



1950

## c 130 Farm Products Grades and Sales Act

Ontario

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## CHAPTER 130

**The Farm Products Grades and Sales Act****1. In this Act,**Interpre-  
tation.

- (a) "farm product" includes 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;
- (b) "grade" means grade established under this Act;
- (c) "inspector" means inspector appointed under this Act;
- (d) "Minister" means Minister of Agriculture;
- (e) "package" includes any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product. R.S.O. 1937, c. 307, s. 1; 1939, c. 15, s. 1; 1950, c. 19, s. 1.

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

- (a) establishing grades and classes 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 manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (d) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of account of purchase of such farm products and for the investigation of

- such statements and the transactions represented thereby;
- (e) prescribing the fees payable upon the inspection and grading of any farm product;
  - (f) designating the places where farm products may be inspected and such highway inspection points as are considered necessary;
  - (g) prescribing the powers and duties of inspectors and graders;
  - (h) providing for the issue of grading certificates by inspectors and prescribing the form thereof;
  - (i) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
  - (j) respecting the cleanliness and sanitation of all premises in which a farm product is stored, processed, graded or packed;
  - (k) providing for the issuing of licences for engaging in the marketing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
  - (l) prohibiting persons from engaging in the marketing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
  - (m) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor;
  - (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 307, s. 2 (1); 1946, c. 28, s. 1; 1947, c. 36, s. 1; 1949, c. 31, s. 1 (1); 1950, c. 19, s. 2.

Limitation  
as to time.

(2) Any regulation made under this section may be limited as to time and place. R.S.O. 1937, c. 307, s. 2 (2).

Definitions

(3) Any word or expression used in any regulation made under this section may be defined in the regulation for the purposes of the regulations. 1949, c. 31, s. 1 (2).

**3.—(1)** The Minister may appoint inspectors and graders whose duties shall be to carry out the provisions of this Act. R.S.O. 1937, c. 307, s. 3; 1950, c. 19, s. 3 (1). Inspectors, appointment of.

(2) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary. 1939, c. 15, s. 2. Minister may designate inspection places.

(3) The Minister may, by order, require persons in charge of farm products that are being transported from an area designated by him to proceed to a designated highway inspection point and to remain there until the farm products are inspected. 1948, c. 29, s. 1. Minister may order transporters to proceed to inspection point.

(4) The Minister may authorize the experimental use of any package, but such package shall be identified and used only in the manner authorized by the Minister. 1950, c. 19, s. 3 (2). Experimental use of packages.

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

(a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing 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. R.S.O. 1937, c. 307, s. 4 (1); 1950, c. 19, s. 4.

(2) For the purpose of making an inspection of any farm product the inspector may detain the 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 the detention by prepaid telegram or such other means as in the circumstances he may deem proper. R.S.O. 1937, c. 307, s. 4 (2). Detention of product for purpose of inspection.

Obstruction  
of inspector.

(3) No person shall obstruct any inspector or refuse to permit any farm product to be inspected or furnish an inspector with false information.

Production  
of docu-  
ments.

(4) Every person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product. 1946, c. 28, s. 2.

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 the inspector until such time as the owner of the farm product complies 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. R.S.O. 1937, c. 307, s. 5.

Detention  
of package.

6. For the purpose of making an inspection of a package an inspector may detain such package including any farm product that may be contained in such package at the risk of the owner thereof, and the provisions of this Act relating to the detaining and placing under detention of farm products shall apply *mutatis mutandis* to packages and any farm products contained therein. 1939, c. 15, s. 3.

Certificate  
of in-  
specter.

7. 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 the certificate and conclusive evidence of the authority of the inspector to inspect any farm product. R.S.O. 1937, c. 307, s. 6.

Penalties.

8.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$50 and not more than \$500 for any subsequent offence.

Obstruction  
of inspector.

(2) Every person who contravenes any of the provisions of subsection 3 of section 4 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$200 and not more than \$1,000 and in default of payment to imprisonment for a term of not more than two months. 1950, c. 19, s. 5.

**9.** 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. R.S.O. 1937, c. 307, s. 8. <sup>Legal remedy not affected.</sup>

**10.** 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 the violation. R.S.O. 1937, c. 307, s. 9. <sup>Where matter complained of deemed to have arisen.</sup>

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