

Bill No. 111 of 1951.

A BILL TO AMEND THE DAIRYMEN'S ACT, 1950.

NOTE.

This Bill amends *The Dairymen's Act, 1950*, being chapter 18 of the Statutes of Alberta, 1950.

Section 2 is amended by adding a new clause defining the word "analyst" as a Dominion or a Provincial analyst. A new clause is also added defining the term "dairy product".

Section 5 is amended to enable an inspector to weigh and take samples of any dairy product for the purpose of testing or grading.

New sections 6*a*, 6*b* and 6*c* are added immediately after section 6. Section 6*a* provides that any dairy product packaged under a grade name must conform to the standards prescribed by regulation for that grade.

Section 6*b* provides that no grade name is to be used unless the product is graded in accordance with the regulations and no grade or other designation shall be used so closely resembling a grade name established by regulations that it might be mistaken therefor.

Section 6*c* provides that no person, other than the final purchaser or consumer, may obliterate any grade name unless authorized by an inspector.

A new section 11*a* is added immediately before section 12 and prohibits the shipment to a manufacturing plant of any milk that has been diluted, adulterated or to which chemical substances have been added, or of any milk from which strippings have been retained, or of any milk taken from any cow known to be diseased.

The new section 12*a* added immediately after section 12 provides that no dairy product shall contain fat or oil, other than that of milk, except where the regulations provide that substances may be added which in their natural form contain fats or oils other than that of milk.

Section 37, subsection (1) is amended and provides that no discrimination in prices shall be made in the purchase of milk, cream or butterfat for the purpose of manufacturing or processing as between patrons in the Province.

Section 39, subsection (1) is amended by substituting new clauses (a), (b) and (c) which provide for the establishment of definitions, standards and grades, and also for weighing, grading, sampling of dairy products and the issuance and conditions upon which certificates may be issued pertaining to grades. Provision is also made for weighing, grading and packaging of dairy products.

Six new sections are added immediately after section 40. Section 40a provides that any dairy inspector believing an offence to have been committed, may seize and confiscate the product itself or anything relating to the dairy product by which the offence has been committed and any inspector may order that such dairy product be held until the regulations have been complied with.

Section 40b provides that the producer of milk is *prima facie* liable for any violation relating to that milk.

Section 40c provides that the manufacturer of any dairy product is *prima facie* liable for any violation relating to that dairy product.

Section 40d provides that the certificate of a grader shall be conclusive evidence of the grade of the dairy product therein referred to and shall be received in evidence in any proceedings taken against any person for any contravention of this Act or the regulations.

Section 40e provides that the certificate of a Dominion or Provincial analyst as to the analysis of any dairy product or its ingredients shall be conclusive evidence of the facts stated therein and shall be received in evidence in any proceedings taken against any person for any contravention of this Act or the regulations. The expenses of the analysis shall form part of the costs and the provisions relating to summary convictions under the Criminal Code shall, so far as applicable, apply to any proceedings taken under this Act or the regulations.

Section 40f provides that where any person is convicted for a contravention of the Act or the regulations, in addition to the penalty imposed, the dairy product in relation to which the offence arose shall be forfeited to His Majesty and disposed of at the direction of the Minister.

This Bill comes into force on the 1st day of July, 1951.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 111 of 1951.

An Act to amend The Dairymen's Act, 1950.

(Assented to _____, 1951.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Dairymen's Act, 1950*, being chapter 18 of the Statutes of Alberta, 1950, is hereby amended.

2. Section 2 is amended,—

Section 2
amended

(a) by re-lettering clause (a) as clause (aa);

(b) by inserting immediately before clause (aa) the following new clause (a),—

“(a) ‘analyst’ means a Dominion analyst appointed under the *Food and Drugs Act* of Canada or a Provincial analyst”;

“analyst”

(c) by adding immediately after clause (f) the following new clause:

“(ff) ‘dairy product’ means milk, cream, butter, cheese, ice cream, condensed milk, evaporated milk, milk powder, dry milk, malted milk, sherbet or any other article manufactured wholly or mainly from milk;”.

“dairy
product”

3. Section 5 is amended by striking out the words “milk or cream” and by substituting the words “dairy product”.

Section 5
amended

4. The following new sections are added immediately after section 6:

New sections
6a, 6b and 6c

“**6a.** No person shall sell, offer, advertise or hold in possession for sale any dairy product under a grade name established by the regulations unless the dairy product conforms to the standards prescribed by the regulations for that grade, and it was graded, packed and marked in accordance with the regulations.

Product to
conform to
standards
prescribed
for that
grade

“**6b.** No person shall apply to any dairy product that was not graded in accordance with the regulations or to any package containing the same, and no person shall use in association with such dairy product, any grade or other designation so closely resembling a grade name established by the regulations that it is likely to be mistaken therefor.

