

# *The Dairy Products Act*

*being*

Chapter 200 of *The Revised Statutes of Saskatchewan, 1940*  
(effective February 1, 1941).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 200

### An Act respecting the Manufacture of Dairy Products

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Dairy Products Act*.

1938, c.58, s.1; R.S.S. 1940, c.200, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Cheese factory”

1. “**Cheese factory**” means a place at which the milk from fifty or more cows or from the herds of five or more persons is received for the purpose of being there manufactured into cheese;

##### “Creamery”

2. “**Creamery**” means a place at which the milk or cream from fifty or more cows or from the herds of five or more persons is received for the purpose of being there manufactured into butter;

##### “Dairy”

3. “**Dairy**” means a place at which milk or cream is purchased or received for the purpose of resale to the wholesale or retail trade of a city;

##### “Department”

4. “**Department**” means the Department of Agriculture;

##### “Ice cream plant”

5. “**Ice cream plant**” means any building or room or portion thereof wherein ice cream is manufactured for the purposes of sale to any retail distributor;

##### “Inspector”

6. “**Inspector**” means a dairy inspector appointed under the provisions of this Act;

##### “Minister”

7. “**Minister**” means the Minister of Agriculture;

##### “Patron”

8. “**Patron**” means a person who supplies milk or cream to a creamery, cheese factory, dairy or ice cream plant;

##### “Person”

9. “**Person**” includes a firm and an unincorporated association or company.

1938, c.58, s.2; R.S.S. 1940, c.200, s.2.

## OFFICERS

**Appointment**

**3** The Public Service Commission may appoint such officers, inspectors, dairy instructors and dairy produce graders as may be required for carrying into effect the provisions of this Act, and may define their duties and fix their remuneration.

1938, c.58, s.3; R.S.S. 1940, c.200, s.3.

## INSPECTION AND GRADING

**Officers have right of inspection**

**4** Any person appointed under section 3 shall at all reasonable hours have free access and admission to all creameries, cheese factories, dairies, ice cream plants, the premises of ice cream dealers and everything contained therein and on the premises, and also to the buildings and premises used for any dairy purpose by any patron.

1938, c.58, s.4; R.S.S. 1940, c.200, s.4.

**Power of inspector to take samples**

**5** An inspector shall have authority to weigh and to take such quantities as are reasonably required, as samples of any lot of milk or cream, for the purpose of testing or grading the same.

1938, c.58, s.5; R.S.S. 1940, c.200, s.5.

**Official grades, etc.**

**6** The grades of milk or cream, the percentages of butterfat and the weight of milk or cream, as determined and reported by a grader, inspector or instructor, appointed under this Act, shall constitute the official grade, butterfat test and weight of the milk or cream and shall be the basis on which final settlement shall be made to the producer.

1938, c.58, s.6; R.S.S. 1940, c.200, s.6.

**Regulations**

**7(1)** Subject to the approval of the Lieutenant Governor in Council the minister may make regulations:

- (a) defining grade descriptions and grade standards of dairy products and specifying minimum price differentials which shall be recognized with respect to defined grades;
- (b) specifying the conditions upon which dairy produce may be graded for the producers, manufacturers or owners thereof;
- (c) providing for the issue by the department of certificates of quality for dairy produce graded, and specifying the form in which and conditions upon which such certificates shall be issued;
- (d) providing for the pasteurization of cream for butter-making purposes;
- (e) specifying the equipment and methods to be used, in the determination of the weight, lactic acid content and butterfat content of milk and cream supplied to a creamery, cheese factory, dairy or ice cream plant;

(f) providing for the weighing of lots or shipments of dairy produce and the issue of weight certificates in respect thereof, and prescribing the form of such certificates and the conditions upon which the same may be issued.

(2) The regulations shall be published in *The Saskatchewan Gazette* and shall take effect on the expiry of thirty days from the date of their publication.

1938, c.58, s.7; R.S.S. 1940, c.200, s.7.

***Dairy Industry Act and regulations***

**8** The Lieutenant Governor in Council may from time to time by proclamation put into force in the province:

(a) the provisions of Part II of an Act of the Parliament of Canada intituled the *Dairy Industry Act*, and any amendments thereto hereafter made;

(b) the provisions of any regulations thereunder now or hereafter in force;

in so far as the said Part II applies to butter as defined in the said Act and in so far as the said regulations relate to the grading of butter produced in the province or to butter not produced in the province, to the extent that the said provisions are within the legislative authority of the province and outside that of the Dominion of Canada, and upon the issue of a proclamation the provisions mentioned therein shall have the force of law in the province as if enacted by the Legislature.

