



CHAPTER 30

An Act respecting the grading and sale of agricultural products

[Assented to, the 18th of May, 1935]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by adding R.S., c. 68B, thereto, after chapter 68A thereof, as enacted by the act 22 added. George V, chapter 40, the following chapter:

"CHAPTER 68B

"AN ACT RESPECTING THE GRADING AND SALE OF AGRICULTURAL PRODUCTS

"1. This act may be cited as *Agricultural Products Act*. Short title.

"2. "Agricultural products", within the meaning of this act, signify any produce of animal or vegetable origin, with the exception of canned foods governed by the Canned Foods Act (Chap. 68A) and except aquatic animals.

"3. The Lieutenant-Governor in Council may:

1. Designate the agricultural products which shall come within the application of this act;
2. Regulate the sale, the placing on sale, the exposing, holding and transportation for the sale of such products, within the limits of the Province or within such area as he may indicate;
3. Prescribe the grading of such products and make regulations with respect to the definition, composition and denomination of each grade;

Power of
Lt.-Gov. in
C. to enact,
etc., regula-
tions, etc.

4. Enact regulations concerning the quality, shape, size and capacity of any parcel, package, case, box or receptacle whatsoever containing such products:

5. Regulate the inscriptions or marks indicating the nature, kind or variety, or the quality, quantity or grade, or the particular or regional names, or the source of such products, which the purchasers may exact on the invoices, on the labels, on the packages, or on the products themselves, as a warranty on the part of the vendors, and the external or apparent indications necessary to assure the honesty of the sale or putting up for sale;

6. Make regulations as regards the formalities required to effect sample taking, seizure or confiscation and gather such informative data as he may deem useful or necessary;

7. Adopt generally all measures to be taken to secure the carrying out or application of this act.

Regulations
to have
force of law.

“4. The regulations contemplated by the preceding section shall have force of law, as if they were an integral part of this act, from the date of their publication in the *Quebec Official Gazette* or from the day fixed by the Lieutenant-Governor in Council.

Appointing
of inspectors,
etc.

“5. The Minister of Agriculture may appoint inspectors or other agents to assure and supervise the carrying out of the provisions of this act, and provide for their remuneration.

Powers of
inspectors,
etc.

“6. In the performance of their duties, such inspectors or agents may enter any premises where agricultural products are kept or prepared for sale, or exposed or put up for sale or sold, during the hours when such premises are open for business; stop in transit any shipment of agricultural products; inspect such products and take free samples of such products; seize and confiscate any agricultural product which does not meet the requirements of this act and dispose of same as the Minister of Agriculture may see fit, subject to handing over the proceeds of any sale in the case where the confiscation be not ordered by the court.

Presump-
tion
of truth.

“7. The statements contained in any minute drawn up by an inspector or agent shall be presumed to be in accordance with the facts and the truth, subject to proof to the contrary.

No action to
lie in certain
case.

“8. No suit shall lie for indemnity for damage, loss or prejudice caused by reason of the carrying out of any measure performed or prescribed under this act, except in the case of malice or of bad faith.

"9. It is forbidden for anyone to hinder any inspector or agent in the exercise of his duties, by act, omission or in any manner whatsoever: to deceive him or attempt to deceive him by false or deceitful declarations; to refuse to state his name and address to such inspector or agent or to obey any order which the latter may give him under this act. Such inspector or agent shall be obliged, if thereunto requested, to show a certificate signed by the Minister of Agriculture.

Hindering of inspector, etc., forbidden.

"10. It is forbidden to keep or to expose for sale, to place for sale or on deposit, or to sell in any place whatever, or to convey or cause to be conveyed or accept for any destination within the Province, any agricultural products in violation of the provisions of this act.

Keeping, etc., of certain agricultural products forbidden.

"11. The use of any mark or sign liable to create, in the mind of the purchaser, any confusion as to the nature or quality of any product to which this act applies, is forbidden in all circumstances and under any form whatsoever, especially:

Confusing marks forbidden on:

1. On the containers, labels, packages or the products themselves;

Containers, etc.;

2. On any business paper, invoice, catalogue, prospectus, price-list, sign, poster, advertising placard, advertisement or other publicity device;

Invoices, etc.;

3. In sales and delivery contracts, and in any document relating to the sale, shipment, conveyance or delivery.

In contracts, etc.

"12. Every person who violates any provision of this act, or of the regulations enacted under its authority, shall be liable to a fine not exceeding one hundred dollars and costs, and, failing payment of such fine and costs, to imprisonment for not more than thirty days.

Offences and penalties.

The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to any company or corporation, save that the fines may be increased to five hundred dollars and that the court may, if the fine and costs are not paid by the company or corporation, order that they shall be paid by such directors, officers or employees of the company or corporation as the court may designate and in the proportion which the court indicates, and, failing payment by them, that they be imprisoned for not more than thirty days.

Id., in case of company or corporation.

"13. The monies required for the purposes of this act shall be paid out of the sums voted for horticulture, by the Legislature, each year, but they must not exceed annually the sum of fifteen thousand dollars.

Costs of act restricted.

Carrying
out of act.

"14. The Minister of Agriculture shall be charged with the carrying out of this act."

Acts, etc.,
repealable.

2. The Act respecting Live Stock and Live Stock Products (17 George V, chapter 25, as amended by the act 18 George V, chapter 31) and the Act respecting root vegetables, fruits and the dairy industry (23 George V, chapter 26) and the proclamations issued in virtue of the said acts, may be cancelled and repealed by proclamation of the Lieutenant-Governor in Council to the extent that he may deem necessary and on such date as he may be pleased to fix.

Coming into
force.

3. This act shall come into force on such date as it may please the Lieutenant-Governor in Council to fix by proclamation.