

*The Committee of Council submit for the consideration of
His Honour the Lieutenant-Governor a Bill intituled "An Act
respecting the Milk Industry."* _____

*and advise that the the same be transmitted by Message to the
Legislative Assembly.*

Victoria, Twenty-seventh day of _____ *February* _____, *A.D. 1956.*

W.A. [Signature]

Presiding Member of the Executive Council.

Approved this Twenty-seventh day of _____ *February* _____, *A.D. 1956.*

[Signature]

Lieutenant-Governor.

[Handwritten initials]

MEMORANDUM

FILE NO.....

OFFICE OF ATTORNEY-GENERAL

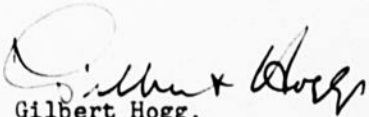
TO His Honour.....

The Lieutenant-Governor.

VICTORIA, B.C., February 27, 1956..

"Milk Industry Act"

This is a new Bill to implement the Report
of the British Columbia Royal Commission on Milk made by
Mr. Justice Clyde on 17th October, 1955.


Gilbert Hogg,
Legislative Counsel.


Lieutenant - Governor

BILL No. 70

"MILK INDUSTRY ACT."

EXPLANATORY NOTES.

The purpose of this Bill is to implement the recommendations in the report dated October 17th, 1955, of Mr. Justice Clyne, appointed as a Commissioner under the "Public Inquiries Act" to inquire into matters pertaining to the production and marketing of milk on the Lower Mainland and Vancouver Island.

The Bill consolidates the provisions of the "Milk Act," the "Creameries and Dairies Regulation Act," the provisions of the "Health Act" with reference to sanitation in the production and marketing of milk, and pasteurization provisions as contained in the "Municipal Act." It also replaces the provisions of the "Public Utilities Act" with reference to the marketing of milk, that Statute having been found by the Commissioner to be inadequate to deal with the matters in respect of which the milk provisions therein contained were enacted.

The preamble to the Bill deals in a general way with its purpose and intent. It is a code to cover all phases of production, distribution, and marketing. It provides for rigid standards of cleanliness and sanitation in the production and marketing of milk and for the fixing of prices by a Milk Board by scientific formula in accordance with economic factors involving producers' costs of production, consumers' cost of living, including changes in the general price level, and the demand for fluid milk in relation to the available supply, the prices to be fixed being such that producers will be encouraged to produce an adequate but not an excessive supply of clean, safe, fresh milk, and so that consumers will be assured of continuity of such supply, having the advantage in respect of purchase price of fair competition between distributors on the market.

Previously the law provided that pasteurization should only be brought in in municipalities after there had been a plebiscite in favour of such pasteurization. This disregarded the fact that people move readily from one part of the Province to another, and there might be pasteurization in one community for the protection of its citizens who could be affected by disease-borne milk when they visited an adjoining community. The evidence of all health experts before the Commission made quite clear the great necessity for Province-wide pasteurization, provision being made for the sale of raw milk where Municipal Councils felt that there was a demand for raw milk. Similar provisions have been made in the Bill for the sale of raw milk in unorganized territory where it appeared there was a similar demand.

The Bill provides that the Board shall have power by any one of several different methods to provide for the sharing of the problem of surplus, the supply of milk being over twice the quantity which can find a market in fluid form. The surplus must go to the lower-priced manufacturing market. The problem of this surplus, with increasing population and with the limited area suitable for dairy-farming (decreasing yearly owing to the increasing urbanization of rural areas), is likely to diminish or disappear over the next twenty-five years. The price-fixing powers given to the Board are designed to enable it to set prices in such a way as will ensure a competitive price to consumers with encouragement to producers to provide continuity of supply of fresh fluid milk available not merely for the present, but to meet the requirements of population expansion. As the matter is one which does not affect producers alone, but is of the greatest importance to the consuming public, it is fair that all producers who ship consistently throughout the year milk of an equal quality according to high standards of production should have an equal opportunity of sharing the higher-priced fluid market.

The Bill is designed to operate for the benefit of the general public—consumers as well as producers and distributors.

2. Definitions:—

- "Analyst": Taken from the "Creameries and Dairies Regulation Act," which is repealed by this Act. The definition is unaltered.
- "Buttermilk": Taken from the "Milk Act," which is repealed by this Act. The definition is unaltered.
- "Cattle": Taken from the "Milk Act" (unaltered).
- "Cheese": Taken from "Creameries and Dairies Regulation Act" (unaltered).
- "Creamery and dairy": A simplified version of the definition in the present "Creameries and Dairies Regulation Act."
- "Cream-grader": Taken from the "Creameries and Dairies Regulation Act" (unaltered).
- "Dairy-farm": Taken from the "Milk Act" (unaltered).
- "Imitation milk product": Self-explanatory.
- "Manufactured": Similar to the definition in the present "Creameries and Dairies Regulation Act."
- "Manufactured milk product": This is a new definition and is self-explanatory.
- "Pasteurized": This is an expansion of the definition contained in the present "Milk Act." Clause (c) is new.
- "Reconstituted milk": This combines the definitions of reconstituted milk and remade milk contained in the present "Creameries and Dairies Regulation Act."

3. Self-explanatory.

4. Dairy-farms producing milk for human consumption are divided into two classes—those that may produce raw milk and those that may produce only pasteurized milk. This implements the recommendations of Mr. Justice Clyne at page 109 of his report.

5. Prohibits the sale of milk from ungraded farms.

6. Sets out conditions under which raw milk may be sold. (*See* Clyne report, page 108 *et seq.*)

7. (1) Provides for appointment of Inspectors.

(2) Provides for designation of Inspectors appointed under the "Health Act," etc.

8. This is a redraft of section 10 of the "Milk Act." The powers of a municipality to pass by-laws regulating the supplying of milk are increased. The control over manufactured milk products is new.

9. This is section 11 of the "Milk Act" redrafted.

10. This is section 12 of the "Milk Act" widened to cover manufactured milk.

11. This is section 14 of the "Milk Act" redrafted and widened to cover manufactured milk.

12. This is section 15 of the "Milk Act" redrafted to cover manufactured milk.

13. This section is new. The use of the words "certified milk" is now prohibited.

14. This is a redraft of section 18 of the "Milk Act."

15. This is a redraft of section 19 of the "Milk Act."

16 and 17. Self-explanatory.

18. This is section 4 of the "Creameries and Dairies Regulation Act" redrafted.

19. Provided for delivery of accounts by vendors to owners of milk. Compare with section 9 of the "Creameries and Dairies Regulation Act."

20 and 21. Covers the duties and powers of Inspectors. Compare with sections 12 and 13 of "Creameries and Dairies Regulation Act."

22. Prohibits the sale of adulterated milk.

23. Prohibits the sale of imitation milk products other than oleomargarine.

24. Prohibits the keeping of adulterants in dairies.

25. Self-explanatory.

26. Prohibits the use of false grade-names.

27. Prohibits the use of grade-names on ungraded products.

28. Prohibits the destruction of a grade-name.

29. Power to seize milk and milk products.

30. Prohibits the addition of fats other than milk-fats to milk.

31. Provides penalties.

32. Establishes a Milk Board.

33. Provides that the Milk Board shall consist of not more than three members.

34 to 39. Self-explanatory.

40. Sets up a Vancouver area of production and a Vancouver Island area of production and such other areas as the Lieutenant-Governor in Council may define.

41. Sets out the powers of the Board. (*See recommendations of Mr. Justice Clyne at page 163 of the report.*)

42. *See the recommendation of Mr. Justice Clyne under the heading "Price" at page 162 of the report.*

43. Idem.

44 and 45. Self-explanatory.

