

Citation: Vegetable Sales Regulation, Alta. Reg. 105/1997

(Consolidated up to 265/2001)

ALBERTA REGULATION 105/97

Vegetable Sales (Alberta) Act

## **VEGETABLE SALES REGULATION**

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#### Definitions

1 In this Regulation,

- (a) “Act” means the *Vegetable Sales (Alberta) Act*;
- (b) “address” includes postal code;
- (c) “Department” means the Department of Agriculture, Food and Rural Development;
- (d) “Director” means the leader of the Horticulture/Apiculture program of the Department;

(e) “farmers’ market” means a place or premises operated to facilitate the sale of agricultural products by the producer directly to the consumer who takes delivery of the product at that place or premises;

(f) “greenhouse cucumbers” means cucumbers that have been grown in artificial conditions under glass or other protective covering;

(g) “inspection certificate” means a certificate issued by an inspector;

(h) “lot” means that quantity of vegetables that for any reason is considered separately from other vegetables as the subject of an inspection;

(i) “Ministerial Regulation” means the *Grades, Packages and Fees Regulation* (AR 106/97) made under the Act;

(j) “prepackaged” with respect to vegetables means vegetables that are in a package that is ordinarily sold to consumers without being repacked;

(k) “producer” means a person who ships, transports or sells vegetables only on his own farm;

(l) “rutabaga” means the plant commonly known as Swede turnip but does not include the usually smaller species commonly known as summer turnip;

(m) “transparent package” means a package in which the vegetables can be clearly seen through at least half the package.

## Vegetables

2 In accordance with section 1(d) of the Act, the following plants are designated as vegetables in addition to potatoes:

(a) beets;

(b) carrots;

(c) parsnips;

(d) tomatoes;

(e) cucumbers;

- (f) rutabagas;
- (g) head lettuce;
- (h) corn;
- (i) onions;
- (j) brussels sprouts;
- (k) celery;
- (l) asparagus;
- (m) cabbage;
- (n) cauliflower.

#### Application

**3(1)** This Regulation applies to vegetables grown in Alberta that are to be sold in Alberta.

**(2)** This Regulation does not apply to the following:

- (a) seed potatoes in respect of which a certificate has been issued pursuant to section 52(1) of the *Seeds Regulations*, C.R.C. 1978, c.1400 under the *Seeds Act* (Canada);
- (b) banana type potatoes;
- (c) carrots, beets and onions, the tops of which have not been removed;
- (d) vegetables consigned to a plant, factory or other place for canning, freezing or other processing or preservation;
- (e) vegetables sold by a producer to a consumer at a farmers' market, at the producer's farm or at another location.

#### Grades

4 No person shall

- (a) transport or pack vegetables that are to be sold, or
- (b) advertise, sell, offer for sale or have in his possession for sale any vegetables

unless the vegetables meet the standards for one of the grades as described in the Ministerial Regulation for the vegetables.

Packages and markings

5 No person shall transport vegetables that are to be sold and that are in a package or sell, offer for sale or have in his possession for sale any vegetables that are in a package unless

- (a) the vegetables are packed in a sanitary manner,
- (b) the package meets the requirements of the Ministerial Regulation, and
- (c) the package or a tag attached to the package is marked in accordance with this Regulation.

Experimental packages

6(1) Notwithstanding the requirements for packages established in the Ministerial Regulation, the Director may authorize, for experimental use, sizes and types of packages not specified in the Ministerial Regulation.

(2) Packages authorized by the Director must be marked "Exp. Pkg. No." together with the number assigned by the Director.

Advertising

7 No person shall advertise the sale of vegetables unless the advertisement states the volume, weight or count of the vegetables.

Markings on packages of more than 1.36 kg

8(1) This section applies to

(a) prepackaged vegetables listed in Schedule 2 of the Ministerial Regulation, and

(b) prepackaged vegetables not listed in Schedule 2 of the Ministerial Regulation that are in packages of more than 1.36 kg net weight.

(2) The package or a tag attached to the package in which vegetables are to be sold must be marked with the following:

(a) the grade name of the vegetables as described in the Ministerial Regulation;

(b) “Product of Alberta” or “Product of Canada”;

(c) the name and address of the packer or, if the vegetables are packed for a person who will sell the vegetables under his own label, “packed for” followed by the name and address of that person;

(d) the common name of the vegetables unless their identity is readily visible while in the package;

(e) if the package is not transparent and contains cauliflower or lettuce, the number of heads in the package;

(f) if the package is not transparent and contains celery, the number of stalks in the package;

(g) if the package is not transparent and contains sweet corn, the number of ears in the package;

(h) if the package is not transparent and contains greenhouse cucumbers of Canada No. 1 grade, the number of cucumbers in the package;

(i) the volume, weight or count of the vegetables except

(i) in those cases provided for in clauses (e) to (h), or

(ii) if the vegetables are listed in Schedule 2 of the Ministerial Regulation and the package is designated for the vegetables under that Schedule.

Markings on packages of 1.36 kg or less

**9(1)** This section applies to prepackaged vegetables not listed in Schedule 2 of the Ministerial Regulation that are in packages of not more than 1.36 kg net weight.

**(2)** The package or tag attached to the package in which vegetables are to be sold must be marked with the net weight of the vegetables.

#### Bulk containers

**10** No person shall transport vegetables that are to be sold and that are in a bulk container unless

(a) the bulk container is commonly used for that vegetable and is suitable for that vegetable, and

(b) the container is marked with

(i) the grade name of the vegetables as described in the Ministerial Regulation;

(ii) the name and address of the packer or, if the vegetables are packed for a person who will sell the vegetables under his own label, “packed for” followed by the name and address of that person;

(iii) the volume, weight or count of the vegetables.

