

Farm Products Marketing Act

R.R.O. 1990, REGULATION 410

Amended to O. Reg. 506/05

FRESH GRAPES — MARKETING

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This is the English version of a bilingual regulation.

1. In this Regulation,

“fresh grapes” means grapes produced in Ontario, other than,

(a) grapes used for processing by a person engaged in the business of processing grapes or late harvest juice, and

(b) grapes used for producing late harvest juice; (“raisin frais”)

“late harvest juice” means juice that is produced in Ontario by a grape producer from late harvest grapes grown by the producer in Ontario and that is used for processing into ice wine, late harvest wine or other wine, beverage spirits, grape products or juice; (“jus de vendange tardive”)

“local board” means The Ontario Fresh Grape Growers’ Marketing Board; (“commission locale”)

“plan” means The Ontario Fresh Grape Growers’ Marketing Plan; (“plan”)

“processing” means,

(a) in relation to grapes, the manufacture of grape products or juice, beverage spirits or wine from grapes and includes bottling, distilling or fermenting or processing with sugar or sulphur dioxide or any other chemical, but does not include the production of late harvest juice,

(b) in relation to late harvest juice, the manufacture of ice wine, late harvest wine or other wine, beverage spirits, grape products or juice from late harvest juice and includes bottling, distilling or fermenting or processing with sugar or sulphur dioxide or any other chemical, but does not include the production of late harvest juice; (“transformation”)

“producer” means a person engaged in the production of fresh grapes. (“producteur”) R.R.O. 1990, Reg. 410, s. 1; O. Reg. 351/00, s. 1.

2. This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of fresh grapes, including the prohibition of such producing and marketing in whole or in part. R.R.O. 1990, Reg. 410, s. 2.

Powers of Local Board

3. The Commission delegates to the local board the power,

(a) to require persons engaged in producing or marketing fresh grapes to register their names, addresses and occupations with the local board;

(b) to require persons engaged in producing or marketing fresh grapes to furnish such information relating to the production or marketing of fresh grapes, including the completing and filing of returns as the local board determines;

(c) to appoint persons to inspect the books, records, documents, lands and premises and any fresh grapes of persons engaged in the marketing of fresh grapes;

(d) to stimulate, increase and improve the marketing of fresh grapes by such means as it considers proper;

(e) to co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing fresh grapes;

(f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the Act, the regulations and the plan. R.R.O. 1990, Reg. 410, s. 3.

4. The Commission delegates to the local board its powers to make regulations with respect to fresh grapes,

(a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing or marketing of fresh grapes;

(b) prohibiting persons from engaging in the producing or marketing of fresh grapes except under the authority of a licence;

(c) providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made;

(d) providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the Act, the regulations, the plan or any order or direction of the local board;

(e) providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing fresh grapes and the collecting of the licence fees and the recovering of such licence fees by suit in a court of competent jurisdiction;

(f) prescribing the form of licences;

(g) providing for the exemption from any or all of the regulations, orders or directions under the plan of any class, variety, grade or size of fresh grapes, or any person or class of persons engaged in the producing or marketing of fresh grapes or any class, variety, grade or size of fresh grapes;

(h) requiring the furnishing of security or proof of financial responsibility from any person engaged in the marketing of fresh grapes and the disposition of any money or securities so furnished;

(h.1) authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing or marketing of fresh grapes;

(i) providing for the control and regulation of the marketing of fresh grapes, including the times and places at which fresh grapes may be marketed;

(j) providing for the control and regulation of agreements entered into by producers of fresh grapes with persons engaged in marketing or processing fresh grapes, and the prohibition of any provision or clause in such agreements;

(k) requiring any person who produces fresh grapes to offer to sell and to sell the fresh grapes through the local board;

(l) prohibiting any person from packing or packaging any fresh grapes that have not been sold by or through the local board; and

(m) providing for the making of agreements relating to the marketing of fresh grapes through the local board, and prescribing the forms and the terms and conditions of such agreements. R.R.O. 1990, Reg. 410, s. 4; O. Reg. 538/91, s. 1; O. Reg. 163/92, s. 1; O. Reg. 405/95, s. 1.

Licence Fees

5. (1) The Commission authorizes the local board to use any class of licence fees, service charges and other money payable to it for the purposes of paying the expenses of the local board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan. R.R.O. 1990, Reg. 410, s. 5 (1).

(2) The Commission authorizes the local board to establish a fund in connection with the plan for the payment of money that may be required for the purposes mentioned in subsection (1). R.R.O. 1990, Reg. 410, s. 5 (2).

Pooling

6. The Commission authorizes the local board to conduct a pool or pools for the distribution of all money received from the sale of fresh grapes and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the money received from the sale in such manner that every producer receives a share of the remainder of the money received from the sale in relation to the amount, class, variety, grade or size of fresh grapes delivered by the producer, and authorizes the local board to make an initial payment on delivery of the fresh grapes and subsequent payments until all of the remainder of the money received from the sale is distributed to the producers. R.R.O. 1990, Reg. 410, s. 6.

Appointment of Agents

7. The Commission authorizes the local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration. R.R.O. 1990, Reg. 410, s. 7.

Marketing by Local Board

8. (1) All fresh grapes shall be marketed by or through the local board. R.R.O. 1990, Reg. 410, s. 8 (1).

(2) No person shall market fresh grapes except by or through the local board. R.R.O. 1990, Reg. 410, s. 8 (2).

9. (1) The Commission vests in the local board the following powers:

1. To direct and control, by order or direction, either as principal or agent, the marketing of fresh grapes including the times and places at which fresh grapes may be marketed.

2. To determine the quality of each class, variety, grade and size of fresh grapes that shall be marketed by each producer.

3. To prohibit the marketing of any class, variety, grade or size of fresh grapes.
 4. To determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for fresh grapes or any class, variety, grade or size of fresh grapes and to determine the different prices for different parts of Ontario.
 5. To fix and impose service charges from time to time for the marketing of fresh grapes.
 6. To require the price or prices payable or owing to the producer for fresh grapes to be paid to or through the local board.
 7. To collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of fresh grapes.
 8. To pay from service charges imposed under paragraph 5 its expenses in carrying out the purposes of the plan.
 9. To pay to the producers the price or prices for fresh grapes, less service charges imposed under paragraph 5, and to fix the times at which or within which such payments shall be made. R.R.O. 1990, Reg. 410, s. 9 (1).
- (2) Each payment under paragraph 9 of subsection (1) shall be accompanied by a statement showing the varieties, grades of each variety and the quantity of each grade of fresh grapes sold, and the price or prices paid and the particulars of the service charges imposed by the local board. R.R.O. 1990, Reg. 410, s. 9 (2).