

The Dairy Manufacturing Plant Regulations

being

Saskatchewan Regulations 53/79 (effective August 1, 1978)
as amended by Saskatchewan Regulations 24/85 and 23/88;
and by the *Statutes of Saskatchewan*, 2000, c.50.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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Editorial Appendix

SASKATCHEWAN REGULATIONS 53/79

The Animal Products Act

Title

- 1 These regulations may be cited as “The Dairy Manufacturing Plant Regulations”.

Interpretations

- 2 In these regulations:

- (a) “**Act**” means The Animal Products Act, 1978;
- (b) “**administrator**” means the person who manages or directs dairy programs for the Animal Industry Branch of the department;
- (c) “**analyst**” means an analyst employed or appointed by the Province of Saskatchewan or the Government of Canada and having authority to make analyses for public purposes;
- (d) “**3-A sanitary standards**” means the standards of fabrication and design for dairy equipment formulated by the International Association of Milk, Food and Environmental Sanitarians, the United States Public Health Service and the Dairy Industry Committee, as amended from time to time;
- (e) “**bacterial culture**” means a growth of harmless, acid and aroma producing bacteria;
- (f) “**brand**” means a mark, stencil, stamp, label or writing placed on any dairy product;
- (g) “**butter**” or “**creamery butter**” means butter manufactured in a creamery from pasteurized milk fat and containing no substance other than water, milk solids, bacterial culture, common salt and colouring matter;
- (h) “**Canada Dairy Products Regulations**” means the regulations, as amended from time to time, established under The Canada Dairy Products Act, as amended from time to time;
- (i) “**cheddar cheese**” means cheese made from the matted and milled curd of milk by the cheddar process, or from milk by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the cheddar process, and may contain a bacterial culture or a colouring matter approved under the Food and Drug Regulations (Canada) and shall contain on a dry matter basis not less than 50 percent milk fat;
- (j) “**cheese factory**” means a place where milk is received and manufactured into cheese;

- (k) “**composite sample**” means a sample comprising two or more representative samples of milk or cream taken over a determined time period, and which accurately represents the total volume with respect to composition thereof;
- (l) “**cream**” means that portion of milk, rich in milk fat, which rises to the surface of milk upon standing, or which is separated from it by centrifugal force, and shall contain not less than 18 percent milk fat;
- (m) “**creamery**” means a place where milk or cream is received and manufactured into butter;
- (n) “**cream receiving station**” means a place where cream is received and purchased for the purpose of being forwarded to a dairy manufacturing plant for processing or manufacturing;
- (o) “**dairy blend**” means a product manufactured as a food spread from pasteurized milk fat and vegetable oil containing no substance other than water, milk solids, salt, food and preservatives, colouring matter, artificial flavours and vitamin D, and where the vegetable oil content is more than 40 percent, shall also contain vitamin A;
- (p) “**dairy butter**” or “**farm butter**” means butter made on a farm or a place not licensed as a dairy manufacturing plant;
- (q) “**dairy manufacturing plant**” means a place where any dairy product is pasteurized, standardized, dehydrated or otherwise processed and shall include a cheese factory, a creamery, a cream receiving station and an ice cream plant;
- (r) “**dairy manufacturing plant operator**” means a person in charge of a dairy manufacturing plant and includes the owner thereof;
- (s) “**dairy producer**” means a person who supplies milk to a dairy manufacturing plant
- (t) “**dairy product**” or “**milk product**” means milk, cream, butter, cheese, ice cream, condensed milk, evaporated milk, milk powder, dry milk, malted milk, milk shake mix, ice milk, sherbet, yogurt or any other product manufactured wholly or mainly from milk;
- (u) “**department**” means the Department of Agriculture for the Province of Saskatchewan;
- (v) “**director**” means the Director of the Animal Industry Branch of the department;
- (w) “**Food and Drug Regulations**” means the regulations, as amended from time to time, established under The Food and Drug Act (Canada), as amended from time to time;
- (x) “**homogenized milk**” means milk which has been subjected to a mechanical process to prevent visible separation of milk fat in milk;