1938, c.58, s.8; R.S.S. 1940, c.200, s.8.

## SANITATION

**Buildings and premises**

**9** The buildings and premises of every creamery, cheese factory, dairy and ice cream plant shall be kept in a sanitary condition.

1938, c.58, s.9; R.S.S. 1940, c.200, s.9.

**Ingredients and methods of manufacture**

**10** The ingredients used in the manufacture of butter, cheese and ice cream shall be clean and wholesome, and the methods employed in the manufacture thereof shall be sanitary.

1938, c.58, s.10; R.S.S. 1940, c.200, s.10.

**Methods of handling**

**11** The methods of handling and caring for milk and cream shall be cleanly and sanitary, and the dairy utensils used by patrons shall be kept in a clean and sanitary condition.

1938, c.58, s.11; R.S.S. 1940, c.200, s.11.

**Empty containers washed**

**12** No person shall deliver to an express, railway or other transportation company any empty milk, cream or ice cream container for shipment, forwarding or delivery unless the same has first been thoroughly washed or cleansed and rendered sanitary.

1938, c.58, s.12; R.S.S. 1940, c.200, s.12.

## SAMPLING, TESTING AND PURCHASING MILK AND CREAM

**Capacity of measuring pipette**

**13** The percentage of butterfat in milk supplied to a creamery, cheese factory, dairy or ice cream plant shall be determined by the Babcock test, and the measuring pipette used shall have a marked capacity of 17.6 cubic centimetres.

1938, c.58, s.13; R.S.S. 1940, c.200, s.13.

**Weight of cream in test bottle**

**14** The percentage of butterfat in cream supplied to a creamery, cheese factory, dairy or ice cream plant shall be determined by the Babcock test, and the cream placed in the test bottle shall weigh either eighteen grammes or nine grammes according to the type of test bottle used.

1938, c.58, s.14; R.S.S. 1940, c.200, s.14.

**Composite test**

**15** When a composite test is made to determine the percentage of butterfat contained in milk or cream supplied to a creamery, cheese factory, dairy or ice cream plant by a patron, a sample shall be taken from each weighing, and the proportion which the weight of any one sample bears to the weight of the milk or cream from which it is taken shall be maintained in all other samples entering into such composite test.

1938, c.58, s.15; R.S.S. 1940, c.200, s.15.

**Samples not to be tampered with**

**16** No sample of milk or cream taken for such composite test shall be adulterated, treated or tampered with in any manner which may affect results of the test.

1938, c.58, s.16; R.S.S. 1940, c.200, s.16.

**Samples for composite test**

**17** The sample of milk or cream collected for a composite test from several lots of milk or cream received from any one patron shall be kept in a cool place in a tightly stoppered glass bottle or jar plainly labelled with the patrons name or number.

1938, c.58, s.17; R.S.S. 1940, c.200, s.17.

**Record of tests**

**18** A record of all tests, composite or other, made to determine the butterfat content of milk or cream, shall be kept for at least twelve months, and any patron or inspector may examine such record at all reasonable hours.

1938, c.58, s.18; R.S.S. 1940, c.200, s.18.

**Basis of purchase price**

**19** All milk or cream purchased by a creamery, cheese factory, dairy or ice cream plant shall be paid for on the basis of butterfat content.

1938, c.58, s.19; R.S.S. 1940, c.200, s.19.

**Weights correct**

**20** No owner, manager or other person in charge of a creamery, cheese factory, dairy or ice cream plant shall, in respect of any lot of cream or milk purchased from a patron, base the purchase price upon a weight, grade and test other than the correct weight, grade and test.

1938, c.58, s.20; R.S.S. 1940, c.200, s.20.

**Record of each day's business**

**21(1)** The owner, manager or other person in charge of a creamery, cheese factory, dairy or ice cream plant shall keep a record of the amount of milk or cream received each day from each patron, of the disposition made thereof, and of the weight of all butter and cheese manufactured daily, and the quantity in gallons of all ice cream manufactured daily.

(2) An inspector may examine the records at all reasonable hours.

1938, c.58, s.21; R.S.S. 1940, c.200, s.21.