46. Self-explanatory.

47. Allows the payment to a producer of a bonus in excess of the price fixed by the Board.

48 to 56. Self-explanatory.

57. Prohibits the sale of milk, cottage cheese, or ice-cream at a price below the cost of production in a production area.

58. The Act applies to all vendors, notwithstanding the provisions of the "Co-operative Associations Act, 1955."

59 to 64. Self-explanatory.

65. Authorizes the Lieutenant-Governor in Council to make regulations.

66. Provides that Part III does not apply to goat's milk.

67 to 72. Self-explanatory.

(This statement is submitted by the Legislative Counsel
and is not part of the legislation.)

BILL No. 70

An Act respecting the Milk Industry.

BILL

No. 70.]

[1956.

An Act respecting the Milk Industry.

Preamble.

WHEREAS it has been made to appear to the Government of British Columbia that, as a result of instability in the production and marketing of milk in British Columbia and particularly on the Lower Mainland of the Province and on Vancouver Island, there has been uncertainty that producers of milk would receive a reasonable return therefor, and there have been lacking the incentives necessary to ensure to consumers continuity of supply of safe, clean milk in fluid form:

And whereas it has appeared that, due to the lack of proper and adequate pricing and an unjust and discriminatory marketing system, unwarranted surpluses have been encouraged and improper trade practices have existed which threatened the whole price structure and endangered the continuity of a supply to consumers of safe, clean fluid milk as aforesaid:

And whereas accordingly the Government, on the third day of September, 1954, appointed the Honourable Mr. Justice J. V. Clynne as a sole Commissioner to inquire into the failure of primary producers to receive prices fixed by the Milk Board of British Columbia existing under the "Public Utilities Act" of British Columbia for whole milk supplied for whole-milk requirements and into the failure of certain dealers, co-operatives, associations, or agencies to comply with orders of the said Milk Board, and to inquire into other matters in relation to the production, marketing, and distribution of whole milk:

And whereas the said Commissioner made a searching and thorough investigation, from the time of his said appointment until the date of his said report, into all matters pertaining to the production, sale, delivery, and marketing of milk from the said areas:

And whereas, on the seventeenth day of October, 1955, the said Commissioner made his report, containing findings and recommendations

in connection with the said matters, to His Honour the Lieutenant-Governor in Council:

And whereas the Legislative Assembly of British Columbia has considered the contents of the said report and is of the opinion:—

- (a) That it is necessary to consolidate the present legislation dealing with milk and to enact further measures in relation thereto to safeguard the public health:
- (b) That all milk for human consumption in fluid form must, in respect of qualities of safety and cleanliness, meet a common standard:
- (c) That at the present time the total volume of such milk available for the fluid market greatly exceeds the demand therefor, but that in the foreseeable future, owing to increases in population and the limited area in which milk can be produced, the demand for such fluid milk may exceed the possible supply thereof:
- (d) That the price of milk of such standard for consumption on the fluid market in British Columbia is affected only by local supply and demand, whereas the price for milk for manufacturing purposes is fixed by world market conditions in respect of the manufactured product:
- (e) That, in order to ensure to the consuming public of British Columbia a continuity of supply of safe and clean fresh fluid milk meeting such standard, it is necessary that a premium be offered to producers thereof, but because of market conditions aforesaid the price which all producers shall receive for the total volume of such milk must be conditioned by the price paid for the surplus supply which is sold at the world market price, resulting in a return to the producers of a blended price for all milk produced by them:
- (f) That in this Province the history of production and distribution of milk for consumption in fluid form shows an inequality in bargaining strength as to price between producers and distributors, and that the fixing of prices to be paid to producers for such milk is therefore necessary:
- (g) That, for the foregoing reasons and for other reasons referred to in the said report, it is essential that prices which the producer shall receive for all milk which he has produced under conditions qualifying it for the fluid market be fixed at a level which will ensure an adequate but not an excessive supply of milk qualified for the fluid market:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Milk Industry Act."

Interpretation.

2. In this Act, unless the context otherwise requires:—

- “Analyst” means any analyst appointed by the Government of Canada or by the Government of British Columbia and having authority to make analyses for any public purpose:
- “Board” means the Milk Board constituted under this Act:
- “Buttermilk” means the product which remains after fat is removed from milk by churning, and includes the product which is obtained by the addition to pasteurized skim-milk of a pure lactic culture:
- “Cattle” means cows and goats:
- “Cheese” means the product made from curd obtained from milk, skim-milk, cream, or any mixture of these by coagulating the casein thereof, and which contains no other fat than milk-fat:
- “Creamery and dairy” shall include every place or building where milk or manufactured milk products are produced, received, accepted, bought, processed, pasteurized, manufactured, or dealt in:
- “Cream-grader” means a person who holds a subsisting cream-grader’s licence issued to him under this Act:
- “Dairy-farm” means a place where cattle are kept for milking:
- “Dairy-farmer” means the owner or occupier of a dairy-farm, and includes the manager or other person in charge of a dairy-farm:
- “Imitation milk product” means any food substance other than milk or a manufactured milk product, of whatever origin, source, or composition, that is manufactured for human consumption and for the same use as or in semblance of a manufactured milk product, and that is manufactured wholly or in part from any fat or oil other than that of milk:
- “Inspector” means any Inspector under this Act:
- “Jobber” means any person who regularly distributes milk, and who obtains such milk packaged, ready for distribution, from any vendor, but does not include any person who sells milk at retail in any store:
- “Licence” includes a renewal thereof:
- “Manufactured,” as applied to butter, means that stage of the operation at which butter is packed or placed in a package:
- “Manufactured milk product” means condensed milk, dry milk, malted milk, evaporated milk, milk-powder, butter, cheese, cottage cheese, processed cheese, ice-cream, or other article being wholly or mainly composed of milk, and which contains no fat or oil other than milk-fat, and includes sherbet as defined by the “Canada Dairy Products Act” and regulations thereunder:
- “Milk” means milk obtained from cattle, and includes cream:
- “Milk-grader” means a person who holds a subsisting milk-grader’s licence under this Act:

"Milk in fluid form" means fresh milk, and does not include reconstituted milk:

"Milk-tester" means a person who holds a subsisting milk-tester's licence issued to him under this Act:

"Minister" means the Minister of Agriculture:

"Municipality" includes a municipality incorporated under the "Village Municipalities Act":

"Package" means a receptacle or covering used for the packing, wrapping, containing, or covering of milk or a manufactured milk product:

"Pasteurized," in relation to milk, means:—

(a) Milk the whole of which has been subjected for at least thirty minutes to a temperature of not less than one hundred and forty-three degrees Fahrenheit in a pasteurizer of the type approved by regulations hereunder, and then at once cooled to fifty degrees Fahrenheit or under in or on a cooler of a type approved by the said regulations, and immediately placed and sealed in clean containers and kept sealed until delivered to consumers or other purchasers; or

(b) Milk every particle of which has been heated to a temperature of not less than one hundred and sixty-one degrees Fahrenheit, and held at that temperature for not less than sixteen seconds, and thereafter immediately cooled to fifty degrees Fahrenheit or lower in a manner and with equipment of a type approved by regulations, and at once placed and sealed in clean containers and so kept until delivered to consumers or other purchasers; or

(c) Milk treated for the purpose of the destruction of harmful bacteria by some other process provided for by regulations hereunder:

"Producer" means any dairy-farmer who produces milk for human consumption:

"Producer-vendor" means any person who distributes milk produced only by his own cattle:

"Qualifying milk" means milk which:—

(a) Is produced on an approved fluid-milk dairy-farm or an approved raw-milk dairy-farm certified as such; and

(b) Meets such standards for such milk as may be prescribed by regulations hereunder;

and "qualifying for the fluid market" has a similar meaning:

"Qualified producer" means a producer who produces qualifying milk:

"Raw milk" means milk which has not been pasteurized:

"Reconstituted milk" means milk remade or compounded of butter, skim-milk powder, and water or of cream, skim-milk powder, and water, of whole-milk powder and water, or of any combination of these substances, and includes cream so remade or compounded:

"Vendor" means any person dealing in milk, whether by purchase or sale or on the basis of delivery on consignment for sale, and includes agents for producers and co-operative associations, which agents and co-operative associations sell and distribute milk produced by their principals or by the members of such associations, and includes a jobber and a producer-vendor, but does not include a producer as such.

