

RSNL1990 CHAPTER P-18

**POULTRY AND POULTRY PRODUCTS ACT**

Amended:

1996 cR-10.1 s56; 2004 c36 s32; 2006 c40 s21

CHAPTER P-18

AN ACT RESPECTING POULTRY AND POULTRY PRODUCTS

Analysis

1. Short title
2. Definitions
3. Rep. by 1996 cR-10.1 s56
4. Establishment of advisory committees
5. Rep. by 1996 cR-10.1 s56
6. Rep. by 1996 cR-10.1 s56
7. Inspection and grading
8. Inspector's powers
9. Search and seizure
10. Seizure of poultry and poultry products
11. Certificates
12. Misbranding

## 13. Regulations

### 13.1 Egg grading

## 14. Offence

## 15. Application of penalty

## 16. Saving of other remedies

### Short title

1. This Act may be cited as the Poultry and Poultry Products Act.

RSN1970 c302 s1

### Back to Top

### Definitions

2. In this Act

(a) "broker" means a person or partnership in the business of negotiating purchases or sales of poultry or poultry products for a brokerage fee;

(b) "chick" means poultry under 1 month old;

(c) "commission merchant" means a person or partnership in the business of buying or selling poultry or poultry products for a commission;

(d) "cooperative association" means an organization of producers which markets poultry or a poultry product and returns the net proceeds of the marketing to the producers whether in cash or by the distribution of patronage dividends;

(e) "department" means the Department of Forestry and Agriculture;

(f) "grade" means the classification of poultry or poultry products according to the prescribed standards and "to grade" and "grading" have corresponding meanings;

(g) "hatchery" means a place, building, or premises equipped with an incubator;

(h) "hatchery operator" means a person who operates a hatchery;

(i) "inspector" means an inspector appointed under this Act;

(j) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(k) "package" means a bag, barrel, box, can, case, container, crate, or other receptacle or covering in which a poultry product is packed or placed;

(l) "poultry" means domestic fowl, guinea fowl and pigeons whether produced inside or outside the province;

(m) "poultry products" means live poultry, dressed poultry, eviscerated poultry and eggs whether produced inside or outside the province;

(n) "pullorum test" or "blood test" means a test for pullorum disease;

(o) "ship" or "shipping" means the overt act of a person leading to the movement, by common carrier, or other means of public conveyance, of poultry or poultry products;

(p) "standards" means those rules, tests, measures or specifications by which the quality or grade of a poultry product is determined; and

(q) "transport" or "transporting" means the overt act of a person leading to the movement, otherwise than by shipping, of poultry or poultry products.

RSN1970 c302 s2; 1973 No37 Sch; 1979 c49 Sch B; 1989 c18 Sch B; 2006 c40 s21

[Back to Top](#)

Rep. by 1996 cR-10.1 s56

3. [Rep. by 1996 cR-10.1 s56]

1996 cR-10.1 s56

[Back to Top](#)

Establishment of advisory committees

4. (1) The minister may appoint a group of persons engaged in the production or marketing of poultry or poultry products, or may authorize the group to designate representatives to be appointed by the minister, as an advisory committee to act with him or her or his or her representatives in connection with the marketing of poultry or poultry products.

(2) The minister may establish under subsection (1) as many advisory committees as he or she thinks desirable, and may authorize the repayment from money voted by the Legislature to a person appointed or designated to a committee of reasonable travelling or other expenses incurred by that person in acting on the committee.

RSN1970 c302 s5

Back to Top

Rep. by 1996 cR-10.1 s56

5. [Rep. by 1996 cR-10.1 s56]

1996 cR-10.1 s56

Back to Top

Rep. by 1996 cR-10.1 s56

6. [Rep. by 1996 cR-10.1 s56]

1996 cR-10.1 s56

Back to Top

Inspection and grading

7. Poultry and poultry products shall by the owner or other person having custody of them be made available for inspection and grading as required by the regulations.

