

**This is not the official version.**

It is an office consolidation, prepared by the BC Farm Industry Review Board, for convenience only. As such consolidations may contain inadvertent errors, any reader needing to rely on the legislation should obtain the Queen's Printer official legislative text, available from Crown Publications Inc.

---

# AGRICULTURAL PRODUCE GRADING ACT

## [RSBC 1996] CHAPTER 11

### *Contents*

#### *Section*

- [1 Definitions](#)
- [2 Application of Act](#)
- [3 Power to exempt from application of Act](#)
- [4 Power to revoke and suspend licences](#)
- [5 Produce to be available for examination](#)
- [6 Powers of inspector](#)
- [7 Duties of inspector](#)
- [8 Detained produce](#)
- [9 Misrepresentation of grade](#)
- [10 Offences](#)
- [11 Officers of corporation](#)
- [12 Burden of proof](#)
- [13 Penalty](#)
- [14 Power to make regulations](#)

#### **Definitions**

**1** In this Act:

**"establishment"** means

- (a) an abattoir, slaughterhouse, packing house or other place where livestock is slaughtered,
- (b) a place where produce is prepared for food,

(c) a dairy farm or a dairy plant, or

(d) a hatchery

and includes an establishment designated by the minister that is subject to the *Canada Agricultural Products Act*;

**"game"** means game as defined in the *Game Farm Act* that is being raised for agricultural purposes under a licence issued under that Act;

**"grade"** means a grade established by regulation;

**"inspector"** means an inspector referred to in the *Ministry of Agriculture and Food Act* and includes a person designated by the minister who is a grader or an inspector under the *Department of Agriculture Act (Canada)* or the *Canada Agricultural Products Act*;

**"livestock"** means cattle, hogs, sheep, game or any other animal designated by regulation;

**"poultry"** means domestic fowl, guinea fowl and pigeons;

**"produce"** means livestock, fur bearing animals raised in captivity, milk, milk products, poultry, eggs, fruit, vegetables, honey and anything derived from them or designated by regulation.

#### **Application of Act**

**2** This Act applies to produce grown, slaughtered, produced, kept, sold or offered for sale or consumption in British Columbia and for which a system of grading is established under this Act.

#### **Power to exempt from application of Act**

**3** The minister may by order exempt a person or establishment from a provision of this Act or the regulations.

#### **Power to revoke and suspend licences**

**4** (1) The minister may revoke or suspend a licence of a person who contravenes this Act or the regulations.

(2) An appeal lies from refusal to issue or renew or from the revocation or suspension of a licence to the Provincial board under the *Natural Products Marketing (BC) Act*.

(3) The board may hear the appeal and has the same powers in relation to the appeal as if it were hearing an appeal under the *Natural Products Marketing (BC) Act*.

#### **Produce to be available for examination**

**5** A seller, purchaser, shipper or transporter of produce must make available for examination, marking and grading under the regulations all produce in the person's possession or under the person's control.

#### **Powers of inspector**

**6** For the purpose of carrying out an inspector's duties under this Act or the regulations, an inspector may do any or all of the following:

- (a) enter any land, building or conveyance;
- (b) close by order part or all of an establishment for a period of time the inspector considers necessary;
- (c) delay a shipment or stop a conveyance in which the inspector believes there is produce;
- (d) detain produce, and the conveyance, if any, at the owner's risk and expense for further examination, to obtain compliance with this Act or for prosecution, and direct them to a place designated by the inspector;
- (e) obtain a sample of produce, at the owner's expense, for examination purposes;
- (f) require the owner, occupier or person in charge of any land, building or conveyance to give the inspector all reasonable assistance in a lawful examination, to answer all reasonable questions and to produce records relating to the examination;
- (g) require the owner at the owner's expense to return detained produce to the place from which it was moved.

#### **Duties of inspector**

**7** (1) An inspector must do the following:

- (a) grade and mark produce in accordance with this Act and the regulations;
- (b) notify the owner or other person who was in possession of detained produce immediately by telephone, telegram or other means appropriate to the circumstances;
- (c) produce evidence of the inspector's appointment on request.

(2) An inspector may decline to examine produce found in a place that the inspector considers unsanitary or unsuitable for examination purposes.

#### **Detained produce**

**8** The minister may direct the disposition of detained perishable produce before trial.

#### **Misrepresentation of grade**

**9** The grade of produce is deemed to be misrepresented if

- (a) the produce is below the standard for the grade applied to it,
- (b) the produce is in a container from which all grade, brand, examination or standard of quality marks applicable to earlier contents of the container have not been completely removed or obliterated, or
- (c) the produce, or container, label, picture, sketch or document purporting to apply to it, bears a statement or device that is false or misleading.

#### **Offences**

**10** A person who does any of the following commits an offence:

- (a) knowingly interferes with an inspector in the lawful exercise of the inspector's powers or duties;

- (b) knowingly makes, participates in or assents to the making of, a false or deceptive statement to an inspector during the lawful exercise of the inspector's powers or duties;
- (c) without an inspector's approval, moves produce that has been detained by an inspector;
- (d) ships, transports or sells in British Columbia produce that has not been examined, graded, marked or packed according to the regulations or, unless permitted by the regulations, is below the minimum grade for that produce;
- (e) represents ungraded produce as graded;
- (f) misrepresents the grade, class or origin of produce or the contents of a container;
- (g) alters or obliterates, in a manner not permitted by the regulations, a wrapper, label or mark on produce that has been examined or graded, or on its container;
- (h) employs a person whose licence is suspended or cancelled to ship or transport produce in respect of which the person's licence was suspended or cancelled.

#### **Officers of corporation**

**11** An officer, director, employee or agent of a corporation who directed, authorized, assented to or participated or knowingly acquiesced in the commission of an offence by a corporation is party to the offence.

#### **Burden of proof**

**12** In a prosecution it is not necessary to prove that produce was produced in British Columbia, but if the defendant alleges that the produce was not produced in British Columbia the burden of proof is on the defendant.

#### **Penalty**

**13** (1) A person who is convicted of an offence under this Act is liable to a fine of not more than \$2 000, and for a second or subsequent offence to a fine of not more than \$2 000, or imprisonment for not more than 6 months, or both.

(2) The court may order that

- (a) detained produce be returned to the owner or forfeited to the government for disposition by the minister, or
- (b) any proceeds from the disposition of detained perishable produce be returned to the owner or forfeited to the government.

#### **Power to make regulations**

**14** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the establishment of a system of grading and marking for any class of produce;

- (b) respecting the standards of quality and grade names for each grade established;
- (c) respecting the examination, grading, packaging, packing, marking, handling, selling, purchasing, shipping, transporting and advertising of produce in British Columbia;
- (d) respecting reports and records to be made or kept, including the manner of identifying producers of ungraded produce sold or shipped;
- (e) incorporating by reference of all or part of a code, standard or regulation, made under the *Canada Agricultural Products Act*;
- (f) respecting the licensing of any class of sellers, purchasers, shippers and transporters of produce;
- (g) respecting bonding, under the *Bonding Act*, of an applicant for a licence;
- (h) respecting fees for licences and for examination of produce;
- (i) respecting the sanitation of places where produce is kept;
- (j) respecting the powers and duties of inspectors;
- (k) for any class of produce, prescribing the areas of British Columbia in which this Act or the regulations do not apply.

(3) If produce is sold at a price based on a measured unit, the regulations may do any or all of the following:

- (a) prohibit the use of specified measuring devices;
  - (b) specify the size, weight and type of equipment to be used with measuring devices;
  - (c) prescribe qualifications for an operator of measuring devices;
  - (d) establish rules for measuring;
  - (e) prescribe the records to be kept and the identifying documentation for measured produce.
-

*Agricultural Produce Grading Act*  
**BEEF GRADING REGULATION**

*Contents*

- 1 [Interpretation](#)
  - 2 [Grading of beef carcasses](#)
  - 3 [Weighing and paying for carcasses of beef sold on the basis of grade](#)
  - 4 [Duties of weight supervisor](#)
  - 5 [Supervised sale weight](#)
  - 6 [Duties of operator of establishment](#)
  - 7 [Offence](#)
- [Schedule A — forms](#)

**Interpretation**

1 In this regulation,

"**Act**" means the *Agricultural Produce Grading Act*;

"**operator**" means a person operating an establishment under the *Meat Inspection Act* or the *Meat Inspection Act (Canada)*;

"**tare**" means an allowance for the weight of wheels and hooks that are weighed with a carcass of beef but do not form part of the carcass;

"**sale weight**" means the warm weight of a carcass;

"**value**" means the amount of money determined by multiplying the sale weight of the carcass by the grade price;

"**weight supervisor**" means an inspector under the Act.

**Grading of beef carcasses**

2 Except as modified by this regulation the grading of beef carcasses by numbered British Columbia grades shall be done by applying the standards for the corresponding numbered Canada grades, imposed by the *Canada Agricultural Products Act* and the regulations under it.