PART I.

PROVISIONS AS TO PRODUCTION OF MILK.

General farm requirements.

3. Every dairy-farmer shall maintain on his farm suitable milk-houses, housing for cattle, a sufficient supply of pure water, facilities for providing a sufficient supply of hot water, sufficient facilities for cooling milk, and shall use safe and clean methods of production, all in accordance with standards which shall be set by regulations hereunder, and shall not deliver or sell milk from any cow or goat which is suffering from any disease.

Classification of farms.

4. Dairy-farms producing milk for human consumption in fluid form shall be classified as:—

(a) Approved raw-milk dairy-farms:

(b) Approved fluid-milk dairy-farms.

Certificates of approval.

The dairy-farms in each of such classes shall comply with standards for each class provided by regulations hereunder; and upon proof of such compliance and compliance with the provisions of this Act and of the "Contagious Diseases (Animals) Act" and regulations under the said Acts applicable to such farm, a dairy-farmer may be issued a certificate of approval under the hand of the Minister or such official as may be designated by him that such farm is approved in the class and for the sale of milk for the purpose stated in the certificate.

Prohibits sale of milk from ungraded farms.

5. No person shall sell milk or offer the same for sale for consumption in fluid form unless the owner or operator of the dairy-farm on which such milk is produced is, in the case of milk which will be sold as pasteurized fluid milk, the holder of a subsisting certificate classifying his farm as an approved fluid-milk dairy farm, and, in the case of milk to be sold as raw milk, subject to section 6 hereof, is the holder of a subsisting certificate classifying his farm as an approved raw-milk dairy-farm.

Sale of pasteurized milk and sale of raw milk.

6. (1) No person shall deliver or sell milk in fluid form or cottage cheese or ice-cream to consumers in any municipality having a population of more than five hundred persons or in any unorganized territory which has been defined by Order in Council as a milk-pasteurization area, unless such milk or the milk from which such cottage cheese or

ice-cream have been made has been pasteurized in accordance with the provisions of this Act. The Order in Council defining a milk-pasteurization area may provide for the sale within such area of raw milk from approved raw-milk dairy-farms subject to such requirements, restrictions, and exceptions as may be provided therein.

(2) Notwithstanding subsection (1), the Municipal Council or, in the case of a village municipality, the Board of Commissioners may, if it deems it advisable in the public interest, by by-law provide that raw milk produced on approved raw-milk dairy-farms may be sold in the municipality.

(3) The containers in which raw milk is sold to consumers in accordance with this Act shall be clearly labelled in letters not less than one-eighth inch in height with the words "This product has not been pasteurized."

Inspectors.

7. (1) There shall be in the Department of Agriculture an adequate staff of Inspectors with such powers and duties under the "Contagious Diseases (Animals) Act" and under this Act as may be assigned to them by the Minister, and such of them as the Minister deems advisable shall be veterinary surgeons.

(2) The Minister may designate any Medical Health Officer or other officer under the "Health Act," or any Inspector appointed by a municipality under section 9 of this Act, or any Dairy Inspector under the "Canada Dairy Products Act," or any Veterinary Inspector of the Health of Animals Division of the Department of Agriculture of Canada, an Inspector under this Act. Any such designation may be in general terms or for any particular case.

**Municipalities
authorized to pass
milk by-laws.**

8. (1) The Council or Board of Commissioners of a municipality may pass by-laws for regulating the supplying of milk or manufactured milk products for human consumption within the municipality, and such by-laws may make provision:—

- (a) As to the care, handling, storage, transportation, and distribution of milk or manufactured milk products by vendors or carriers:
- (b) As to the construction and type of building used by vendors for handling, storage, or sale of milk or manufactured milk products:
- (c) As to the care, cleansing, construction, and type of all utensils, equipment, and vehicles used in handling milk or manufactured milk products by vendors or carriers:
- (d) For granting of licences to vendors, and the suspension or cancellation of such licences:
- (e) For the making of chemical, bacteriological, or other tests of milk or manufactured milk products for the purpose of ascertaining whether such milk or manufactured milk products comply with regulations hereunder:

- (f) For requiring vendors to label with their respective names all containers of milk or manufactured milk products for sale, and prohibiting carriers from delivering milk or manufactured milk products to consumers in vehicles unless such vehicles have painted thereon in a conspicuous place, in letters not less than three inches in height, the names of the vendors of the milk or manufactured milk products carried for delivery to consumers:
- (g) For the inspection of containers of milk and manufactured milk products and the contents thereof in order to ascertain whether or not such containers are labelled in accordance with regulations hereunder:
- (h) Providing for the sale of raw milk within the municipality, subject to such requirements, restrictions, and exceptions as may be provided by such by-laws:
- (i) As to such other matters regarding the production, care, treatment, storage, transportation, distribution, and sale of milk and manufactured milk products as the Council may consider necessary.

(2) No by-law passed under clauses (a) to (c) or (e) or (i) of subsection (1) shall come into force until it is approved by the Lieutenant-Governor in Council.

(3) Where a by-law is passed under clause (d) of subsection (1), no person shall sell milk or manufactured milk products in the municipality without having first obtained a vendor's licence therefor.

Municipal Inspectors.

9. The Council or Board of Commissioners of each municipality may appoint an Inspector or Inspectors for the enforcement of sections 8, 10, and 11 to 15, and the by-laws passed by the municipality under section 8 and the regulations applying to the municipality.

Powers of Municipal Inspectors.

10. (1) Every Inspector within the municipality shall have the power to see that the requirements of sections 8 and 11 to 15 and the by-laws passed under section 8 and the regulations applying to the municipality are complied with, and to prohibit the sale for human consumption of milk or manufactured milk products or reconstituted milk which is obtained, produced, treated, or handled contrary to or are otherwise not in accordance with this Act or such by-law or regulation, and shall have the right:—

- (a) Within the municipality, to take for examination and testing samples of any milk or manufactured milk products found in a vehicle or vending-machine, and intended for or in the course of delivery for human consumption:
- (b) Within the municipality, to enter the premises of any person keeping for sale or selling reconstituted milk for human consumption and the premises of any public dining-room, lunch-

room, café, restaurant, or eating-house where reconstituted milk is used or served, and to inspect such premises or any vehicle transporting such reconstituted milk for the purpose of seeing that the provisions of section 15 are complied with, and to take for examination samples of any reconstituted milk found on such premises or in any vehicle or in a vending-machine within the municipality and intended for or in the course of delivery for human consumption.

(2) Every sample of milk, reconstituted milk, or manufactured milk products taken on the premises of a vendor or from a vehicle or vending-machine shall be taken in the presence and full view of the vendor, or other person owning, occupying, managing, or in charge of such premises or vehicle or vending-machine, and shall be labelled and dated by the Inspector, and shall be properly packed to prevent deterioration until opened at the laboratory where it is to be tested.

(3) The results of all tests of samples of milk, reconstituted milk, or manufactured milk products taken under this section shall be expressed in writing and filed with the Medical Health Officer of the municipality, and shall be open to public inspection at all reasonable times, and may be published by the Medical Health Officer of the municipality if he thinks advisable.

Employment of
persons suffering
from certain
diseases forbidden.

