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DEPARTMENT OF AGRICULTURE
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THE DAIRY INDUSTRY ACT, 1914,
AND
REGULATIONS

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LETTER OF TRANSMITTAL.

OTTAWA, June 15, 1914.

To the Honourable
The Minister of Agriculture.

SIR,—I beg to submit a manuscript which embodies “The Dairy Industry Act, 1914” and the regulations made thereunder, together with some explanatory notes. It is desirable that this information should be circulated as widely as possible, in order that the people interested may become familiar with the requirements of the new law and regulations without delay.

I have the honour to recommend that it should be published as Bulletin No. 42, Dairy and Cold Storage Series, for general distribution.

I have the honour to be, sir,

Your obedient servant,

J. A. RUDDICK,
Dairy and Cold Storage Commissioner

THE DAIRY INDUSTRY ACT, 1914, AND REGULATIONS.

EXPLANATORY.

The Dairy Industry Act, 1914, is largely a revision of Part VIII of The Inspection and Sale Act (Chapter 85, Revised Statutes) which Part is now repealed. Definitions have been added for the terms "dairy product," "homogenized milk," "homogenized cream," "package" and "whey butter."

The sections relating to the supplying of milk to cheese factories, creameries and condensed milk factories have been broadened to include milk powder and casein factories, milk bottling or milk or cream shipping stations.

The sections relating to an excess of water in butter have been redrafted to bring them into line with new practices and to simplify the administration of the Act.

The provision in the old law for registering cheese factories and creameries with the Dominion Dairy Commissioner has been omitted. This registration was optional and less than half the factories have ever taken advantage of it, and many of those which have been registered have never made any use of the numbers allotted to them.

The section prohibiting the delivery at cheese factories and creameries of milk which is *tainted* or *partly sour* has also been omitted as useless legislation. This is a matter which comes entirely within the judgment of the cheesemaker or butter-maker.

A new subsection in The Dairy Industry Act deals with the weight of butter as put up in prints or blocks. There has been considerable complaint respecting alleged short weight of butter sold in this form, hence the necessity for some regulation.

The classification and branding of dairy products are dealt with by regulation. This will permit of the necessary changes being easily made to meet new conditions or practices and will enable the officers administering the law to deal more promptly with new forms of wrong-doing.

The power to confiscate any illegal product, or any apparatus or materials used in the manufacture of such product, should assist very materially in the enforcement of the law.

The underlying principle of this legislation is protection to the consumer and the honest trader. The whole object of the law is to prevent misrepresentation and fraud. No legitimate practice is interfered with.

It will be observed that a distinction is made between what may be called minor offences, covered by sections 4, 6 and 8 of the Act, and the more serious and deliberate violations as set forth in sections 5 and 7. Heavier penalties are imposed for infractions of the last-mentioned sections.

A sufficient number of inspectors will be employed to keep close watch on the dairy produce trade in all parts of the country.

J. A. RUDDICK,
Dairy and Cold Storage Commissioner.

THE DAIRY INDUSTRY ACT, 1914.

(CHAPTER 7)

An Act to Regulate the Manufacture and Sale of Dairy Products and to Prohibit the Manufacture or Sale of Butter Substitutes.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Dairy Industry Act, 1914.*
2. Part VIII of *The Inspection and Sale Act* as amended by chapter 35 of the statutes of 1908 is hereby repealed.
3. In this Act, unless the context otherwise requires:—
 - (a) “butter” means the food product commonly known as butter, which is manufactured exclusively from milk or cream or both, with or without the addition of colouring matter, common salt, or other harmless preservatives;
 - (b) “creamery” means a place where the milk or cream of not less than fifty cows is manufactured into butter;
 - (c) “creamery butter” means butter which is manufactured in a creamery;
 - (d) “dairy” means a place where the milk or cream of less than fifty cows is manufactured into butter;
 - (e) “dairy butter” means butter which is manufactured in a dairy;
 - (f) “dairy product” or “dairy products” means any milk, cream, condensed milk, milk powder, butter, or cheese, or any other article manufactured from milk, and all imitations thereof;
 - (g) “foreign substance” means any substance not necessary to the manufacture of the cheese into which it is introduced;
 - (h) “homogenized milk” or “homogenized cream” is milk or cream which has been passed through a special apparatus under high pressure, generally known as a Homogenizer, or otherwise treated, so as to give such milk or cream an increased viscosity without adding to the percentages of fat therein;
 - (i) “Minister” means the Minister of Agriculture;
 - (j) “package” means any box, tub, crock, tin, crate, case, paper wrapper or any other receptacle or covering used for the packing of butter;
 - (k) “renovated butter” or “process butter” means any butter which has been melted, clarified, refined or re churned;
 - (l) “whey butter” means butter which is manufactured from whey.