- (y) **“ice cream mix”** means the combination of cream, milk or other milk products with or without the addition of flavouring, fruits, nuts or confections, and may also contain stabilizers and emulsifiers approved under The Food and Drug Act, which, when frozen produces ice cream;
- (z) **“ice cream plant”** means a building, room or portion thereof wherein ice cream is manufactured;
- (aa) **“imitation dairy product”** means any food substance other than a dairy product, of whatever origin, source or composition, which is manufactured for human consumption and for the same use as or in semblance of a dairy product, and which is manufactured wholly or in part from any fat or oil other than that of milk;
- (bb) **“inspector”** means any person appointed as or authorized to be an inspector under the Act;
- (cc) **“licensee”** means a person licensed under these regulations;
- (dd) **“margarine”** means any food substance other than butter, whatever origin, source or composition, which is manufactured for the same use as or as a substitute for butter;
- (ee) **“marketing”** or **“market”** includes selling offering for sale, advertising, assembling, sorting, shipping or transporting in any manner;
- (ff) **“milk”** means the natural lacteal secretion obtained from one or more lactating females of the bovine species and includes cream, skim milk or any other portion of milk;
- (gg) **“milk fat”** or **“butterfat”** means the fat of milk;
- (hh) **“milk transport operator”** means the driver-operator of a milk transportation unit;
- (ii) **“official sample”** means a homogeneous sample of at least 100 ml of milk transferred aseptically to a sterile container by any person authorized or approved by the administrator from any milk supply and maintained at a temperature between 1° and 4°C for testing in accordance with standard methods;
- (jj) **“pasteurization”** or **“pasteurize”** means the process for destroying pathogenic bacteria which may be present in milk by heating to temperatures and holding for time periods as follows:
- (i) 63°C for 30 minutes, then cooled; or
 - (ii) 72°C for 16 seconds, then cooled; or
 - (iii) any other temperature and time as approved by the administrator;
- (kk) **“reconstituted milk”** means milk resulting from the combining of whole milk constituents with water;

(ll) “**representative sample**” means a homogeneous sample of at least 100 ml of milk transferred aseptically to a sterile sample container by a milk transport operator from a dairy producer’s milk supply after the milk has been agitated for a period of not less than five minutes and maintained at a temperature between 1 and 4°C, for submission to a laboratory approved by the administrator for testing in accordance with standard methods;

(mm) “**standard methods**” means the most recently published “Standard Methods for the Examination of Dairy Products”, as amended from time to time, and approved for publication by the American Public Health Association;

(nn) “metric units used herein shall be construed with reference to The International System of Units (SI); and

(oo) words not herein defined shall be construed with reference to the interpretations of the Act, the Milk Transportation Regulations, the Dairy Product Grading Regulations, and the Dairy Producers Regulations, such regulations made under the Act.

2 Mar 79 SR 53/79 s2; 13 May 88 SR 23/88 s2.

Licensing

3(1) No person shall carry on business as a dairy manufacturing plant operator in Saskatchewan unless he is the holder of a valid and subsisting licence issued under these regulations.

(2) Licences shall be in the form issued by the department and signed by the minister.

(3) Every person who operates more than one stationary, permanent place of business shall obtain a branch licence for each such place of business.

(4) No licence shall be transferrable.

(5) Every licence shall, unless previously cancelled or suspended, expire on the date indicated on the licence.

2 Mar 79 SR 53/79 s3; 2000, c.50, s.31.

Licences and bonds under The Dairy Products Act

4(1) Licences issued and bonds furnished under regulations made under The Dairy Products Act and filed as Saskatchewan Regulation 219/70 shall continue and be subject to these regulations and be deemed to have been issued and furnished under and meet the requirements of these regulations and such licences shall continue to be in force until December 31, 1978, unless sooner suspended or cancelled pursuant to these regulations.

(2) Notwithstanding anything in these regulations to the contrary, bonds furnished under regulations made under The Dairy Products Act and filed as Saskatchewan Regulation 219/70 and continuing pursuant to subsection (1), shall be subject to the terms, conditions and limitations as prescribed in the regulations made under The Dairy Products Act and filed as Saskatchewan Regulations 219/70 notwithstanding the repeal of regulations made under The Dairy Products Act and filed as Saskatchewan Regulation 219/70.

2 Mar 79 SR 53/79 s4.

Conditions respecting licensing of dairy manufacturing plants

- 5(1) Every person required to be licensed under these regulations shall make application to the director for a licence in the form issued by the department.
- (2) Upon application, payment of the prescribed fee and fulfilment of other obligations under these regulations, the minister may issue a dairy manufacturing plant licence to the applicant.
- (3) The minister may refuse any application for a new dairy manufacturing plant licence or the renewal of an existing licence where a licensee has failed to comply with any of the provisions of the Act or these regulations regulating such a person.
- (4) Every licensee shall, at all times, comply with these regulations.