Use of grade
name

Grade name not to be altered or effaced unless by consumer

“6c. Unless authorized in writing by an inspector or a grader, no person, other than the final purchaser or consumer, shall alter, destroy, efface or obliterate any grade name applied to any dairy product or any container thereof.”.

New section 11a

5. The following new section 11a is added immediately before section 12:

Dilution, adulteration or addition of chemical substances prohibited

“11a. No person shall sell, supply or send to any dairy manufacturing plant or any premises where milk or cream is collected for sale or shipment to a manufacturing or processing plant,—

“(a) milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skim milk, or any milk to which cream has been added, or any milk or cream to which foreign fat, colouring matter, preservative or other chemical substance of any kind has been added;

“(b) milk from which any portion of that part of the milk known as strippings has been retained;

“(c) any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her.”.

New section 12a

6. The following new section 12a is added immediately after section 12:

No fat or oil other than that of milk allowed

“12a. (1) No person shall manufacture, offer, sell or have in his possession for sale any dairy product if it contains any fat or oil other than that of milk.

Exception

“(2) Notwithstanding the provisions of subsection (1), permit the addition to a dairy product of any substances which, in their natural form, contain fats or oils other than that of milk, for any purpose prescribed by the regulations.”.

Section 37 amended

7. Section 37, subsection (1) is amended by inserting immediately after the word “patron” wherever it occurs the words “within the Province”.

Section 39 amended

8. Section 39, subsection (1) is amended by striking out clauses (a), (b) and (c) and by substituting the following:

“(a) establishing definitions, standards, grades and grade names for dairy products;

“(b) providing for,—

“(i) the weighing, grading and sampling of lots or shipments of dairy products and prescribing fees therefor;

“(ii) the issue of certificates respecting weights and grades of dairy products;

- “(iii) the form of such certificates and conditions upon which they may be issued;
- “(c) prescribing,—
- “(i) the conditions upon which dairy products may be weighed or graded;
- “(ii) the size, dimensions and other specifications for packages of dairy products weighed or graded;
- “(iii) the manner in which dairy products or packages thereof may be branded or marked.”.

9. The following new sections are added immediately after section 40:

“40a. (1) Whenever an inspector believes, on reasonable grounds, that an offence against this Act or the regulations has been committed he may seize or confiscate all dairy products and other things by means of or in relation to which he reasonably believes the offence was committed.

“(2) Any inspector may order that all dairy products seized and confiscated pursuant to subsection (1) be held until, in the opinion of the inspector, all the provisions of the Act and the regulations with respect to the dairy products have been complied with.

“40b. The person on whose behalf any milk is sold, sent, supplied or taken to a dairy manufacturing plant shall be *prima facie* liable for any violation of the provisions of this Act relating to such milk.

“40c. The person on whose behalf any dairy product is manufactured, sold, offered, exposed or held in possession for sale, contrary to any provision of this Act or the regulations shall be *prima facie* liable for any violation of such provisions relating to the dairy product.

“40d. The certificate of a grader of dairy products shall be *prima facie* evidence of the grade of any dairy product therein referred to and conclusive evidence of the authority of the person giving the same without any proof of his appointment or signature, and shall be received as evidence in any proceedings taken against any person for any contravention of this Act or the regulations subject to the right of such person to require the attendance of the grader for the purpose of cross-examination.

“40e. (1) The certificate or report signed or purporting to be signed by a Dominion or Provincial Analyst as to the analysis or ingredients of any product or material submitted by an inspector or grader to the analyst shall be conclusive evidence of the facts stated therein and of the authority of the person giving or making the same without any proof of his appointment or signature.

“(2) The certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act or the regulations, subject to the right of such person to require the attendance of the analyst for the purpose of cross-examination.

New sections
40a to 40f
inclusive

Powers of
inspector
believing
an offence
has been
committed

Producer's
liability

Manufac-
turer's
liability

Certificate
of grader
shall be
evidence

Certificate
of analyst
shall be
evidence

- Expense “(3) The expenses of the analysis shall be part of the costs.
- Procedure “(4) In all matters not provided for in this Act, the procedure under the provisions of the Criminal Code relating to summary convictions, so far as applicable, shall apply to all prosecutions brought under this Act.
- Forfeiture in addition to penalty on conviction “40f. Where a person is convicted of an offence under this Act or the regulations, the dairy products by means of or in relation to which the offence was committed, in addition to any penalty imposed upon such conviction, shall be forfeited to His Majesty and may be disposed of as the Minister may direct.”.
- Coming into force **10.** This Act shall come into force on the first day of July, 1951.

No. 111.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Dairymen's
Act, 1950.

Received and read the

First time

Second time

Third time

HON. MR. URE.