RSN1970 c302 s8

Back to Top

Inspector's powers

8. An inspector may at reasonable times, so long as it is reasonably necessary to determine compliance with this Act,

(a) enter upon and inspect a hatchery, place, premises, vessel or vehicle that the inspector believes on reasonable grounds contains poultry or poultry products and take samples of a poultry product; and

(b) demand the production of and inspect the business books, records or other documents that the inspector believes on reasonable grounds are in respect of the investigation.

1985 c11 s58

Back to Top

Search and seizure

9. (1) Where an inspector believes on reasonable grounds that a person has contravened this Act or the regulations, the inspector may, with a warrant issued under subsection (2), at a reasonable time enter upon and inspect the hatchery, place, premises, vessel or vehicle that the inspector believes on reasonable grounds contains poultry or poultry products and may

(a) require the production for inspection of books, records or other documents pertaining to poultry or poultry products or the disposition of them;

(b) take samples of a poultry product in the manner authorized by the regulations;

(c) delay the shipment of poultry or poultry products until the completion of his or her inspection of them;

(d) seize and place under detention in a manner authorized by the regulations, poultry or poultry products which have been produced, manufactured, packed, branded, labelled, marked, shipped or transported in violation of this Act or the regulations; and

(e) refuse to inspect or mark or give a certificate on poultry or poultry products found in a hatchery, place, premises, vessel or vehicle considered by the inspector to be unsanitary or unsuitable for inspection purposes.

(2) A Provincial Court judge who is satisfied by information upon oath or affirmation that there are reasonable grounds for believing that there is in a hatchery, place, premises, vessel or vehicle that the inspector believes on reasonable grounds contains poultry or poultry products anything that there are reasonable grounds to believe will give evidence with respect to an offence under this Act may issue a warrant authorizing an inspector named in the warrant to enter and search those premises and to make the inquiries and copies of books, records or other documents and take those samples of or seize poultry or poultry products that are considered necessary, subject to the conditions that may be specified in the warrant.

(3) The owner or person in charge of the hatchery, place, premises, vessel or vehicle referred to in this section and other persons found there shall give an inspector all reasonable help to enable the inspector to carry out his or her duties and functions under this section and shall provide the information that the inspector may reasonably require.

(4) Notwithstanding subsection (1), an inspector may exercise the power of search referred to in that subsection without a warrant issued under subsection (2) where the conditions for obtaining the warrant exist but by reason of urgent circumstances it would not be practical to obtain the warrant.

(5) In subsection (4), urgent circumstances include circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence.

1985 c11 s58; 2004 c36 s32

[Back to Top](#)

Seizure of poultry and poultry products

10. (1) Poultry or a poultry product which was produced, packed or shipped contrary to this Act or the regulations may be seized and detained under section 9 by an inspector at the risk and expense of the owner, and the inspector shall immediately notify the owner or the owner's agent by telegram, letter or otherwise that the poultry or poultry product has been seized and detained.

(2) An inspector may require, at the expense of the owner, the return of poultry or a poultry product which has been seized or detained to the place from which it was moved.

RSN1970 c302 s10; 1985 c11 s58

[Back to Top](#)

Certificates

11. (1) An inspection certificate purporting to be signed by an inspector or other official in the performance of his or her duties under this Act or the regulations shall be, in the absence of evidence to the contrary, evidence of the facts stated in the certificate.

(2) The production by an inspector or other official of a certificate of his or her appointment purporting to be signed by the minister shall be, in the absence of evidence to the contrary, evidence of the facts stated in the certificate and of the authority of the inspector.

RSN1970 c302 s11

[Back to Top](#)

Misbranding

12. A poultry product is considered to be misbranded within the meaning of this Act

(a) where it is below the standard or grade signified by a standard, grade or designated mark applied to or used on it;

(b) where it is contained in a package in which grade, brand, inspection or standard of quality marks applicable to the previous contents of the package have not been completely removed, erased or obliterated; or

(c) where it or a package, label or document purporting to apply to it bears a statement, design or device which is false or misleading.