**Statement to patrons supplying cream**

**22** The owner, manager or other person in charge of a creamery, cheese factory, dairy or ice cream plant shall at intervals of not more than two weeks and with every payment, make and deliver to each patron from whom cream has been purchased, a statement showing among other details:

- (a) the period which the statement covers;
- (b) the quantity, in pounds, of cream supplied by him during such period;
- (c) the butterfat test of such cream;
- (d) the butterfat content, in pounds, of such cream;
- (e) the grade of such cream; and
- (f) the rate of payment per pound of butterfat.

1938, c.58, s.22; R.S.S. 1940, c.200, s.22.

**Statement to patrons supplying milk**

**23** The owner, manager or other person in charge of a factory, creamery, cheese factory, dairy or ice cream plant at intervals of not more than two weeks and with every payment, make and deliver to each patron from whom milk has been purchased, a statement showing among other details:

- (a) the period which the statement covers;
- (b) the quantity in pounds, of milk supplied by him during such period;
- (c) the grade of such milk, if payment is based on the grade;
- (d) the butterfat test of such milk;
- (e) the rate of payment per pound of butterfat or hundred pounds of milk, as the case may be.

1938, c.58, s.23; R.S.S. 1940, c.200, s.23.

**Statistical returns**

**24** The owner, manager or other person in charge of a creamery, cheese factory, dairy or ice cream plant shall furnish the minister with such statistical returns in such form and at such times as he requires.

1938, c.58, s.24; R.S.S. 1940, c.200, s.24.

**LICENCES****Licence necessary to operate plant**

**25** No person shall operate a creamery, cheese factory, dairy or ice cream plant unless he is the holder of a licence issued pursuant to this Act, specifically authorizing him to do so.

1938, c.58, s.25; R.S.S. 1940, c.200, s.25.

**Application for licence**

**26** A person desiring to operate a creamery, cheese factory, dairy or ice cream plant shall make application to the minister, in the prescribed form, for a licence to do so.

1938, c.58, s.26; R.S.S. 1940, c.200, s.26.

**Inquiry and recommendation by board**

**27(1)** There shall be a board consisting of three members to be appointed by the Lieutenant Governor in Council and to which the minister shall submit all applications received by him for licences to operate creameries, cheese factories, dairies or ice cream plants. This subsection shall not apply to applications for renewal of licences.

(2) Upon receipt of an application the board shall inquire as to the necessity for the proposed creamery, cheese factory, dairy or ice cream plant, having regard to the volume of production, the marketing facilities and such other factors as may affect the development of the dairy industry in the district proposed to be served, and shall make such recommendation to the minister as it deems expedient; and the minister may issue any licence the issue of which is recommended by the board.

(3) The members of the board shall receive such remuneration as the Lieutenant Governor in Council may determine.

1938, c.58, s.27; R.S.S. 1940, c.200, s.27.

**Issue and form of licences**

**28** The minister may, subject to section 27, issue to the owners or managers of creameries, cheese factories, dairies and ice cream plants licences to operate the same.

1938, c.58, s.28; R.S.S. 1940, c.200, s.28.



**Testing and grading of milk and cream**

**29** The testing of milk and cream and the grading of cream at every creamery, cheese factory, dairy and ice cream plant shall be performed by or under the supervision or instructions of the holder of a licence, issued to him under this Act, to test milk and cream or to grade cream, as the case may require.

1938, c.58, s.29; R.S.S. 1940, c.200, s.29.

**Testers' and graders' licences**

**30(1)** A person desiring to secure a tester's or grader's licence shall make application therefor to the minister in the prescribed form.

(2) An applicant may before receiving a licence be required to pass an examination satisfactory to the minister.

1938, c.58, s.30; R.S.S. 1940, c.200, s.30.

**Form of licences**

**31** All licences shall be in such form and subject to such regulations as may be from time to time approved by the Lieutenant Governor in Council.

1938, c.58, s.31; R.S.S. 1940, c.200, s.31.

**Expiry and renewal of licences**

**32** Every licence shall expire on the thirtieth day of April next after the date of its issue, and any licence may be renewed by the minister.

1938, c.58, s.32; R.S.S. 1940, c.200, s.32.

**Regulations**

**33(1)** Subject to the approval of the Lieutenant Governor in Council, the minister may make regulations:

- (a) prescribing the form and contents of applications for licences, the form of licences and the fees to be paid for licences;
- (b) respecting the records to be kept and returns to be made by licensees;
- (c) prescribing the form and conditions of any bond to be furnished by an applicant for a licence.

