consumption. R.S.O. 1927, c. 266, s. 18.