

THE BRITISH COLUMBIA TURKEY MARKETING BOARD  
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)  
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)  
**GENERAL ORDER 2003**

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**DIVISION 1 – PURPOSE AND INTERPRETATION**

1. This order replaces the former general orders of the British Columbia Turkey Marketing Board (the “Board”). To the extent of any inconsistency between this order and any other order, direction or policy of the Board, this order shall prevail.
2. This order shall be known as the “BCTMB General Order 2003” and shall come into force on 27<sup>th</sup> April 2003, but may be amended by the Board from time to time.

**Purpose of Orders**

3. The Board has approved this General Order for the purpose of promoting, controlling and regulating the production, transportation, processing, packing, storage and marketing of turkey raised, within the province of British Columbia, for meat or egg production including the regulation of inter-provincial and export trade.

**Interpretation**

4. In this and all other orders and policies of the Board, unless the context requires otherwise, the definitions contained in the above named enactments will have effect together with the following additional definitions:

“**Act**” means the Natural Products Marketing (B.C.) Act, R.S.B.C. 1996, c.330;

“**agency**” means a person designated by the Board as being a person through which any of the regulated product shall be processed, packed, stored or marketed;

“**allocation**” means the number of kilograms of turkey meat that the Board authorizes a grower to produce and market in inter and intra provincial trade for a quota year or from time to time within a quota year;

“**associated growers**” means growers connected as follows:

- (a) individuals are associated growers when
  - (i) one is married to the other or lives with the other as if they were married, or
  - (ii) they are partners in a partnership;
- (b) an individual and a corporation are associated growers when
  - (i) the individual controls the corporation,
  - (ii) the individual and an individual who controls the corporation are associated growers,
  - (iii) the individual and a corporation that controls the corporation are associated growers, or
  - (iv) they are partners in a partnership;

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- (c) corporations are associated growers when
  - (i) one is controlled by the other,
  - (ii) another corporation controls both corporations,
  - (iii) an individual controls both corporations,
  - (iv) they are both controlled by different persons, whether individuals or corporations, that are associated growers, or
  - (v) they are partners in a partnership;

“**breeder**” means any person who raises turkeys for egg production;

“**breeder and/or mature turkey**” means that class of the regulated product which is used for egg production and is marketed at an age greater than 161 days;

“**commercial and/or young turkey**” means that class of the regulated product which is marketed at an age less than 161 days;

“**considerable margin**” means production that exceeds the total of a grower’s allocation plus 5% of the grower’s allocation;

“**control**” with respect to quota means

- (a) holding the quota directly;
- (b) controlling a corporation or a partnership that holds the quota; or
- (c) holding an interest in a corporation or a partnership which holds the quota where the interest is not sufficient to give control of the corporation or partnership, in which case the person holding the interest shall be deemed to control that part of the quota held by the corporation or partnership which is proportionate to the person's equity in the corporation or interest in the partnership;

“**controls**” with respect to a corporation means

- (a) holding the majority of the voting shares whether directly or indirectly by trust or otherwise; or
- (b) holding (by other than a savings institution) de facto financial control as a result or partly as a result of holding a mortgage, debenture, promissory note or other form of financial obligation, whether secured or unsecured, under which the corporation is liable;

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“**exporter**” means an agency involved in the export of regulated product from British Columbia to outside the country;

“**flock**” means a group of turkeys the poults for which were placed in a turkey production unit at one time, or so close together in time that they would normally be marketed at one time;

“**grower**” means any person operating a farm, or farms, for production of turkeys in the area to which the scheme relates, and includes any person operating under lease or agreement the terms of which provide that the returns for the crop are payable to the person operating the farm;

“**grower-vendor**” means a grower who has been issued Grower Vendor Quota by the Board in accordance with this order and the Quota Regulation or who has been licensed by the Board as a grower-vendor and markets regulated product direct to consumers;

“**hatchery**” means any person who hatches turkey eggs and offers poults for sale;

“**lessee**” means a grower to whom quota is leased;

“**lessor**” means a grower from whom quota is leased;

“**licence holder**” means a person who is licensed by the Board under this order;

“**live haul trucker**” means a person who hauls live turkeys for remuneration;

“**lot**” means a group of turkeys from the same flock, shipped to a processor for slaughter on the same day and may consist of more than one truck/trailer load;