(2) The regulations shall be published in the *Gazette* and shall take effect on the expiry of thirty days from the date of their publication.

1938, c.58, s.33; R.S.S. 1940, c.200, s.33.

**Bond to be furnished by operator of creamery, etc.**

**34(1)** Where the issue of a licence to operate a creamery, cheese factory, dairy or ice cream plant or the issue of a renewal of a licence has been approved by the minister, the minister shall fix the amount of a bond to be entered into by the applicant to His Majesty with one or more sureties conditioned as set forth in such regulations as may be from time to time approved by the Lieutenant Governor in Council, such bond to be approved by the minister.

Provided that a bond shall not be required if the applicant is a co-operative association which purchases milk and cream from its members only.

(2) The bond shall be conditioned among other things that the applicant shall faithfully account and report to all persons entrusting him with milk or cream, whether the same is supplied under contract or on consignment, and make settlement with such persons for each lot or consignment received according to the true value thereof.

(3) The minister may at any time require such additional bond as he deems necessary.

(4) If a bond is cancelled and a new bond is not furnished on or before the date upon which such cancellation takes effect, or if the minister requires an additional bond and the same is not furnished within such time as he may prescribe, the licence held by the person in default shall become automatically revoked.

1938, c. 58, s. 34(1), (2), (3) and (4); R.S.S. 1940, c.200, s.34.

**Proceedings to enforce bond**

**35(1)** If the minister finds that a licensee has failed to pay to any person the proceeds or part of the proceeds of any lot or shipment of milk or cream, he may publish a notice in the *Gazette* and in a newspaper circulating in the district in which the creamery, cheese factory, dairy or ice cream plant is situated, requiring persons who have claims against the licensee, by reason of a breach of the conditions of the bond, to furnish the minister, on or before a date to be named, particulars of their claims verified by statutory declaration or in such other manner as the minister may require.

(2) A statutory declaration furnished to the minister pursuant to subsection (1) shall, when the circumstances require it, contain or refer to a statement of account showing particulars of the indebtedness, and shall specify the vouchers, if any, by which the same can be substantiated, and the minister may at any time call for such vouchers.

(3) Upon the expiry of the prescribed period, the minister may require the sureties to pay such of the claims against the licensee as he finds to be satisfactorily proven, and, in default of their doing so, may take proceedings to enforce the bond for the benefit of the persons having those claims.

(4) Where the licensee has made an assignment for the general benefit of creditors or has been adjudged a bankrupt, the minister may assign the bond to the trustee in bankruptcy for the benefit of unpaid patrons.

1938, c.58, s.35; R.S.S. 1940, c.200, s.35.

## DAIRY PRODUCTS

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**Statements by applicants for licences not open to inspection**

**36** Statements furnished to the minister by an applicant for a licence to operate a creamery, cheese factory, dairy or ice cream plant shall be for the exclusive use of the department, and no person other than a departmental officer shall be permitted to see or examine the same unless they are required for use in court, in which case the minister shall produce all statements and documents referring to the matter in issue.

1938, c.58, s.34(5) redrawn; R.S.S. 1940, c.200, s.36.

## MUNICIPAL BYLAWS

**Bylaws by minister**

**37(1)** No municipal bylaw or regulation affecting the production, manufacture or sale of dairy products shall be operative until approved by the minister.

(2) The minister shall, in every case where bylaws or regulations are approved under this section, publish a notice thereof in the *Gazette*, and such approval may be proved by production of a copy of the gazette containing the notice.

(3) A memorandum of approval written on a duly certified copy of any bylaw or regulation and purporting to be signed by the minister shall be *prima facie* evidence of such approval.

(4) The Lieutenant Governor in Council may from time to time make regulations governing such municipal bylaws or regulations or any portion thereof, whether approved or not.

1938, c.58, s.36; R.S.S. 1940, c.200, s.37.

## GENERAL

**Creamery, etc., closed on order of minister**

**38(1)** Upon satisfactory evidence being submitted to the minister that a creamery, cheese factory, dairy or ice cream plant is not in a sanitary condition, or that the methods of manufacture are unsanitary, he may order the owner, manager or other person in charge to close the same forthwith and it shall be kept closed until the minister receives satisfactory evidence that the condition of the creamery, cheese factory, dairy or ice cream plant, and the methods of operation thereof proposed to be used, are sanitary.