MILK.

4. No person shall sell, supply or send to any cheese or butter or condensed milk or milk powder or casein manufactory, or to a milk or cream shipping station, or to a milk bottling establishment or other premises where milk or cream is collected for sale or shipment, or to the owner or manager thereof, or to any maker of butter, cheese, condensed milk or milk powder or casein to be manufactured:—

- (a) Milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skim milk, or any milk to which has been added any cream or foreign fat or any colouring matter, preservative or other chemical substance of any kind;
- (b) milk from which any portion of that part of the milk known as *strippings* has been retained;
- (c) any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her.

BUTTER.

5. No person shall:—

- (a) manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleomargarine, margarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream;
- (b) mix with or incorporate with butter, by any process of heating, soaking, rechurning, reworking, or otherwise, any cream, milk, skim-milk, buttermilk or water to cause such butter when so treated to contain over sixteen per centum of water;
- (c) melt, clarify, refine, rechurn, or otherwise treat butter to produce what is generally known as “process” or “renovated” butter, nor add any milk or cream to butter.

6. No person shall import into Canada, or offer, sell or have in his possession for sale:—

- (a) any butter containing over sixteen per centum of water; or
- (b) any process or renovated butter, or butter to which milk or cream has been added.

2. No person shall manufacture any butter containing over sixteen per centum of water.

3. No person shall sell, offer or have in his possession for sale:—

- (a) any butter moulded or cut into prints, blocks, squares or pats, unless such prints, blocks, squares or pats are of the full net weight of one-quarter pound, one-half pound, one pound or two pounds at the time they are moulded or cut. Nothing in this paragraph shall be held to apply to butter in rolls or lumps, of indiscriminate weight, as sold by farmers; or
- (b) any butter packed in tins or other packages alleged to contain any definite weight of butter unless such package contains the full net weight of butter as alleged exclusive of the weight of the package and of any paper, brine or other filling.

CHEESE.

7. No person shall either by himself or through the agency of any other person manufacture, or shall knowingly buy, sell, offer, expose or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk, to which has been added any fat which is foreign to such milk.

8. No person shall either by himself or through the agency of any other person:—

- (a) incorporate in a new cheese, during the process of its manufacture, any inferior curd or cheese;
- (b) knowingly sell, expose or have in his possession for sale, without giving due notice thereof, any cheese in which has been incorporated, during the process of manufacture, any inferior curd or cheese;
- (c) place in a cheese during the process of its manufacture, or at any time thereafter, any foreign substance.

9. Any person, firm or corporation who violates any of the provisions of sections 4, 6 or 8 of this Act, shall for each offence, upon summary conviction, be liable to a fine not exceeding fifty dollars and not less than ten dollars, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs and the costs of enforcing the same are sooner paid.

10. Any person, firm or corporation who violates any of the provisions of sections 5 and 7 of this Act, shall for each offence, upon summary conviction, be liable to a fine not exceeding four hundred dollars and not less than two hundred dollars, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs and the costs of enforcing the same are sooner paid.

11. The person on whose behalf any milk is sold, sent, supplied or brought to a cheese or butter or condensed milk or milk powder or casein manufactory or to a milk or cream shipping station or to a milk bottling establishment for any of the purposes aforesaid, shall be *prima facie* liable for the violation of any of the foregoing provisions of this Act.

12. The person on whose behalf any cheese, butter or other dairy product is manufactured, sold, offered, exposed or had in possession for sale contrary to the provisions of any of the foregoing sections of this Act, shall be *prima facie* liable for the violation of any of the said provisions.

13. Every person who obstructs any person charged with the enforcement of this Act in entering any premises to make examination of dairy products as provided by this Act, or who refuses to permit the making of any such examination, shall be liable to a penalty not exceeding five hundred dollars and not less than twenty dollars, together with costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs, and the costs of enforcing the same, are sooner paid.

14. The Minister of Agriculture may make appointments of inspectors and other persons for the enforcement of this Act.

15. Any person charged with the enforcement of this Act may enter the premises of any person suspected of violating the provisions of this Act, for the purpose of making an examination of dairy products therein; and may enter any premises to make an examination of dairy products and the marking thereof, whether such dairy products are on the premises of the manufacturer or owner, or on other premises, or in the possession of a railway or steamship company or elsewhere.