“**maximum allowable quota**” means a quota holding, excluding Export Regrow Quota, of 5% of the total quota, excluding Export Regrow Quota, on issue to growers in British Columbia at any time;

“**national agency**” means the Canadian Turkey Marketing Agency established by the Canadian Turkey Marketing Agency Proclamation issued pursuant to the Farm Products Marketing Agencies Act (Canada);

“**non-registered grower**” means a grower who is licensed by the Board as a grower and who is not entitled to have his or her name entered in the Register of Growers in accordance with Division 2 of this Order;

“**partnership**” means two or more persons who are joined in a venture who share the risks and profits of the venture and is not a person, but an association of persons;

“**poult broker**” means any person who offers poults for sale and is not a licensed hatchery;

“**processor**” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product, and markets, offers for sale, supplies, stores or transports the processed product;

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“**quota year**” means a 52 or 53 week period commencing with the Sunday following the last Saturday in April of one year and ending with the last Saturday of April in the following year;

“**Register of Growers**” means the record kept by the Board pursuant to section 26 of the Scheme of all growers whose names and addresses have been registered in accordance with orders of the Board;

“**registered grower**” means a grower who is licensed by the Board as a grower and who is entitled to have his or her name entered in the Register of Growers in accordance with Division 2 of this Order;

“**regulated product**” means any class of turkey raised for meat or egg production within the area to which the Scheme relates;

“**Scheme**” means the British Columbia Turkey Marketing Scheme, B.C. Reg. 174/66, as amended;

“**transferee**” means a person to whom quota is transferred;

“**transferor**” means a person from whom quota is transferred;

“**turkey production unit**” means an area or building in which turkeys are grown.

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**DIVISION 2 – REGISTER OF GROWERS**

**Entry in Register of Growers**

5. To be entitled to be a registered grower and have his or her name entered in the Register of Growers, a grower must:
- (a) hold a current grower licence issued by the Board;
  - (b) be issued quota equal to or greater than  $\frac{1}{4}$  of one percent of the quota on issue in British Columbia at the time the grower's quota was issued; and
  - (c) not be an associated grower with any other registered grower.

**Removal from Register of Growers**

6. A grower's name may be deleted from the Register of Growers if:
- (a) the grower does not hold a current grower licence issued by the Board;
  - (b) the grower has transferred quota so that the residual quota on issue to the person is less than  $\frac{1}{4}$  of one percent of the quota that was on issue in British Columbia at the time the grower's quota was issued;
  - (c) the grower has ceased to be engaged in the production of the regulated product;
  - (d) the grower has violated this or any other order of the Board; or
  - (e) the grower has become an associated grower with another registered grower.

**Exercise of Franchise**

7. In accordance with the Regulations to the Act 3. (p), every partnership or corporation qualified to vote under the scheme shall in writing appoint a person to vote in its behalf and shall file with the board a copy of such appointment.
8. Any one person can hold only one appointment in accordance with section 7 above.
9. The following persons are entitled to vote at general meetings called by the Board:
- (a) each registered grower, or in the case of a partnership or a corporation its appointee, who is in attendance;
  - (b) each registered grower, or in the case of a partnership or a corporation its appointee, who is unable to attend the general meeting and who resides within the area commonly known as the Lower Mainland of British Columbia, by proxy; and
  - (c) each registered grower, or in the case of a partnership or a corporation its appointee, who is unable to attend the general meeting and who resides outside the area commonly known as the Lower Mainland of British Columbia, by mail-in ballot or by proxy.
10. Any one person can hold only one proxy in accordance with sections 9(b) and (c) above.

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**DIVISION 3 – LICENSING**

**Requirement to Hold Licence**

11. (a) No person shall act as a grower, grower-vendor, breeder, agency, processor, exporter, live haul trucker, hatchery or poult broker unless in possession of a valid licence issued by the Board and no person shall be relieved of compliance with the requirements in respect of any class of licence on the grounds that such person is the holder of a valid licence of another class.
- (b) Subsection (a) does not apply to a grower who places less than 50 turkeys, for personal consumption, in a quota year.
- (c) Where a valid licence has been issued by the Board to a corporation, such licence is subject to cancellation upon order of the Board in the event of a change in the ownership, direct or indirect, of the majority voting shares of the corporation.