2 Mar 79 SR 53/79 s5; 2000, c.50, s.31.

Bonding of dairy manufacturing plants

- 6(1) Before a dairy manufacturing plant licence is issued to a dairy manufacturing plant operator, the licensee as principal may be required by the director to furnish a bond in favour of Her Majesty the Queen in Right of Saskatchewan with a surety in such form and under and subject to such conditions as are prescribed under these regulations and any amendment or substitution to these regulations, such bond to be approved by the director and to be in the penal amount not in excess of \$5,000 for any dairy manufacturing plant.
- (2) The bond furnished under the provisions of subsection (1) shall cover operations during the period prior to the expiration of the dairy manufacturing plant licence and, if a claim is made or paid under the bond, upon such event, the licensee who furnished the bond shall forthwith furnish a new bond satisfactory to the director.
- (3) The form and conditions of the bond to be furnished by a dairy manufacturing plant operator shall be in Form A in the schedule to these regulations.
- (4) To every bond to be furnished by a dairy manufacturing plant operator under these regulations, except a bond furnished by a corporate dairy manufacturing plant, executed under its corporate seal, there shall be annexed an Affidavit of Witness in Form B in the schedule to these regulations made by the attesting witness to the execution of the bond by the dairy manufacturing plant operator.

2 Mar 79 SR 53/79 s6.

Surety and bond payment

- 7(1) Where the director finds that a dairy manufacturing plant operator has failed to pay a person the full amount due him for milk or cream as specified in sections 11 and 12, he may require the sureties to pay the deficiency and, in default of their doing so, may take proceedings to enforce the bond for the benefit of the person or he may assign the bond to the person, if deemed expedient.
- (2) Where a dairy manufacturing plant operator has made an assignment for the general benefit of creditors or has been adjudged a bankrupt, the director may assign the bond to the trustee in bankruptcy or to the receiver for the benefit of unpaid persons specified in subsection (1).

2 Mar 79 SR 53/79 s7.

Licensing fees

8(1) The fee for a new licence shall be \$30.

(2) The fee for the renewal of a licence shall be \$30 where the prescribed fee and the application for a licence renewal made by the applicant, who holds a valid and subsisting licence, is received by the director by November 30 or such later date approved or authorized by the director with respect to any application.

(3) The fee for the renewal of a licence made by an applicant holding a valid and subsisting licence shall be \$60 with respect to any application received by the director after November 30 and which date has not been extended by the director under subsection (2).

2 Mar 79 SR 53/79 s8; 26 Apr 85 SR 24/85 s2.

Licences to be displayed

9(1) Every licensee shall ensure that his licence is displayed at all times in a conspicuous place in the dairy manufacturing plant.

(2) Every licensee shall ensure that the licences of his graders testers and milk transport operators are displayed at all times in the dairy manufacturing plant.

2 Mar 79 SR 53/79 s9.

Suspension or cancellation of licences

10 Where a licensee has failed to comply with any of the provisions of the Act or of these regulations regulating the licensee, the minister may:

(a) suspend the licence and, in such case, such notice of suspension in writing shall be given to the licensee and the licensee shall surrender forthwith his licence to the director;

(b) reinstate a suspended licence if the licensee, within 30 days of the notice of his suspension, furnishes evidence to the satisfaction of the director that he can comply with the provisions of these regulations on account of which the licence was suspended and the director shall give to the licensee notice in writing that his licence has been removed from suspense, together with the reinstatement of the licence; or

(c) where the licence has not been removed from suspense within the 30 days referred to in clause (b), cancel the licence and the director shall give notice of the cancellation to the licensee by registered mail.

2 Mar 79 SR 53/79 s10; 2000, c.50, s.31.

Payment and statements to a dairy producer for milk

11(1) Every licensee shall, on or before the 15th day of each month, make final payment of the full amount payable to each dairy producer for milk received during the previous month.

(2) Notwithstanding subsection (1), an interim payment may be made for milk received during the first 15 days of a month.

