1950

c 86 Dairy Products Act

Ontario
CHAPTER 86

The Dairy Products Act

1. In this Act,

(a) “cheese factory” means any building or premises where milk from 50 or more cows is regularly brought for the purpose of being manufactured or separated into cheese or cheese and cream;

(b) “creamery” means any building or premises where milk or cream from 50 or more cows is regularly brought for the purpose of being manufactured or separated into butter or butter and cream;

(c) “combined cheese factory and creamery” means any building or premises where milk or milk and cream from 50 or more cows is regularly brought for the purpose of being manufactured or separated into cheese and butter or cheese, butter and cream;

(d) “dairy products” means products which are made wholly or chiefly from milk or cream, or both;

(e) “Director” means Director of Dairying appointed under this Act;

(f) “inspector” means a person appointed as an inspector or instructor, or both, under this Act;

(g) “milk condensary” and “milk powder plant” mean any building or premises where milk and cream is manufactured into concentrated dairy products;

(h) “milk separating plant” means any building or premises where whole milk is brought for the purpose of being separated into cream;

(i) “Minister” means Minister of Agriculture;

(j) “patron” means a milk producer who sells milk or cream to a plant;
(k) "plant" includes cheese factory, creamery, combined cheese factory and creamery, milk condensary, milk powder plant, and milk separating plant;

(l) "regulations" means regulations made under this Act. 1938, c. 7, s. 1.

Construction of plants. 2.—(1) A building shall not be used, constructed or reconstructed for use as a plant unless the Minister has granted permission therefor in writing after receipt by him of a certificate from the Director that such a plant is reasonably necessary and desirable having regard to the sufficiency of water supply, sewage disposal facilities, the supply of milk and cream in the locality of the proposed plant and whether it is in the interests of the local milk producers and plants in operation.

(2) Every building shall comply with the following requirements:

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

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

(c) The outlets for waste water shall be fitted with bell traps and the waste water shall be conducted to a septic tank, cesspool, underground drain or sewer in such manner that the building and surroundings shall be kept clean and sanitary.

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

(e) The ceilings of the workrooms shall be not less than 10 feet from the floor.

(f) The containers for whey, buttermilk and skim milk shall be capable of being emptied readily and of being kept clean and sanitary and the containers shall not be placed in or under the ground.

(g) Every window, outside door and weighing or receiving platform shall be constructed so as to prevent the entry of flies to the workrooms. 1938, c. 7, s. 3.

Licence to operate. 3.—(1) The Minister, upon the recommendation of the Director, may grant licences for the operation of plants and may suspend or cancel any such licence.
(2) Upon the report of an inspector that any plant is not properly equipped for the collection or manufacture of milk, cream or dairy products having regard to the type of the plant or that unsanitary conditions exist in or about such plant, the Minister may suspend or cancel the licence issued in respect of such plant and thereupon such plant shall not be operated until the Minister, upon the report of an inspector that the plant is properly equipped and in proper sanitary condition, directs that the suspension be lifted or that a new licence be issued in respect of such plant. 1938, c. 7, s. 4.

4. A person who holds a licence under The Milk Control Act to process milk shall not require a licence under this Act to operate a milk condensary, milk powder plant or milk separating plant, provided that the other provisions of this Act and the regulations shall apply to every such plant. 1940, c. 8, s. 1.

5. Subject to section 4, every person who operates a plant without a licence issued under this Act, in addition to any other penalty provided by this Act, shall be liable to a penalty of $10 for every day during which such plant is so operated. 1938, c. 7, s. 5; 1940, c. 8, s. 2.

6. No person shall own, operate, manage or have charge of any place other than a creamery, where cream is received or purchased for the purpose of being transported or forwarded to a creamery unless such place has been approved by the Director, and no person shall deliver cream to or accept cream from any such place unless such place has been so approved. 1938, c. 7, s. 6.

7. The Lieutenant-Governor in Council may appoint a Director of Dairying and such inspectors and instructors as he may deem necessary for the administration of this Act. 1938, c. 7, s. 7.