**Weighing and paying for carcasses  
of beef sold on the basis of grade**

3 (1) This section applies only to establishments where carcasses of beef are purchased on the basis of grade.

- (2) Where the value of a carcass of beef is determined by weighing it, the weight used shall be the sale weight.
- (3) Where removal of a portion of a carcass is required under the *Meat Inspection Act* or the *Meat Inspection Act* (Canada), it shall be removed before the sale weight is established.
- (4) No operator shall deduct an allowance for shrinkage in calculating the sale weight of a beef carcass.
- (5) The rollers and hooks shall be standardized in weight to within 110 g of the established tare.
- (6) Subject to section 4, the operator of an establishment in which beef carcasses are weighed shall cause to be delivered forthwith to the person from whom an animal was purchased the following information:
  - (a) the live identification and slaughter date;
  - (b) the weight of each carcass that is weighed;
  - (c) the grade of each carcass that is graded and the descriptive symbols in accordance with the Beef and Veal Grading Certificate issued under the *Canada Agricultural Products Act*;
  - (d) the price per pound at which each carcass was sold.
- (7) The weights and grades required to be given under subsection (6) shall be certified by a grader and shall be listed on the grading certificate issued under the *Canada Agricultural Products Act* or on a form approved by the minister.
- (8) Every operator shall designate one or more persons who are satisfactory to the weight supervisor to be scale operators for the plant.
- (9) Following the weighing of each lot of carcasses, the scale operator shall, at the next interruption of the kill, provide the weight supervisor with a signed copy of the weight sheet on which the weight of each carcass is recorded.
- (10) Every operator shall, within 30 days after the payment for a carcass of beef, produce to the seller the record referred to in subsection (8) in respect of that carcass.

#### **Duties of weight supervisor**

##### **4** The weight supervisor shall

- (a) forward to the Livestock Branch, Ministry of Agriculture, Fisheries and Food, at least twice annually on a random basis, copies of complete tare reports as indicated in Form 1 of Schedule A; and weekly, logs of scale reports as indicated in Form 2 of Schedule A,
- (b) advise the operator of the establishment of the established tare to be used,
- (c) check the accuracy of the weighing scales a minimum of once per day on days when carcasses are weighed to determine their value,

- (d) check the weight of items comprising the tare on a random basis to ensure that they do not deviate by more than 110 g from the mean set for the establishment,
- (e) mark and set aside a tare item that fails to comply with this regulation until there is compliance,
- (f) report a serious malfunction of scales or other irregularities with respect to the scales to the Livestock Branch, Ministry of Agriculture, Fisheries and Food within 24 hours after it came to his attention,
- (g) advise the operator both verbally and in writing to take corrective measures whenever there is a serious malfunction of scales,
- (h) conduct a final check after corrective measures have been taken to ensure that a malfunction or other irregularity is no longer occurring,
- (i) insure that the beef carcasses being weighed to determine value are in a form that conforms with the Canada Beef Grading Regulations and this regulation, and
- (j) report an irregularity under paragraph (i) both verbally and in writing to the operator and in writing to the Livestock Branch, Ministry of Agriculture, Fisheries and Food.

#### **Supervised sale weight**

**5** A weight supervisor may demand that a sale weight be taken under his immediate supervision and his decision as to the correct weight shall be final.

#### **Duties of operator of establishment**

**6** The operator of an establishment shall

- (a) supply adequate test weights, which weights shall be certified annually under the *Weights and Measures Act* (Canada),
- (b) supply the weight supervisor with a small scale certified by the Weights and Measures Division for checking the weights of tare items,
- (c) provide all necessary assistance to the weight supervisor in handling weights,
- (d) provide adequate storage for weights to minimize the effect of rusting and to keep weights clean, and
- (e) act promptly on the advice of the weight supervisor when advised of a malfunction or irregularity.

#### **Offence**

**7** A person who contravenes section 3 (6), 3 (9), 3 (10) or 6 commits an offence.



**Schedule A**

**Form 1**

**Tare Weight Report**

Plant ..... Date .....

Address .....

**Tare Items**

Item	Plant Standard	Allowable Tolerance	Number Checked	Too Heavy (Oz.)				Too Light (Oz.)				
				1	2	3	4 +	1	2	3	4+	

Remarks:

Weight supervisor .....

**Form 2**

**Log of Scale Inspection**

Date	Time	Comments	Weight Sup. Initials

Plant .....

Address .....

Weight supervisor .....

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996 , c. 11, relevant to the enactment of this regulation: section 14]

*Agricultural Produce Grading Act*

**EGG PRODUCT REGULATION**

[includes amendments up to B.C. Reg. 479/90]

*Contents*

- [1 Interpretation](#)
- [2 Application of regulation](#)
- [3 Licensing](#)
- [4 Branch licences](#)
- [5 Licences for the sale and purchase of inedible egg product](#)
- [6 Advertising](#)
- [7 Detention](#)
- [8 Offence](#)

[Schedule A — Licence Fees](#)

**Interpretation**

**1** In this regulation:

"**Act**" means the *Agricultural Produce Grading Act*;

"**dried egg**" means whole egg, egg yolk or egg albumen in dried form;

"**egg**" means an egg

(a) of the domestic hen belonging to the species *Gallus domesticus*, or

(b) of the domestic turkey belonging to the species *Meleagris gallopavo*,

but does not include an egg whether wholly or partly formed that has been removed from a slaughtered bird;

"**egg station**" means a place where eggs are graded, packed or marked and in respect of which a certificate of registration has been issued under the *Canada Agricultural Products Act*;

"**egg product**" means frozen egg, liquid egg, dried egg or a mix;

"**egg product station**" means a place where egg product is graded, packed and marked and in respect of which a certificate of registration has been issued under the *Canada Agricultural Products Act*;

"**for further processing**", in respect of egg product, means to subject egg product to

- (a) sufficient heat treatment to destroy viable Salmonella bacteria, or
- (b) any other treatment approved by the minister;

**"frozen egg"** means whole egg, egg yolk or egg white in frozen form;

**"inedible egg"** means an egg that is not suitable for human consumption and, without limiting the generality of the foregoing, includes a shell egg that

- (a) is contaminated with an odour not associated with a normal egg,
- (b) is musty or mouldy,
- (c) has been in an incubator, or
- (d) has black rot, blood clot, blood ring, bloody egg, mixed or red rot, sour rot, spot rot or white rot;

**"inedible egg product"** means egg product that contains any inedible egg or that is otherwise not suitable for human consumption;

**"liquid egg"** means whole egg, egg yolk or egg white in liquid or semi-liquid form;

**"mix"** means whole egg mix or yolk mix;

**"operator"** means a person who is in charge of operations at an egg product station and includes the owner of the egg product station;

**"producer"** means a person who ships, transports or sells only eggs from his own farm;

**"retailer"** means a person who offers, has in possession for sale or sells egg product to a consumer;

**"wholesaler"** means a person who sells egg product to anyone for resale or to a restaurant, hospital, hotel, boarding house, bakery, logging, mining or construction camp or to a transportation or other organization for its use or their use in baking or cooking for serving inmates, guests, patrons or employees.

#### **Application of regulation**

2 (1) Subject to subsections (2) and (3), all egg product sold, offered for sale, held in possession for sale, shipped or transported in the Province shall be graded, packed and marked in accordance with the *Canada Agricultural Products Act* and the regulations under it.

(2) Subsection (1) does not apply to egg product shipped to an egg product station from the premises of another egg product station for further processing and marked with the words "for further processing".

(3) Subsection (1) does not apply to egg product marked with the name of a foreign country and the name of a grade of that foreign country provided that the egg product meets the requirement for the Canada grade equivalent to the grade marked on the egg product.

(4) No operator of an egg product station shall purchase, sell, offer for sale, have in his possession for sale, ship or transport inedible egg product unless the containers in which the

inedible egg product is packed are marked conspicuously and legibly with the words "Not for Human Consumption".

### **Licensing**

- 3** (1) Every person engaged in the production of egg product shall have a valid and subsisting licence from the minister.
- (2) An application for a licence or renewal of a licence to produce egg product shall be accompanied by the fee provided in Schedule A.
- (3) An application for renewal of a licence shall be made by November 30.
- (4) The term of the licence is from January 1 or the date of issuance, as the case may be, to December 31.
- (5) No person other than the licensee shall use the number of the licence on a container containing egg product.

### **Branch licences**

- 4** No licence holder shall operate at more than one location unless he is the holder of a valid and subsisting licence for each branch premises.

