

1950

c 131 Farm Products Marketing Act

Ontario

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CHAPTER 131

The Farm Products Marketing Act**1. In this Act,**

Interpretation.

- (a) "Board" means Farm Products Marketing Board;
- (b) "farm products" includes animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations;
- (c) "licence" means a licence provided for under the regulations;
- (d) "local board" means a board constituted under a scheme;
- (e) "marketing" includes advertising, buying, financing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail;
- (f) "Minister" means Minister of Agriculture;
- (g) "regulated product" means a farm product in respect of which a scheme is in force;
- (h) "regulations" means regulations made under this Act;
- (i) "scheme" means any scheme for the marketing or regulating of any farm product which is in force under this Act. 1946, c. 29, s. 1.

2.—(1) The body corporate known as "The Farm Products Marketing Board" is continued. 1946, c. 29, s. 2 (1), *amended*. Board continued.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. Constitution of Board.

Chairman. (3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members. (4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Officers, clerks, etc., appointment of. (5) The Board, subject to the approval of the Lieutenant-Governor in Council, may appoint such officers, clerks and employees as it deems necessary, and the remuneration of such officers, clerks and employees shall be determined by the Lieutenant-Governor in Council. 1946, c. 29, s. 2 (2-5).

Authority of Board.

3.—(1) The Board shall have authority,

- (a) to investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes of persons; 1946, c. 29, s. 3 (1), cl. (a); 1950, c. 20, s. 1 (1).
- (b) to investigate the cost of producing, processing, distributing and transporting any regulated product, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of regulated products; 1946, c. 29, s. 3 (1), cl. (b); 1950, c. 20, s. 1 (2).
- (c) to do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme; 1946, c. 29, s. 3 (1) cl. (c).
- (d) to establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices for any regulated product or any class, variety, grade or size of a regulated product; 1950, c. 20, s. 1 (3).
- (e) to exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;
- (f) to require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, require such persons to furnish such information in

- regard to the regulated product as the Board may determine, and inspect the books and premises of such persons; 1946, c. 29, s. 3 (1), cls. (e, f).
- (g) to authorize any local board,
 - (i) to exempt from any scheme or any order or direction of the local board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product,
 - (ii) to require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the local board, to require such persons to furnish such information in regard to the regulated product as the local board may determine, and to inspect the books and premises of such persons; provided that where a person engaged in the producing or marketing of a regulated product is required to register with a local board, the Board shall not require him to register with the Board; 1950, c. 20, s. 1 (4).
 - (h) to require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product;
 - (i) to refuse to grant any licence for any reason which the Board may deem sufficient; 1946, c. 29, s. 3 (1), cls. (g, h).
 - (j) to prohibit persons from engaging in the marketing or processing of any regulated product except under the authority of a licence issued by the Board;
 - (k) to prohibit the marketing of any grade or size of any regulated product;
 - (l) to fix harvesting, digging or shipping quotas and establish harvesting, digging or shipping quota committees for any regulated product; 1950, c. 20, s. 1 (5).
 - (m) to suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board, provided that

in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;

- (n) by such means as it may deem proper to stimulate, increase and improve the marketing of farm products. 1946, c. 29, s. 3 (1), cls. (i, j).

Powers of investigation.

Rev. Stat., c. 308.

(2) Upon any investigation under this section the Board shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1946, c. 29, s. 3 (2).

Delegation of powers.

(3) The Board may delegate to a local board such of its powers as it deems necessary, and may, at any time, terminate such delegation of power. 1950, c. 20, s. 1 (6).

Furnishing information.

(4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted.

Local board to be body corporate.

(5) Every local board shall be a body corporate. 1946, c. 29, s. 3 (4, 5).

Approval of scheme of marketing.

4.—(1) Where the Board receives from any group of persons engaged in the marketing of any farm product, a petition or request asking that any scheme for the marketing or regulating of the farm product, including the establishment of a local board, be adopted, the Board may, if it is of opinion that the group of persons is fairly representative of the persons engaged in the phase of marketing represented by the group, recommend the adoption of such scheme to the Minister. 1946, c. 29, s. 4 (1).

Approval of schemes.

(2) The Lieutenant-Governor in Council may,

- (a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof; and
- (b) amend any approved scheme as he may deem proper.

By-laws.

(3) The Lieutenant-Governor in Council may make regulations prescribing by-laws for regulating the government of local boards and the conduct of their affairs. 1949, c. 32, s. 2.

5. Every person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500. 1946, c. 29, ss. 5, 7; 1950, c. 20, s. 2.

6.—(1) Every person who fails to pay at least the minimum price adopted or determined by the Board or by any local board for any regulated product, in addition to the penalty provided for in section 5, shall be liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or part payment for such regulated product. 1950, c. 20, s. 3 (1).

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received among the persons who failed to receive at least the minimum price. 1946, c. 29, s. 6 (2); 1950, c. 20, s. 3 (2).

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

- (a) regulating and controlling the marketing of regulated products, including the agency through which the products may be marketed;
- (b) providing for the licensing by the Board of persons engaged in the marketing or processing of any regulated product and fixing the licence fees payable by such persons at different amounts and providing for the payment of the licence fees in instalments; 1946, c. 29, s. 8 (1), cls. (a, b); 1950, c. 20, s. 4 (1).
- (c) providing that any class of licence fees shall be payable to a local board to be used by it for the purpose of carrying out and enforcing the provisions of this Act, the regulations and the scheme under which the local board is established;
- (d) prescribing the form of licences and the terms and conditions upon which such licences may be issued, renewed, suspended or revoked;
- (e) providing for the making of returns or the furnishing of information by any person licensed under this Act;

- (f) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force; 1946, c. 29, s. 8 (1), cls. (c-f).
- (g) providing for the collection, use and return of service charges or equalization fees on regulated products; 1949, c. 32, s. 3; 1950, c. 20, s. 4 (1).
- (h) providing for the furnishing of security or proof of financial responsibility by persons who purchase regulated products for resale; 1946, c. 29, s. 8 (1), cl. (g); 1950, c. 20, s. 4 (1).
- (i) providing for the administration and disposition of any moneys or securities furnished as proof of financial responsibility; 1950, c. 20, s. 4 (2).
- (j) exempting any person or class of persons from the provisions of the regulations or any portion thereof;
- (k) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product;
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 29, s. 8 (1), cls. (h-j).

Regulations
may be
limited.

(2) Any regulations made under this section may be limited as to time and place. 1946, c. 29, s. 8 (2).

Administra-
tion of Act.

8. The moneys required for the purpose of the administration of this Act shall be paid out of such sums as may be appropriated therefor by the Legislature. 1946, c. 29, s. 9.
