



1937

c 307 Farm Products Grades and Sales Act

Ontario

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CHAPTER 307.

The Farm Products Grades and Sales Act.

1. In this Act,—

Interpre-
tation.

- (a) "Grade" shall mean grade established under this Act; "Grade."
- (b) "Inspector" shall mean inspector appointed under this Act; "Inspector."
- (c) "Minister" shall mean Minister of Agriculture; "Minister."
- (d) "Farm product" shall include animals, meats, eggs, poultry, wool, dairy products, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate. 1937, c. 24, s. 2. "Farm product."

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

Regula-
tions.

- (a) establishing grades for any farm product;
- (b) providing for the inspection, grading, packages and packing, marking, handling, shipping, transporting, advertising, purchasing and selling of farm products within Ontario;
- (c) prescribing the fees payable upon the inspection of any farm product;
- (d) designating the places where farm products may be inspected and such highway inspection points as are considered necessary;
- (e) prescribing the powers and duties of inspectors;
- (f) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (g) generally for the better carrying out of the provisions of this Act.

Limitation
as to time.

(2) Any regulation made under this section may be limited as to time and place. 1937, c. 24, s. 3.

Inspection,
—appointment
of.

3. The Minister may appoint inspectors whose duties shall be to carry out the provisions of this Act. 1937, c. 24, s. 4.

Powers of
inspectors.

4.—(1) Every inspector may, for the purpose of enforcing the provisions of this Act or the regulations,—

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage or carriage of any farm product and inspect any farm product found therein;
- (b) stop any conveyance which he believes to contain any farm product and inspect such conveyance and any farm product found therein;
- (c) obtain a sample of any farm product at the expense of the owner for the purpose of making an inspection thereof;
- (d) require the production or furnishing of copies of or extracts from any books, shipping bills, bills of lading or other records relating to farm products.

Detention
of product
for purpose
of inspection.

(2) For the purpose of making an inspection of any farm product the inspector may detain such farm product at the risk of the owner thereof, provided that after detaining any such product the inspector shall forthwith notify the owner or person having possession thereof of such detention by prepaid telegram or such other means as in the circumstances he may deem proper. 1937, c. 24, s. 5.

Detention
of products.

5. Any farm product in respect of which, in the opinion of the inspector, an offence against this Act or the regulations has been committed, may be placed under detention at the risk and expense of the owner by such inspector until such time as the owner of such farm product shall comply with this Act and the regulations, provided that where any person is convicted of an offence in respect of any such farm product the convicting magistrate may declare such farm product to be forfeited to His Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister may direct. 1937, s. 24, s. 6.

Certificate
of in-
spectors.

6. The production by the inspector of a certificate of his appointment purporting to be signed by the Minister shall be *prima facie* evidence of the facts stated in such certificate and

conclusive evidence of the authority of such inspector to inspect any farm product. 1937, c. 24, s. 7.

7.—(1) Every person shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$100 for a subsequent offence, who,— Penalties.

- (a) obstructs any inspector or refuses to permit any inspector to examine any farm product in his possession or under his control;
- (b) furnishes an inspector with a false name or address, or any other false information;
- (c) represents any farm product as being of a particular grade when such product has not been graded according to the regulations;
- (d) misrepresents the variety, class or origin of any farm product;
- (e) sells or offers for sale any farm product in a package or container upon which the contents of such package or container is falsely represented;
- (f) carelessly handles or damages any farm product while packing, transporting or otherwise dealing with such product;
- (g) violates any of the provisions of this Act or the regulations.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. 1937, c. 24, s. 8. Recovery of penalties. Rev. Stat., c. 136.

8. No proceedings or conviction under this Act shall affect the right of any person to any legal remedy to which he would otherwise be entitled. 1937, c. 24, s. 9. Legal remedy not affected.

9. For the purpose of jurisdiction, in any complaint, information or conviction for a violation of any of the provisions of this Act or the regulations, the matter complained of may be alleged and shall be deemed to have arisen at the place where the farm product was packed, sold, offered, exposed or had in possession for sale or transportation as the case may be, or at the residence or usual place of residence of the person charged with such violation. 1937, c. 24, s. 10. Where matter complained of deemed to have arisen.