(3) Every licensee shall provide a statement with each final payment to a dairy producer and each statement shall include:

- (a) the milk shipping period which the statement covers;
- (b) the quantity, in kg, of milk supplied by him during the period;
- (c) the grade of milk if payment is based on grade;
- (d) the percent milk fat of the milk shown to the second decimal place; and
- (e) the payment rate per 100 kg of milk.

2 Mar 79 SR 53/79 s11.

Payment and statements to persons for cream

12 Every licensee shall, at intervals of not more than 14 days, pay each person the full amount due him for cream purchased and shall, with every payment, provide a statement showing:

- (a) the cream shipping period which the statement covers;
- (b) the quantity, in kg, of cream supplied by him during the period;
- (c) the butterfat content, in kg, of such cream;
- (d) the grade of such cream;
- (e) the percent milk fat of the cream shown to the first decimal place; and
- (f) the payment rate per kg of milk fat.

2 Mar 79 SR 53/79 s12.

Price differentials for cream

13 A dairy manufacturing plant operator shall ensure that the following minimum price differentials shall apply in the purchase of all cream of the different grades specified;

- (a) a premium of at least \$0.15 per kg of milk fat shall be paid for special grade cream over first grade cream; and
- (b) a premium of at least \$0.10 per kg of milk fat shall be paid for first grade cream over second grade cream.

2 Mar 79 SR 53/79 s13.

Permit to establish a plant and appointment of a board

14(1) A person desiring to establish a dairy manufacturing plant shall make application to the minister for a permit to do so.

(2) The minister shall appoint a board consisting of three members to which the minister shall submit all applications received by him for permits to establish a dairy manufacturing plant.

(3) Upon receipt of an application, the board shall inquire as to the necessity for the proposed dairy manufacturing plant having regard to the potential volume of production, the market feasibility and such other factors as may affect the development of the dairy industry in the area proposed to be served, and shall make such recommendation to the minister as it determines.

(4) Upon the recommendation of the board, the minister may grant a permit for the establishment of a plant.

2 Mar 79 SR 53/79 s14.

Remuneration for board

15 The members of the board shall receive such remuneration as the minister may determine.

2 Mar 79 SR 53/79 s15.

Granting of a permit

16(1) No person shall, for the purposes of operating a dairy manufacturing plant, erect a building or establish a dairy manufacturing plant in an existing building unless the site thereof and the plans and specifications therefor have first been approved by the minister.

(2) A person to whom a permit has been granted under subsection (4) of section 14 shall show progress toward establishment of the dairy manufacturing plant, satisfactory to the minister, within six months from the date of issuance of the permit and, if such person fails to do so, the permit may be cancelled forthwith.

2 Mar 79 SR 53/79 s16.

Criteria for dairy manufacturing plants

17 Every licensee shall ensure that his dairy manufacturing plant is designed and continuously maintained to meet the following standards and requirements:

- (a) the surroundings are well drained and kept free of any source of pollution including decayed garbage, vermin, flies, insects or rodents;
- (b) the building exterior is of sound construction and well maintained;
- (c) the water supply used in the preparation or processing of food products is of potable quality;
- (d) the walls and ceilings of rooms or buildings in which dairy products are processed, manufactured or stored are constructed of a smooth impervious material which is light in colour;
- (e) the floors shall be sloped to trapped drains in a manner which prevents pooling or entrapment of liquids;
- (f) the level of illumination:
 - (i) on a task is not less than 300 lux in all areas where food products are prepared, processed, packaged or stored;
 - (ii) is not less than 1000 lux in inspection areas; and lights shall have a shatterproof protective covering;

- (g) ventilation in all processing areas is adequate to keep the walls and ceilings relatively free of condensation and offensive odours;
- (h) outside openings are effectively screened or otherwise protected against the entrance of flies, insects, rodents and vermin;
- (i) separate lavatories and dressing rooms are provided for males and females unless otherwise approved by the administrator; and
 - (i) they are separate from rooms in which dairy products are processed or handled;
 - (ii) the door from a lavatory does not open directly into or be directly accessible from a processing area; and
 - (iii) they are kept clean and mechanically ventilated to the outside;
- (j) dressing rooms are equipped with individual lockers for storing employees' personal effects;
- (k) every room in which dairy products are handled, processed, manufactured or stored, including dry storage areas, is well maintained, kept clean and free of dust, debris or any other source of contamination; and
- (l) hand washing facilities complete with hot and cold water, detergent, sanitary towels and covered receptacles are located convenient to all working areas where dairy products are manufactured.

