

UNEDITED

# *The Dairy Products Act*

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Chapter 129 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

**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 129

### An Act respecting the Manufacture of Dairy Products

#### SHORT TITLE

##### Short title

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

1919–20, c.46, s.1; R.S.S. 1920, c.129, s.1.

#### INTERPRETATION

##### Interpretation

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

##### “Buying station”

1. “**Buying station**” means a place where the farmers’ milk or cream is delivered for weighing, sampling, testing or grading, and thence shipped or delivered to mother point for the purpose of manufacture or resale;

##### “Cheese factory”

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

##### “Creamery”

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

##### “Dairy”

4. “**Dairy**” means a building to which milk, or cream is delivered for the purpose of supplying the wholesale or retail trade of a village, town or city;

##### “Department”

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

##### “Ice cream plant”

6. “**Ice cream plant**” means any building or room or portion thereof wherein ice cream is manufactured for purposes of sale either by wholesale or retail;

##### “Inspector”

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

##### “Minister”

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

##### “Patron”

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

##### “Person”

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

1919–20, c.46, s.2; R.S.S. 1920, c.129, s.2.

## DAIRY COMMISSIONER

**Appointment**

**3** The Lieutenant Governor in Council may appoint a dairy commissioner as an officer of the department, and may fix his remuneration and define his duties.

1919-20, c.46, s.3; R.S.S. 1920, c.129, s.3.

## DAIRY INSPECTORS AND INSTRUCTORS

**Appointment**

**4** The Lieutenant Governor in Council may appoint such inspectors, dairy instructors and dairy produce graders as are deemed necessary or advisable for carrying into effect the provisions of this Act.

1919-20, c.46, s.4; R.S.S. 1920, c.129, s.4.

## INSPECTION AND GRADING

**Officers have right of inspection**

**5** The dairy commissioner or any inspector shall at all reasonable hours have free access and admission to all creameries, buying stations, cheese factories, dairies, ice cream plants and everything contained therein and on the premises, and also to the buildings and premises used for any dairy purpose in any patron.

1919-20, c.46, s.5; R.S.S. 1920, c.129, s.5.

**Power of inspector to take samples**

**6** 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.

1919-20, c.46, s.6; R.S.S. 1920, c.129, s.6.

**Grading of dairy produce**

**7** The minister may make regulations, subject to the approval of the Lieutenant Governor in Council:

- (a) defining grade descriptions and grade standards of dairy products;
- (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.

1919-20, c. 46, s.7; R.S.S. 1920, c.129, s.7.

## SANITATION

**Buildings and premises**

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

1919-20, c.46, s.8; R.S.S. 1920, c.129, s.8.

**Ingredients and method of manufacture**

**9** 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.

1919-20, c.46, s.9; R.S.S. 1920, c.129, s.9.

**Methods of handling**

**10** The methods of handling and caring for milk, cream and the dairy utensils used by patrons shall be cleanly and sanitary.

1919-20, c.46, s.10; R.S.S. 1920, c.129, s.10.

**Empty containers washed**

**11** No person shall deliver to any 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.

1919-20, c.46, s.11; R.S.S. 1920, c.129, s.11.

## SAMPLING, TESTING AND PURCHASING MILK AND CREAM

**Capacity of measuring pipette**

**12** Where the butter fat content of milk supplied to a creamery, buying station, cheese factory or ice cream plant is determined by the Babcock test, the measuring pipette used shall have a marked capacity of 17.6 cubic centimetres.

1919-20, c.46, s.12; R.S.S. 1920, c.129, s.12.

**Sample of cream weighed**

**13** The butter fat content of cream supplied to a creamery or an ice cream plant shall be determined by the Babcock test, and the sample of cream taken for testing shall be weighed into a test bottle and shall weigh exactly 18 grammes.

1919-20, c.46, s.13; R.S.S. 1920, c.129, s.13.

**Composite test**

**14** When a composite test is made to determine the percentage of butter fat contained in milk or cream supplied to creameries, cheese factories and ice cream plants 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.

