

ACT CURRENT TO 30 NOVEMBER 2016

This Act has "Not in Force" sections. See the [Table of Legislative Changes](#).

FOOD PRODUCTS STANDARDS ACT

[RSBC 1996] CHAPTER 153

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Part 1 — Federal Government Food Standards

Definitions

- 1 The definitions in the Food and Drugs Act (Canada) apply to this Part.

Designation of food

- 2 (1) The Lieutenant Governor in Council may, by regulation, designate a food or a kind or class of food as being subject to this Part.

(2) On its designation under subsection (1), a person must not manufacture, process, sell, advertise for sale or offer for sale in British Columbia that food or kind or class of food unless it would, if it were being exported from British Columbia for sale in another province, comply with the requirements of the Food and Drugs Act (Canada) and the regulations under that Act.

Food and Drugs Act (Canada)

3 (1) An inspector or an analyst as defined in the Food and Drugs Act (Canada) may exercise the powers given to him or her under that Act with respect to food or a kind or class of food designated under this Part.

(2) Sections 22, 23, 25, 26, 27, 28, 29, 34, 35 and 36 (1) to (3) of the Food and Drugs Act (Canada) apply with respect to food or a kind or class of food designated under this Part.

Part 2 — Provincial Quality and Compositional Food Standards

Provincial food standards

4 (1) If no requirements have been established under the Food and Drugs Act (Canada) for a food or a kind or class of food, the Lieutenant Governor in Council may, by regulation, establish requirements that must be complied with by persons manufacturing or processing a food or a kind or class of food, referred to in the regulation, for sale in British Columbia.

(2) If requirements have been established under subsection (1) for a food or a kind or class of food, a person must not manufacture, process, sell, advertise for sale or offer for sale in British Columbia food or a kind or class of food to which subsection (1) applies unless it complies with those requirements.

Provincial premium food standards

5 (1) If requirements have been established under the Food and Drugs Act (Canada) or under section 4 (1), the Lieutenant Governor in Council may, by regulation,

(a) establish more stringent requirements for a food or a kind or class of food manufactured or processed for sale in British Columbia, and

(b) establish a descriptive term to be used in association with the food or kind or class of food if it is manufactured or processed so as to comply with those more stringent requirements.

(2) If requirements have been established under subsection (1) for a food or kind or class of food, a person must not,

(a) sell, advertise for sale or offer for sale food of that kind that has affixed to it a label using the descriptive term established for that food or kind or class of food, or

(b) in the course of selling, advertising for sale or offering for sale food of that kind, represent that the food complies with the established requirements,

unless it complies with the established requirements.

Inspectors

6 The minister may

(a) appoint inspectors for the purposes of this Part, and

(b) appoint an inspector under the Food and Drugs Act (Canada) to be an inspector under this Part.

Food to be available for examination

7 A manufacturer, processor, purchaser, shipper, transporter or seller of food to which this Part applies must make available for examination by an inspector any food in his or her possession or under his or her control.

Powers of inspector

8 (1) For the purpose of carrying out duties under this Part or the regulations, an inspector may do any of the following:

(a) enter any land, building, other than a private residence, or conveyance;

(b) delay a shipment or stop a conveyance in which the inspector believes there is food to which this Part applies;

(c) detain food to which this Part applies, and the conveyance, if any, at the owner's risk and expense for further examination and direct them to a place designated by the inspector;

(d) obtain a sample of food to which this Part applies, at the owner's expense, for examination purposes;

(e) require the owner, occupier or person in charge of any land, building or conveyance to give all reasonable assistance in a lawful examination, to answer all reasonable questions and to produce records relating to the examination.

(2) If an inspector has reasonable grounds for believing that an offence against this Act or the regulations has been committed, he or she may seize all food and other things by means of or in relation to which he or she reasonably believes the offence was committed.

(3) All food or other things seized under subsection (2) may be removed to a public warehouse and detained until all the provisions of this Act and the regulations with respect to the food have been complied with, or they may be disposed of by direction of the minister.

Duties of inspector

9 (1) An inspector must

- (a) examine food in accordance with this Part and the regulations,
 - (b) notify the owner or other person who was in possession of seized food immediately by telephone, telegram or other means appropriate to the circumstances, and
 - (c) produce evidence of his or her appointment on request.
- (2) An inspector may decline to examine food found in a place that the inspector considers unsanitary or unsuitable for examination purposes.

Power to make regulations

10 (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 respecting the following:

- (a) reports and records to be made or kept;
- (b) fees for examination of food;
- (c) the powers and duties of inspectors;
- (d) labelling requirements to be followed by persons manufacturing or processing food or a kind or class of food to which section 5 applies.

Part 3 — General

Offences

11 (1) Section 5 of the Offence Act does not apply to this Act.

- (2) A person who contravenes section 2 (2) or 4 (2) commits an offence.
- (3) A person who contravenes section 5 (2) commits an offence.
- (4) A person who commits an offence under subsection (3) is liable to

(a) a fine of not more than \$20 000,

(b) imprisonment for not more than 6 months, or

(c) both a fine and imprisonment.

(5) A person who wilfully obstructs an inspector in the exercise of the inspector's powers under this Act commits an offence.

(6) A person who knowingly makes a false or misleading statement either verbally or in writing to an inspector engaged in carrying out duties under this Act commits an offence.

(7) A person who, without the written authorization of an inspector, removes, alters or interferes in any way with food that has been seized under this Act commits an offence.

Officers of corporation

12 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.