



1937

## c 304 Dairy Products Act

Ontario

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## CHAPTER 304.

## The Dairy Products Act.

Interpretation.

## 1. In this Act,—

"Board."

(a) "Board" shall mean the Milk Control Board of Ontario;

"Cheese factory."

(b) "Cheese factory" shall mean the place to which the milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;

"Creamery."

(c) "Creamery" shall mean the place to which milk or cream from the herds of five or more persons is brought for the purpose of being manufactured into butter or is made into butter for public sale;

"Inspector."  
Rev. Stat.  
c. 303.(d) "Inspector" shall mean inspector appointed under *The Milk, Cheese and Butter Act*, or this Act;

"Minister."

(e) "Minister" shall mean Minister of Agriculture;

"Patron."

(f) "Patron" shall mean one who habitually sells milk or cream at a plant;

"Plant."

(g) "Plant" shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving stations and any other premises where milk and cream are received to be manufactured into cheese or butter or for sale or shipment or distribution for human consumption;

"Regulations."

(h) "Regulations" shall mean regulations made under the authority of this Act. 1930, c 53, s. 2; 1937, c. 16, s. 2.

Construction of  
cheese  
factory,  
etc.

2.—(1) A building shall not be used or constructed or reconstructed for use as a cheese factory, creamery, milk or cream shipping or receiving station unless the Minister has granted permission therefor in writing which may be granted after receipt by him of a certificate from the Board that such building is required, and in such determination the Board shall have regard to the sufficiency of water supply, sewage disposal facilities and the supply of milk and cream in the locality of the proposed building and whether it is in the interests of the local milk producers as related to the dairy industry as a whole.

(2) Every such building shall comply with the following requirements,— Specifications of factory.

- (a) the foundation shall be substantial and shall be constructed of stone or concrete;
- (b) the floors shall be constructed of concrete or suitable tile;
- (c) the outlets for waste water shall be fitted with bell traps, and such waste water shall be conducted to a septic tank, cesspool, underground drain or sewer in such manner that the building may be kept clean and sanitary;
- (d) the interior walls, partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting;
- (e) the ceilings of the workrooms shall be not less than ten feet from the floor;
- (f) the containers for whey, buttermilk and skim milk shall be capable of being emptied readily and capable of being kept clean and sanitary and such containers shall not be placed in or under the ground;
- (g) every window, outside door and weighing or receiving platform shall be constructed so as to prevent the entry of flies to the workrooms.

(3) The Minister may upon recommendation of the Board grant licenses for the operation of cheese factories, creameries, and milk or cream shipping or receiving stations, and may cancel or suspend any such license. License to operate.

(4) No cheese factory, creamery or milk or cream shipping or receiving station shall be operated without a license, and any owner or other person operating any such cheese factory, creamery or milk or cream shipping station shall in addition to any other penalty provided by this Act be liable to a penalty of \$10 for every day during which any violation of this section continues. Penalty for operating without license.

(5) The Minister, with the consent of the Lieutenant-Governor in Council, may make regulations prescribing information to be furnished, forms to be used and fees to be paid on any application made under the provisions of this section. 1937, c. 16, s. 3. Regulations.

3. Upon the report of an inspector that any cheese factory or creamery is not in a satisfactory sanitary condition or lacks proper equipment for the manufacture or collection of dairy Minister may order closing of unsanitary premises.

products, or that unsanitary conditions exist in or about the premises, the Minister may order the same to be closed forthwith and they shall be kept closed until the Minister certifies upon the report of the inspector that they have been put into a satisfactory sanitary condition and properly equipped for the manufacture or collection of dairy products. 1930, c. 53, s. 4.

Basis of payment for milk and cream.

**4.**—(1) All milk and cream received at a plant shall be paid for,—

(a) on the basis of its fat content as determined by the Babcock test; or

(b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

Measuring fat content of milk.

(2) In determining the fat content of milk supplied to a plant the measuring pipette shall have a capacity of 17.6 cubic centimetres officially stamped.

Measuring fat content of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams. 1930, c. 53, s. 5.

Grading cream at a creamery.

**5.** All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades. 1930, c. 53, s. 6.

Basis of grading cream for butter.

**6.** For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be:

(a) Special grade;

(b) First grade;

(c) Second grade;

(d) Off grade.

1930, c. 53, s. 7.

Pasteurizing cream.

**7.** All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes. 1930, c. 53, s. 8.

Certificate of qualification required.

**8.** At every plant the selecting, grading, or rejecting of milk, the grading of cream, the weighing, sampling and testing of milk and cream, the manufacturing of cheese and butter shall be performed or supervised by the holder of a permit or certificate of qualification granted under the provisions of section 9. 1930, c. 53, s. 9.

**9.** Certificates of qualification shall be granted annually as follows: <sup>Graded certificates.</sup>

- (a) First-class certificates to cheesemakers and to butter-makers;
- (b) Second-class certificates to cheesemakers and to butter-makers;
- (c) Permit certificates to cheesemakers and to butter-makers;
- (d) Certificates to milk and cream testers and to milk and cream graders. 1930, c. 53, s. 10.

**10.** Certificates shall be granted by the Minister on the recommendation of the Director of Dairying. 1930, c. 53, s. 11. <sup>Granting certificates.</sup>

**11.** The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ground that the holder is not complying with this Act and the regulations. 1930, c. 53, s. 12. <sup>Cancelling or suspending certificates.</sup>

**12.** A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying. 1930, c. 53, s. 13. <sup>Reinstatement.</sup>

**13.** When the whey at any plant is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition. 1930, c. 53, s. 14. <sup>Pasteurizing whey.</sup>

**14.** The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon. 1930, c. 53, s. 15. <sup>Packages and brands.</sup>

**15.**—(1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all plants or other premises where milk or cream is collected for sale or shipment or manufacture or for distribution for human consumption, or to milk and cream in transit on waggons, trains or other conveyances at collecting stations, railroad stations; express offices, in storage or wherever found, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test. <sup>Inspectors' powers.</sup>

(2) It shall be the duty of the inspector and he shall have authority,— <sup>Duties.</sup>



- (a) to weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;
- (b) to examine and test samples of milk or cream kept for re-test at a plant;
- (c) to examine the records of receipts of milk and cream, of all Babcock tests made at a plant and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

Access to reports.

(3) Any inspector shall have access to all plant reports necessary in the performance of his duty.

Obstructing, penalty.

(4) Any person obstructing any inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100. 1930, c. 53, s. 16.

Regulations.

**16.** For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council on the recommendation of the Minister may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act. 1930, c. 53, s. 17.

Penalty.

**17.** Every person who violates any of the provisions of this Act, or any regulation made thereunder, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for milk or cream used in the manufacture of butter or cheese or for distribution for human consumption, on any basis other than those stated in this Act and the regulations, shall be liable to a penalty of not less than \$50 nor more than \$200. 1930, c. 53, s. 18.

Application of Rev. Stat., c. 136.

**18.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. 1930, c. 53, s. 19.