11. No person suffering from or recovering from or who has knowingly been exposed to any infectious or contagious disease shall, within a time prescribed by the regulations made under the "Health Act," work or assist on or in any dairy-farm or any premises where any milk, reconstituted milk, or manufactured milk products for human consumption is obtained, produced, handled, or sold, and no owner, occupier, manager, or person in charge of any such dairy-farm or premises shall knowingly permit any person suffering or recovering from or who has been exposed to any disease as aforesaid, within the said time, to work or assist in any manner forbidden by this section, and any Municipal Inspector appointed under this Act or any Medical Health Officer may prohibit the sale of milk, reconstituted milk, or manufactured milk products obtained, produced, handled, or sold on or from any farm or any premises in which any person works or assists contrary to the provisions of this section.

Uncleanliness on dairy
premises forbidden.

12. (1) No unclean person or persons in unclean clothing and no animal shall at any time be permitted in any milk-house where milk is handled or treated for human consumption. "Milk-house," for the purpose of this subsection, shall mean any place or building to which milk has been removed after extraction from the cow or goat.

(2) Every vessel and utensil and part thereof which is used for obtaining, producing, handling, or distributing milk, reconstituted milk, or manufactured milk products for human consumption shall be thoroughly cleansed before being used for any such purpose.

Certified milk.	<p>13. (1) No person shall apply the term "certified" to any milk.</p> <p>(2) No person shall apply the word "pasteurized" to any milk unless it has been pasteurized, or to any milk that has been removed from the original containers referred to in the definition of "pasteurized."</p> <p>(3) No person shall pasteurize milk which has already been pasteurized.</p>
Standard contents of milk.	<p>14. No person shall sell to a consumer for human consumption any milk other than skim-milk or buttermilk sold as such which contains less than eight and one-half per centum of milk solids other than fat, and unless the minimum butter-fat content is clearly labelled thereon.</p>
Treated milk.	<p>15. (1) No person shall sell for human consumption any milk which has received special treatment unless the milk complies with the regulations relating thereto, or, in the absence of any regulation, without clearly and distinctly advertising the special treatment on the package containing the said milk.</p>
Sale of reconstituted milk.	<p>(2) No person shall make or compound for sale or sell any reconstituted milk without having first secured a permit to do so from the Minister, but nothing herein contained shall apply to the making or compounding for sale or the sale of reconstituted milk for immediate consumption on the premises where such reconstituted milk is made or compounded.</p>
Permit for sale of reconstituted milk.	<p>(3) The Minister may issue a permit to make or compound or sell reconstituted milk for such time and in such quantities as conditions warrant, having regard to available supplies of fresh fluid milk within a reasonable distance from the market in which it is proposed to sell such reconstituted milk.</p>
Labelling of reconstituted milk.	<p>(4) No person shall, save as permitted by regulations hereunder, keep for sale or sell for human consumption any reconstituted milk unless all containers in which it is kept or sold are clearly and distinctly labelled or marked with the words "reconstituted milk"; and no person shall, save as aforesaid, keep for use or sale, or use or serve, reconstituted milk in any public dining-room, lunchroom, café, restaurant, or eating-house unless there is posted up in a conspicuous place therein a legible placard displaying the words "Reconstituted milk is served here," printed thereon in letters not less than three inches in height.</p>

PART II.

PROVISIONS AS TO PASTEURIZING, PROCESSING, AND MANUFACTURING OF DAIRY PRODUCTS.

Power to issue licences.	<p>16. The Minister may issue, in accordance with the regulations, licences to milk-testers, cream-graders, milk-graders, and to persons for the operation of creameries and dairies, and certificates of proficiency to</p>
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butter-makers, cheese-makers, ice-cream makers, and pasteurizer operators, and may cancel such licences or certificates.

Licence to operate
creamery or dairy.

17. No person shall operate a creamery or dairy where milk is received from producers or pasteurized, or shall operate pasteurizing equipment, unless he is in possession of a subsisting licence therefor issued to him under this Act.

Plans and
specifications to be
submitted to Minister.

18. No person shall erect, remodel, or establish a building to be used as a licensed creamery or dairy without first submitting to the Minister plans and specifications thereof, together with a statement as to its location, the estimated quantity and the nature of the product or products to be handled, treated, processed, or manufactured therein.

Provisions for delivery
of accounts.

19. (1) Every vendor shall deliver to the owner of milk dealt in a just and true account of the quantity, value, and price thereof. Such account shall be made up on such basis (as to butter-fat content or on other basis) as the regulations may prescribe, and the value and price thereof, subject to orders of the Board or regulations hereunder, shall be determined on the said basis on tests conducted in the presence of and under the personal supervision of a milk-tester and certified by such milk-tester in accordance with the regulations. Such account shall be delivered at such time and in such form as may be prescribed by orders of the Board or by regulations hereunder, and shall state the grade allotted to the milk or cream by a milk-grader or cream-grader, as the case may be, within a time after its delivery to the vendor to be prescribed by such orders or by regulations.

Power of Inspector
to enter dairy and
take samples.

(2) An Inspector shall have the right at any reasonable time to enter the premises of any creamery or dairy, or of any vendor, wholesaler, retailer, storage company, or carrier, to stop any vehicle transporting milk or manufactured milk products, and take and remove samples of such milk or manufactured milk products found therein, and to do such other things as are necessary for grading and testing for butter-fat or milk solids, or for the purpose of making other tests or examinations, or to determine if the provisions of this Act are being carried out.

Duty to keep record
of all tests.

(3) Every person operating a creamery or dairy shall keep correct records of all weights, grades, and tests of the milk and cream supplied to the creamery or dairy. The record of the milk and cream supplied by each patron or person shall at all times be open to inspection by him and by an Inspector under this Act.

Duties of Inspectors
as to dairies and
creameries.

20. Inspectors shall, as frequently as necessary, visit all creameries and dairies in the Province where milk or manufactured milk products are being manufactured, processed, pasteurized, or dealt in on a butter-fat or on a milk-solids basis, or on a grade basis, to inspect the buildings, equipment, methods of operation, and sanitation, and to see that the provisions of the Act and the regulations are carried out, and to give

instruction, advice, and assistance when required or necessary to the owners, operators, and employees of such creameries and dairies.

Power of Inspector to prohibit the sale of milk or manufactured milk products.

21. (1) Where an Inspector finds that the premises of any creamery or dairy are being kept or maintained contrary to the provisions of any Statute or the regulations made thereunder, or in a condition which he considers unfit for the production, manufacture, processing, pasteurizing, handling, or storing of milk or manufactured milk products, or that the methods employed on the premises are such as to be detrimental to the quality and purity of the milk or manufactured milk product or products produced, manufactured, processed, pasteurized, handled, or stored thereon, or such milk or manufactured milk product or products are, in his opinion, unfit or, by any recognized test he may perform or have performed, found to be unfit to be sold or marketed for human consumption, he shall give to the owner or person in charge of the creamery or dairy a notice in writing prohibiting him from selling or offering for sale any milk or manufactured milk product produced, manufactured, processed, pasteurized, handled, or stored on the premises.

Notice of prohibition.

(2) Where an Inspector finds dairy equipment that in his opinion is insanitary or unfit to be used in the processing, pasteurizing, manufacturing, storing, or transporting of milk or manufactured milk products, he shall give notice in writing to the owner or person in charge prohibiting him from using the equipment for the processing, pasteurizing, manufacturing, storing, or transporting of milk or manufactured milk products.

Violation of section an offence.

(3) Every owner or person to whom a notice has been given under this section who sells or offers for sale any milk or manufactured milk products, or who processes, pasteurizes, manufactures, stores, or transports any such milk or manufactured milk products, in violation of the prohibition contained in the notice shall be guilty of an offence against this Act.

Adulterated milk.

