

Bill No. 112 of 1953

A BILL TO AMEND THE DAIRYMEN'S ACT, 1950

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NOTE

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

Section 2 is amended for the purpose of defining "imitation dairy product" as used in the Act, the term "manufactured" as applied to butter, and the term "package".

Section 5 is struck out and a new section substituted. The new section provides authority for an inspector to weigh or take samples of dairy or other products which he believes to be imitation dairy products for testing purposes.

Section 6c is amended to add "grade, brand or marks" to those things which it is an offence to erase or efface from a dairy product or a package containing a dairy product.

Section 11a is added. It prohibits certain practices with respect to cheese and prohibits the incorporation of a foreign substance in a dairy product during or after its manufacture.

Section 27 is struck out and a new section substituted. The new subsection (1) of this section is a redraft of the previous section. Subsection (2) prohibits a person holding a dairy manufacturing plant license from conducting a dairy operation not covered by the license.

Section 28 is amended to expressly include the power to require bonding as a condition of a license being issued.

Sections 31 and 33 are amended to have the products expressly mentioned in this section replaced by the defined term "dairy products".

Section 36a is added. This is the former subsection (2) of section 27 which relates to certain transfers of milk and cream and which was removed from section 27 on its amendment.

Section 37a is new. It provides a prohibition against the manufacture and sale of imitation dairy products which by definition does not include margarine. The manufacture or sale of an imitation dairy product is an offence.

Section 39 is amended. Subsection (1), clause (c) is amended. The effect of the amendment is to permit regulations prescribing the manner in which dairy products may be advertised. Clause (f) is also amended to have the clause refer to the defined expression "dairy product" rather than to milk and cream, and is also broadened to include renovating of a dairy product. Clause (jj) is added to prohibit the manufacture of a dairy product the composition of which has not been defined.

Section 40a which provides powers of search and seizure in respect of dairy products is extended to include the same powers in the case of imitation dairy products.

Section 40c is amended to have the manufacturer's liability the same in the case of imitation dairy products as in the case of an illegally manufactured dairy product.

Section 40f is amended to provide for forfeiture of seized imitation dairy products.

Section 40g is added and provides for certain *prima facie* presumptions and proofs in a prosecution for an offence under this Act.

This Bill comes into force on the 1st day of July, 1953.

J. W. RYAN,  
Acting Legislative Counsel.

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

# BILL

No. 112 of 1953

An Act to amend The Dairymen's Act, 1950

(Assented to , 1953)

**H**ER 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 adding immediately after clause (h) the following new clause:

"(hh) 'imitation dairy product' means any food substance other than a dairy product, of whatever origin, source or composition that is manufactured for human consumption and for the same use as or in semblance of a dairy product and which is manufactured wholly or in part from any fat or oil, other than that of milk but does not include margarine as defined in *The Margarine Act*;"

"imitation  
dairy pro-  
duct"

(b) by adding immediately after clause (i) the following new clause:

"(ii) 'manufactured', as applied to butter, means that stage of the operation when butter is packed or placed in any package;"

"manufac-  
tured"

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

"(jj) 'package' means a receptacle or covering used for the packing, wrapping or covering of a dairy product;"

"package"

3. Section 5 is struck out and the following is substituted:

Section 5  
amended

"5. For the purpose of grading, testing or analyzing, an inspector, at any reasonable time without a warrant, may weigh and take samples of

Samples

"(a) a dairy product,

"(b) a product which the inspector believes to be an imitation dairy product,

whether the product is in the possession of the producer, manufacturer, vendor, purchaser, carrier or a storage company."

Section 6c  
amended

4. Section 6c is amended by striking out the words "any grade name applied to any dairy product or any container thereof" and by substituting the words "wholly or in part or cause to be altered, effaced or obliterated, any grade name, brand or mark to any dairy product or any package containing a dairy product".

New section  
11b

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

Adultera-  
tion of  
cheese

"11b. (1) No person shall incorporate in a cheese during the process of its manufacture any inferior curd or cheese.

