

1914

## c 221 Milk and Cream Act

Ontario

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## 8. PREVENTION OF FRAUDS.

## CHAPTER 221.

An Act respecting the Production and Sale of Milk  
for Human Consumption.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Milk Act*. 1 Geo. V. Short title. c. 69, s. 1.

2. In this Act, "Municipality" shall not include County. Interpretation "Municipality." 1 Geo. V. c. 69, s. 2.

3. The Council of every municipality may pass by-laws for regulating milk produced for sale, offered for sale or sold within such municipality as to the Powers of municipal councils.

- (a) care of cows producing milk for sale for domestic consumption;
- (b) cleanliness, ventilation and sanitary conditions of the places in which cows are kept or milked or in which milk is stored;
- (c) water supplied to cows;
- (d) care and cleansing, construction and type of all utensils used in handling milk, whether by producers, carriers or vendors;
- (e) care, storage, transportation and distribution of milk by producers, carriers or vendors;
- (f) making of bacteriological tests for the purpose of ascertaining the wholesomeness of milk offered for sale by any producer, carrier or vendor; and
- (g) other matters regarding the production, care, transportation or sale of milk which the Council may deem necessary;

and upon such regulations being approved in writing by the Minister of Agriculture, they shall apply to all milk produced for sale, offered for sale or sold within such municipality. Approval of regulations. 1 Geo. V. c. 69, s. 3.

By laws regulating the granting of licenses.

4.—(1) The council of every municipality may pass by-laws for licensing and regulating the granting of licenses to vendors of milk for human consumption, and may refuse or cancel such licenses.

Not to be sold without a license.

(2) No person shall sell milk in a municipality in which such by-laws are in force without first obtaining a license therefor. 1 Geo. V. c. 69, s. 4.

By-laws fixing standards of butter-fat and solids.

5.—(1) The council of every municipality may pass by-laws fixing the standard for butter fat and total solids of milk sold in such municipality, but no milk shall be sold for human consumption which contains less than twelve per cent. of solids, of which three per cent. is butter fat.

Preservatives, etc., not to be used.

(2) No person shall place any preservative in milk intended for human consumption, or sell or offer for sale to any vendor milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of such change to such vendor.

Departures from standard or normal condition must be advertised.

(3) No vendor of milk shall sell or offer for sale milk not complying with the standard, or from which butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without clearly and distinctly advertising the same in the manner prescribed by the by-law of the municipality in which it is sold. 1 Geo. V. c. 69, s. 5.

Appointment of municipal inspectors.

6.—(1) The council of every municipality may by by-law appoint an inspector or inspectors for the enforcement of this Act and any by-law passed hereunder, and every such inspector may prohibit the sale, within the municipality for which he is inspector, of milk for human consumption which in his judgment is produced or handled contrary to the provisions of this Act or the by-law.

Powers of inspectors.

(2) Every such inspector may inspect the premises of every vendor licensed to sell milk within the municipality, to see that the requirements of this Act and the by-laws are fully complied with, and may take samples of milk for examination and testing.

Right to enter, take samples, etc.

(3) Every such inspector may enter the premises, wherever located, of every person producing milk for sale or consumption within the municipality, fully inspect the same, and take for examination and testing samples of milk produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Inspecting and taking samples in transit.

(4) Every such inspector may inspect and take samples of milk for sale or consumption within the municipality while in transit, and may enter any premises in order to procure samples of such milk.

(5) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality. 1 Geo. V. c. 69, s. 6. <sup>Publication of tests.</sup>

7—(1) There shall not be sold milk from any cow which, upon physical examination by a duly qualified veterinary surgeon, is declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis, is shown to contain tubercle bacilli, or which is known to be suffering from splenic fever or anthrax, or any other general or local disease which is liable to render milk from such cow dangerous to health. <sup>Milk from diseased cows.</sup>

(2) Where an inspector suspects that a cow is affected with any of such diseases he shall notify the owner that the milk of such cow must not be sold or offered for sale until a permit has been granted by the board of health of the municipality in which such milk is to be consumed; and after such notice is given the milk from such cow shall not be sold until the permit is granted. 1 Geo. V. c. 69, s. 7. <sup>idem.</sup>

8. No person suffering from, or who has knowingly, within a time prescribed by the regulations of the Provincial Board of Health, been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, chickenpox, measles, glanders, anthrax, venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending of milk, and no owner, manager or superintendent of any dairy or dairy farm shall knowingly permit any person so suffering or exposed to work or assist in the production, transportation or vending of milk, and the sale of milk produced or handled under such circumstances may be prohibited by the inspector. 1 Geo. V. c. 69, s. 8, *amended*. <sup>Persons suffering from diseases not to be employed.</sup>

9. Cans, bottles or other utensils used in the distribution of milk shall not be used for any other purpose, and must be thoroughly cleansed before being again used. 1 Geo. V. c. 69, s. 9. <sup>Use and cleansing of utensils.</sup>

10. The council of every municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk depots in order to furnish a special supply of milk to infants. 1 Geo. V. c. 69, s. 10. <sup>Municipal milk depots.</sup>

11.—(1) The term "certified" shall not be applied to any milk unless: <sup>Use of word "certified."</sup>

- (a) It is taken from cows semi-annually subjected to the tuberculin test and found without reaction; <sup>Conditions.</sup>
- (b) It contains not more than 10,000 bacteria per cubic centimetre from June to September both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May both inclusive;

- (c) It is free from blood, pus, or disease-producing organisms;
- (d) It is free from disagreeable odour or taste;
- (e) It has not undergone pasteurization or sterilization, and is free from chemical preservatives;
- (f) It has been cooled to forty-five degrees Fahrenheit or under within half an hour after milking, and kept at that temperature until delivered to the consumer;
- (g) It contains twelve to thirteen per cent. of milk solids, of which at least three and one-half per centum is butter fat;
- (h) It is from a farm the herd of which is inspected monthly by a duly qualified veterinary surgeon, and the employees of which are examined monthly by a legally qualified medical practitioner.

Duration of certificate.

(2) No milk shall be sold as "certified" unless a certificate setting forth that the above conditions have been complied with has been obtained within one year from the medical officer of health of the municipality in which it is to be consumed or from an incorporated society of medical practitioners in Ontario. 1 Geo. V. c. 69, s. 11, *amended*.

Use of word "pasteurized."

12. The word "Pasteurized" shall not be applied to any milk unless all portions of it have been subjected for at least twenty and not more than thirty minutes to a temperature of not less than 140 and not more than 150 degrees Fahrenheit and then at once cooled to 45 degrees Fahrenheit or under and kept at that temperature until delivered to the consumer; and the process of pasteurization shall be subject to inspection by the local medical officer of health or such inspector as he may designate. 1 Geo. V. c. 69, s. 12.

Penalties.

13. Any person contravening any of the provisions of this Act or of any by-law passed hereunder shall incur a penalty of not less than \$1 nor more than \$50 recoverable under *The Ontario Summary Convictions Act*.

Rev. Stat. c. 90.