### **Licences for the sale and purchase of inedible egg product**

- 5** (1) No person shall sell or offer for sale and no person shall purchase inedible egg product without a valid licence as required by the minister.
- (2) An application for a licence to sell inedible egg product shall be accompanied by the fee provided in Schedule A.
- (3) A licence to sell inedible egg product shall
  - (a) only be issued to a producer or the operator of an egg station or egg product station,
  - (b) not be transferable, and
  - (c) remain in force until the 31st day of December next following the day of issue, unless sooner cancelled, suspended or surrendered.
- (4) Subject to subsection (9) (b), no person shall sell inedible egg product to another person unless that other person holds a licence to purchase inedible egg product.
- (5) The licence number of the purchaser shall be clearly and legibly written on all invoices covering sales of inedible egg product.
- (6) The holder of a licence to sell inedible egg product shall
  - (a) keep a record of the sale of all inedible egg product showing
    - (i) the name and address of the purchaser of each lot of inedible egg product sold,
    - (ii) the quantity in each lot, and
    - (iii) the date of sale, and

- (b) retain the record made pursuant to paragraph (a) for not less than 90 days after the date of the sale.
- (7) A container that contains inedible egg product shall be marked as follows:
- (a) on one line in letters not less than 12 mm in height, the words "Inedible Egg Product";
  - (b) on another line in letters not less than 6 mm in height, the name and address of the producer or the name and address of the egg product station, as the case may be.
- (8) The markings referred to in subsection (7) shall be printed, stamped or stencilled on the container or printed in black lettering on a brown tag not less than 75 mm by 150 mm in size that is affixed securely to the container.
- (9) No person shall purchase or otherwise obtain inedible egg product
- (a) for resale, or
  - (b) in an amount exceeding 10 kg in any one calendar month, without a licence from the minister.
- (10) An application for a licence to purchase inedible egg product shall be accompanied by the fee provided in Schedule A.
- (11) A licence to purchase inedible egg product
- (a) is not transferable, and
  - (b) remains in force until the 31st day of December next following the date of issue, unless sooner cancelled, suspended or surrendered.
- (12) The holder of a licence to purchase inedible egg product shall furnish, on or before the 15th day of each month, a statement to the District Supervisor, Poultry Division, Canada Department of Agriculture showing
- (a) the quantity of inedible egg product purchased or otherwise obtained during the previous calendar month,
  - (b) the names and addresses of the persons from whom the inedible egg product was purchased or otherwise obtained, and the dates of purchasing or otherwise obtaining the inedible egg product, and
  - (c) the purpose for which the inedible egg product was purchased or otherwise obtained.
- (13) No person shall purchase or sell or offer for sale inedible egg product for use as food, or in the preparation of food, for human consumption.

#### **Advertising**

- 6** (1) For the purposes of this section, "**advertisement**" includes a carton or card displayed with egg product in a retail store.
- (2) No person shall publish an untrue, deceptive or misleading advertisement or statement with respect to egg product offered for sale or held for sale or distribution.

(3) In an advertisement in which the price appears, the grade shall be stated in letters of at least equal size and prominence to those of the price.

(4) No person shall, in an advertisement offering egg product for sale, state or use words or phrases implying that the egg product of the grade advertised is superior in condition or quality to that required for egg product of that grade.

#### **Detention**

**7** (1) An inspector may place under detention egg product or containers that do not comply with the Act or this regulation by attaching to at least one container of the lot a numbered tag, hereinafter referred to as a "detention tag", on which shall be clearly written

(a) the words "Under Detention, Ministry of Agriculture, Fisheries and Food, Province of British Columbia",

(b) a detention number given by the inspector,

(c) a brief description of the lot being detained,

(d) the reason for detention,

(e) the date of detention, and

(f) the inspector's signature.

(2) Immediately after attaching the detention tag the inspector shall deliver or mail to the owner of the egg product or his agent a notice of detention and, where the egg product is on premises other than that of the owner, a copy of the notice of detention shall also be delivered or mailed to the person on whose premises the egg product is located.

(3) An inspector may make such orders and give such directions as he considers necessary for the proper preservation and safeguarding of egg product on which a detention tag has been placed and a person to whom such an order is made or direction given shall comply with its terms.

(4) Except as authorized by an inspector, no person shall alter or remove a detention tag placed on a container by an inspector.

(5) Except as authorized in writing by an inspector, no person shall remove, sell or otherwise dispose of egg product contained in a lot on which a detention tag has been placed by an inspector.

(6) Where an inspector is satisfied that the egg product held under detention complies with this regulation, he shall complete a notice of release.

(7) The inspector shall deliver or mail a copy of the notice of release to the owner of the egg product and a copy to the person on whose premises the egg product is located.

#### **Offence**

**8** A person who contravenes section 4 (1), 5, 6 (1), (4) to (6), (9), (12), 7 or 8 (3) commits an offence.

**Schedule A**

**Licence Fees**

1	Licence or renewal of licence to produce egg product and/or to buy or sell inedible egg product .....	\$45.00
2	Licence or renewal of licence for branch premises .....	23.00
3	For amendment, transfer, or reinstatement of licence .....	23.00
4	Where the application for a licence is made on or after July 1, one half of the annual licence fee shall be payable.	

[am. B.C. Regs. 139/88; 479/90.]

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11, relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**FRUIT AND VEGETABLE REGULATION**

[includes amendments up to B.C. Reg. 88/2002]

*Contents*

- [1 Application of standards](#)
- [2 Onions](#)
- [3 Rutabagas](#)
- [4 Potatoes](#)
- [5 Retailing of defective produce](#)
- [6 Shipment, sale, etc. of defective produce](#)
- [7 Advertising](#)
- [8 Controlled atmosphere storage](#)
  - [8.1 Opening of controlled atmosphere storage](#)
  - [8.2 Steps to take if controlled atmosphere storage is breached](#)
- [9 Offence](#)

**Application of standards**

**1** Except as modified by this regulation the grading of fruits and vegetables by numbered British Columbia grades shall be done by applying the standards for the corresponding numbered or named Canada grades, imposed by the *Canada Agricultural Products Act* and the regulations under it.

[am. B.C. Regs. 504/82, s. 1; 258/95, s. 1.]

**Onions**

**2** B.C. No. 1 Small onions shall be not less than 30 mm nor more than 55 mm in diameter and shall conform with the requirements for Canada No. 1 onions.

**Rutabagas**

**3** (1) B.C. No. 2 rutabagas shall,

- (a) have similar varietal characteristics,
- (b) be firm,
- (c) be reasonably regular in contour with a length not exceeding 2 times their diameter,



(d) be trimmed so that

(i) the tops do not exceed 18 mm and all green, leafy growth has been removed, and

(ii) secondary roots, rootlets and parts of the root that are inedible have been removed,

(e) not be trimmed

(i) more than 5 mm into the shoulder, or

(ii) deeply into the flesh of the root so as to alter the general shape of the root or seriously detract from the appearance of the rutabaga,

(f) be free from insects and insect larvae,

(g) be free from decay,

(h) be free from substantial damage,

(i) when packaged for retail distribution, be not less than 75 mm nor more than 150 mm in diameter unless the minimum and maximum diameters are marked on the package or on a tag attached to the package, and

(j) be properly packed so as to prevent damage during shipment.

(2) Notwithstanding subsection (1), in the grading of B.C. No. 2 rutabagas

(a) 10% of the rutabagas by count may be less than, and 10% by count may be more than, the minimum and maximum diameters required by subsection (1) (i) or marked on the package pursuant to subsection (1) (i),

(b) 5% of the rutabagas by count may be affected by decay, and

(c) 10% of the rutabagas by count may have grade defects in addition to those referred to in paragraph (a) but including those referred to in paragraph (b).

(3) In this section, "**free from substantial damage**" means

(a) no external injury or defect that affects 25% or more of the surface area of a rutabaga, or

(b) no injury or defect or combination of them that, if removed, would result in a waste of more than 15% of the rutabaga.

#### **Potatoes**

**4** (1) Subject to subsections (2) and (3), B.C. No. 1 and No. 2 potatoes shall conform with the requirements for Canada No. 1 and No. 2 potatoes respectively and shall, except in the case of B.C. No. 1 Small potatoes, be sold in bags or cartons of 6.81 kg.

(2) B.C. No. 1 Small potatoes is the name for potatoes that conform to the requirements of Canada No. 1 Small grade except as permitted under subsection (3).

(3) B.C. No. 1 Small potatoes shall be graded by applying the standards for Canada No. 1 Small grade imposed by the *Canada Agricultural Products Act* and the regulations under it, except that

(a) the minimum diameter of the potatoes shall be 1 inch and the maximum diameter 2 1/4 inches, and

(b) the potatoes shall not be required to comply with section 61 (1) (d), (e) and (i) of Schedule I, Table II, Grade Standards for Fresh Vegetables, of the Fresh Fruit and Vegetable Regulations, Consolidated Regulations of Canada, 1978, c. 285, made under the *Canada Agricultural Products Act*.

[am. B.C. Regs. 143/86; 258/95, s. 1.]

#### **Retailing of defective produce**

**5** (1) The owner of a retail establishment shall not sell produce where, in addition to other defects allowed under this regulation,

(a) 5% of the produce has condition defects,

(b) in the case of produce other than potatoes, 2% or more of the produce is decayed, or

(c) in the case of potatoes, 1% or more of the potatoes is decayed.