8.—(1) It shall be the duty of each inspector and he shall have authority,

(a) to check the grading of milk and cream at any plant and to weigh, test and take such quantities of milk, cream or milk products as may be required for testing purposes;

(b) to examine and test samples of milk or cream kept for retesting at any plant;

(c) to examine the records and receipts of milk and cream and Babcock tests made at any plant and of the
disposition thereof, and the weight of butter, cheese and other dairy products manufactured at any plant.

Obstructing inspector.

(2) Every person who obstructs an inspector in the performance of his duty shall be guilty of an offence and in addition to any other penalty shall be liable to a penalty of not less than $25 and not more than $100. 1938, c. 7, s. 8.

Inspection of plant, etc.

9.—(1) For the purposes of enforcing this Act and the regulations every inspector shall have free access and admission at all reasonable times to every plant and every railway station, express office, terminal warehouse and other premises in which milk or cream is collected for sale, manufactured into dairy products, produced, kept or stored, and every wagon, truck, train and other conveyance in which milk or cream is transported or conveyed, and may take such samples of milk and cream found in any such plant, premises or conveyance as he deems necessary.

Right to inspect books and records.

(2) Every inspector shall at all reasonable times have access to the books and records of every plant. 1938, c. 7, s. 9.

Basis of payment for milk and cream.

10.—(1) Subject to the regulations, all milk and cream received at a plant, including a plant where milk is collected for distribution and resale, shall be paid for,

(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 cheesemaking only.

Fat content of milk.

(2) In determining the fat content of milk supplied to a plant, a measuring pipette having a capacity of 17.5 cubic centimetres shall be used.

Fat content of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing purposes shall be weighed into a graduated testing bottle suitable for use in the Babcock test, and shall weigh 9 or 18 grams.

Capacity to be marked on pipette and bottle.

(4) The capacity of every measuring pipette referred to in subsection 2 and the graduated scale upon every testing bottle referred to in subsection 3 shall be officially stamped or marked thereon under the authority of the Weights and Measures Branch of the Department of Trade and Commerce (Canada). 1938, c. 7, s. 10.
11. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,

(a) subject to the provisions of section 4 providing for the licensing of and issue of licences to plants of different classifications and for the renewal, suspension and cancellation of such licences and for the fees payable upon the issue and renewal thereof;

(b) providing for the licensing of, and issue of licences and permits to cheesemakers, buttermakers, milk and cream testers and milk and cream graders and for the renewal, suspension and cancellation of such licences and for the fees payable upon the issue and renewal thereof;

(c) prescribing the qualifications required by the holders of licences and permits;

(d) regulating the transportation and hours of transportation of milk and cream to plants;

(e) regulating the places where cream may be received or purchased for the purpose of being transported or forwarded to creameries;

(f) providing for the selecting, grading, rejecting, weighing, sampling, testing and pasteurizing of milk and cream brought to plants, the manner of payment and the payment of premiums and differentials;

(g) providing for the pasteurizing of all cream received at a creamery before being used in the manufacture of butter;

(h) regulating the methods of manufacturing dairy products in plants;

(i) requiring the use of clean and sanitary cans, pails, strainers, cream separators, cooling equipment, milk houses, stables and other utensils, equipment and buildings by patrons;

(j) regulating the use of cans used for the delivery of milk or cream to a plant and requiring the pasteurization of whey or skim milk placed in such cans;

(k) prescribing the method of construction and location of plants and machinery and other equipment used therein;
(l) preventing the sale or delivery to plants of milk and cream from farms where the health of the cattle, the premises, utensils or other equipment is in the opinion of an inspector or of the Director unsatisfactory;

(m) providing for the settlement of disputes in connection with the weighing, grading, sampling and testing of milk and cream;

(n) prescribing the powers and duties of the Director and the inspectors;

(o) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1938, c. 7, s. 11.

Penalty. 12.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be guilty of an offence and shall be liable to a penalty of not less than $25 and not more than $200.

Application of Rev. Stat., c. 379. (2) The penalties provided by this Act shall be recoverable under The Summary Convictions Act. 1938, c. 7, s. 12.