16. The Governor in Council may make such regulations as he deems necessary for,—

- (a) the classification, marking, and branding of butter, cheese and other dairy products;
- (b) the taking of samples of butter, cheese and other dairy products and imitations thereof;
- (c) the seizure and confiscation of apparatus and materials used in the manufacture of any butter, cheese or other dairy product or imitations thereof in contravention of any of the provisions of this Act or of any regulation made thereunder;
- (d) the seizure and confiscation of any apparatus used in the treatment of milk, butter, cheese or other dairy product, when such treatment causes the said milk, butter, cheese or other dairy product to contravene any of the provisions of this Act or of any of the regulations made thereunder;
- (e) the seizure and confiscation of any illegal dairy product as defined in this Act;
- (f) the efficient enforcement and operation of this Act;
- (g) the imposition upon summary conviction of penalties not exceeding thirty dollars and costs upon any person violating any regulation made under the provisions of this Act.

2. All regulations made under the provisions of this Act shall be published in *The Canada Gazette* and shall come into force upon and after the date of such publication or upon and after such date as may be named for that purpose in such regulations.

Procedure.

17. For the purposes of jurisdiction under Part XV of *The Criminal Code*, in any complaint, information or conviction for a violation of any of the provisions of this Act, the matter complained of may be alleged and shall be held to have arisen at the place where the cheese, butter or other dairy product was manufactured, packed, sold, offered, exposed or had in possession for sale.

18. In any complaint or information made or laid under the foregoing sections of this Act relating to the sale or supply of milk, and in any conviction thereon, the milk complained of may be described as deteriorated milk, without specifying the cause of deterioration, and thereupon proof of any of the causes or modes of deterioration hereinbefore mentioned shall be sufficient to sustain a conviction.

2. For the purposes of jurisdiction under Part XV of *The Criminal Code*, in any complaint, information or conviction, the matter complained of may be alleged and shall be deemed to have arisen at the place where the milk complained of was manufactured, or otherwise treated, notwithstanding that the deterioration thereof was effected elsewhere.

19. For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of this Act relating to the sale or supply of milk, it shall be sufficient *prima facie* evidence on which to found a conviction to show that milk sent, sold, supplied or brought to a manufactory as aforesaid to be manufactured into butter or cheese or condensed milk or milk powder, or milk sent, sold, supplied or brought to a milk or cream shipping station or to a milk bottling establishment, is substantially inferior in quality to pure milk, if the test is made by means of a lactometer or Babcock milk tester or some other proper and adequate test, and is made by a person holding a Dairy School diploma or certificate or by a graduate of any recognized Agricultural College or by any other competent person.

20. No appeal shall lie from a conviction under this Act except to a superior, county, circuit or district court, or the court of the sessions of the peace, having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made, within ten days after the date of conviction.

2. The trial on any such appeal shall be heard, had, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the trial appoints, and within thirty days from the date of the conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days.

3. In all respects not provided for in this Act, the procedure under Part XV of *The Criminal Code* shall, so far as applicable, apply to all prosecutions brought under this Act.

Application of Fines.

21. Any pecuniary penalty imposed under the foregoing sections of this Act relating to the sale or supply of milk shall, when recovered, be payable one-half to the informant or complainant and the other half to the owner, treasurer or president of the manufactory to which the milk was sent, sold or supplied for any of the purposes aforesaid in violation of any of the provisions of this Act, to be distributed among the patrons thereof in proportion to their respective interests in the product thereof.

2. Any pecuniary penalty imposed under any of the other sections of this Act shall, when recovered, be payable one-half to the informant or complainant, and the other half to His Majesty.

REGULATIONS.

DEFINITIONS.

1. In these regulations, unless the context otherwise requires:—

(a) “Act” means “The Dairy Industry Act, 1914;”

(b) “Minister” means the Minister of Agriculture;

(c) “brand” means any mark, stencil, stamp, label or writing placed on cheese, or on any package containing cheese, butter or other dairy product, for the purpose of designating a particular grade or classification, the place of manufacture or the country of origin;

(d) “butter” means the food product commonly known as butter, which is manufactured exclusively from milk or cream or both, with or without the addition of colouring matter, common salt, or other harmless preservatives;

(e) “creamery” means a place where the milk or cream of not less than fifty cows is manufactured into butter;

(f) “creamery butter” means butter which is manufactured in a creamery; creamery;

(g) “dairy” means a place where the milk or cream of less than fifty cows is manufactured into butter;

(h) “dairy butter” means butter which is manufactured in a dairy;

(i) “dairy product” or “dairy products” means any milk, cream, condensed milk, milk powder, butter, or cheese, or any other article manufactured from milk, and all imitations thereof;

(j) “package” means any box, tub, crock, tin, crate, case, paper wrapper or any other receptacle or covering used for the packing of butter;

(k) “whey butter” means butter which is manufactured from whey.

COMPULSORY BRANDING.

