

1937

c 303 Milk, Cheese and Butter Act

Ontario

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CHAPTER 303.

The Milk, Cheese and Butter Act.

Interpretation.

"Cheese factory,"
"Creamery,"
"Minister."
Rev. Stat.
c. 304.

"Factory."

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.)

Power to make rules.

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.

Rules to be binding on patrons, etc.

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.

Right to test milk.

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.

Interfering with test.

(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.

Right to take samples of milk.

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. Interfering with taking of samples.

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. Notice to be given when milk diluted, etc.

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. Notice to be given when any part of milk is kept back.

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. Notice to be given when milk tainted.

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. Premises to be clean and sanitary.

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. Creameries and cheese factories to be kept clean.

(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. Penalty.

Appoint-
ment of
inspectors.

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.

Remunera-
tion.

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

Powers of
inspectors.

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.

Taking
samples of
milk.

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

Idem.

(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.

Obstructing
inspection.

(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.

Inspectors
may take
samples.

(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.

Report of
inspector.

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

PENALTIES.

Penalty for
violations
of ss. 6, 7, 8,
9 and 12.

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.

Evidence
for viola-
tions of
s. 6 or 7.

(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.

(3) In a complaint under section 6, 7, 8, 9 or 12 and in a conviction thereon, the milk may be described as deteriorated milk without specification of the cause or mode of deterioration, 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 manufactured notwithstanding that the deterioration was affected elsewhere. R.S.O. 1927, c. 266, s. 14.

Description
of offence
in informa-
tion or
complaint.

Rev. Stat.
c. 136.

15. A pecuniary penalty under section 14 in respect of selling, supplying or bringing milk to a factory shall when recovered be 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.

Appropriation
of
penalties.

16.—(1) The owner or manager of a factory, who knowingly 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.

Fraudulent
use of cream
from milk
supplied.

Penalty.

(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.

Civil
remedy.

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

Prosecu-
tions.

Rev. Stat.
c. 136.

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.

Application
of Act.