"(2) No person shall knowingly sell, offer, expose or have in his possession for sale any cheese in which an inferior curd or cheese has been incorporated during its manufacture, unless due notice has been given of the incorporation of the inferior curd or cheese to all prospective purchasers.

"(3) No person shall incorporate or place any foreign substance in a dairy product during or after its manufacture."

Section 27  
amended

6. Section 27 is struck out and the following is substituted:

Licenses  
required

"27. (1) No person shall

"(a) operate a dairy manufacturing plant, or

"(b) act as a grader and tester of milk and cream, until he has obtained a license to do so from the Minister.

"(2) No person who is issued a license to operate a dairy manufacturing plant shall conduct any type of operation not specifically set out in the license issued to him by the Minister."

Section 28  
amended

7. Section 28, subsection (4) is amended by adding immediately after the word "conditions" the words "and bond requirements".

Section 31  
amended

8. Section 31, subsection (1) is amended by striking out the words "creamery, cheese factory or concentrated milk" wherever they occur and by substituting the words "dairy manufacturing".

Section 33  
amended

9. Section 33 is amended by striking out the words "creamery, cheese factory or concentrated milk" and by substituting the words "dairy manufacturing".

New section  
36a

10. The following new heading and section are added immediately after section 36:

**"Transfers of Milk and Cream**

Permit to  
transfer  
milk and  
cream

"36a. Upon the application of a person licensed to operate a dairy manufacturing plant, the Minister may issue a permit in writing authorizing that person to transfer or forward any milk or cream purchased by him from his patrons to some other point to be manufactured or resold."

**11.** The following new heading and section are added immediately after section 37: New section  
37a

**"Imitation Dairy Products"**

**"37a.** (1) No person shall manufacture, sell, offer for sale or have in his possession for sale any imitation dairy product. Imitation  
dairy pro-  
ducts

"(2) A person who manufactures, sells, offers for sale or has in his possession for sale, any imitation dairy product is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars." Penalty

**12.** Section 39, subsection (1) is amended Section 39  
amended

(a) by adding immediately after subclause (iii) of clause (c) the following new subclause:

"(iv) the manner in which dairy products may be advertised;"

(b) by striking out the words "or handling milk or cream", where they occur in clause (f), and by substituting the words "renovating or handling dairy products";

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

"(jj) prohibiting the manufacture and sale of dairy products where standards of composition thereof have not been defined;"

**13.** Section 40a, subsection (1) is amended by adding immediately after the words "dairy products" the words "or imitation dairy products". Section 40a  
amended

**14.** Section 40c is amended by adding immediately after the words "dairy product", wherever they occur, the words "or imitation dairy product". Section 40c  
amended

**15.** Section 40f is amended by adding immediately after the words "dairy products" the words "or imitation dairy products". Section 40f  
amended

**16.** The following new section is added immediately after section 40f: New section  
40g

**"40g.** (1) In a prosecution for an offence under this Act, Presump-  
tion and  
proof of  
offence

"(a) the possession by a manufacturer of or dealer in dairy products of any product the manufacture or sale of which is prohibited by this Act shall be deemed to be *prima facie* evidence of the intent to sell or use the same in violation of this Act,

"(b) the fact that a package containing a dairy product bore

"(i) a name and address purporting to be the name and address of the person by whom it was packed, or

"(ii) a registered number purporting to be the registered number of the dairy manufacturing plant where it was packed,

is *prima facie* proof that the dairy product was packed and that the package was marked by the person whose name and address appeared on the package or by the person operating the dairy manufacturing plant whose registered number appeared on the package, as the case may be." .

Coming into  
force

**17.** This Act comes into force on the 1st day of July, 1953.

No. 112

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FIRST SESSION  
TWELFTH LEGISLATURE  
2 ELIZABETH II  
1953

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**BILL**

An Act to amend The Dairymen's  
Act, 1950

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. URE

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