22. (1) No person shall sell or deliver to any vendor:—

(a) Milk diluted with water, or in any way adulterated, or any milk or cream to which foreign fat, colouring-matter, preservative, or other chemical substance of any kind has been added:

(b) Any milk taken or drawn from a cow or goat which is diseased at the time the milk is so taken or drawn from her.

(2) Milk shall be deemed to be diluted or adulterated under this section if a test made by an Inspector or other competent person by means of some adequate test to be prescribed in the regulations shows the milk to be diluted or adulterated.

Imitation milk products prohibited.

23. No person shall sell, offer for sale, or have in possession for sale any imitation milk product other than oleomargarine.

Prohibits keeping in dairy substances suitable for adulteration.	24. No person shall have upon premises where any milk or manufactured milk product is treated, manufactured, or reworked a substance intended to be used for adulteration of any manufactured milk product, and the presence on the premises of such substance shall be prima facie evidence of intent so to use it.
Items not to be stored with dairy products.	25. Milk and manufactured milk products shall be handled and stored in such manner that the quality of such milk or manufactured milk products will not be impaired, and so that odours or flavours from meats, fish, poultry, fruits, or other things shall not be imparted to such milk or manufactured milk products.
Prohibits use of false grade-name.	26. No person shall sell or offer for sale, advertise for sale, or hold in possession for sale any milk or manufactured milk product under a grade-name established by the regulations unless the milk or manufactured milk product conforms to the standards prescribed by the regulations for that grade, or unless it is graded, packed, and marked in accordance with the regulations.
Prohibits use of grade-name on ungraded produce.	27. No person shall apply to any milk or manufactured milk product that is not graded in accordance with the regulations, or to any package containing the same, or use in association with such milk or manufactured milk product, any grade or other designation so closely resembling a grade-name established by the regulations that it is likely to be mistaken therefor.
Prohibits destruction of grade-name.	28. Unless authorized in writing by an Inspector, no person other than the final purchaser or consumer shall alter, destroy, efface, or obliterate any grade-name applied to any milk or manufactured milk product or any container thereof.
Inspector may seize dairy products or other things.	29. (1) Whenever an Inspector has reasonable grounds for believing that an offence against this Act or the regulations has been committed, he may seize all milk or manufactured milk products and other things by means of or in relation to which he reasonably believes the offence was committed. (2) All milk or manufactured milk products seized under subsection (1) may be removed to a public warehouse and detained until all the provisions of this Part and the regulations with respect to the milk or manufactured milk products have been complied with.
Adding fats other than milk-fat illegal.	30. Except as authorized by regulations hereunder, and for such purposes and in such amounts as are prescribed by the regulations, no person shall add to or combine with any milk or any manufactured milk product any fat or oil other than that of milk.
Penalty for violation incurred by owner of illegal product.	31. Where there is a violation by any person of any of the provisions of this Act, the person on whose behalf the milk or manufactured milk product is sold, offered, exposed, had in possession for sale,

or supplied shall be deemed to be guilty of such violation, and shall incur the penalty provided therefor unless he proves both that the violation was not committed by himself and that it was not committed by a person who at the time of the violation had authority from him to sell, offer for sale, expose for sale, have in possession for sale, or supply the milk or manufactured milk product.

PART III.

PROVISIONS AS TO MARKETING.

The Milk Board.

32. There is hereby constituted a Board to be known as the "Milk Board" with powers hereinafter set out.

Constitution of the Board.

33. The Board shall consist of not more than three members, the number of whom shall be fixed by the Lieutenant-Governor in Council. The Order in Council shall appoint the members of the Board, and shall set the terms and conditions of their appointment and their remuneration. If there is more than one member, the Order in Council shall designate one of the members to be Chairman of the Board. In his absence or in the case of his inability to act, one of the other members of the Board may act as Chairman.

Board a body corporate.

34. The Board shall be a body corporate, and shall have a corporate seal.

Quorum of the Board.

35. (1) A majority of the members of the Board shall constitute a quorum.

(2) The Board may delegate to any executive committee of one or more members such matters as may require prompt dispatch, or may be more expeditiously dealt with in that manner.

Minutes and proceedings.

36. (1) The Board shall cause minutes to be kept in books provided for the purpose:—

(a) Of the names of the members present at each meeting of the Board or any sub-committee thereof:

(b) Of all resolutions and proceedings at all meetings of the Board or any sub-committee thereof, including all hearings conducted by the Board.

(2) Every order issued by the Board pursuant to this Act shall be signed by the Chairman or the Acting-Chairman, sealed with the seal of the Board, and kept on file in the office of the Board. Any person applying for the same shall, upon payment of such fee as may be prescribed by regulations hereunder, be entitled to receive a certified copy of any order of the Board.

Head office.	37. The head office of the Board shall be in the City of Vancouver, British Columbia.
Salaries and expenses of the Board.	<p>38. (1) All moneys necessary to pay the salaries of the members and employees of the Board and to meet the expenses necessarily incurred in the carrying-out of this Act shall, in the absence of a vote of the Legislature for that purpose, be paid from the Consolidated Revenue Fund.</p> <p>(2) All fees paid to the Board shall, when received, be paid by the Board into the Provincial Treasury.</p>
Books, records.	39. The Board shall establish and maintain such accounts, books, and records, and such bank accounts, in such form and subject to such direction as may be made by the Minister.
Areas of production.	<p>40. There shall be areas of production of milk as follows:—</p> <p>(a) The Vancouver area of production, comprising the territory as follows: The City of Vancouver, the City of North Vancouver, the District of North Vancouver, the Municipality of West Vancouver, the Municipality of Burnaby, the Municipality of Richmond, the City of New Westminster, the University area in Point Grey, and that portion of the Fraser Valley which lies south of the 49° 30' parallel in the Province of British Columbia:</p> <p>(b) The Vancouver Island area of production, comprising the territory as follows: Vancouver Island:</p> <p>(c) Such other areas as may from time to time be defined by Order in Council and comprising the respective territories set out therein. The Lieutenant-Governor in Council may from time to time enlarge or reduce or eliminate any of the said areas of production, redefine the boundaries thereof, or combine two or more areas.</p>
Powers of the Board.	<p>41. For the purpose of controlling and regulating under this Act the marketing of milk produced in British Columbia, the Board shall, so far as the legislative authority of the Province extends, have power to make orders in relation to the said marketing, and, without limiting the generality of the foregoing, shall have power to make orders:—</p> <p>(a) Providing for the classifying of any or all persons engaged in the production, supplying, processing, distribution, or sale of milk within the Province, and providing for the licensing of persons in any or all of such classes and for the qualifications for such licences, and defining standards and grades in relation to the quality of any such milk:</p> <p>(b) Imposing licence fees upon the persons in any such classes, and determining the basis upon which the amount of such licence fees in varying amounts shall be fixed in respect of each</p>

of such classes, and providing for the collection and payment of such licence fees, including the fixing of and collection of penalties to enforce payment:

- (c) Prescribing the form of licences and the term of such licences, and the terms and conditions upon which the same shall be issued, renewed, suspended, or revoked:
- (d) Prohibiting any person from engaging in the production, supplying, processing, distribution, or sale of milk, or of any class or classes, grade or grades thereof, within the Province unless he is the holder of a current licence from the Board which has not been suspended or revoked:
- (e) Providing for classes of milk according to acceptability for utilization in each of such classes:
- (f) Prescribing the terms and times of payment for milk supplied to vendors by producers thereof:
- (g) Prohibiting the marketing of any milk which does not meet the standards for the same as set by the Board:
- (h) Fixing the minimum value at which vendors shall account to producers for milk which is sold on the fluid market, which value shall be set by formula as hereinafter provided:
- (i) Determining the minimum value at which vendors shall account to producers for milk used in manufactured milk products, which price shall be determined on the basis of current market yields:
- (j) Fixing the price which shall be paid to all producers for all milk marketed by them and qualifying for the fluid market, which price shall be a blended price, taking into account the quantity of milk which has been sold on the fluid market and the quantity of such milk surplus to fluid-milk requirements and which must be sold on the market for manufactured milk products and the values applicable to the said quantities respectively in accordance with clauses (h) and (i) hereof:
- (k) Apportioning the quantity of milk which has been sold as fluid milk among all producers qualifying for the fluid market and fixing the price for milk qualifying for the fluid market so that each producer of such qualifying milk receives:—
 - (i) The fluid-milk value as determined in clause (h) for that proportion of all milk qualifying for the fluid market marketed by him which is equal to the proportion that total fluid-milk sales is of the total quantity of milk which qualifies for the fluid market received by licensed vendors in each area of production; and
 - (ii) The value as determined in paragraph (i) for the remainder of the milk marketed by him which qualifies for the fluid market;

and providing for the distribution of the total proceeds of milk which qualifies for the fluid market accordingly:

- (l) Ordering that the proceeds of the total quantity of milk qualifying for the fluid market and produced by all producers in each area of production and sold on both the said markets shall be pro-rated among all such producers so that each producer shall receive his proportionate share of the total proceeds in accordance with the quantity of milk qualifying for the fluid market supplied by him:
- (m) Establishing and adopting a formula for the purpose of the fixing of prices hereunder in each area of production or for the Province as a whole, which formula shall take into account relevant economic factors, including changes in the general price level, changes in the price of any or all factors of production, and the quantity of milk which is sold on the fluid market in relation to the total quantity of milk which qualifies for the fluid market. The said formula shall be such as to provide a reasonable premium for the production of milk for the fluid market to ensure an adequate but not an excessive supply of milk which qualifies for such market:
- (n) Providing that any prices fixed hereunder shall be effective for any particular time, and varying such prices for periods throughout the year:
- (o) Directing that accounts be given by vendors to producers of the milk received by such vendors from such producers, which accounts shall contain particulars of the quantity of milk received, the total value thereof, and the amount due to each such producer at the values and prices from time to time fixed and determined by the Board, and the basis (as to butter-fat content or on other basis) on which such values and prices have been fixed and determined:
- (p) Directing the payment of the amounts due by vendors to producers in accordance with the said accounts:
- (q) From time to time designating the vendor to whom or through whom a producer shall market his milk, and requiring every such vendor to accept milk from such producers as the Board may determine:
- (r) In order to ensure compliance with orders of the Board and payment for milk supplied by producers, requiring the furnishing of security or proof of financial responsibility by vendors in such amount and in such form and upon such conditions necessary to attain the said objects as the Board may determine, with power to the Board to discriminate between vendors with respect to such security or proof of financial responsibility in accordance with the volume of milk of any class or classes, grade or grades thereof received or sold by any such vendors:

- (s) Providing for the fixing of producer quotas of milk for the fluid market based on the ratio of fluid-milk sales to the amount of qualifying fluid milk produced in any area of production during such period as the Board may determine, and from time to time to vary such quotas:
- (t) Establishing or designating an agency to or through which all fluid milk shall or may be delivered or sold:
- (u) Establishing by means of quotas the proportion of his production which a producer may sell on the fluid market, and directing the shipment of milk comprising any such quota to such vendor as the Board may determine:
- (v) Requiring that all books, accounts, and records of a vendor relating to milk, cottage cheese, and ice-cream shall be kept in such form as the Board may provide, and providing for the inspection of the books, accounts, records, and documents of a vendor relating to milk, cottage cheese, and ice-cream by representatives of the Board, and for such purposes to employ auditors:
- (w) Requiring that persons dealing in milk, cottage cheese, or ice-cream shall, at such times as the Board may order, make returns to it and file with it copies of invoices, accounts, bills of lading, and other documents with respect to milk, cottage cheese, or ice-cream marketed or dealt in by such persons, and requiring all such persons to authorize persons transporting, receiving, purchasing, or in anywise dealing in milk, cottage cheese, or ice-cream for them to furnish to the Board all such information as the Board may require respecting such milk, cottage cheese, or ice-cream transported, received, purchased, or in anywise dealt in by any such person:
- (x) Providing for the audit, at such times as the Board may direct, of the books, records, and accounts of any person dealing in milk, cottage cheese, or ice-cream:
- (y) Providing for the review by the Board of marketing contracts between producers and vendors, and for the revision of the same as to the duration and the terms thereof as the Board considers just and equitable in the public interest:
- (z) Appointing advisory committees of producers, consumers, vendors, and such other classes of persons as the Board may consider advisable to advise and assist the Board in its duties under this Act, and for the payment by the Board of the expenses of any such committees:
- (aa) Providing for the holding of public hearings on any matter relating to the marketing of milk and the welfare of the industry, including trade practices, on such notices to such persons and at such place or places and at such time or times as the Board may consider advisable. On the written request of

fifty persons who are producers, consumers, or vendors of milk, the Board shall hold such hearing. The Board shall give reasonable notice of such hearings by advertisement in a newspaper circulating in the area of production:

- (bb) Defining the deductions which may be made by a vendor from the price payable hereunder by him to a producer, the purposes for which such deductions may be made, and limiting the amount thereof in respect of any such purposes:
- (cc) Limiting the application of clause (d) of this section to milk to be utilized for any specific purpose.

Values and price differential.

42. In determining values and fixing prices, the Board shall have power to apply a fair differential between areas of production on the basis of factors arising in any area of production from the competition of milk produced in other areas of production: Provided that the amount of such differential as applied to the values fixed in clause (h) of section 41 shall not in any case be greater than a fair cost as determined by the Board of transporting milk between the areas of production in respect of which such differential is applied; and provided further that nothing herein contained shall obstruct or prevent the free shipment of milk from one area of production to another.

Selling below fixed price prohibited.

43. No producer shall sell or dispose of any milk at less than the prices fixed by the Board as the prices which he shall receive for milk qualifying for the fluid market and for the manufacturing market respectively, and every vendor receiving milk from a producer shall give such accounts in respect of the same in such form and containing such particulars as the Board shall direct.

Status of producer-vendors.

44. In the application of the provisions of this Act, a producer-vendor shall be entitled to all the rights and privileges and be subject to all the duties and obligations given to and imposed on a producer and on a vendor, and shall keep such books, records, and accounts of production and of sales of milk, cottage cheese, and ice-cream, and make such accounting thereof in such form and containing such particulars, as may be required by this Act and regulations hereunder and by orders of the Board.

Review of Board's decisions.

45. The Board may review, vary, or rescind any decision or order made by it.

Certain powers to be exercised only as to milk from area of production.

46. In the exercise of any or all of its powers hereunder, the Board may provide that such of its orders as it deems advisable shall be applicable only in respect of milk produced in a specified area of production.

Bonus in excess of Board price.

47. Nothing in this Act contained shall be taken to prohibit any person from paying to a producer a price for milk in excess of the price fixed by the Board hereunder.

Licence exercisable
throughout Province.

48. Subject to compliance with the Act and regulations, the rights and privileges under every licence issued by the Board shall be exercisable throughout the Province.

Duty not to disclose
information.

49. Every member and every employee of the Board shall keep secret all information coming to his knowledge during the exercise of his duties under this Act, except in so far as such duties require him to report upon or take action in respect thereof, or except in so far as he may be authorized by the Board to publish or make known such information.

Research.

50. The Board shall undertake and carry on continuously all necessary research for the benefit of the milk industry, and shall advise the Minister from time to time with regard to policies for the improvement and development of methods of production and distribution of milk.

Employees of
the Board.