2 Mar 79 SR 53/79 s17.

Dairy manufacturing plant operational standards

18 Every licensee shall ensure that his dairy manufacturing plant meets the following operational standards and requirements:

- (a) the product contact surface of all equipment used in the handling, processing, manufacturing or storage of dairy products conforms to 3-A sanitary standards or otherwise is approved by the administrator;
- (b) milk received from dairy producers is stored at a temperature of between 1 and 4°C until processed;
- (c) milk storage tanks are:
 - (i) designed to hold the product between 1 and 4°C;
 - (ii) equipped with a thermometer which is accurate within 1°C; and
 - (iii) cleaned and sanitized at least once every 72 hours and each time the tank is emptied, unless otherwise approved by the administrator;
- (d) the ingredients used in the manufacture of dairy products are pasteurized unless otherwise approved by the administrator;
- (e) the pasteurization process for dairy products is in accordance with accepted practices and the method employed is subject to the approval of the administrator;
- (f) pasteurization equipment is designed, maintained and operated in accordance with 3-A sanitary standards;

- (g) pasteurization equipment is provided with:
 - (i) an indicating thermometer which is accurate within 1°C; and
 - (ii) unless otherwise approved, a recording thermometer that corresponds to the indicating thermometer at pasteurizing temperatures;
- (h) a daily chart for the recording thermometer includes the following information:
 - (i) the date of pasteurization;
 - (ii) product identification; and
 - (iii) signature of the operator of the pasteurization equipment;
- (i) daily recording thermometer charts are kept for a period of 90 days;
- (j)
 - (i) all equipment used in the manufacture of dairy products is maintained in a sanitary condition;
 - (ii) equipment which is not designed for cleaning in place is disassembled and cleaned after each day's use;
 - (ii) all equipment used in the manufacture of dairy products is effectively sanitized before use;
 - (iv) corroded or defective equipment is not used; and
- (k) dairy products are stored at temperatures and under such conditions as are conducive to maintaining their quality.

2 Mar 79 SR 53/79 s18.

Sanitary standards respecting dairy manufacturing plant employees

19 Every licensee shall ensure that those persons directly employed in the handling and preparation of dairy products in his dairy manufacturing plant meet the following conditions:

- (a) be cleanly in his habits;
- (b) keep his hands clean while engaged in work;
- (c) wear clean washable outer garments that are free of buttons or pockets above the waist;
- (d) wear protective hair and beard covering;
- (e) refrain from any unsanitary practice that may result in contamination of a food product;
- (f) be free of any communicable disease; and
- (g) provide upon request an annual medical health certificate.

2 Mar 79 SR 53/79 s19.

Reporting and records to be maintained

20(1) Every licensee shall furnish the department with such statistical data respecting milk purchases and other information pertaining to his dairy manufacturing plant in such form and at such times as the administrator may direct.

(2) Subject to subsection (1), every licensee shall make in such form as the administrator may direct a return each month showing:

- (a) (i) the number of kg of milk fat purchased from producers as cream;
- (ii) the number of kg of cream in each grade; and
- (iii) the amount, by grade, paid to producers for the cream purchased;
- (b) (i) the number of kg of cream received or purchased from another dairy manufacturing plant; and
- (ii) the kg of milk fat, the receipts in each grade;
- (c) (i) for the cream received or purchased, its disposition, in kg, for:
 - (i) buttermaking;
 - (ii) ice cream production;
 - (iii) domestic trade; or
 - (iv) transfer to some other point.

2 Mar 79 SR 53/79 s20.

Standards of composition in the manufacture or marketing of dairy products

21 A licensee shall ensure that dairy products manufactured or marketed by him meet the following standards of composition:

- (a) **“butter”** shall be made from pasteurized milk fat and shall contain not less than 80.0 percent milk fat.
- (b) **“butter-margarine blend”** or **“margarine-butter blend”** shall be either of the following dairy blend formulations:
 - (i) 50/50 type shall contain, by weight, not less than 40.0 percent milk fat and not less than 40.0 percent vegetable oil; or
 - (ii) 80/20 type shall contain, by weight, not less than 64.0 percent vegetable oil and not less than 16.0 percent milk fat.
- (c) **“buttermilk”** shall be milk or re-constituted milk in which lactic acid has been produced by aid of bacterial culture or other chemical method as approved by the administrator.
- (d) **“buttermilk powder”** or **“powdered buttermilk”** shall be the product obtained after buttermilk has been subjected to a drying process and shall contain not less than 95.0 percent milk solids.
- (e) **“cottage cheese”** shall be made from dairy products and shall contain not more than 80.0 percent water and 0.5 percent stabilizing agent.

