



CHAPTER 24

An Act respecting milk and dairy products

[Assented to, the 13th of April, 1933]

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 replacing chapter 63 thereof by the following: R. S., c. 63,
replaced.

“CHAPTER 63

“AN ACT RESPECTING MILK AND DAIRY PRODUCTS

“**1.** This act may be cited as *Dairy Products’ Act*. Short title.

“**2.** For the interpretation of this act, unless the context conveys a different meaning: Interpreta-
tion:

1. The word “purchaser” means the person who directly purchases milk or cream, as well as the person who receives the same for the sale or manufacture thereof on behalf of the producers; “Purcha-
ser”;

2. The word “butter” means the food product extracted solely from milk or cream or from both, whether or not colouring matter, ordinary salt or other harmless preservative be added; “Butter”;

3. The word “commission” means the Dairy Industry Commission of the Province of Quebec; “Commis-
sion”;

4. The word “cream” means that portion of the milk which rises to the surface when the milk is left undisturbed or which is separated from it by centrifugal force; it contains the fat of the milk and a varying proportion of all the other elements of milk; (in this definition, the word “milk” has the meaning given to it in its own definition); “Cream”;

- “Ice cream”; 5. The words “ice cream” mean the congealed product made with cream and sugar (saccharose), or with milk, cream and sugar (saccharose) or with by-products of milk, with the addition of colouring matter, aromatics, fruit, almonds, gelatine, gum tragacanth, or any other edible substance;
- “Diploma”; 6. The word “diploma” means the certificate of competency given by the Dairy School of the Province of Quebec;
- “Factory”; 7. The word “factory” means any establishment which receives milk or cream to be sold in its natural state, or to be converted, in whole or in part, into butter, cheese, condensed milk, evaporated milk, milk powder, ice cream or any other milk product, either in such establishment or elsewhere;
- “Producer-supplier”; 8. The word “producer-supplier” means any person, partnership, association, company or corporation delivering milk or cream to a milk dealer, whether for sale in its natural state or for the manufacture of other milk products;
- “Cheese”; 9. The word “cheese” means the wholesome product made with curds obtained by the coagulation of milk, cream, skimmed milk or any mixture of these products by rennet, lactic acid or other agents; the curd may be cooked or not, pressed or not and matured by ferments; (in this definition, the word “milk” has the meaning given to it in its own definition);
- “Inspector”; 10. The word “inspector” means any person appointed as such under this act or its regulations;
- “Inspector-general”; 11. The word “inspector-general” means the inspector-general of dairy products appointed under this act;
- “Milk”; 12. The word “milk” means the product obtained by the complete, uninterrupted milking of one or more healthy cows, properly nourished and kept, excluding the milk obtained during the thirty days preceding and the eight days after parturition, or any other period of time necessary to have the milk free from colostrum.
- Milk content; Milk for consumption in its natural state must contain at least 3.25% of milk fat and not less than 8.5% of solids not fat.
- Idem; The milk must not contain any preservative, antiseptic or foreign substance nor present any abnormal physical character and must not have been diluted or creamed. Its flavour and odour must not show any taint;
- “Milk dealer”; 13. The words “milk dealer” mean any person, partnership, association, company or corporation purchasing or receiving milk or cream from farmers or other producers

to resell it in its natural state or to convert it for commercial purposes into cream, ice cream, butter, cheese, condensed milk, evaporated milk, milk powder or any other milk product;

14. The word "Minister" means the Minister of Agriculture of the Province of Quebec; "Minister";

15. The word "regulation" or "regulations" means any regulation made under this act. "Regulation".

"3. No person shall operate a factory without having previously obtained an operating permit from the inspector-general. Such permit is granted gratuitously upon a request in writing at the time and on the conditions required by this act or the regulations. Before issuing such permit the inspector-general must satisfy himself of the solvency of the applicant, and see that all the conditions required for obtaining such permit have been complied with. Operating permit for factory.

"4. Every factory shall be obliged to engage the services of a maker who holds a milk and cream expert tester's certificate awarded by the Dairy School of the Province of Quebec. If the establishment manufactures butter or cheese, or both, the maker must, in addition, hold a diploma and a permit for making butter or cheese, or both, according as the establishment manufactures butter or cheese, or both. Such permit shall be granted by the inspector-general. Obligation to engage services of maker with certain qualifications.

"5. Any factory shall be subject to the inspection ordered by this act or its regulations. Inspection.

