

# **MEMORANDUM D19-8-1**

Ottawa, August 3, 1984

## **SUBJECT**

### **FISH INSPECTION ACT AND REGULATIONS**

This Department assists the Department of Fisheries and Oceans with the administration of the Fish Inspection Act and Regulations. This Memorandum outlines the requirements concerning the importation and exportation of fish and fish products subject to this legislation.

### **GUIDELINES AND GENERAL INFORMATION**

#### **Definitions**

1. In the Fish Inspection Act:

(a) "container" means any type of receptacle, package, wrapper or confining band, used in packing or marketing fish;

(b) "fish" means any fish, including shellfish and crustaceans, and marine animals, and any parts, products or by-products thereof;

(c) "processing" includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner.

#### **Regulations**

2. Section 3 of the Fish Inspection Act authorizes the Governor in Council to make regulations for the purpose of regulating the importation and exportation of fish and containers. Regulations pursuant to this section prescribe such items as grades, quality and standards for fish; requirements for the processing, storing, grading, packaging, marking, transporting and inspection of fish; the quality and specifications for containers of fish and the marking and inspection of such containers; and the sanitary conditions of importers'/owners' establishments and conveyances.

3. Section 10(1) of the Act states that "no person shall import, export, sell for export or have in his possession for export any fish intended for human consumption that is tainted, decomposed or unwholesome".

4. "Tainted" with respect to fish, means fish that is rancid or has an abnormal odour or flavour.

5. "Decomposed" with respect to fish, means fish that has an offensive or objectionable odour, flavour, colour or texture or substance associated with spoilage.

6. "Unwholesome" with respect to fish, means fish that has in or upon it bacteria of public health significance or substance toxic or aesthetically offensive to man.

7. All persons importing fish or fish products for commercial purposes must have a valid import licence issued by the Department of Fisheries and Oceans.

8. All persons importing fish or fish products for commercial purposes must notify the Department of Fisheries and Oceans, Inspection Services, in writing, describing the shipment of fish, either prior to importing or within 48 hours following the importation. See the Appendix to this Memorandum for a list of Department of Fisheries and Oceans, Fish Inspection offices.

### **Inspection**

9. Importations of fish and fish products intended for human consumption are subject to this legislation and are subject to an inspection by an inspector of the Department of Fisheries and Oceans.

### **Oysters, Clams, Mussels and Other Molluscs**

10. The importation into Canada of uncooked fresh or frozen oysters, clams, mussels, or other molluscs (except scallops), either shucked or in the shell, is prohibited unless each container is clearly labelled with the shipper's name, address and certificate number as indicated on the Interstate Certified Shellfish Shippers List issued by the Food and Drug Administration (F.D.A.) of the United States Department of Health and Human Resources.

### **Live Mitten Crab**

11. Importation of any species of live freshwater mitten crab of the genus *Eriocheir* is prohibited.

### **Personal Exemptions**

12. With the exception of live mitten crab, importations which accompany a traveller and which are for personal use and will not be traded or sold in Canada, are not subject to this legislation and do not require inspection by a Fisheries and Oceans Inspector.

### **Detention**

13. Goods subject to this legislation may be detained by Customs on behalf of the federal Department of Fisheries and Oceans.

14. As inspectors of the Department of Fisheries and Oceans are not present at Customs offices to examine fish and fish products, shipments which otherwise are in order, are to be released following normal procedures.

15. Customs Inspectors will detain all prohibited importations of shellfish and live mitten crab and notify the nearest Fish Inspection office listed in the Appendix to this Memorandum. See paragraphs 10 and 11 of this Memorandum.

16. In cases where a particular problem has been identified, the Inspection Services Branch, Department of Fisheries and Oceans at National Headquarters may request information on specific commodities or importers/owners, or may request that certain shipments be detained. In this regard, Customs Cargo and Release Division at Headquarters will issue the authorization to release information or to detain shipments and will indicate the procedure the Customs Inspector is to follow.

17. The appropriate Fish Inspection official will make such disposition of the detained goods as he deems necessary.

### **Penalty Information**

18. Where a person is convicted of an offence against Part I of the Fish Inspection Act (which relates to the importation and exportation of fish and containers) or any regulations thereunder (see paragraph 2 of this Memorandum), the fish and containers by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, are forfeited to Her Majesty and may be disposed of as the Minister of Fisheries and Oceans may direct.

19. Section 9(1) of the Act states that "no person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, inspection certificate or other document made or issued under this Part or the regulations thereunder or any marks placed on any containers pursuant to this Part or the regulations thereunder".

20. Section 9(2) of the Act states that "every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than two months and not exceeding six months, or to both fine and imprisonment".

21. Every person who violates section 10(1) of the Act (see paragraph 3 of this Memorandum) is "guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than three months and not exceeding six months, or to both fine and imprisonment".

22. Section 11 of the Act relates to general penalty information. "Every person who violates any of the provisions of this Part or the regulations thereunder for which no

penalty is elsewhere provided in this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both".

### **Additional Information**

23. For additional information regarding the requirements of the Fish Inspection Act or Fish Inspection Regulations, importers or exporters should communicate with the appropriate Fish Inspection office listed in the Appendix to this Memorandum.