(2) A percentage under this section shall be calculated for a particular fruit or vegetable in the same manner as is specified for calculating defects for that fruit or vegetable in the *Canada Agricultural Products Act* and the regulations made under it.

[en. B.C. Reg. 504/82, s. 2; am. B.C. Reg. 258/95, s. 1.]

#### **Shipment, sale, etc. of defective produce**

**6** No person shall offer or accept for shipment, or ship, transport, have in his possession for sale, offer for sale or sell produce that is below the minimum grade for that produce except to a person engaged in the operation of a manufacturing or processing plant, or for livestock feeding purposes.

[am. B.C. Reg. 504/82, s. 3.]

#### **Advertising**

**7** Where a person advertises produce to the public and specifies a price, he shall, in the advertisement, specify the measure, weight or size of the package, the grade and, if the produce is imported, the country of origin.

[en. B.C. Reg. 504/82, s. 4.]

#### **Controlled atmosphere produce**

**8** (1) In this section:

**"controlled atmosphere apples or pears"** means apples or pears stored in a controlled atmosphere storage room for a period of time specified in subsection (4) or section 8.2;

**"controlled atmosphere storage conditions"** means an atmosphere containing an oxygen concentration of 5% or less;

**"controlled atmosphere storage facility"** means premises constructed and equipped for the cold storage of apples or pears in sealed rooms within which the oxygen content of the air is controlled;

**"operator"** means a person in charge of a controlled atmosphere storage facility.

(2) No person selling apples or pears shall represent the apples or pears to be controlled atmosphere apples or pears unless they have been stored in a controlled atmosphere storage room in accordance with this regulation.

(3) No person shall engage in the operation of a controlled atmosphere storage facility unless the facility has been inspected by an inspector, has received an official number and is operated in accordance with this regulation.

(4) The operator of a controlled atmosphere storage facility shall

(a) control the oxygen content of the atmosphere in each sealed room so as not to exceed 5% within 20 days after the date of sealing the room and during the remainder of the storage period,

(b) maintain the controlled atmosphere storage conditions required under paragraph (a) for the following periods:

(i) for Gala, Jonagold and Ambrosia apples, not less than 45 days;

(ii) for other apples, not less than 60 days;

(iii) for Bartlett and Bosc pears, not less than 45 days;

(iv) for Anjous and other winter pears, not less than 60 days,

(c) maintain an accurate daily record in respect of the atmospheric conditions in each room,

(d) maintain a record of the variety and quantity of apples or pears in each storage room,

(e) permit an inspector to inspect at any reasonable time the records referred to in this subsection,

(f) not later than 7 days after completion of the storage period referred to in paragraph (b), submit a report to the Canadian Food Inspection Agency showing the storage room number, variety and quantity in storage, date of commencement of storage, date of sealing and date of reduction of the oxygen content to controlled atmosphere storage conditions in that room, the date a sealed room is opened under section 8.1, the date it is resealed and the date the oxygen content is restored to the controlled atmosphere storage conditions, and

(g) mark plainly, in letters and figures not less than 5 mm in height, on each container of controlled atmosphere apples or pears the words

(i) "controlled atmosphere apples" or "C.A. Apples", or

(ii) "controlled atmosphere pears" or "C.A. Pears"

and the official number in section 8 (3) before offering for sale the apples or pears in the container.

[en. B.C. Reg. 258/95, s. 2; am. B.C. Regs. 298/99, ss. (a) and (b); 88/2002.]

#### **Opening of controlled atmosphere storage**

**8.1** (1) Despite section 8 (4) (a) and (b) an operator of a controlled atmosphere storage facility may open a sealed storage room once during the storage period established under section 8 (4) (b), in accordance with section 8.2, to make repairs or to remove apples or pears.

(2) An operator shall not open a sealed storage room more than once during the storage period.

[en. B.C. Reg. 258/95, s. 3.]

#### **Steps to take if controlled atmosphere storage is breached**

**8.2** If an operator opens under section 8.1 a sealed room that has reached controlled atmosphere storage conditions

(a) the operator shall ensure that the oxygen content of the atmosphere is restored to controlled atmosphere conditions within 7 days after the room is opened,

(b) once conditions are reestablished, the operator shall ensure that the storage periods in section 8 (4) (b) are extended from the time of first reaching controlled atmosphere storage conditions as follows:

(i) for Gala, Jonagold and Ambrosia apples, to not less than 52 days;

(ii) for other apples, to not less than 67 days;

(iii) for Bartlett and Bosc pears, to not less than 52 days;

(iv) for Anjous and other winter pears, to not less than 67 days,

(c) the operator shall ensure that no apples or pears are added to the room,

(d) the operator shall notify an inspector at least 24 hours before the opening that the room will be opened for removal of apples or pears, and

(e) the operator shall notify an inspector, within 48 hours after an opening to make repairs, that the room has been opened.

[en. B.C. Reg. 258/95, s. 4; am. B.C. Regs. 298/99, s. (c); 88/2002.]

#### **Offence**

**9** A person who contravenes section 7, 8 (2), (3) or (4), 8.1 (2) or 8.2 commits an offence and is liable, on conviction, to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

[en. B.C. Reg. 247/93, s. 3.]

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11, relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**HATCHERY REGULATION**

[includes amendments up to B. C. Reg. 241/83]

*Contents*

- [1 Interpretation](#)
- [2 Hatchery registration](#)
- [3 Hatchery operations](#)
- [4 Brooding](#)
- [5 Packing and marking](#)
- [6 Agents and brokers](#)
- [7 Sales and advertising](#)
- [8 Hatchery supply flock policy](#)
- [9 Detention](#)
- [10 Offence](#)

**[Schedule A](#)**

**Interpretation**

**1** In this regulation,

"**Act**" means the *Agricultural Produce Grading Act*;

"**agent**" means a person, other than a hatchery operator, who sells chicks or receives consignments of chicks for resale or distribution;

"**baby chicks**" means chicks and poults that have never been fed;

"**certificate of registration**" means a permit issued by the minister to operate a hatchery;

"**chicks**" means chickens or turkeys less than 30 days old;

"**custom hatching**" means the hatching of eggs in a registered hatchery for payment where the eggs are not the property of the hatchery;

"**department**" means the Ministry of Agriculture, Fisheries and Food;

"**district supervisor**" means an officer of Agriculture Canada designated by the minister for the administration of these regulations;

"**flock**" means all breeding poultry on one premises required to be tested under section 8 of this regulation;

**"fluff"** means chick down and dust as found in a hatching machine following completion of a hatch;

**"hatchery"** means a building or portion of a building equipped with an incubator capacity of 1 000 or more eggs and used for incubation purposes;

**"hatching-eggs"** means eggs intended for the production of chicks;

**"hatchery supply flock"** means a flock that meets the requirements of section 8 of this regulation;

**"hatchery supply flock policy"** means the poultry improvement and disease control policy set forth in section 8 of this regulation;

**"multiplier breeding flock"** means a flock containing only the first generation of a primary breeder flock and used only to produce commercial stock;

**"operator"** means the person who is in charge of operations of a hatchery and includes the owner of the hatchery;

**"package"** means an inner or outer receptacle or covering used for containing, wrapping or covering hatching-eggs or chicks;

**"Poultry Branch"** means Poultry Branch, Ministry of Agriculture, Fisheries and Food, Abbotsford, British Columbia;

**"primary breeding flock"** means a flock of poultry containing one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines and from which multiplier breeding flocks may be produced;

**"refuse"** means infertile eggs, dead embryos, egg shells and other debris associated with the operation of a hatchery;

**"registered hatchery"** means a hatchery in respect of which a certificate of registration has been issued under this regulation;

**"sexed chicks"** means chicks the sex of which has been determined by examination.

[am. B.C. Reg. 241/83, s. 1.]

### **Hatchery registration**

**2** (1) No person who hatches chicks or offers chicks for sale or does custom hatching shall operate a hatchery unless that hatchery has been registered under this regulation.

(2) An application for registration shall be made to the district supervisor who, if he is satisfied with the application, shall recommend to the minister that he issue a certificate of registration.

