



CHAPTER 27

An Act respecting the preparation and sale of leaf tobacco

[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.** This act may be cited as the *Tobacco Act*. Short title.

- 2.** In the interpretation of this act, unless the context conveys a different meaning: Interpretation:
 1. The word "tobacco" means leaf tobacco; "Tobacco";
 2. The word "inspector" means any person appointed as such under this act or its regulations; "Inspector";
 3. The word "manipulator" means any person who arranges, sorts, prepares or sells tobacco for commercial purposes, excepting the planter who sells his product to the manufacturer of or wholesale dealer in tobacco; "Manipulator";
 4. The word "Minister" means the Minister of Agriculture of the Province of Quebec; "Minister";
 5. The words "tobacco planter" mean any tobacco-grower; "Tobacco planter";
 6. The word "regulations" means the regulations formulated under this act. "Regulations".

- 3.** The Minister of Agriculture or his representative may ascertain the sanitary state of every place and establishment where leaf tobacco is manipulated for commercial purposes. Sanitary state of establishments, etc.

- 4.** Every manipulator shall be bound to affix to every package of leaf tobacco which he sells a carefully attached or stuck-on label on which legibly appear the true name of the manipulator. Label to be affixed by manipulator.

of the variety, or that of a known mixture and accepted as such by the inspector, the standard of quality of the tobacco and the name and address of such manipulator.

Information to Minister.

5. Every tobacco planter, manipulator, jobber, intermediary or merchant is obliged to give the Minister or his official representative the information required respecting the provisions of this act, and particularly as to the origin and destination of the leaf tobacco in his possession.

Regulations by Lt.-Gov. in C.

6. The Lieutenant-Governor in Council may make, amend or repeal regulations:

a. For determining the various standards of quality, manner of preparation, classification and inspection of leaf tobacco;

b. For establishing the conditions and formalities in connection with the confiscation of any leaf tobacco which he deems unfit for consumption or which does not correspond in every particular with the label which has been affixed thereto;

c. For the carrying out of this act.

Publication.

In order to have force of law, every regulation made under this act must have been published once in the *Quebec Official Gazette*.

Appointing of inspectors.

7. The Minister may appoint, at such salary as he may fix, one or more inspectors to supervise the enforcement of this act, the total cost whereof must not exceed five thousand dollars per annum.

Powers of same.

8. Such inspectors may at any time enter any place where leaf tobacco is manipulated in order to ascertain the salubrity of the premises and they may also enter any place where leaf tobacco is kept or sold in order to ascertain that all the conditions imposed by this act are observed there, particularly those relating to classification and labelling.

Additional powers.

9. Every such inspector is empowered to order the destruction of any lot of leaf tobacco which he deems unfit for consumption as smoking tobacco; he may also confiscate or order the confiscation of any lot of leaf tobacco not corresponding to the label it bears, particularly as to standard of quality and as to its real place of origin.

Offences and penalties.

10. Whoever,—

a. Hinders an inspector acting under this act, in the performance of his duties; or

b. Offers for sale or sells leaf tobacco falsely or improperly described as to the genuineness of the variety, the standard of quality or the place of origin of the tobacco, or the name and address of the vendor; or

c. Violates any provision of this act or of the regulations made in virtue of this act; or

d. Refuses to comply with any provision of this act or of the regulations thereunder,—

shall be liable, in addition to the costs, to a fine of not less than twenty dollars nor more than one hundred dollars for each offence, and, in default of payment of such fine and costs, to an imprisonment not exceeding thirty days.

11. Every action or prosecution for the recovery of such fine may, at the prosecutor's option, be brought before the Circuit Court or the Magistrate's Court, as the case may be, or before a justice of the peace or a magistrate. Such action or prosecution may be taken by any person of the age of majority, in his own name. Bringing of actions, etc.

12. If the action or prosecution is brought before a justice of the peace or a magistrate, the provisions of Part I of the Quebec Summary Convictions Act (Revised Statutes, 1925, chapter 165) shall alone be applicable. Provisions applicable to certain action, etc.

13. When the action or prosecution is brought before the Circuit Court or the Magistrate's Court it shall be subject to the procedure established for actions between lessor and lessee by Articles 1150 to 1162 of the Code of Civil Procedure; and, if the fine imposed exceeds the sum of one hundred dollars, the judgment imposing it may be executed on the immoveables of the defendant if the moveable property is insufficient, and the articles of the Code of Civil Procedure governing the execution of judgments by the Circuit Court shall apply. Idem.

14. When coercive imprisonment is sought before the Superior Court or the Magistrate's Court, it is granted by a judge of the Superior Court or by the magistrate, or by the prothonotary of the Superior Court or by the clerk of the Magistrate's Court, on a summary petition setting forth that the defendant has not fully paid the fine and the costs of the prosecution. It is unnecessary to give the defendant a notice of such petition. Coercive imprisonment.

15. This act shall not apply to the tobacco manufacturer who holds an excise license issued by the Federal Government, insofar as concerns leaf tobacco in his possession to be used for purposes of manufacture. Application restricted.

Carrying
out of act.

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

Coming into
force.

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