

Bill No. 35 of 1934.

A BILL RESPECTING THE MANUFACTURE AND
SALE OF BREAD.

NOTE.

This Bill makes provision for the licensing and inspection of bake shops as defined in the Act.

A city, town or village which has provided by by-law for the licensing of bake shops is the licensing authority for bake shops within its corporate limits; otherwise the licensing authority is the Minister of Health.

The use of deleterious ingredients in the making of any bread is prohibited. (Section 11.)

Standards of weight are prescribed for loaves of standard bread, fancy bread, fruit bread, nut bread, and small bread (section 12), and the baking for sale, selling, advertising for sale, and offering for sale of bread otherwise than in accordance with the standards so prescribed is prohibited.

In the case of bread baked within the Province, its weight for the purposes of this Act is its weight upon being drawn from the oven or whilst still warm (section 14) : in the case of bread brought from without the Province, its weight for the purposes of this Act is its weight at the time it is sold in the Province. (Section 15.)

Bread which does not conform to the requirements of the Act may be disposed only with the approval of an inspector. (Section 22.)

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 35 of 1934.

An Act respecting the Manufacture and Sale of Bread.

(Assented to

1934.)

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

1. This Act may be cited as "*The Bread Act*."

2. In this Act, unless the context requires a contrary meaning—

- (a) "Bake shop" means any building or part of a building or any premises, workshop, room or place primarily, mainly or principally used for the preparation, making and baking of bread for sale but shall not include the bake rooms of hotels or restaurants in so far as the bread there made is sold only for consumption on the premises or otherwise than in loaves;
- (b) "Bread" means all products of flour or meal in which yeast or any other ingredient for raising flour is used, irrespective of variety, colour, form or name;
- (c) "Fancy bread" means all Crimp, French, Rye, Vienna, Twist or Cottage Bread or any other fancy style of bread not made by the ordinary process and generally known to the trade and to the public as fancy bread;
- (d) "Fruit bread" or "Nut bread" means all bread containing a preponderance of such ingredients as currants, raisins, nuts, shortening and sugar and generally known to the trade and to the public as fruit bread and nut bread respectively;
- (e) "Inspector" means an inspector appointed pursuant to the provisions of this Act and any person who is an inspector for the purposes of this Act;
- (f) "Licensing authority" means any city, town or village which has provision for the licensing of bake shops within the corporate limits thereof and the Minister of Health with respect to bake shops situated elsewhere in the Province than in a city, town or village which provides for the licensing of bake shops;
- (g) "Small bread" means biscuits, buns, crackers, muffins, rolls, scones or any other fancy cakes commonly made in the trade;

(h) "Standard bread" means all ordinary Steam, Box, Sandwich, Pullman, "Home-baked," Graham, Brown, or Whole Wheat Bread and all bread commonly known to the trade and to the public as standard bread.

3. No person shall conduct or carry on a bake shop in the Province at any time during which he is not the holder of a valid and subsisting license issued pursuant to this Act.

4. In any city, town or village which has for the time being in force a valid by-law providing for the licensing of a bake shop the license issued pursuant to any such by-law shall for the purposes of this Act be a license issued under this Act.

5. In any part of the Province which is not included in the corporate limits of any city, town or village or in any city, town or village which has not for the time being in force a valid and subsisting by-law for the licensing of bake shops, the licensing authority shall be the Minister of Health.

6. Every application to the Minister of Health for a license shall be in writing, in such form and setting forth such particulars as the Minister may from time to time require, and any license issued by him shall be in such form as he may prescribe.

7. No license shall be issued by any licensing authority in respect of premises which are situate in the basement of any building and no license shall be issued in respect of any other premises until the licensing authority is satisfied by the report of an inspector that the premises in respect of which the license is required conform with the regulations made pursuant to The Public Health Act respecting bake shops.

8. Every licensing authority may at any time revoke any license issued by it in case the licensee is guilty of any offence under this Act or fails to comply with any of the regulations respecting bake shops under The Public Health Act, and may in its discretion refuse to grant a license under this Act to any person who has been guilty of an offence against this Act or who has not complied with any of the said regulations.

9. Every license issued under this Act by any licensing authority shall expire on the thirty-first day of December following the date of the issuance thereof, and the fee for every such license shall be the sum of five dollars.

10. Every person who is licensed under this Act shall keep his license upon some part of the premises in respect of which he is so licensed and shall produce the license on demand at any time to an inspector.

11.—(1) No person shall use in the making of bread any noxious, unwholesome, deleterious or adulterant material or any substance the use of which is for the time being prohibited by order of the Lieutenant Governor in Council, and no person shall offer for sale any bread which is made in contravention of this section.

(2) Every person who makes any bread in contravention of this section or who knowingly offers for sale any bread made in contravention of this section shall be guilty of an offence.

(3) The fact that any noxious, unwholesome, deleterious or adulterant material or any substance the use of which is prohibited by order of the Lieutenant Governor in Council is found upon any premises upon which bread is made shall be *prima facie* evidence of the fact that the person licensed in respect of the premises made bread in contravention of this section.

12.—(1) No person shall in a bake shop make bread for sale otherwise than as follows:

- (a) In the case of standard bread, in loaves which shall weigh not less than twenty ounces nor more than twenty and one-half ounces each;
- (b) In the case of fancy bread, in loaves which shall weigh not less than eighteen ounces nor more than eighteen and one-half ounces each;
- (c) In the case of fruit bread or nut bread, in loaves which shall weigh not less than sixteen ounces nor more than sixteen and one-half ounces each; and
- (d) In the case of small bread, in loaves or cakes which shall weigh not more than eight ounces each.