#### Master containers

**11(1)** In this section, “master container” means a container that holds vegetables that are in packages.

**(2)** No person shall transport vegetables that are to be sold and that are in a master container unless the master container or a tag attached to the container is marked with the following:

(a) the grade name of the vegetables as described in the Ministerial Regulation;

(b) the name and address of the packer or, if the vegetables are packed for a person who will sell the vegetables under his own label, “packed for” followed by the name and address of that person;

(c) if the vegetables are not readily identifiable without opening the master container, the common name of the vegetables.

## Size and placement of markings

### 12 All markings required under this Regulation

(a) shall be clearly legible under normal sale conditions with letters not less than 1.6 mm in height, except that the declaration of net quantity and the grade shall be shown in bold face type in letters not less than

(i) 1.6 mm, if the principal display surface of the container is not more than 32 cm<sup>2</sup>,

(ii) 3.2 mm, if the principal display surface of the container is more than 32 cm<sup>2</sup> but not more than 258 cm<sup>2</sup>,

(iii) 6.4 mm, if the principal display surface of the container is more than 258 cm<sup>2</sup> but not more than 645 cm<sup>2</sup>,

(iv) 9.5 mm, if the principal display surface of the container is more than 645 cm<sup>2</sup> but not more than 25.8 dm<sup>2</sup>, or

(v) 12.7 mm, if the principal display surface of the container is more than 25.8 dm<sup>2</sup>,

and

(b) shall be displayed on any part of the label except that part of the label, if any, applied to the bottom of a container.

### Marks appearing as part of a grade

**13(1)** Subject to subsection (2), if a grade is marked on a package, no other words or markings shall be displayed on the package so as to appear to be part of the grade or in a manner so as to be readily mistaken for part of the grade.

**(2)** If the standards for a grade as described in the Ministerial Regulation require that a package be marked to indicate the size of the vegetables in it, the size declaration shall be immediately adjacent to the grade in the same size of print as the grade name and there shall not be any intervening printed, written or graphic matter.

### Prohibited marks

14 A package on which a grade has been marked shall not have marked on it

(a) any legible marks that do not relate to the present contents of the package, or

(b) any words that are false or misleading as to the contents of the package.

#### Old markings

15 If the marking on a package is changed, the change shall be made so that the old marking cannot be confused with the new marking.

#### Inspection

16 A person who wishes to have vegetables inspected shall

(a) give at least 24 hours' notice to an inspector or, if there is no inspector in the area, give at least 48 hours' notice to the nearest inspection office,

(b) provide adequate facilities for the inspection to be carried out, which must include

(i) lighting that provides illumination of at least 540 lux, and

(ii) an electrical outlet to facilitate the use of electronic equipment

and must be free of vehicular traffic and other hazards,

(c) place the vegetables so that they are accessible and their quality and condition are fully disclosed, and

(d) provide the inspector with any assistance he requires to carry out an inspection.

#### Inspection certificate or card

17 After inspecting vegetables, an inspector may

(a) issue an inspection certificate in respect of the vegetables, or

(b) if an inspection certificate cannot accompany a shipment of vegetables, issue a card that indicates that the vegetables have been inspected.

## Appeal inspection

**18(1)** The Director may, on the application of a person financially interested in a lot, including a consignor or consignee, grant an appeal inspection with respect to an inspection certificate or card described in section 17(b) issued for the lot.

**(2)** The application shall state the reasons for the applicant's dissatisfaction with the original inspection certificate or card described in section 17(b).

**(3)** The Director shall refuse to grant an appeal inspection if

- (a) the vegetables cannot be made accessible for inspection,
- (b) the lot has lost its identity, or
- (c) less than 75% of the original lot is available for inspection.

**(4)** If the Director grants an appeal inspection, the inspector making the appeal inspection

(a) shall confirm the original inspection certificate or card described in section 17(b), or

(b) if his findings do not substantiate the original certificate or card with respect to any factor that could not have changed after the original inspection, shall issue an appeal inspection certificate.

**(5)** An appeal inspection certificate renders an original inspection certificate or card described in section 17(b) void.

## Detention

19 Pursuant to section 5(d) of the Act, vegetables detained may be detained by attaching a detention tag provided by the Minister to a prominent place on the lot.

AR 105/97 s19;251/2001

## Detention

**20(1)** No person shall alter, deface or remove the detention tag referred to in section 19.

**(2)** No person shall move, sell or otherwise dispose of any vegetables detained by an inspector until authorized to do so by an inspector.

#### Notice of release

**21(1)** If an inspector is satisfied that the vegetables held in detention comply with this Regulation, he shall complete a Notice of Release in the form provided by the Minister.

**(2)** The inspector shall deliver or mail one copy of the Notice of Release to each person notified pursuant to section 6 of the Act.

AR 105/97 s21;251/2001

#### Fees

**22** The fees payable for an inspection of vegetables are prescribed in the Ministerial Regulation.

#### Fees

**23** The fees are payable by the applicant for inspection

(a) on delivery of the inspection certificate,

(b) in the case of applicants holding authorized charge accounts, on receipt of an invoice from a program manager, or

(c) in advance of the inspection if so requested by the inspector.

#### Certificate copies

**24(1)** The applicant for an inspection shall be supplied with 2 copies of the inspection certificate but, on request to the inspector prior to issuance of the certificate, the number of copies may be increased to 4 copies at no additional charge.

**(2)** As part of the inspection process, on request to the Director and payment of the fee prescribed in the Ministerial Regulation, a person financially interested in the vegetables, including a consignor or consignee covered by an inspection certificate, may be supplied with not more than 4 copies of the certificate.

#### Repeals

Repeal

25 The *Vegetable Sales Regulation* (AR 455/87) is repealed.

Expiry

Expiry

26 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on March 31, 2006.

AR 105/97 s26;265/2001