## **APPENDIX**

### **DEPARTMENT OF FISHERIES AND OCEANS FISH INSPECTION OFFICES**

#### **Newfoundland**

P.O. Box 5667  
St. John's, Newfoundland  
A1C 5X1

(709) 772-4424 — telephone  
(709) 772-2282 — facsimile

P.O. Box 2009  
Corner Brook, Newfoundland  
A2H 6Z6

(709) 637-4342 — telephone  
(709) 634-1421 — facsimile

#### **Prince Edward Island**

P.O. Box 1236  
Charlottetown, Prince Edward Island  
C1A 7M8

(902) 566-7807 — telephone  
(902) 566-7848 — facsimile

## **Nova Scotia**

1721 Lower Water St.  
P.O. Box 550  
Halifax, Nova Scotia  
B3J 2S7

(902) 426-7811 — telephone  
(902) 426-3479 — facsimile

P.O. Box 1085  
Sydney, Nova Scotia  
B1P 6J7

(902) 564-7362 — telephone  
(902) 564-7398 — facsimile

215 Main St.  
P.O. Box 190  
Yarmouth, Nova Scotia  
B5A 1C6

(902) 742-1100 — telephone  
(902) 742-2421 — facsimile

## **New Brunswick**

P.O. Box 270  
Black's Harbour, New Brunswick  
E0G 1H0

(506) 456-3377 or  
(506) 456-3376 — telephone  
(506) 456-3818 — facsimile

P.O. Box 5030  
Moncton, New Brunswick  
E1C 9B6

(506) 851-6562 — telephone  
(506) 851-7732 — facsimile

P.O. Box 370  
Shediac, New Brunswick  
E0A 3G0

(506) 532-4407 — telephone  
(506) 532-9756 — facsimile

P.O. Box 358  
Shippagan, New Brunswick  
E0B 2P0

(506) 336-2271 — telephone  
(506) 336-8708 — facsimile

## **Québec**

Montréal  
789 Roland Therrien Boulevard  
Longueuil, Quebec  
J4H 4A6

(514) 928-4300 — telephone  
(514) 651-5652 — facsimile

Northshore  
25 Napoleon Street  
Sept-Îles, Quebec  
G4R 3K7

(418) 962-6314 or  
(418) 962-6312 — telephone  
(418) 962-1044 — facsimile

901 Cap Diamant  
P.O. Box 15 500  
Québec City, Quebec  
G1K 7Y7

(418) 648-3443 — telephone  
(418) 648-4470 — facsimile

P.O. Box 516  
Gaspé, Quebec  
G0C 1R0

(418) 368-5559 — telephone  
(418) 368-4349 — facsimile

**Ontario**

45 Hannover Drive  
Unit 9  
St. Catharines, Ontario  
L2W 1A3

(416) 641-4724 — telephone  
(416) 641-4709 — facsimile

590 Keele Street, Room 410  
Toronto, Ontario  
M6N 3E3

(416) 763-1161 — telephone  
(416) 973-6450 — facsimile

P.O. Box 219  
7 Iroquois Road  
Leamington, Ontario  
N8H 3W2

(519) 326-2617 — telephone  
(519) 326-2257 — facsimile

P.O. Box 414  
Kingston, Ontario  
K7L 4W2

(613) 545-8358 — telephone  
(613) 545-8647 — facsimile

2825 Sheffield Road  
Ottawa, Ontario

(613) 990-2827 — telephone  
(613) 993-8635 — facsimile

33 Court St., Room 320  
Thunder Bay, Ontario  
P7B 2W6

(807) 475-4881 — telephone  
(807) 475-4362 — facsimile

### **Manitoba**

Central District Office  
153 Lombard Avenue, Room 112  
Winnipeg, Manitoba  
R3B 0T4

(204) 983-5373 — telephone  
(204) 983-7166 — facsimile

Regional Headquarters  
501 University Crescent  
Winnipeg, Manitoba  
R3T 2N6

(204) 983-5063 — telephone  
(204) 983-6285 — facsimile

### **Saskatchewan**

Immigration Building  
Prince Albert, Saskatchewan  
S6V 4E8

(306) 953-8595 — telephone  
(306) 953-8649 — facsimile

### **Alberta**

P.O. Box 22928, Station M  
Calgary, Alberta  
T2P 4C1

(403) 292-5858 — telephone  
(403) 292-6088 — facsimile



5320-122nd Street, Room 3021  
Edmonton, Alberta  
T6H 3S5

(403) 435-7372 — telephone  
(403) 435-7296 — facsimile

**British Columbia**

417-2nd Avenue West, Room 224  
Prince Rupert, British Columbia  
V8J 1G8

(604) 624-0435 — telephone  
(604) 627-3054 — facsimile

2250 South Boundry Road  
Burnaby, British Columbia  
V5M 4L9

(604) 666-7970 — telephone  
(604) 666-4440 — facsimile

4250 Commerce Circle  
Victoria, British Columbia  
V8Z 4M2

(604) 388-3455 — telephone  
(604) 363-0336 — facsimile

## **REFERENCES**

### **ISSUING OFFICE —**

Cargo and Release Division

### **LEGISLATIVE REFERENCES —**

Fish Inspection Act

Fish Inspection Regulations, C.R.C., c. 802, as amended

Pacific Commercial Salmon Fishery Regulations, C.R.C., c. 823, as amended

Fisheries Act, C.R.C., c. 18

### **HEADQUARTERS FILE —**

7614-12-1, 7614-12-2

### **SUPERSEDED MEMORANDA "D" —**

N/A

### **OTHER REFERENCES —**

N/A

SERVICES PROVIDED BY THE DEPARTMENT ARE AVAILABLE IN BOTH OFFICIAL LANGUAGES.

THIS MEMORANDUM IS ISSUED UNDER THE AUTHORITY OF THE DEPUTY MINISTER OF NATIONAL REVENUE, CUSTOMS AND EXCISE.