- (f) **“creamed cottage cheese”** shall be cottage cheese containing cream or a mixture of cream with milk or skim milk, or both, in such quantity that the final product shall contain not less than 4.0 percent milk fat and not more than 80.0 percent water.
- (g) **“ice cream”** shall be the frozen food made from ice cream mix and shall contain not less than 36.0 percent milk solids and 10.0 percent milk fat, or where cocoa, chocolate syrup, fruits, nuts or confections have been added, not less than 8.0 percent milk fat.
- (h) **“ice milk”** shall be the frozen food made from dairy products and shall contain not less than 33.0 percent solids and not less than 3.0 percent and not more than 5.0 percent milk fat.
- (i) **“(naming the flavour) milk”** shall be a product made from dairy products with the addition of a flavouring preparation and shall contain not less than 3.0 percent milk fat and added vitamin D.
- (j) **“(naming the flavour) partly skimmed milk”** shall be the product made from dairy products with the addition of a flavouring preparation and shall contain not less than 0.3 percent and not more than 3.0 percent milk fat and added vitamins A and D.
- (k) **“(naming the flavour) skim milk”** shall be a product made from dairy products with the addition of a flavouring preparation and shall contain not more than 0.3 percent milk fat and added vitamins A and D.
- (l) **“partly skimmed milk”** shall be milk in which the milk fat content is not less than 2.0 percent and shall contain added vitamins A and D.
- (m) **“partly skimmed milk with added milk solids”** shall contain not less than 10.0 percent milk solids not including fat and have added vitamins A and D.
- (n) **“pasteurized milk”** shall be milk which contains not less than 3.25 percent milk fat and not less than 8.0 percent solids other than milk fat and added vitamin D.
- (o) **“skim milk”** shall be milk which contains not more than 0.3 percent milk fat and added vitamins A and D.
- (p) **“skim milk with added milk solids”** shall contain not less than 10.0 percent milk solids and not more than 0.3 percent milk fat and added vitamins A and D.
- (q) **“skim milk powder”** shall be the product obtained when skim percent milk solids and skimmilk powder, skimmed milk powder, dry skim milk, dry skimmed milk, powder skim milk, powdered skim milk or powdered skimmed milk shall have the same meaning.
- (r) **“substandard cream”** shall be cream standardized to contain not less than 10.0 percent milk fat, and the milk fat content shall appear in plainly legible characters on a label affixed to the container, the bottle cap or on the main panel.

- (s) “**whey powder**” shall be the product obtained when whey is subjected to a drying process and shall contain not less than 95.0 percent milk solids.
- (t) “**whipping cream**” shall be cream containing not less than 32.0 percent milk fat.
- (u) “**yogurt**” shall be the semi-liquid or frozen dairy product which has been fermented by the addition of bacterial cultures and may contain fruit, fruit juices or other flavouring preparations.

2 Mar 79 SR 53/79 s21.

Canada regulations apply

22 Every person who manufactures or markets any dairy products in Saskatchewan shall at all times comply with the Canada Dairy Products Regulations and The Food and Drug Regulations.

2 Mar 79 SR 53/79 s22.

Canada regulations apply to manufacturing or marketing in Saskatchewan

23(1) For the purpose of establishing grades, standards and regulations governing the use of grade names, grading, issuing of grade certificates and the packing and marking of butter, cheddar cheese and dry skimmed milk powder, all the regulations set forth in Part I, Divisions A, B and C of the Canada Dairy Products Regulations, *mutatis mutandis*, shall apply to these products when manufactured or marketed within the Province of Saskatchewan and the said regulation, *mutatis mutandis*, shall be deemed to be regulations made pursuant to the Act and by reference are hereby incorporated and made part of these regulations in respect of the manufacturing or marketing of the said products in Saskatchewan.