"6. The inspector-general or his representative may examine the books of any factory. Examination of books.

"7. Every owner or manager of a factory shall be obliged to make, according to a special form and within the delays fixed by the inspector-general, any report deemed necessary by the latter. Making of reports.

"8. Every milk dealer must give a guarantee for the payment of the sums which he owes or may owe to his producer-supplier. Giving of guarantee.

Such guarantee must be deposited in the office of the inspector-general, without costs. Deposit thereof.

Such guarantee is fixed at one thousand dollars for every milk dealer starting in the business; for the others, the guarantee shall be fixed by the inspector-general, allow- Amount.

ing for the scale established by the commission and for the average of the operations effected during the three months preceding the application for the permit which must be made at the inspector-general's office.

Form thereof.

The guarantee may take the form of a deposit in money or a deposit of securities; but, in the latter case, no other securities than those recognized by section 8 of the Trust Companies' Act (Chap. 248) can be accepted.

Idem.

The guarantee may also be constituted by a guarantee policy issued by a company approved by the commission.

Adjusting of amount.

The inspector-general may, whenever he deems it reasonable, adjust the amount of the guarantee to the fluctuations in the amount of the operations of any factory or to the solvency of its owner.

Depositing of securities.

The said securities must be deposited by the inspector-general with the Provincial Treasurer subject to the orders of any competent tribunal or to the provisions of section 10.

Unassignability, etc., of guarantee in certain case.

“**9.** If the guarantee given under this act consists of a deposit of money or of negotiable securities, such deposit shall be unassignable and unseizable, unless the transfer thereof be made in favour of one or more producer-suppliers, or unless the seizure be made by one or more producer-suppliers for the payment of their claims.

Procedure when milk dealer in arrears in payments.

“**10.** If one or more producer-suppliers complain in writing to the inspector-general that a milk dealer is in arrears in his payments, the inspector-general must notify the milk dealer in arrears by registered letter, and if, after the delay fixed, such milk dealer has not effected the payments owing by him, to the satisfaction of the inspector-general, the latter may declare the said deposit forfeited in favour of all the creditor producer-suppliers. In such case, the inspector-general shall give a notice in writing to all the creditor producer-suppliers of such milk dealer to produce their claims within a time fixed in the notice, and all the claims shall be paid out of the said deposit. If the deposit be insufficient, the claims shall be paid *pro rata*. If the deposit consists of negotiable securities, the inspector-general shall realize upon them by negotiating them upon the best conditions of the market. If the guarantee consists of a guarantee policy, the inspector-general shall notify the company of such milk dealer's default.

Companies, etc., which may be exempted

“**11.** The societies of patrons of dairy product factories incorporated under the Butter and Cheese Society Act (Chap. 66) and under the Dairy Product Factory Patron's

Society Act (Chap. 67), the coöperative agricultural associations formed under the Coöperative Agricultural Association Act (Chap. 57), and the coöperative agricultural syndicates formed under the Quebec Coöperative Syndicates' Act (Chap. 254), may, if the inspector-general deems expedient, be exempted from furnishing the guarantee mentioned in section 8.

Any owner of a butter or cheese factory, or of a butter and cheese factory, who operates on behalf of any of the societies or associations hereinabove enumerated, may also be exempted from furnishing the said deposit.

"12. The Minister may appoint a commission of not less than five members, nor more than seven, representing as far as possible those interested, under the name of: Dairy Industry Commission of the Province of Quebec, and select its president and secretary; the latter may be chosen from among the members of the commission.

"13. Such commission:

a. May investigate and study the situation of the dairy industry and the dairy products trade in the Province of Quebec or elsewhere, and report thereon to the Minister;

b. Must establish a scale for the guarantee to be given by milk dealers to their producer-suppliers.

"14. The members of such commission shall not be salaried, except the president and the secretary who may be so salaried, but they shall be entitled to the reimbursement of their travelling expenses and an attendance fee, the amount whereof shall be fixed by the Minister.

"15. The Lieutenant-Governor in Council may appoint an inspector-general, assistant-inspectors-general, and inspectors, and the Minister may appoint inspectors and any other officer required for the carrying out of this act.

"16. Such officers may, as often as the Minister deems necessary, hold an inspection of a factory, for the purpose of ascertaining the manner in which it is operated and the quality of its products.