(3) Where a certificate of registration has not previously been issued in respect of a hatchery, the applicant shall submit to the district supervisor plans and specifications of the hatchery showing

- (a) all room dimensions and the positions of doors, windows, stairways and drains,
- (b) the lighting, heating, and ventilating systems,

- (c) the location of hatchery equipment,
  - (d) a list of materials used on all floors, walls and ceilings, and
  - (e) the means of control of flies, rodents and other vermin.
- (4) The minister shall not issue a certificate of registration in respect of a hatchery unless he is satisfied that
- (a) the hatchery is operated in a building separate and apart from other poultry operations,
  - (b) the hatchery can be maintained in a clean and sanitary condition,
  - (c) the hatchery can provide adequate space and, where required, separate rooms for receiving and traying eggs, incubation, hatching, equipment cleaning, dry storage, chick sorting, sexing and packing,
  - (d) the hatchery has adequate ventilation and lighting,
  - (e) the floors, walls and ceilings are constructed of washable material with a hard finish,
  - (f) the incubators deliver the standard of heat, humidity and air circulation recommended by the manufacturer, and
  - (g) the hatchery has a satisfactory means of controlling flies, rodents and other vermin.
- (5) Each registered hatchery shall be
- (a) identified by a name and address, and
  - (b) assigned a registration number that is to be used only in respect of that hatchery.
- (6) No operator shall use a registration number other than the number assigned to that hatchery.
- (7) Certificates of registration shall not be assigned.
- (8) Every certificate of registration shall remain in force until revoked, suspended, or surrendered.
- (9) The minister may revoke or suspend a certificate of registration if he is satisfied that
- (a) the hatchery does not comply with the requirements of this regulation,
  - (b) the operator of the hatchery has violated or failed to comply with any of the provisions of the Act or of this regulation, or
  - (c) the hatchery has not operated for a period of 12 consecutive months.
- (10) The minister shall determine the period for which a certificate of registration is revoked or suspended and the operator of the hatchery shall not apply for a certificate in respect of that hatchery until the period has ended.

### **Hatchery operations**

**3** The operator of a registered hatchery shall

- (a) acquire for incubation, resale, or custom hatching only eggs of hatchery supply flocks,
- (b) before accepting eggs from a flock outside the Province, supply evidence satisfactory to the district supervisor that the flock would comply with the requirements of a hatchery supply flock if it were located in the Province,
- (c) report to the Poultry Branch on forms prescribed by the minister and within 48 hours after the time of hatching the number, source and destination of baby chicks intended for use as a multiplier breeding flock or primary breeding flock,
- (d) prior to January 1 in each year, furnish to the district supervisor a statement in writing showing the flock owners from whom he intends to purchase hatching-eggs and the breeding status of each flock,
- (e) within 30 days after the fact, notify the district supervisor indicating names added to or deleted from the statement referred to in paragraph (d),
- (f) not accept hatching-eggs unless they are packed in clean packing material and cases and the flock or registered hatchery from which the eggs originated is clearly identified on the inside or outside of the case,
- (g) maintain and retain for one year a record of each lot of eggs purchased for hatching or accepted or supplied for custom hatching, listing the name of the flock owner or operator with whom the transaction was completed, the date and number of eggs involved,
- (h) maintain a record satisfactory to the district supervisor listing
  - (i) all egg purchases and sales,
  - (ii) the results of hatching or custom hatching, including the number of eggs set and chicks hatched,
  - (iii) chick purchases and sales,
  - (iv) the disposal of surplus chicks, and
  - (v) such additional information as the minister may require,
- (i) report weekly to the district supervisor on forms supplied by him statistical information on eggs set and chicks hatched and such additional information as the minister may require,
- (j) not incubate hatching-eggs that are not clean and sound in shell,
- (k) not sell or offer for sale baby chicks or turkey poults unless they are vigorous, healthy and uniform in size,
- (l) keep all setters and hachers in good working order,
- (m) keep the hatchery building and all equipment in sanitary condition at all times,
- (n) after each hatch, thoroughly clean the interior and exterior of all hachers and all parts of the hatcher,



- (o) promptly remove from the hatchery refuse from each hatch and dispose of it in a manner satisfactory to the inspector and not allow such refuse to become available for human food,
- (p) thoroughly clean refuse containers after the refuse from each hatch is removed and equip the refuse containers with tight-fitting lids,
- (q) ensure that hatchery personnel are clothed in clean garments,
- (r) provide washroom facilities for hatchery personnel,
- (s) fumigate eggs and incubators according to procedures recommended by the minister or the manufacturer of the incubator,
- (t) not make alterations to the hatchery or hatchery equipment unless he has first submitted to the district supervisor the plans and specifications for the alterations and the district supervisor has approved those plans, and
- (u) provide for laboratory examination a sample of fluff at least once every 6 weeks from each hatching machine in operation and such other samples as may be required by the minister for the purpose of conducting disease-monitoring procedures.

#### **Brooding**

- 4** (1) The operator of a registered hatchery shall not conduct a brooding operation in a room or building having an opening into any other room used for the hatchery operations.
- (2) A brooding room operated in connection with a registered hatchery shall
- (a) provide a minimum air space of 21.23 dm<sup>3</sup> for each chick,
  - (b) have adequate equipment to provide a complete change of air at least 5 times per hour in a manner that will ensure freedom from draughts,
  - (c) have floors, walls and ceilings made of washable materials having a hard finish,
  - (d) have adequate lighting,
  - (e) have a satisfactory means of controlling flies, rodents and other vermin,
  - (f) be kept in a clean and sanitary condition, and
  - (g) be kept clean including the brooder equipment which shall be thoroughly cleaned after the sale of each lot of chicks is completed.

#### **Packing and marking**

- 5** The operator of a registered hatchery shall ensure that
- (a) chicks hatched in the hatchery are packed in clean, strong boxes that conform to the applicable requirements for boxes set out in the current Canadian Freight Classification,
  - (b) the boxes are constructed to afford proper ventilation and shall have new chick box pads in each section of the box, and

(c) every box of chicks packed by or shipped from the hatchery, except those delivered to a purchaser by vehicle bearing the hatchery identification, bears the abbreviation "Reg. No." followed by the number allotted to that hatchery, all in block letters not less than 6 mm high.

#### **Agents and brokers**

**6** (1) An operator shall furnish prior to January 1 a list of the names and addresses of all persons acting as his agents and shall, whenever a name or address is changed, inform the district supervisor of the change.

(2) An agent or other person selling chicks for his own account or for the operator of a registered hatchery shall keep and make available for inspection accurate records of chick purchases and sales and report to the district supervisor on forms supplied by him such statistical information as may be required by the minister.

(3) Buildings, brooders and display equipment used by an agent or broker in the handling of chicks shall meet the requirements of section 4.

#### **Sales and advertising**

**7** No operator of a registered hatchery shall

(a) in respect of hatching-eggs, chicks, poultry, a flock, or a hatchery, apply or use a term, letters, description, or breeding designation unless the hatching-eggs, chicks, or poultry, or the flock or hatchery comply with the term, letters, description, or breeding designation used, or

(b) have any business connection with or use his name or his firm's name in connection with a hatchery operating other than as a registered hatchery, or

(c) advertise or offer for sale chicks as sexed chicks unless the percentage of accuracy of the sexing is stated and guaranteed, or

(d) advertise, sell, or offer for sale chicks hatched in the hatchery under any name or registration number other than the name and registration number set out in his certificate of registration.

#### **Hatchery supply flock policy**

**8** (1) Chicks intended for use in a multiplier breeding flock or a primary breeding flock shall be registered with the Poultry Branch on forms prescribed by the minister.

(2) to (4) Repealed. [B.C. Reg. 241/83, s. 2.]

(5) During the period that a flock is registered under the Hatchery Supply Flock Policy, sanitary conditions of the premises, ventilation of the poultry houses and the general health of the flock shall be maintained to the satisfaction of the minister.

(6) All chickens or turkeys in a multiplier breeding flock or in a primary breeding flock that do not meet the physical requirements for birds in such a flock shall be removed from the premises or shall be segregated without mating.

(7) Repealed. [B.C. Reg. 241/83, s. 2.]

(8) Hatchery supply flocks shall be kept separate from all other poultry.

(9) to (12) Repealed. [B.C. Reg. 241/83, s. 2.]

(13) All chickens or turkeys registered under the Hatchery Supply Flock Policy may be inspected at any time without notice and no person shall interfere with an inspector or prevent him from having free access to all flocks, premises and records.

(14) Multiplier breeding flocks and primary breeding flocks shall be submitted for such inspection and tests for disease as may be considered advisable by the minister and, where the results of the inspection and tests are satisfactory, the minister shall issue a notice of inspection.

(15) In the event of an outbreak of disease, the registered flock owner shall notify the Poultry Branch at once and, if the minister considers such action advisable, the flock or all flocks on that premises shall be placed under quarantine and any required testing, cleansing and disinfecting shall be carried out by the registered flock owner.

(16) No hatching-eggs, chicks, poults or breeding stock shall be sold from a registered flock while it is under quarantine.

(17) Repealed. [B.C. Reg. 241/83, s. 2.]

[am. B.C. Reg. 241/83, ss. 2, 3.]

#### **Detention**

**9** (1) An inspector may place under detention packages, hatching-eggs, or chicks that do not comply with the Act or this regulation by attaching to each lot a numbered tag, hereinafter referred to as a "detention tag", on which shall be clearly written

(a) the words "under detention, Ministry of Agriculture, Fisheries and Food, Province of British Columbia",

(b) a brief description of the lot being detained,

(c) the reason for detention,

(d) the date, and

(e) the inspector's signature.