1919-20, c.46, s.14; R.S.S. 1920, c.129, s.14.

**Samples for composite test**

**15** The samples of milk and 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 separate tightly stoppered glass bottle or jar plainly labelled with the patron's name or number.

1919-20, c.46, s.15; R.S.S. 1920, c.129, s.15.

**Record of all tests**

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

1919-20, c.46, s.16; R.S.S. 1920, c.129, s.16.

**Weights correct**

**17** No owner, manager or other person in charge of a creamery, buying station, cheese factory 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 or classification other than the correct weight, grade or classification.

1919-20, c.46, s.17; R.S.S. 1920, c.129, s.17.

**Record of each day's business**

**18(1)** The owner, manager or other person in charge of a creamery, buying station, cheese factory 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 we cream manufactured daily.

(2) Any inspector may examine such records at all reasonable hours.

1919-20, c.46, s.18; R.S.S. 1920, c.129, s.18.

**Statement to patrons of creameries**

**19** The owner, manager or other person in charge of a creamery, buying station or ice cream plant shall make and deliver to each patron with every payment a statement showing among other details:

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

1919-20, c.46, s.19; R.S.S. 1920, c.129, s.19.

**Statement to patrons of cheese factories**

**20** The owner, manager or other person in charge of a cheese factory shall make and deliver with every payment to a patron a statement showing among other details:

- (a) the period which the payment covers;
- (b) the quantity in pounds of milk supplied by him during such period;

- (c) if payment is based on the grade and on the butter fat content of the milk, then the grade and the butter fat content in pounds; and
- (d) the basis and rate of payment per pound of butter fat or hundred pounds of milk, as the case may be.

1919–20, c.46, s.20; R.S.S. 1920, c.129, s.20.

#### Statistical returns

**21** The owner, manager or other person in charge of a creamery, buying station, cheese factory or ice cream plant shall make such statistical returns in such form and at such times as the minister requires.

1919–20, c.46, s.21; R.S.S. 1920, c.129, s.21.

## LICENSES AND LICENSING

#### Power to issue licenses and make regulations

**22(1)** The minister may issue, to the owners or managers of creameries, buying stations, cheese factories, dairies and ice cream plants, licenses to operate the same and may also issue licenses to graders and testers of milk and cream.

(2) All licenses shall be in such form and subject to such regulations as may be from time to time approved by the Lieutenant Governor in Council and published in *The Saskatchewan Gazette*.

(3) Such regulations shall take effect on the expiry of thirty days from the date of their first publication in the gazette.

1919–20, c.46, s.22; R.S.S. 1920, c.129, s.22.

#### Application for license

**23(1)** Any person desiring to operate a creamery, buying station, cheese factory, dairy or ice cream plant shall make application in writing to the minister on a form to be supplied by him for a license to carry on such business, stating thereon the name, situation, and nature of the business of such creamery, buying station, cheese factory, dairy or ice cream plant, its assets and liabilities and the probable value of the milk and cream to be purchased monthly.

#### Bond by applicant

(2) On approval of such application 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 regulations to be prescribed by the Lieutenant Governor in Council, such bond to be approved by the minister.

(3) The said bond shall be conditioned among other things that the applicant shall faithfully account and report to all persons entrusting him with consignments of milk or cream, and pay to such persons the proceeds of each consignment received according to the true value thereof.

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

(5) Statements furnished by an applicant under the provisions of this section 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.

1919–20, c.46, s.23; R.S.S. 1920, c.129, s.23.

**License necessary to operate plant**

**24(1)** No person shall operate a creamery, buying station or cheese factory unless licensed, so to do as provided in section 22.

(2) Every such license shall be valid until the thirtieth day of April next after its issue, and every applicant shall before the issue of the license, in addition to furnishing a satisfactory bond as provided by section 23, pay to the minister a fee of \$5.

1919–20, c.46, s.24; R.S.S. 1920, c.129, s.24.

**Operator's licenses**

**25(1)** No person shall operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing the same either for himself or for another, without first securing a license from the minister authorising such person to operate such tester.