**Application Process**

12. Every application for a licence must be made to the Board in the required form with the required licence fee.

**General Conditions**

13. It is a condition of issuance and maintenance of every licence that the applicant or holder complies with the Scheme and with the orders and regulations of the Board that are in force from time to time.

**Suspension and Cancellation of Licences**

14. Every licence is subject to cancellation or suspension by the Board for a period of time if, in the opinion of the Board, the license holder has violated the Scheme or any order or regulation of the Board.
15. Any holder of a Class I licence issued by the Board who violates the Scheme or any order or regulation of the Board may, at the Board's discretion, have his or her Class I licence cancelled or suspended and may be re-issued a Class II licence, as described in the Fees and Levies Regulation.
16. Before canceling or suspending a license the Board shall notify the license holder in person, by facsimile transmission or e-mail to appear before the Board to address the alleged violation and, where appropriate, to show cause why the licence in question should not be cancelled or suspended for a period of time. The licence holder may represent him or herself or be represented by legal counsel or an agent. If the licence holder or his or her representative does not appear before the Board at the hearing, the hearing shall proceed and the licence holder shall be sent, by registered mail, a copy of the decision of the Board.
17. If the Board cancels or suspends a license the Board shall notify the licence holder or the licence holder's representative.

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18. If the Board cancels or suspends a licence, the licence holder may be subject to a Board service fee, representing all or part of the expenses associated with the investigation, hearing and determination of the Board leading to the cancellation or suspension of the licence.

**Expiry of Licences**

19. Licences are issued on an annual basis and shall expire on the last day of the quota year.

**No Transferability of Licences**

20. Licences issued under this order are not transferable.

**Renewal**

21. At the commencement of a quota year, the Board shall renew every existing licence, provided that the required application is satisfactorily completed, the required documents are filed, the appropriate licence fee is paid and the licensee has maintained compliance with the Scheme and all orders and regulations of the Board.

**Fees**

22. The Board shall set, by regulation, from time to time a schedule of licence fees.

**Agencies**

23. Unless the Board orders otherwise, all processors, grower-vendors, hatcheries and poultr brokers who are licensed by the Board are designated as agencies through which regulated product, including poultr, shall be processed, packed, stored or marketed.
24. The Board shall designate, by issuing a transport order, a particular agency through which a particular grower shall market its regulated product.

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**DIVISION 4 – LEVIES**

25. All persons engaged in the production or marketing of the regulated product are required to pay, or cause to be paid, levies on such regulated product to the Board within 14 days after the receipt of the regulated product by an agency. The levies payable to the Board shall be as set out in the Fees and Levies Regulation from time to time and payments to the Board shall be made in accordance with that Regulation.
26. The Board shall collect on behalf of the national agency any and all levies imposed on growers by the national agency. Such levies may be included with the provincial levy in the Fees and Levies Regulation.

**DIVISION 5 – BOOKS, RECORDS AND INFORMATION**

27. Every licence holder shall keep in the English language complete and accurate books and records of all matters relating to the production, processing, storing, transporting, and marketing of the regulated product and shall permit the inspection of such records by any person authorized by the Board, upon request by such person.
28. Every licence holder or person required by these orders to hold a licence shall permit any person authorized by the Board to inspect all premises occupied or controlled by such person and used for the production, processing, storing, transporting or marketing of the regulated product.
29. Every grower which is a corporation shall file with its application for a licence, and at any other time within 10 days of receiving a written request from the Board, a copy of the corporation's register of members.
30. The board shall conduct random searches of the records at the Registrar of Companies and should the corporation's register of members be found to be incorrect the board may cancel the corporation's licence or refuse to issue a licence.

**DIVISION 6 – FARM PRACTICES**

31. The Board shall maintain a Farm Practices Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All growers shall maintain their facilities and operate in accordance with that Regulation. A breach of the Farm Practices Regulation shall be a breach of this order.
32. All growers shall maintain their brooding and growing facilities in a humane manner by providing clean, dry and well ventilated barns providing enough space to enable the turkeys to stand normally, turn around and stretch their wings without difficulty.
33. A grower, with the approval of the Board, may lease a facility or a portion of a facility, including barns and farms, in accordance with the Farm Practices Regulation.