(2) Immediately after attaching the detention tag the inspector shall deliver or mail to the owner of the packages, hatching-eggs or chicks, or his agent, a notice of detention and, where the packages, hatching-eggs or chicks are on premises other than that of the owner, a copy of the notice of detention shall also be delivered or mailed to the person on whose premises the packages, hatching-eggs, or chicks are located.

(3) An inspector may make such orders and give such directions as he considers necessary for the proper preservation and safeguarding of packages, hatching-eggs or chicks on which a detention tag has been placed and a person to whom such an order is made or direction given shall comply with its terms.

(4) Except as authorized in writing by an inspector, no person shall alter or remove a detention tag placed on packages, hatching-eggs or chicks by an inspector.

(5) Except as authorized in writing by an inspector, no person shall remove, sell, or otherwise dispose of packages, hatching-eggs or chicks contained in a lot on which a detention tag has been placed by an inspector.

(6) Where an inspector is satisfied that the packages, hatching-eggs or chicks held under detention comply with this regulation, he shall complete a notice of release.

(7) The inspector shall deliver or mail a copy of the notice of release to the owner of the packages, hatching-eggs or chicks and a copy to the person on whose premises the packages, hatching-eggs or chicks are located.

**Offence**

**10** A person who contravenes section 2 (1), (6), 3, 5 (c), 6 (2), 7 or 9 (4) commits an offence.

**Schedule A**

*(Section 8)*

<b>Number of birds registered in flock</b>	<b>Number of birds to be tested</b>
425 or less	all birds
426 - 500	425
501 - 600	475
601 - 700	525
701 - 800	550
801 - 900	575
901 - 1 000	600
1 001 - 1 500	650
1 501 - 2 000	700
2 001 - 3 000	750
3 001 - 4 000	800
4 001 - 5 000	850
5 001 or more	925

Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11, relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**HOG GRADING REGULATION**

**Grading of hogs**

**1** The grading of hogs by numbered British Columbia grades shall be done by applying the standards for the corresponding numbered Canada grades, imposed by the *Canada Agricultural Products Act* and the regulations under it.

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996 , c. 11, relevant to the enactment of this regulation: section 14]

---

# *Agricultural Produce Grading Act*

## **HONEY REGULATION**

### *Contents*

- [1 Application of standards](#)
- [2 Exceptions to application of regulation](#)
- [3 Containers](#)
- [4 Advertising](#)
- [5 Offence](#)

#### **Application of standards**

**1** Except as modified by this regulation the grading of honey by numbered British Columbia grades shall be done by applying the standards for the corresponding numbered Canada grades, imposed by the *Canada Agricultural Products Act* and the regulations under it.

#### **Exceptions to application of regulation**

- 2** This regulation does not apply to
- (a) honey produced and sold direct to a consumer at the producer's extracting plant or place of residence, or
  - (b) honey in transit to a processing or manufacturing plant, or
  - (c) gift shipments of 3 kg or less, or
  - (d) shipments of honey being sent for exhibition or for experimental purposes.

#### **Containers**

**3** (1) Sections 35 (1) (b) (i) and 36 (1) (c) of the Honey Regulations under the *Canada Agricultural Products Act* do not apply.

(2) All containers of honey shall be marked with the name and address of the packer or the name and address of the first seller.

#### **Advertising**

**4** Where the price of honey is specified in an advertisement, the class, grade and quantity of honey referred to in the advertisement shall also be specified.

#### **Offence**

**5** A person who contravenes section 4 commits an offence.

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11, relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**LIVE, DRESSED AND EVISCERATED  
POULTRY REGULATION**

[includes amendments up to B.C. Reg. 480/90]

*Contents*

[1 Interpretation](#)

[2 Application of regulation](#)

[3 Purchasing](#)

[4 Payment](#)

[5 Security for payment](#)

[6 Licensing](#)

[7 Branch licences](#)

[8 Advertising](#)

[9 Detention](#)

[10 Offence](#)

[Schedule A — Licence Fees](#)

**Interpretation**

**1** In this regulation:

"**Act**" means the *Agricultural Produce Grading Act*;

"**consumer**" means a person who buys live, dressed or eviscerated poultry for use by himself or his household and not for resale;

"**dressed poultry**" means poultry from which the blood and feathers have been removed;

"**eviscerated poultry**" means dressed poultry from which the head, the legs at the hock joints and all entrails and internal organs have been completely removed;

"**poultry**" means chicken, chicken capon, fowl, turkey, duck and geese;

"**producer**" means a farmer who ships, transports or sells only poultry raised on his own farm;

"**retailer**" means a person who sells or offers for sale dressed or eviscerated poultry to a consumer;

"**wholesale distributor**" means a person other than a producer who sells or offers for sale dressed or eviscerated poultry to a retail store, hotel, restaurant or any person commercially engaged in serving meals.

### **Application of regulation**

**2** (1) Subject to subsection (2), no person shall sell, offer for sale or hold in his possession for the purpose of selling, dressed or eviscerated poultry unless it conforms with the grading requirements of the *Livestock and Livestock Products Act* (Canada) and the *Canada Agricultural Products Act*.

(2) A producer may sell dressed or eviscerated poultry that is ungraded direct to consumers at his farm or place of residence.

### **Purchasing**

**3** (1) No person other than a consumer shall purchase live poultry from a producer unless he is the holder of a valid and subsisting licence.

(2) A licensee shall provide a producer with a receipt that states the number and kind of poultry and the date on which each lot of poultry was delivered to or received by the licensee.

### **Payment**

**4** The holder of a licence to purchase live poultry shall make full payment to the producer or his assignee within 14 days after the date of delivery for each lot of poultry purchased.

### **Security for payment**

**5** (1) An applicant for a licence to purchase live poultry shall furnish, and a holder of a licence to purchase live poultry shall maintain, security in the form of a bond of a surety licensed under the *Insurance Act*, for the payment of money payable to a producer for live poultry purchased by or through the holder of the licence, in the following amounts:

(a) for an annual purchase of less than \$50 000, a bond of \$5 000;

(b) for an annual purchase of \$50 000 to \$1 000 000, a bond of \$20 000;

(c) for an annual purchase of more than \$1 000 000, a bond of \$50 000.

(2) The *Bonding Act* applies to a bond obtained to comply with this section.

(3) No change shall be made in the penal sum of a bond during a licence period except with the consent, or at the demand, of the minister.

(4) Where a bond furnished or maintained under subsection (1) becomes impaired by a payment made from it or ceases to be in effect, the licence is ipso facto suspended pending the furnishing or renewal of the bond and the licensee shall forthwith deliver the licence to the minister.

(5) The minister shall cancel the licence where, after the expiration of one month from the date of suspension, the licensee has failed to furnish or renew the bond.

(6) Where a licensee fails to deliver the licence to the minister under subsection (4), the minister may cause a peace officer to recover possession of the licence.

### **Licensing**

**6** (1) An application for a licence or renewal of a licence to purchase live poultry shall be



- (a) accompanied by the fee provided in Schedule A, and
  - (b) accompanied by a bond referred to in section 5 (1).
- (2) An application for renewal of a licence shall be made by the last day of February.
- (3) The term of the licence is from April 1 or the date of issuance, as the case may be, to March 31.

#### **Branch licences**

**7** No licence holder shall operate at more than one location unless he is the holder of a valid and subsisting licence for each branch premises.

#### **Advertising**

- 8** (1) For the purposes of this section, "**advertisement**" includes a carton or card displayed with poultry in a retail store.
- (2) No person shall publish an untrue, deceptive or misleading advertisement or a statement with respect to dressed or eviscerated poultry offered for sale or held for sale or distribution.
- (3) In an advertisement in which the price appears, the grade shall be stated in letters of at least equal size and prominence to those of the price.
- (4) An advertisement shall state the kind of poultry, whether the poultry is dressed or eviscerated and, in the case of turkeys, ducks or geese, whether they are young or mature.
- (5) The information required under subsection (4) shall be in letters of at least equal size and prominence to those of the grade.

#### **Detention**

- 9** (1) An inspector may place under detention any dressed or eviscerated poultry that does not comply with the Act or this regulation by
- (a) attaching to at least one package of the lot a numbered tag, hereinafter referred to as a "detention tag", on which shall be clearly written
    - (i) the words "Under Detention, Ministry of Agriculture, Fisheries and Food, Province of British Columbia",
    - (ii) a detention number given by the inspector,
    - (iii) a brief description of the lot being detained,
    - (iv) the reason for detention,
    - (v) the date, and
    - (vi) the inspector's signature, and
  - (b) marking each package in the lot with a mark consisting of the letters "DET" and the number of the detention tag inside a circle.
- (2) Where the poultry seized is not in packages, an inspector may require the owner to place the poultry in packages and the packages shall be marked in accordance with subsection (1).