(2) Every such license shall be valid until the thirtieth day of April next after its issue, and every applicant shall before the issue of the license pay to the minister a fee of \$2.

(3) A person desiring to secure a license shall make application therefor on a form to be supplied by the minister, and any applicant for a license may before receiving same be required to pass a satisfactory examination and prove by actual demonstration that he is competent and qualified to properly operate such tester.

(4) Examinations as provided in subsection (3) shall be conducted by the university of Saskatchewan, at such times and places as are found convenient or advisable.

(5) Notice announcing the date when such examination will be held shall be mailed to the manager or other person in charge of each creamery, buying station, cheese factory, dairy or ice cream plant, who has made application for a license in accordance with the provisions of section 23, at least fifteen days prior to the examination date and each applicant shall be required to pay an examination fee of \$2.

(6) Special or supplemental examinations may be held at such times and places as are arranged between the university of Saskatchewan and the applicants. The fee for such supplemental examination shall be \$5.

1919–20, c.46, s.25; R.S.S. 1920, c.129, s.25.

**Appointment of substitute**

**26(1)** The testing of each lot of milk or cream by an unlicensed person shall constitute a separate offence; provided that a licensed person may, in case of sickness or other emergency, appoint a capable unlicensed substitute for period not to exceed ten days.

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(2) In every case where an unlicensed person is appointed temporarily to conduct the work of testing as provided in subsection (1) notice thereof in writing shall be forthwith sent to the dairy commissioner and the date on which such substitute assumed charge shall be stated in the notice.

1919–20, c.46, s.26; R.S.S. 1920, c.129, s.26.

## MUNICIPAL BYLAWS

**Bylaws are approved by commissioner**

**27(1)** No municipal bylaw or regulation affecting the production, manufacture or sale of dairy products shall be operative until approved by the dairy commissioner.

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

(3) A memorandum of approval written upon a duly certified copy of any such bylaw or regulation and purporting to be signed by the dairy commissioner 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.

1919–20, c.46, s.27; R.S.S. 1920, c.129, s.27.

## OFFENCES AND PENALTIES

**Unjust discrimination**

**28** Any person engaged in the business of buying milk, cream or butter fat 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.

1919–20, c.46, s.28; R.S.S. 1920, c.129, s.28.

**Obstructing officials, etc.**

**29** The owner, manager or other person in charge of a creamery, buying station, 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) overreads or underreads the Babcock test or operates the Babcock tester so as to give an incorrect test; or,

(d) violates any of the provisions of this Act or any of the regulations passed hereunder, for violation of which no penalty is herein otherwise imposed;

shall be guilty of an offence and liable, upon summary conviction, to a penalty of not less than \$10 and not more than \$100, and in default of payment to imprisonment for a period not exceeding 30 days.

1919-20, c.46, s.29; R.S.S. 1920, c.129, s.29.

**Pecuniary interest of magistrate**

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

1919-20, c.46, s.30; R.S.S. 1920, c.129, s.30.

**Order to close creamery, buying station, cheese factory or ice cream plant**

**31** Upon a report of the dairy commissioner that a creamery, buying station, cheese factory or ice cream plant not in a sanitary condition or that the methods of manufacture are unsanitary, the minister may order the owner, or manager or other person in charge thereof to close the same forthwith and it shall be kept closed until the dairy commissioner reports that the condition of the creamery, buying station, cheese factory or ice cream plant and the methods of operation there proposed to be used are sanitary.

1919-20, c.46, s.31; R.S.S. 1920, c.129, s.31.

**Minister may revoke license**

**32** The minister may, in addition to any other penalty provided for violation of any of the provisions of this Act, suspend or revoke any license granted hereunder.

1919-20, c.46, s.32; R.S.S. 1920, c.129, s.32.

GENERAL

**Site and plans of buildings approved**

**33** No person shall for the purpose of manufacturing of 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.

1919-20, c.46, s.33; R.S.S. 1920, c.129, s.33.