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**DIVISION 7 – AGENCIES**

34. The Board shall maintain an Agencies Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All agencies shall operate in accordance with the Agencies Regulation, and a breach of the Agencies Regulation shall be a breach of this order.
35. Unless the Board orders otherwise, all processors, grower-vendors, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed, packed, stored or marketed.
36. The Board shall maintain a close and cordial relationship with the various agencies regarding farm practices, poult placements, scheduled slaughtering dates and time as well as programming and pricing.

**DIVISION 8 – QUOTA SYSTEM**

37. The Board shall maintain a Quota Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All licence holders shall act in accordance with the Quota Regulation. A breach of the Quota Regulation shall be a breach of this order.
38. The Board shall categorize quota as either Primary Quota or Secondary Quota in accordance with the Quota Regulation.

**Issuance of Quota**

39. The Board shall issue quota in accordance with the Quota Regulation to each licensed grower and grower-vendor who is duly qualified for each quota year. The quota shall be coupled to the legal description of the Turkey Production Unit(s) owned or leased by the grower or grower-vendor to whom the quota is issued.
40. The Board shall allot allocation to each licensed grower and grower-vendor who has been issued Primary Quota or Grower-Vendor Quota for each quota year.
41. The Board may decline to issue quota to a licensed grower or grower-vendor who has violated the Scheme or any order or regulation of the Board.

**Quota Transfer**

42. A grower may transfer quota to any person with the written approval of the Board and in accordance with the Quota Regulation.

**Leasing of Allocation**

43. A grower may lease his or her allocation or any portion thereof with the written approval of the Board and in accordance with the Quota Regulation. Unless the Board orders otherwise, a grower may lease out his or her allocation or any portion thereof for a maximum of two consecutive quota years. In deciding to approve or reject an application to lease allocation the Board will consider its policy that leasing of allocation is to be temporary or short-term arrangement.

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**DIVISION 9 - PRICING**

44. The Board shall maintain a Pricing Regulation, which shall have a cease date and shall be reviewed by the Board in consultation with the processing sector before that date. All licence holders shall operate in accordance with the Pricing Regulation and a breach of the Pricing Regulation shall be a breach of this order.
45. Any person who purchases regulated product from a grower, and any grower who sells regulated product, shall do so at or above the price and on the terms set by the Board from time to time in the Pricing Regulation.
46. Before setting or amending grower prices, the Board shall invite all licensed processors to meet face to face to consult and negotiate in an attempt to arrive at a mutually agreeable pricing adjustment. Should a mutually agreeable pricing adjustment not be reached the pricing adjustment shall be referred to a mediator/arbitrator to use his/her good offices to reach a settlement. Although the Board shall make all reasonable attempts to arrive at a mutually agreeable pricing adjustment (including, if necessary, the employment of a mediator/arbitrator), the final authority to fix the minimum price or prices at which the regulated product shall be bought or sold by or to any person shall rest solely with the Board.

**DIVISION 10 – GENERAL PROHIBITIONS**

47. No grower shall market any regulated product, placed under one allocation, under any other allocation, without the prior written consent of the Board.
48. No grower shall produce, market or store or permit to be produced, marketed or stored any regulated product in excess of its allocation.
49. No grower shall deliver or sell or offer to deliver or sell any regulated product other than to an agency or the order of an agency unless the grower is licensed as a grower-vendor.
50. No grower shall market or offer to market any regulated product direct to consumers unless the grower is licensed as a grower-vendor.
51. No hatchery, poult broker or grower shall sell or otherwise supply more than 50 poult in one quota year to a grower who is not licensed by the Board.
52. No person shall hatch any regulated product unless licensed by the Board.
53. No grower shall market the regulated product at a price or on terms less than those established by the Board from time to time.
54. No agency shall buy, accept or receive regulated product other than from a grower licensed by the Board.
55. No person shall process any regulated product unless licensed by the Board as a processor or grower-vendor.

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56. No person shall transport regulated product unless the person is in possession of a transport order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
57. No agency shall receive regulated product unless the agency is in possession of a transport order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
58. No person shall hold more than one proxy.
59. **No person shall hold more than one corporate appointment.**

Signed and dated at Surrey, British Columbia, this 15<sup>th</sup> day of April, 2003 for and on behalf of the BRITISH COLUMBIA TURKEY MARKETING BOARD.

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Shawn Heppell, Chairman

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Eric Andrew, Vice-Chairman

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Les Burm, Member

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Colyn Welsh, Secretary-Manager