

1927

# c 267 Dairy Products Act

Ontario

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## CHAPTER 267.

## The Dairy Products Act.

Interpre-  
tation.

"Factory."

**1.** In this Act,—

(a) "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;

"Cheese  
factory."

(b) "Cheese Factory" shall mean 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. 266.

(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 factory;

"Regula-  
tions."

(g) "Regulations" shall mean regulations made under the authority of this Act. 1927, c. 77, s. 2.

Site or  
location for  
factory.

**2.**—(1) A building shall not be erected, rebuilt or reconstructed for use as a cheese factory or creamery on any site or location without the permission in writing of the Director of Dairying.

Specifica-  
tions for  
new  
factory.

(2) Such building, rebuilding or reconstructing shall be in accordance with the conditions following:

(a) The foundation shall be substantially constructed of stone or concrete.

(b) The floors shall be of concrete or suitable tile.

(c) The outlets for waste water shall be properly trapped and the waste water from these outlets shall be conducted to septic tanks, cesspools or underground

drains or sewers in such a manner that the surroundings of the factory shall be at all times clean and sanitary.

(d) The inside of all walls and all partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting.

(e) The ceilings of the work rooms shall be not less than ten feet from the surface of the floor.

(3) The tanks for containing whey, buttermilk and skim-milk shall be installed in such a manner that they can be emptied readily and kept clean and sanitary.

Whey tanks,—  
installation of.

(4) A new or reconstructed factory shall not be operated until permission therefor has been given in writing by the Minister.

Permission to operate new factory.

(5) The permission for the erection, rebuilding or reconstructing of a factory or for the commencement of operations therein shall not be granted until such factory has been inspected by an inspector and he has reported that such permission may properly be given. 1927, c. 77, s. 3.

Report of inspector before permission given.

**3.** Upon the report of an inspector that any factory is not in a satisfactory sanitary condition, or lacks proper equipment for the manufacture or collection of dairy products, or that unsanitary conditions exist in or about the factory or premises, the Minister may order the same to be closed forthwith and it shall be kept closed until the Minister certifies upon the report of the inspector that it has been put into a satisfactory sanitary condition and is properly equipped for the manufacture or collection of dairy products. 1927, c. 77, s. 4.

Minister may order closing of unsanitary premises.

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

Basis of payment for milk and cream.

(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 cheese-making only.

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

Measuring fat content of milk.

(3) In determining the fat content of cream supplied to a factory the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh nine or eighteen grams. 1927 c. 77, s. 5.

Measuring fat content of cream.

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. 1927, c. 77, 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. 1927, c. 77, s. 7.

Pasteurising  
cream.

**7.** All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes. 1927, c. 77, s. 8.

Certificate  
of quali-  
fication  
required.

**8.** At every cheese factory and creamery the selecting of milk, the grading of cream and the manufacturing of cheese and butter shall be performed or supervised by the holder of a certificate of qualification granted under the provisions of section 9. 1927, c. 77, s. 9.

Graded  
certificates.

**9.** Certificates of qualification shall be granted annually as follows:

- (a) First class certificates to cheesemakers and to butter-makers;
- (b) Second class certificates to cheesemakers and to buttermakers;
- (c) Permit certificates to cheesemakers and to butter-makers;
- (d) Certificates to milk and cream testers and to cream graders. 1927, c. 77, s. 10.

Granting  
certificates.

**10.** Certificates shall be granted by the Minister on the recommendation of the Director of Dairying. 1927, c. 77, s. 11.

Cancelling  
or suspend-  
ing certi-  
ficates.

**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. 1927, c. 77, s. 12.

Re-instate-  
ment.

**12.** A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying. 1927, c. 77, s. 13.

**13.** When the whey at any factory is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition. 1927, c. 77, s. 14.

Pasteurizing whey.

**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. 1927, c. 77, s. 15.

Packages and brands.

**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 factories or other premises where milk or cream is collected for sale or shipment or manufacture or to milk and cream in transit on wagons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, whether in possession of producer, seller, purchaser, carrying agent or storage company, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test.

Inspectors—powers and duties of.

(2) It shall be the duty of the inspector and he shall have authority,—

Duties and powers of inspector.

- (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 factory;
- (c) To examine the records of receipts of milk and cream, of all Babcock tests made at a factory, and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

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

Access to reports.

(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. 1927, c. 77, s. 16.

Obstructing. Penalty.

**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. 1927, c. 77, s. 17.

Regulations.

Penalty.

**17.** Every person who violates any of the provisions of this Act, or any regulations made under this Act, 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 cream used in the manufacture of butter 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. 1927, c. 77, s. 18.

Act not to apply to milk for human consumption.

**18.** Nothing in this Act shall apply to milk or cream sold or offered for sale for human consumption. 1927, c. 77, s. 19.

Application of Rev. Stat. c. 121.

**19.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. 1927, c. 77, s. 20.

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