(3) Immediately after attaching the detention tag and marking the packages the inspector shall deliver or mail to the owner of the poultry or his agent a notice of detention and, where the poultry is on premises other than that of the owner, a copy of the notice of detention shall also be delivered or mailed to the person on whose premises the poultry is located.

(4) An inspector may make such orders and give such directions as he considers necessary for the proper preservation and safeguarding of poultry on which a detention tag has been placed or the package marked and a person to whom such an order is made or direction given shall comply with its terms.

(5) Except as authorized by an inspector, no person shall alter or remove a detention tag placed on a package of poultry or alter a mark made on a package by an inspector.

(6) Except as authorized in writing by an inspector, no person shall remove, sell or otherwise dispose of any poultry contained in a package on which a detention tag has been placed or a package marked by an inspector.

(7) Where an inspector is satisfied that poultry held under detention complies with this regulation, he shall complete a notice of release.

(8) The inspector shall deliver or mail a copy of the notice of release to the owner of the poultry or his agent and a copy to the person on whose premises the poultry is located.

**Offence**

**10** A person who contravenes section 3 (1) and (2), 4, 5 (1) and (5), 7, 8 or 9 (4) commits an offence.

**Schedule A**

**Licence Fees**

1	Licence or renewal of a licence to purchase live poultry .....	\$45.00
2	Licence or renewal of a licence for branch premises .....	23.00
3	For amendment, transfer, or reinstatement of licence .....	23.00
4	Where the application for a licence is made on or after October 1, one-half of the annual licence fee only shall be payable.	

[am. B.C. Regs. 141/88; 480/90.]

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11 relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**SHELL EGG GRADING REGULATION**

[includes amendments up to B.C. Reg. 481/90]

*Contents*

- [1. Interpretation](#)
- [2. Application of regulation](#)
- [3. Ungraded eggs](#)
- [4. Records](#)
- [5. Payment by egg stations](#)
- [6. Security for payment](#)
- [7. Licensing](#)
- [8. Branch licence](#)
- [9. Wholesalers](#)
- [10. Advertising](#)
- [11. Licences for rejects](#)
- [12. Detention](#)
- [13. Offence](#)

[Schedule A — Licence Fees](#)

**Interpretation**

**1** In this regulation,

"**Act**" means the *Agricultural Produce Grading Act*;

"**carton**" means a container made to contain 6, 12, 18, 24 or 30 eggs, with a separate compartment for each egg;

"**consumer**" means a person who buys eggs for use by himself or his household and not for resale;

"**container**" means a case, box, carton or other receptacle made to contain eggs;

"**domestic hen**" means the hen of the domestic chicken belonging to the species *Gallus domesticus*;

"**egg**" means an egg of a domestic hen but does not include a hatching egg;

**"egg product"** means frozen egg, liquid egg, dried egg or a mix;

**"egg station"** means a place where eggs are graded, packed or marked, and in respect of which a certificate of registration has been issued under the *Canada Agricultural Products Act*;

**"egg wholesale station"** means a place where eggs that have been previously graded are held for sale to

(a) retailers, or

(b) any person in quantities of 15 dozen or more at one time;

**"grade"** means the classification of poultry products according to the prescribed standards;

**"graded eggs"** means eggs in a container that is marked with one of the grades referred to in section 2 (1);

**"process"** means any part of the work of preparing egg product;

**"producer"** means a person who ships, transports or sells only eggs produced on his own farm;

**"producer grader"** means a producer who has been issued a producer grader licence by the minister;

**"reject"** means an egg that does not meet the requirements of one of the grades referred to in section 2 (1) or that has been in an incubator;

**"retailer"** means a person who sells or offers to sell eggs or has eggs in his possession for the purpose of selling them to a consumer;

**"ungraded eggs"** means eggs in containers which are not marked with one of the grades referred to in section 2 (1);

**"weight"** means the net weight of a box or case of shell eggs;

**"wholesaler"** means a person other than a producer who sells eggs to

(a) a retailer, or

(b) any person in quantities of 15 dozen or more for use as food or in the preparation of food, or

(c) an egg product station.

[am. B.C. Reg. 263/85, s. 1.]

#### **Application of regulation**

**2 (1)** Except as provided in this regulation all containers of eggs sold, offered for sale or held in possession for sale in the Province shall be marked with one of the following grades and shall conform with the *Canada Agricultural Products Act* and the regulations under it with respect to that grade:

(a) Canada A-1 Extra Size;

- (b) Canada A-1 Large Size;
- (c) Canada A-1 Medium Size;
- (d) Canada A-1 Small Size;
- (e) Canada A Extra Large Size;
- (f) Canada A Large Size;
- (g) Canada A Medium Size;
- (h) Canada A Small Size;
- (i) Canada A Pee Wee Size;
- (j) Canada B;
- (k) Canada C.

(2) This regulation does not apply to a producer who produces and sells eggs direct to a consumer at the producer's farm or place of residence.

(3) No person shall sell, offer for sale or send or convey from one place to another eggs marked Canada C, except to an egg product station for the purpose of processing into egg product.

(4) Section 2 (1) does not apply to eggs marked with the name of a foreign country and the name of a grade of that country, provided the eggs meet the standard for the Canada grade equivalent to the grade name of the eggs.

#### **Ungraded eggs**

**3** (1) No person shall, for the purpose of reselling them, purchase or otherwise obtain ungraded eggs from a producer without a valid and subsisting licence to purchase ungraded eggs.

(2) No person shall sell, offer for sale or process ungraded eggs or send or convey them from one place to another other than

(a) a producer sending or conveying eggs produced on his farm to an egg station or an egg product station, or

(b) with the prior written approval of a producer, an egg station sending or conveying ungraded eggs received by it from the producer to an egg product station for processing.

(3) An egg station or egg product station shall clearly identify each producer's eggs received by it.

(4) An egg station shall keep each producer's eggs separate from those of any other producer while grading them and a bench count record shall be completed at the time of grading and on such forms as the Lieutenant Governor in Council may prescribe.

(5) Containers and trays in which ungraded eggs are packed for shipment to a licensee shall be reasonably clean and sound in construction.

(6) No person shall

- (a) grade eggs produced on his own farm,
- (b) sell or offer for sale graded eggs produced on his own farm, or
- (c) possess for the purpose of selling graded eggs produced on his own farm

unless he holds a valid and subsisting producer grader licence issued by the minister.

(7) A room used by a producer grader for the grading and holding of eggs shall be,

- (a) sound in construction, clean and in good repair,
- (b) separated from any source of odours that may affect the flavour or taste of the eggs,
- (c) adequate in size for the volume of eggs graded,
- (d) constructed of materials that will permit thorough cleaning of the floor, walls and ceiling,
- (e) where eggs are washed, equipped with an adequate supply of potable water,
- (f) kept clean and free from mice, rats and other vermin, and
- (g) maintained at a temperature below 18° C.

(8) Eggs graded by a producer grader that fail to meet the requirements of a grade referred to in section 2 (1) shall be destroyed or packed in containers bearing the words "Rejects — Not for Human Consumption".

[am. B.C. Reg. 263/85, s. 2]

## **Records**

**4** (1) The operator of an egg station or an egg product station shall maintain complete records including a grading statement for each lot of eggs received from a producer containing

- (a) name, address and registration number of the egg station or egg product station,
- (b) name and address of the producer,
- (c) date of receipt of the eggs,
- (d) quantity of eggs received,
- (e) date of grading or processing,
- (f) date of payment,
- (g) amount of advance payment, if any
- (h) quantity of eggs graded into each grade or quantity and weight processed,
- (i) the price for each grade, or for the quantity and weight processed, and
- (j) the total value of the eggs.

(2) Every producer grader shall make a report to the District Supervisor, Poultry Division, Agriculture Canada each week on a form prescribed under the *Canada Agricultural Products Act* disclosing the number of eggs graded during that week, the grades of such eggs and such other information as may be requested.

(3) The operator of an egg station or an egg product station shall retain at his place of business for a period of 90 days after payment, one copy of each grading statement.

#### **Payment by egg stations**

**5** (1) Egg stations shall pay for ungraded eggs on a graded basis or on a weight basis but where the egg station

(a) grades the eggs in accordance with section 2 (1),

(b) places them in the highest qualifying grades, and

(c) sells each grade at a different price, unless the current market price is the same for 2 grades, in which case they are sold at the same price,

it shall pay for the eggs on a graded basis.

(2) Egg product stations shall pay for ungraded eggs on a weight basis.

(3) The operator of an egg station or egg product station shall, within 10 days after receiving ungraded eggs,

(a) furnish to the person who shipped the ungraded eggs to the station a copy of the grading statement or statement of quantity and weight of eggs processed, and

(b) make payment or final settlement for the eggs received.