51. The Board may employ such officers, clerks, and servants for the proper conduct of the business of the Board as may be appointed pursuant to the provisions of the "Civil Service Act," and may retain and employ such professional and expert assistance at proper remuneration as may be necessary.

Hearings by
the Board.

52. The Board shall hear and determine any proper matter of complaint on the part of any producer, consumer, or vendor relating to the exercise of its powers. Every such person may be heard in person or by counsel. The Board shall give to every such person reasonable notice of any hearing, shall cause to be taken and kept a true account of the proceedings thereof, and shall furnish to any such person without cost the reasons for its decision.

Evidence before
the Board.

53. The Board may accept and act upon evidence by affidavit or written affirmation or by the report of any of its members or officers: Provided that before any action is taken thereon, every person affected by any such affidavit, affirmation, or report shall be given a copy thereof and an opportunity to answer the same and to be heard thereon in person or by counsel.

Certified copies of
certain documents
prima facie evidence.

54. A copy of any notice, document, report, order, or proceeding of the Board purporting to be certified by a member of the Board and under the seal of the Board shall be, on any hearing or before any Court, prima facie evidence that such notice, document, report, order, or proceeding was duly given, made, or taken, and of the contents of the original document of which such copy purports to be a copy, without proof of the signature of the member of the Board or of his appointment or of the seal or the affixing thereof.

Appeals from orders
of the Board.

55. (1) An appeal shall lie by any person aggrieved who desires to question a decision or order of the Board refusing to issue or renew a licence hereunder or suspending or revoking a licence. Such appeal shall be taken to the Supreme Court of British Columbia by way of

originating summons, and the Court may give such directions for the conduct of the proceedings, receive such evidence, and make such order or decision thereon as it may deem just, and its decision shall be final and shall not be subject to appeal.

(2) Any person aggrieved who desires to question an order or decision of the Board on the ground that it is erroneous in point of law or is in excess of jurisdiction may apply to the Board to state and sign a case setting forth the facts of the case and the grounds on which the decision or order is questioned, and, if the Board declines to state the case, may apply to the Supreme Court for an order requiring the case to be stated, and the provisions of sections 85 to 92, inclusive, of the "Summary Convictions Act, 1955," shall, *mutatis mutandis*, apply to such stated case.

(3) Every person for whom a case is stated as aforesaid in respect of any decision or order of the Board from which he is entitled to appeal under subsection (1) of this section shall be taken to have abandoned his said right of appeal finally and conclusively and to all intents and purposes.

(4) In lieu of proceeding under the foregoing provisions of this section, any person aggrieved may proceed by way of the prerogative writs of mandamus, certiorari, or prohibition, as he may be advised, and such rights as he may have in respect thereto are hereby expressly preserved.

Reports by the Board.

56. The Board shall, on or before the first day of March in each year, make to the Lieutenant-Governor in Council a report for the preceding calendar year showing:—

- (a) Particulars of all applications and complaints made to the Board under this Act, and summaries of the findings of the Board thereon:
- (b) Such other matters as appear to the Board to be of public interest in connection with its operations:
- (c) Such matters as may be directed by the Lieutenant-Governor in Council.

Sales below cost.

57. No person shall sell any milk produced in an area of production or any cottage cheese or ice-cream at a price below the cost thereof to him at the time of the delivery by him of such milk, cottage cheese, or ice-cream, including in such cost the cost of processing, pasteurizing, handling, bottling, packaging, and distribution (including transportation costs) thereof. In cases where any milk, cottage cheese, or ice-cream is delivered or sold with any other product, the matter of allocation of costs shall be referred to the Board to make a fair allocation, and such allocation made by the Board shall be final and binding for all purposes.

PART IV.

GENERAL.

Act applies to
all vendors.

58. The provisions of this Act shall apply to all vendors, whether co-operative associations or not, notwithstanding the provisions of the "Co-operative Associations Act, 1955," or any other Act of this Province, or the terms of any contracts heretofore or hereafter entered into between producers of milk and such vendors.

Certificate signed by
Inspector or analyst
to be evidence.

59. (1) In any prosecution under this Act or the regulations, a certificate as to the grade of any dairy product signed, or purporting to be signed, by an Inspector shall be prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature.

(2) In any prosecution under this Act, a certificate as to the composition of any product or material signed, or purporting to be signed, by an analyst shall be prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature.

Seized products
forfeit to Her
Majesty.

60. Where a person is convicted of an offence under this Act or the regulations, the milk or manufactured milk products by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, shall be forfeited to Her Majesty, and may be disposed of as the Minister may direct.

Refusal to admit
Inspector an offence.

61. Subject to the provisions of section 62, every person who obstructs or impedes an Inspector under this Act in the performance of any duty imposed on him or the exercise of any power conferred on him by this Act, or any regulation or order made or by-law passed under this Act, shall be guilty of an offence against this Act.

Evidence of authority
to be produced.

62. Every Inspector under this Act shall, upon request, produce to any person whose premises he enters in pursuance of this Act an authority in writing, showing that he is duly authorized under this Act to enter and inspect such premises or the products thereon.

Penalties.

63. Every person who fails to comply with any provision of this Act, or any regulation made hereunder, or any order of the Board, shall be guilty of an offence, and, if a corporation, shall be liable, on summary conviction, to a penalty of not less than fifty dollars or more than five thousand dollars, and, if an individual, to a penalty of not less than ten dollars or more than five hundred dollars.

Additional penalty
for failure to pay
price.

64. Every vendor found guilty of paying to a producer of milk a price less than the price fixed by the Board shall, in addition to any other penalty, be ordered by the Court before which the charge against him has been heard, on or before such date as shall be fixed by such

Court, to pay to such producer a sum equal to the difference between the price that was in fact paid to the producer and the price fixed by the Board.

Regulations.

65. The Lieutenant-Governor in Council may make regulations:—

- (1) (a) For establishing a classification of farms as approved manufacturing-milk dairy-farms, and providing that no milk shall be sold from any such dairy-farm for manufacturing purposes unless the owner or operator of the dairy-farm on which such milk is produced is the holder of a subsisting certificate classifying his farm as an approved manufacturing-milk dairy-farm:
 - (b) Prescribing the standards for:—
 - (i) Approved raw-milk dairy-farms:
 - (ii) Approved fluid-milk dairy-farms:
 - (iii) Approved manufacturing-milk dairy-farms,—including the methods of production to be adopted thereon and the maintenance of such standards, and prescribing the form and conditions of certificates issued in respect thereof and the fees to be collected in respect of such certificates:
- (2) Defining the conditions under which milk which has received special treatment may be sold for human consumption:
- (3) Providing that, in circumstances of emergency, compliance with the provisions of subsection (2) of section 15 shall not be required, and defining the conditions under which such non-compliance may be permitted:
- (4) Providing for examinations as to competency of milk-testers, milk-graders, and cream-graders, the nature and extent of such examinations and standards required for the passing thereof, the fees to be paid in respect thereof, and prescribing the duties to be performed by such milk-testers, milk-graders, and cream-graders:
- (5) Prescribing the qualifications to entitle butter-makers, cheese-makers, ice-cream makers, and pasteurizer operators to certificates of proficiency entitling them to be employed as such, providing for classifying such certificates in accordance with the qualifications of the applicants and the fees to be paid for such certificates, and providing for the cancellation of any such certificate:
- (6) Prescribing the standards and the maintenance thereof for barns, loafing-barns, sheds, shelters, milk-houses, milking-parlours, farm tanks and tank-trucks, tank-trailers, and dairy and creamery premises, and processing, manufacturing, and pasteurization plants, and the equipment and qualifications of personnel requisite for the operation of the same; requiring that milk produced be produced, kept, transported, processed,

manufactured, and pasteurized by and under sanitary and healthful methods and conditions; and providing the duties of Inspectors in relation to any such matters:

- (7) Providing for the issue of licences to persons operating plants wherein milk and manufactured milk products are manufactured, processed, or pasteurized, and the term of such licences and the fees to be paid therefor:
- (8) Providing for regulations covering the matters set out in sections 8 and 10 of the Act or any of such matters as applicable to areas of unorganized territory to be defined in the Order in Council:
- (9) Providing for the suspension and cancellation of any certificate of approval of any dairy-farm, and fixing the periods within which and the conditions on which a certificate may be suspended, cancelled, and reinstated, and the notices to be given in respect thereto, and the filing of such notices with the Department of Agriculture and with the Milk Board:
- (10) Providing for the examination of all cattle, the notices to be sent when they are found to be suffering from general or local diseases, and the steps to be taken to ascertain that such cattle are free from disease and the notices to be given in respect thereto:
- (11) Providing that no milk shall be delivered or sold from any cow or goat within such time after such cow or goat has received any veterinary treatment as the regulations may prescribe:
- (12) Providing the maximum bacteria content of milk, reconstituted milk, and different manufactured milk products immediately prior to delivery or sale to vendors or consumers:
- (13) Providing that Inspectors may, for the purposes of this Act, enter premises and stop vehicles at any time and take and remove samples of water and milk, reconstituted milk, and manufactured milk products therein or thereon, and make such tests as are necessary for the grading and testing of the same according to standards and the methods of testing set out in the said regulations, and for the purpose of making any other tests and examinations which may be necessary in the public interest, and to determine whether the conditions of this Act are being carried out:
- (14) Providing minimum standards of composition under which sherbet may be sold:
- (15) Prescribing methods to be followed and equipment to be used in the testing, grading, and pasteurization of milk, reconstituted milk, and manufactured milk products:
- (16) Prescribing the basis (whether on butter-fat content or otherwise) on which payment shall be made for milk or manufactured milk products, and prescribing the books, records,

and accounts which shall be kept, and the accounting which shall be made, in respect of such milk or manufactured milk products, and the time or times after delivery thereof within which grades shall be allotted to milk or cream:

- (17) Prescribing the measures to be taken for the purpose of preventing contamination in creameries and dairies:
- (18) Establishing definitions, standards of quality and composition, grades, and grade-names for milk and manufactured milk products:
- (19) Prohibiting the sale or offering for sale of any non-milk product under any name commonly associated with a milk or a manufactured milk product:
- (20) Defining the circumstances and conditions under which fats or oils other than those of milk may be added to or combined with any milk or manufactured milk product, and the purposes for which and the amounts in which the same may be added or combined as aforesaid:
- (21) Providing:—
 - (a) For the weighing, grading, and sampling of lots or shipments of milk and manufactured milk products, and prescribing fees therefor and the conditions upon which the same may be weighed or graded:
 - (b) For the issuing of certificates respecting weights and grades of milk and manufactured milk products:
 - (c) For the form of such certificates and the conditions upon which they may be issued:
 - (d) That Inspectors may from time to time enter any premises and examine any products, equipment, books, accounts, and records to determine whether producers are receiving credit for correct weights, grades, and butter-fat content of milk, and manufactured milk products delivered by them:
 - (e) For the size, dimensions, and other specifications for packages of milk and manufactured milk products weighed or graded as outlined above:
 - (f) For the manner in which milk and manufactured milk products or packages thereof may be branded or marked as to the contents thereof, and the standards and grades of such contents:
 - (g) For the weight or volume of milk products to be contained in packages for the retail trade:
 - (h) For the quality of any milk or manufactured milk product which may be used for human consumption:
- (22) Providing that packages purporting to contain the milk of a particular breed of cow shall contain only milk from registered pure-bred cows of such breed:

- (23) Prescribing the materials and the amounts of such materials which may be used as colouring, flavouring, stabilizer, or other ingredients of manufactured milk products:
- (24) Providing for procedure at meetings of the Board and for voting thereat:
- (25) Defining areas of production in addition to the areas described in this Act:
- (26) Defining areas of unorganized territory known as "milk-pasteurization areas," within which milk delivered or sold to consumers shall be pasteurized, and making such provision as may be just and equitable for the sale of milk from approved raw-milk dairy-farms in such milk-pasteurization areas, and the requirements, restrictions, and exceptions under which such raw milk may be sold:
- (27) Generally for carrying out the purposes of this Act, including matters in respect of which no express or only partial or imperfect provision has been made.

Pt. III not to apply to goat's milk.

Orders and regulations to be published in the Gazette.

Enumeration of power not exclusive.

"Natural Products Marketing (British Columbia) Act" not to apply.

Repeal.

66. The provisions of Part III hereof shall not apply to goat's milk.

67. All orders or regulations made under the provisions of this Act shall be published in the Gazette, and shall have the same force and effect as if incorporated in this Act. Such orders and regulations shall come into effect seven days after the date of such publication unless otherwise provided therein.

68. The enumeration in this Act or in any section thereof of any specific power or authority given to the Board or any other authority shall not be held to exclude or limit any power or authority otherwise in this Act or in any such section conferred on the Board or any such authority.

69. The "Natural Products Marketing (British Columbia) Act" shall not apply to milk.

70. (1) The following Acts of British Columbia are hereby repealed:—

- (a) The "Milk Act";
- (b) The "Creameries and Dairies Regulation Act."

(2) The "Public Utilities Act," being chapter 277 of the "Revised Statutes of British Columbia, 1948," as amended by the "Public Utilities Act Amendment Act, 1955," is amended as follows:—

- (a) By striking out the definition of "milk" in section 2 thereof:
- (b) By striking out clause (6) in the definition of "public utility" in section 2 thereof:
- (c) By striking out subsection (2) of the said section 2:
- (d) By striking out sections 50 and 51 of the said Act.

(3) The "Municipal Act," being chapter 232 of the "Revised Statutes of British Columbia, 1948," is hereby amended by striking out clause (130) of section 58 thereof.

(4) The "Health Act," being chapter 141 of the "Revised Statutes of British Columbia, 1948," is amended by striking out section 58 thereof.

(5) All regulations heretofore made under the "Milk Act," the "Creameries and Dairies Regulation Act," all Proclamations made under subsection (2) of section 2 of the "Public Utilities Act," all orders and regulations of the Milk Board under the "Public Utilities Act" made in pursuance of the said Act, and all licences issued under any of the said Acts that are in force on the day this Act comes into effect shall, except in so far as they are inconsistent with this Act, be deemed to have been made and issued under this Act.

Provisions as to
constitutionality,
intent of Legislature.

71. The purpose and intent of the Legislature is to confine the provisions of this Act within the competence of the Legislature, and all the provisions thereof shall be construed so as to give effect to such purpose and intent. If any provision or section is held or found to be beyond the powers of the Province, such provision or section shall be read distributively, and the provision or section so far as it deals with matters within the competence of the Legislature shall stand and be valid and operative, and shall have the same effect as if the provision or section had dealt with such matters exclusively; and the remaining provisions and sections of this Act shall not be deemed or held to be inoperative or ultra vires, but shall stand and be valid and operative, and shall have the same effect as if they had been originally enacted as separate and independent enactments and as the only provisions of the Act; and all the provisions of the Act that are within the powers of the Province shall remain in full force and effect, notwithstanding that some provisions are held to be ultra vires, the intention of the Legislature being to give separate and independent effect to the extent of its powers to every enactment and provision in the Act contained.

Effective date of
Proclamations.

72. The several provisions of this Act shall come into operation on such date or dates as are fixed by the Lieutenant-Governor by his Proclamation, and he may make separate Proclamations fixing different dates for the coming into operation of the several provisions.

VICTORIA, B.C.

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