(2) No person shall in selling, advertising for sale or offering for sale any bread other than small bread, describe or represent the same otherwise than as follows:

- (a) In the case of standard bread, as a twenty-ounce loaf;
- (b) In the case of fancy bread, as an eighteen-ounce loaf; and
- (c) In the case of fruit bread or nut bread, as a sixteen-ounce loaf.

(3) Nothing in this section shall prohibit the baking and selling of two or more loaves together and joined to one another, but each loaf shall be deemed to be a separate loaf for the purposes of this section.

(4) Hovis Bread, Bermaline Bread, Gluten Bread and every bread registered under The Proprietary Medicine Act may be made and sold in loaves of any weight.

(5) Every reference to weight in this section is to avoirdupois weight.

13. Where bread is wrapped at the bake shop, the weight of the wrapper shall be included in the weight of the bread.

14. Bread made in the Province shall be of the weight prescribed for the same by this Act immediately after being drawn from the oven or whilst still warm.

15. Bread made elsewhere than in the Province shall be of the weight prescribed by this Act for the same at the time when it is offered for sale or is sold in the Province.

16.—(1) No person shall be guilty of the offence of making for sale bread of a weight which is more or less than the weight prescribed for that bread by this Act in either of the following cases:

- (a) In case the number of loaves in the baking or shipment inspected exceeds ten, if the average weight of any ten loaves taken indiscriminately is not more or less than the prescribed weights; or
- (b) In case the number of loaves in the baking or shipment does not exceed ten, if the average weight of all the loaves is not more or less than the prescribed weights.

(2) In case any loaf is found upon inspection to be of a greater or a lesser weight than the prescribed weight, that loaf shall be seized by the inspector and disposed of in the manner provided by this Act.

17.—(1) Every person making bread for sale shall keep in a conspicuous place in the bake shop true scales and weights or other apparatus suitable for weighing bread which shall be clean and in good repair, and he shall weigh the bread offered for sale at the request of any person desiring to purchase the same.

(2) The inspector may use the scales so kept at any time for the purpose of weighing bread found by him on the premises or the inspector may use his own scales for the purpose.

18. The Lieutenant Governor in Council may from time to time:

- (a) appoint inspectors, fix their remuneration and prescribe their duties;
- (b) prohibit the use of any substance in the making of bread; and
- (c) make regulations and prescribe forms in relation to any proceeding, matter or thing under this Act.

19. Every member of the Royal Canadian Mounted Police engaged upon police duty in the Province shall be *ex-officio* an inspector under this Act.

20. Every inspector appointed by any city, town or village for the purpose of enforcing the provisions of any by-law respecting bake shops shall have all the powers of an inspector appointed pursuant to this Act within the corporate limits of the municipality appointing him, and every inspector appointed pursuant to this Act and every *ex-officio* inspector shall be empowered to enforce the provisions of this Act in any part of the Province, whether included in any city, town or village or otherwise.

21. Every inspector shall have the right on demand to enter, search and inspect any bake shop or any other

place in which bread is kept or offered for sale and to weigh any bread found therein, and to take samples of any bread found therein or of any materials kept in, on or about any bake shop which are used or capable of being used for the making of bread, and may proceed to procure the testing by analysis or otherwise of any samples so taken for the purpose of determining whether or not the sample contains any noxious, unwholesome, deleterious or adulterant material or any substance the use of which is prohibited by order of the Lieutenant Governor in Council.

22. Any bread which does not conform to the requirements of this Act as to weight or which contains any noxious, unwholesome, deleterious or adulterant material or any substance the use of which is prohibited by order of the Lieutenant Governor in Council shall be disposed of in such manner only as may be approved by an inspector in writing, and in the absence of any such direction shall be destroyed.

23. A certificate of the Provincial Analyst, purporting to be signed by him, stating the result of any test made by him of any bread or other material taken pursuant to this Act shall be *prima facie* evidence of the facts therein set out and shall be receivable in evidence in any prosecution for any offence under this Act without proof of the signature thereto.

24. Every person who hinders or impedes an inspector from obtaining admission to any bake shop or any other place where materials for making bread are stored or to any shop where bread is offered for sale, or who hinders or impedes the inspector in the performance of any act which he is empowered by this Act to perform, shall be guilty of an offence under this Act.

25. No person shall sell bread subject to the condition that the purchaser may return the same, and no person who has sold any bread shall take back or exchange any bread previously sold by him.

26. Every person who conducts or carries on a bake shop without a license or who contravenes any of the other provisions of this Act shall be liable on summary conviction therefor to a fine of not less than ten dollars nor more than one hundred dollars and costs in the case of the first offence, and in default of payment to imprisonment for a term of not more than one month, and to a fine of not less than twenty-five dollars nor more than two hundred dollars and costs, in the case of any subsequent offence, and in default of payment to imprisonment for a term of not more than three months.

27. Every by-law of any city, town or village respecting bake shops shall be read and construed with this Act, and in case there is any conflict between the provisions of the by-law and the provisions of this Act, the provisions of this Act shall prevail.

28. This Act shall come into force on the first day of June, 1934.

No. 35.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act respecting the Manufacture
and Sale of Bread.

Received and read the

First time

Second time.....

Third time.....

HON. MR. HOADLEY

EDMONTON:
W. D. McLEAN, KING'S PRINTER
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