#### **Security for payment**

**6** (1) An applicant for a licence to purchase ungraded eggs shall furnish, and a holder of a licence to purchase ungraded eggs shall maintain, security in the form of a bond of a surety licensed under the *Insurance Act*, for the payment of money payable to a producer for ungraded eggs purchased by or through the holder of the licence, in the following amounts:

(a) for an annual purchase of \$100 to \$30 000, a bond of \$3 000;

(b) for an annual purchase of more than \$30 000 to \$60 000, a bond of \$6 000;

(c) for an annual purchase of more than \$60 000 to \$100 000, a bond of \$10 000;

(d) for an annual purchase of more than \$100 000, a bond of \$20 000.

(2) The *Bonding Act* applies to a bond obtained to comply with this section.

(3) No change shall be made in the penal sum of a bond during a licence period except with the consent, or at the demand, of the minister.

(4) Where a bond furnished or maintained under subsection (1) becomes impaired by a payment made from it or ceases to be in effect, the licence is ipso facto suspended pending the furnishing or renewal of the bond and the licensee shall forthwith deliver the licence to the minister.

(5) The minister shall cancel the licence where, after the expiration of one month from the date of suspension, the licensee has failed to furnish or renew the bond.

(6) Where a licensee fails to deliver the licence to the minister under subsection (4), the minister may cause a peace officer to recover possession of the licence.

### **Licensing**

**7** (1) An application for a licence or renewal of a licence to purchase ungraded eggs shall be accompanied by

(a) the fee provided in Schedule A, and

(b) a bond referred to in section 6 (1).

(1.1) An application for a producer grader licence or renewal of a producer grader licence shall be accompanied by the fee provided in Schedule A.

(2) An application for renewal of a licence shall be made by November 30.

(3) The term of the licence is from January 1 or the date of issuance, as the case may be, to December 31.

[am. B.C. Reg. 263/85, s. 3.]

### **Branch licence**

**8** No licence holder shall operate at more than one location unless he is the holder of a valid and subsisting licence for each branch premises.

### **Wholesalers**

**9** (1) No person shall act as a wholesaler of eggs unless he is a producer or the operator of an egg station or is licenced by the minister to operate an egg wholesale station.

(2) An egg wholesale station, in order to qualify for a licence, shall be

(a) of sound construction, clean and sanitary, and maintained in good repair,

(b) of sufficient size to adequately accommodate the volume of eggs handled,

(c) of such material, construction and finish as to permit easy and thorough cleaning,

(d) separated from any room or premises used for the manufacturing, storing or holding of any commodity that may emit odours that may affect the flavour or taste of eggs,

(e) equipped with artificial refrigeration operated by mechanical means of a type and capacity adequate to the needs of the station, and

(f) equipped with a tested thermometer and maintained at a temperature not exceeding 13° C.



## Advertising

- 10** (1) For the purposes of this section, "**advertisement**" includes a carton or card displayed with eggs in a retail store.
- (2) No person shall publish an untrue, deceptive, or misleading advertisement or statement with respect to eggs offered for sale or held for sale or distribution.
- (3) In an advertisement in which the price appears, the grade shall be stated in letters of at least equal size and prominence to those of the price.
- (4) No person shall, in an advertisement offering eggs for sale, state or use words or phrases implying that the eggs of the grade advertised are superior in condition or quality to that required for eggs of that grade.

## Licences for rejects

- 11** (1) No person shall sell or offer for sale rejects without a licence from the minister.
- (2) An application for a licence to sell rejects shall be accompanied by the fee provided in Schedule A.
- (3) A licence to sell rejects shall
- (a) only be issued to a producer or the operator of an egg station or egg product station,
  - (b) not be transferable, and
  - (c) remain in force until the 31st day of December next following the day of issue, unless sooner cancelled, suspended or surrendered.
- (4) The holder of a licence to sell rejects shall
- (a) keep a record of the sale of all rejects showing
    - (i) the name and address of the purchaser of each lot of rejects sold,
    - (ii) the quantity of eggs in each lot, and
    - (iii) the date of sale, and
  - (b) retain the record made pursuant to paragraph (a) for not less than 90 days after the date of the sale.
- (5) A container that contains rejects shall be marked as follows:
- (a) on one line in letters not less than 12 mm in height the words "Rejects — Not for Human Consumption";
  - (b) on another line in letters not less than 6 mm in height the name and address of the egg station, producer or the egg product station.
- (6) The markings referred to in subsection (5) shall be printed, stamped or stencilled on the container or printed in black lettering on a brown tag not less than 75 mm by 150 mm in size that is affixed securely to the container.

- (7) No person shall purchase or otherwise obtain rejects
- (a) for resale, or
  - (b) in an amount exceeding 15 dozen eggs in any one calendar month without a licence from the minister.
- (8) An application for a licence to purchase rejects shall be accompanied by the fee provided in Schedule A.
- (9) A licence to purchase rejects shall
- (a) not be transferable, and
  - (b) remain in force until the 31st of December next following the date of issue, unless sooner cancelled, suspended or surrendered.
- (10) The holder of a licence to purchase rejects shall, on or before the 15th day of each month, furnish a statement to the inspector showing
- (a) the quantity of rejects purchased or otherwise obtained during the previous calendar month,
  - (b) the names and addresses of the persons from whom the rejects were purchased or otherwise obtained and the dates of purchasing or otherwise obtaining the rejects, and
  - (c) the purpose for which the rejects were purchased or otherwise obtained.
- (11) No person shall purchase or sell or offer for sale rejects for use as food, or in the preparation of food, for human consumption.

#### **Detention**

**12** (1) An inspector may place under detention eggs or containers that do not comply with the Act or this regulation by attaching to at least one container of the lot a numbered tag, hereinafter referred to as a "detention tag", on which shall be clearly written

- (a) the words "Under Detention — Ministry of Agriculture, Fisheries and Food, Province of British Columbia",
  - (b) a detention number given by the inspector,
  - (c) a brief description of the lot being detained,
  - (d) the reason for detention,
  - (e) the date of detention, and
  - (f) the inspector's signature.
- (2) Where the eggs are not in a container, an inspector may require the owner to place the eggs in a container and the container shall be marked in accordance with subsection (1).
- (3) Immediately after attaching the detention tag the inspector shall deliver or mail to the owner of the eggs or egg product or his agent a notice of detention and, where the eggs or egg product are on premises other than that of the owner, a copy of the notice of detention

shall also be delivered or mailed to the person on whose premises the eggs or egg product are located.

(4) An inspector may make such orders and give such directions as he considers necessary for the proper preservation and safeguarding of eggs or egg product on which a detention tag has been placed and a person to whom such an order is made or direction given shall comply with its terms.

(5) Except as authorized by an inspector, no person shall alter or remove a detention tag placed on a container by an inspector.

(6) Except as authorized in writing by an inspector, no person shall remove, sell, or otherwise dispose of any eggs or egg product contained in a lot on which a detention tag has been placed by an inspector.

(7) Where an inspector is satisfied that eggs or egg product held under detention comply with this regulation, he shall complete a notice of release.

(8) The inspector shall deliver or mail a copy of the notice of release to the owner of the eggs or egg product and a copy to the person on whose premises the eggs or egg product are located.

#### **Offence**

**13** A person who contravenes section 2 (3), 3 (1) to (4) and (6), 4 (1) to (3), 6 (1) and (4), 8, 9 (1), 10 (2) to (4), 11 (1), (4), (7), (10) and (11) or 12 (4) and (5) commits an offence.

#### **Schedule A**

##### **Licence Fees**

1	Licence or renewal of a licence to purchase ungraded eggs and/or to sell or buy rejects.	\$45
..	..	..
1.1	Producer grader licence or renewal of a producer grader licence. ....	45
2	Licence or renewal of a licence for branch premises. ....	23
3	For amendment, transfer or reinstatement of licence. ....	23
4	Where the application for a licence is made on or after July 1, 1/2 of the annual licence fee shall be payable.	

[am. B.C. Regs. 263/85, s. 4; 140/88; 481/90.]

[Provisions of the *Agricultural Produce Grading Act*, RSBC 1996 , c. 11, relevant to the enactment of this regulation: section 14]

---

*Agricultural Produce Grading Act*

**VEAL GRADING REGULATION**

**Grade names**

**1** There shall be 10 grades for veal with grade names Canada A1, Canada A2, Canada A3, Canada A4, Canada B1, Canada B2, Canada B3, Canada B4, Canada C1 and Canada C2.

**Marking requirements**

**2** An inspector shall grade and mark veal under the *Agricultural Produce Grading Act* in accordance with the standards set out in sections 6 to 8 of the Veal Carcass Grading Regulation, SOR/84-434.

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996 , c. 11, relevant to the enactment of this regulation: sections 1, 7, 14]

---

*Agricultural Produce Grading Act*

**WOOL GRADING REGULATION**

**Application of standards**

**1** The grading of wool by numbered British Columbia grades shall be done by applying the standards for the corresponding numbered Canada grades, imposed by the *Canada Agricultural Products Act* and the regulations under it.

[Provisions of the *Agricultural Produce Grading Act*, R.S.B.C. 1996, c. 11, relevant to the enactment of this regulation: section 14]