(2) If the owner, manager or other person in charge fails to comply with an order of the minister made under subsection (1), the minister may apply to a magistrate or justice of the peace for an order to enforce compliance with the order of the minister.

(3) Every owner, manager, or other person who fails to comply with an order of the minister made under subsection (1) shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$5 nor more than \$10 for each day during which the premises remain unclosed after the date of receipt by him of the order of the minister, and in default of payment to imprisonment for a term not exceeding thirty days.

1938, c.58, s.37; R.S.S. 1940, c.200, s.38.

**Prohibition re weighing, etc. of milk and cream**

**39** No milk or cream shall be weighed, sampled, tested or graded by any person for purchase, and no person shall cause any milk or cream to be weighed, sampled, tested or graded for purchase, except at a creamery, cheese factory, dairy or ice cream plant in respect of which a licence has been issued to the person purchasing the milk or cream and is in force under this Act; and no person shall operate any other premises at which milk or cream is weighed, sampled, tested or graded.

1938, c.58, s.38; R.S.S. 1940, c.200, s.39.

**Site and plans of buildings approved**

**40** No person shall, for the purpose of manufacturing butter or cheese, erect a building or establish a plant in any building already erected in Saskatchewan unless the site therefor and the plans and specifications thereof have first been approved by the minister.

1938, c.58, s.39; R.S.S. 1940, c.200, s.40.

**Pecuniary interest of magistrate**

**41** No police magistrate or justice of the peace having a pecuniary interest in a creamery, cheese factory, dairy or ice cream plant shall hear or determine any complaint under this Act.

1938, c.58, s.40; R.S.S. 1940, c.200, s.41.

**OFFENCES AND PENALTIES****Unjust discrimination**

**42** Any person engaged in the business of buying milk, cream or butterfat for the purpose of manufacture or resale who shall discriminate between different sections, districts, localities, communities or municipalities in the province by purchasing such commodities at a higher price or rate in one section, district, locality, community or municipality for delivery to any specified factory, city, town, village or station than is paid by such person for the same grade of the same commodity in another section, district, locality, community or municipality for delivery to the same factory, city, town, village or station, after making due allowance for any difference in cost of transportation from the different points of production to the point of manufacture, shall be deemed guilty of unfair discrimination and shall be liable upon summary conviction to a fine of not less than \$50 nor more than \$500.

1938, c.58, s.41; R.S.S. 1940, c.200, s.42.

**Obstructing officials, etc.**

**43** The owner, manager or other person in charge of a creamery, cheese factory, dairy or ice cream plant who:

- (a) refuses admission to or obstructs an inspector in the performance of his duty;
- (b) fails to facilitate the work of inspection;
- (c) over-reads or under-reads the Babcock test or operates the Babcock tester so as to give an incorrect test;

shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$10 nor more than \$100, and in default of payment to imprisonment for a period not exceeding thirty days.

1938, c.58, s.42; R.S.S. 1940, c.200, s.43.

**Operating plant without licence**

**44** Every person who violates section 1 shall be guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$50 for each day during which such violation continues, and in default of payment to imprisonment for a term not exceeding thirty days.

1938, c.58, s.43; R.S.S. 1940, c.200, s.44.

**General penalty**

**45** Every person who violates any of the provisions of this Act or the regulations made thereunder, for violation of which no penalty is herein otherwise imposed, shall be guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$50, and in default of payment to imprisonment for a period not exceeding thirty days.

1938, c.58, s.44; R.S.S. 1940, c.200, s.45.

**Power of minister to revoke licence**

**46** The minister may, in addition to any other penalty provided for violation of any of the provisions of this Act or the regulations made thereunder, suspend or revoke any licence granted hereunder.

1938, c.58, s.45; R.S.S. 1940, c.200, s.46.

**Creamery etc., be closed on suspension or revocation of licence**

**47** Upon the suspension or revocation of a licence for a violation of any of the provisions of this Act or the regulations thereunder, the owner, manager or person in charge of the creamery, cheese factory, dairy or ice cream plant in respect of which the licence was issued shall forthwith close the premises and keep the same closed until the licence is re-instated or a new licence is issued, and the provisions of subsections (2) and (3) of section 38 shall *mutatis mutandis* apply.

1938, c.58, s.46; R.S.S. 1940, c.200, s.47.