2. All brands placed on cheese or on packages containing cheese or butter, as required by these regulations, shall be legible and indelible and shall consist of letters not less than one-half an inch long and three-eighths of an inch wide, except in the case of parchment paper wrappers for butter the branding of which shall be in letters not less than one-quarter of an inch square.

3. Every manufacturer of whey butter shall cause the package containing such whey butter to be branded with the words “whey butter” at the time of packing.

4. Every person who mixes whey butter with creamery butter or with dairy butter, shall cause the packages containing such mixed butter to be branded at the time of packing with the words “whey butter.”

5. Every person who mixes dairy butter with creamery butter shall cause the packages containing such mixed butter to be branded at the time of packing, with the words “dairy butter.”

6. Every person who manufactures butter from a mixture of ordinary cream as separated from milk, and cream which has been separated from whey, shall cause the package containing such butter to be branded, at the time of packing, with the words “whey butter.”

7. Every person who packs dairy butter in boxes similar to those used for the packing of creamery butter shall cause such packages to be branded, at the time of packing, with the words "dairy butter."

8. No person shall cut or pack dairy butter into blocks, squares or prints and wrap such blocks, squares or prints in parchment paper unless the said parchment paper is printed or branded with the words "dairy butter."

9. Every cheesemaker who manufactures cheese from or by the use of milk, commonly known as skim-milk, or milk from which any cream has been removed, or milk to which skim-milk has been added, shall brand on the side of every cheese, within twenty-four hours after the cheese is removed from the press, or before it leaves the factory, the words "skim-milk cheese," and also upon the outside of every box or package which contains cheese, the words "Skim-milk Cheese" at the time the cheese is boxed or packed.

10. When butter is packed in tubs or boxes all brands required by these regulations shall be applied on the side of the package.

PROHIBITED BRANDING.

11. No person shall brand any package containing butter with the words "Creamery Butter" or with any combination of the word creamery unless such butter is creamery butter within the meaning of the Act and these regulations.

12. No person shall apply any brand of the word "Canadian," "Canadien" or "Canada" as a descriptive term, mark or brand, upon any cheese or upon any box or package which contains cheese or butter, unless such cheese or butter has been produced in Canada.

13. No person shall brand any cheese, or brand any package containing cheese or butter in any manner that shall give false information as to the country of origin, or as to the cheese factory or creamery in which it was manufactured.

THE SALE OF DAIRY PRODUCTS.

14. No person shall knowingly sell, offer, expose or have in his possession for sale:—

(a) Any whey butter unless the package containing such whey butter is branded with the words "Whey Butter;"

(b) Any butter which consists of a mixture of whey butter and creamery butter or whey butter and dairy butter unless such mixture of butter is branded "Whey butter;"

(c) Any mixture of dairy butter and creamery butter unless such mixture is branded "Dairy butter;"

(d) Any butter manufactured from a mixture of ordinary cream as separated from milk, and cream which has been separated from whey unless such butter is branded with the words "Whey butter;"

(e) Any dairy butter packed in boxes similar to those used for the packing of creamery butter unless such packages are branded "Dairy butter;"

(f) Any dairy butter packed, moulded or cut into blocks, squares or prints and wrapped in parchment paper unless such parchment paper is branded "Dairy butter;"

(g) Any cheese manufactured from or by the use of milk commonly known as skimmed milk, or milk from which cream has been removed, or milk to which skimmed milk has been added, unless the words "Skim-milk Cheese" are branded upon the side of every cheese and also upon the outside of every box or package which contains cheese;

(h) Any butter branded as creamery butter or any combination of words which includes the word creamery unless such butter is creamery butter according to the definition in the Act, and in these regulations.

(i) Any cheese upon which the word "Canadian," "Canadien" or "Canada" is branded, or any cheese or butter contained in any package upon which the word "Canadian," "Canadien" or "Canada" is branded as a descriptive term, unless such cheese or butter has been produced in Canada;

(j) Any cheese which is branded or any cheese or butter which is contained in a package which is branded in such a manner as to give false information as to country of origin, or as to the cheese factory or creamery in which it was manufactured.

15. No person, except the final purchaser or consumer, shall remove, obliterate or erase or cause to be removed, obliterated or erased, any brand placed upon any cheese, or upon any package containing cheese or butter as required by these regulations.

16. Any person who violates any regulation made under the authority of the Act shall for each offence, on summary conviction, be liable to a fine of not less than ten dollars nor more than thirty dollars.

17. Any pecuniary penalty imposed under these regulations shall, when recovered, be payable, one-half to the informant or complainant and one-half to His Majesty.

18. These regulations shall come into force on the first day of September, 1914.