(2) The Canada Dairy Products Regulations and The Food and Drug Regulations, *mutatis mutandis*, insofar as they are not inconsistent with any other regulation in these regulations, shall be deemed to be regulations made pursuant to the Act and by reference are hereby incorporated made pursuant to the Act and by reference are hereby incorporated and made part of these regulations in respect of the manufacturing or marketing of dairy products in Saskatchewan.

2 Mar 79 SR 53/79 s23.

Identification of blends

24(1) Dairy blend formulation types shall contain the words “butter” and “margarine”, and the first named constituent shall indicate the largest numerical proportion, by weight, of milk fat or oil in the formulation.

(2) Notwithstanding subsection (1), where the proportions of butter and margarine are equal, the word “butter” shall always precede the word “margarine”.

(3) All packaged dairy blends shall be prominently identified as either a butter-margarine blend or a margarine-butter blend on the main panel and shall state the formulation type in either words or Arabic numerals which shall be at least the same height as the words “butter-margarine” or “margarine-butter”.

(4) The ingredients in a dairy blend shall be listed together on any panel, other than the bottom panel, in descending order from the largest to the smallest ingredient proportion, by weight, and the fat of milk shall be described only as milk fat.

2 Mar 79 SR 53/79 s24.

Grade name to be advertised

25 Every person who advertises cheddar cheese, butter or skim milk powder for sale or who places a placard upon cheddar cheese, butter or skim milk powder for the purpose of promoting sales within the province shall include in the advertisement or placard respecting the cheddar cheese, butter or skim milk powder, the grade name as prescribed by these regulations.

2 Mar 79 SR 53/79 s25.

Prohibited sales of adulterated or misbranded milk and dairy products

26(1) No person shall market adulterated, misbranded or improperly grade or prepared milk or any dairy product which fails to conform to the applicable definition or standard prescribed by these regulations.

(2) Respecting subsection (1):

(a) milk or any dairy product shall be deemed to be adulterated within the meaning of these regulations where it falls below the standards fixed by, or otherwise fails to conform to, the provisions of these regulations;

(b) milk or any dairy product shall be deemed to be misbranded where there is attached to it when marketed for human consumption a label containing any untrue or misleading name, device or statement, or it is not labelled or marked in accordance with the provisions of these regulations;

(c) any dairy product which does not conform to these regulations found on the premises of a manufacturer, wholesaler or retailer, shall be deemed to be for sale:

(i) where such a product is packaged in consumer-sized packages; or

(ii) where such a product is in bulk or in packages other than consumer-sized packages;

and not labelled "Not for Sale".

2 Mar 79 SR 53/79 s26.

Sample fails to meet standard

27 Where, upon analysis of samples of milk or dairy products taken from any dairy producer or person who buys or markets milk or any dairy product for human consumption, such samples do not conform to the standards prescribed by these regulations the analyst shall issue a certificate stating his findings and the certificate so given shall be prima facie proof of the facts stated therein and of the authority of the person giving or making the certificate and report without any proof of appointment or signature.

2 Mar 79 SR 53/79 s27.

Imitation dairy products prohibited

28(1) No person shall manufacture or market any imitation dairy product.

(2) Notwithstanding subsection (1), the following imitation dairy products shall be exempted:

- (a) butter-margarine or margarine-butter blends; and
- (b) any food product intended for use as a dessert topping or coffee whitener.

2 Mar 79 SR 53/79 s28.

Milk transportation

29 No dairy manufacturing plant operator shall transport or cause to be transported milk other than by a licensed milk transport operator.

2 Mar 79 SR 53/79 s29.

Milk purchases

30 No dairy manufacturing plant operator shall purchase milk from a dairy producer unless the producer is the holder of a valid and subsisting dairy producer's licence.

2 Mar 79 SR 53/79 s30.

Compliance with director's requirements

31 Where, in the opinion of an inspector, the administrator, the director or his designate, a person who is subject to these regulations is in default of any regulation, such person shall comply with such requirements, and within the time the director may specify, to remedy any such default.

2 Mar 79 SR 53/79 s31.

Editorial Appendix

The forms have not been included in this consolidation. This table references the name of the form, the number of the regulation and the date of the Gazette in which it can be found, and the Gazette location of any amendments.

Form	Name	Gazette Information
Form A	Dairy Manufacturing Plant Operator's Bond	2 Mar 79 SR 53/79
Form B	Affidavit of Witness	2 Mar 79 SR 53/79