Such inspection shall extend to the ripening rooms, cold-storage rooms, machines, instruments, milk, butter and cheese and other milk products in such factories.

"17. The inspectors may enter a factory and remain there as long as they deem necessary for their inspection.

Producing
of certifi-
cate.

“**18.** Every inspector must, if so required, produce a certificate signed by the Minister or the inspector-general.

Additional
powers of
inspectors.

“**19.** Such inspectors shall also have all the powers granted to inspectors under the provisions of sections 72, 73 and 74 of the Quebec Public Health Act (Chap. 186).

Regulations
by Lt.-Gov.
in C.

“**20.** The Lieutenant-Governor in Council may, on the recommendation of the Minister, make regulations for the carrying out of this act, and especially:

a. For determining the conditions of permits and their cancellation;

b. For determining the minimum milk fat content of cream; the maximum acidity; for prohibiting the use of preservatives and neutralizers;

c. For everything connected with the transportation of milk and cream by truck or other means of transportation, and the hours during which the transportation of milk and cream is permissible;

d. For fixing the conditions of construction, installation and equipment of every factory, required for obtaining the operating permit;

e. For everything connected with the inspections contemplated by this act;

f. For regulating the methods of the manufacture of dairy products;

g. For determining everything connected with the payment of milk and cream by a factory;

h. For the inspection of the accounts of every factory;

i. For compelling every factory to make, according to special forms, any report which he may deem necessary;

j. For defining the words: “condensed milk”, “evaporated milk”, “milk powder” or any other milk product.

Transporta-
tion permit
for convey-
ing milk or
cream.

“**21.** No owner of a truck or of an animal drawn vehicle may convey or cause to be conveyed, milk or cream from the country to a factory in a city or town unless he has obtained a transportation permit from the inspector-general, in the form and on the conditions prescribed by the latter. Such permit must be obtained every year at the date fixed by regulation and may be revoked at any time, upon any infringement of this act or of its regulations. Such provisions shall not apply to a farmer transporting the milk of his herd.

Restriction.

Revoking of
permit.

“**22.** Every permit given under this act may be revoked at any time by the inspector-general, whenever the holder

of such permit no longer fulfils any one of the conditions required by the act and the regulations to obtain the said permit.

“**23.** Every factory must put in a conspicuous place in the establishment open to the public the permit obtained for its operating as well as any other paper or document which the inspector-general may deem necessary to require it to post up.

“**24.** Every person infringing any provision of this act or of any regulation shall be liable, for each offence, to a fine of not less than ten dollars nor more than one hundred dollars, and costs, and, on failure to pay such fine and costs, to imprisonment for not more than forty days.

“**25.** The provisions of Part I of the Quebec Summary Convictions Act (Chap. 165) shall apply to the prosecutions under this act.

“**26.** If the owner of the factory where the offence was committed is a society, company or corporation, the president of such society, company or corporation, or, if the office of president is vacant, the manager of the factory, may be prosecuted and shall be personally liable for the fines and penalties which may be imposed for any infraction of this act, even if such infraction has been committed by some other person and it cannot be proved that the latter acted under and according to the orders of the president or manager.

The judgment rendered against the president or the manager upon a suit brought for such infraction may be executed on the moveable property or on the moveable and immoveable property of the society, company or corporation, as the case may be, according to law, and the president or manager sentenced by such judgment shall be liable to the imprisonment hereinabove enacted in default of payment of the fine and costs.

“**27.** The regulations adopted under this act must be published once in the *Quebec Official Gazette* and shall then have force of law.

“**28.** The total cost of the carrying out of this act shall not exceed the sum of two hundred and twenty-five thousand dollars.

Application restricted. “**29.** This act shall not apply to milk dealers who get their supplies directly from the producers and the value of whose purchases does not exceed one hundred dollars per month.

Carrying out of act. “**30.** The Minister of Agriculture shall have charge of the carrying out of this act.”

R. S., cc. 64, 65, repealed. **2.** The Butter and Cheese Factory Inspection Act (Revised Statutes, 1925, chapter 64) and the Milk and Cream Testing Act (Revised Statutes, 1925, chapter 65) are repealed.

Regulations in force. The regulations adopted under the Dairy Products Act (Revised Statutes, 1925, chapter 63) replaced by section 1 of this act, and those adopted under the acts repealed by this section, shall remain in force until they have been amended, replaced or repealed by regulations made under the Dairy Products' Act, enacted by section 1 of this act.

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.