RSN1970 c302 s12

[Back to Top](#)

Regulations

13. The Lieutenant-Governor in Council may make regulations respecting the inspection, grading, packaging, labelling, branding and marking of poultry or poultry products produced or sold in the province.

1996 cR-10.1 s56

[Back to Top](#)

Egg grading

13.1 The minister may

(a) designate grading stations or facilities for the inspection or grading of eggs or egg products under this Act or the regulations; and

(b) establish standards for the grading, inspection, packaging and labelling of egg products.

1996 cR-10.1 s56

[Back to Top](#)

Offence

14. A person who

(a) obstructs or interferes with an inspector or declines reasonably to facilitate him or her in carrying out an inspection or performing his or her duties;

(b) uses or imitates a registered or identification number, mark, brand, stencil or label assigned or belonging to another person or a package bearing it;

(c) except as may be permitted in the regulations, changes, alters, effaces, or obliterates a wrapper, label or mark on a package or poultry product which has been inspected or graded;

(d) falsely exchanges or substitutes the package of an inspected or graded poultry product;

(e) after his or her licence has been suspended or revoked ships or transports poultry or a poultry product to which the licence applied;

(f) moves poultry or a poultry product, which has been seized or detained by an inspector under this Act or the regulations, without the permission of an inspector;

(g) bribes or attempts to bribe, or makes an offer, proposal, gift, loan or promise, or gives or offers compensation or consideration directly or indirectly for the purpose of inducing an inspector or other official, to issue an irregular or untrue certificate in connection with poultry or a poultry product, or to refrain from performing the duties imposed on him or her by the Act or the regulations;

(h) misbrands a poultry product;

(i) ships or transports poultry or a poultry product which was not inspected, graded, packed, labelled and marked, with a true description of it in accordance with the regulations;

(j) except as may be otherwise permitted by the Act and the regulations, ships or transports poultry or a poultry product which is below the minimum grade specified by the regulations relating to it;

(k) falsely represents the origin, date or manufacture, quantity, quality, grade or class of poultry or a poultry product by an untrue or misleading advertisement, handbill, poster or statement;

(l) sells, offers for sale or has in his or her possession for sale for human consumption, a poultry product which is below the minimum grade prescribed in the regulations relating to it;

(m) ships chicks or accepts them for shipment unless the chicks were produced and labelled in hatcheries operating in accordance with this Act and the regulations;

(n) applies to or uses with respect to hatching eggs, poultry, flocks or hatchery a term, standard or grade prescribed in the regulations when the hatching eggs, poultry, flock or hatchery does not comply with the requirements of the term, standard or grade;

(o) operates a hatchery in contravention of the Act or the regulations;

(p) operates a hatchery after his or her permit to operate it has been suspended or revoked;

(q) being a hatchery operator, publishes, prints or circulates or has published, printed or circulated, an advertisement, paper, pamphlet or circular pertaining to hatching eggs, poultry, flock or hatchery which was not approved under this Act or the regulations;

(r) obstructs a person in the discharge of the person's duties under this Act or the regulations; or

(s) contravenes this Act or the regulations or a requirement, obligation or order imposed on him or her or made under this Act which is not specifically referred to in this section,

is guilty of an offence and liable on summary conviction to a fine of not less than \$10 and not more than \$500, and in default of payment of a fine, to imprisonment for a period not exceeding 90 days, or to both a fine and imprisonment.

RSN1970 c302 s14

[Back to Top](#)

Application of penalty

15. A monetary penalty recovered under this Act shall by the court imposing it be forwarded to the Department of Justice for payment into the Consolidated Revenue Fund.

RSN1970 c302 s15

[Back to Top](#)

Saving of other remedies

16. Proceedings taken, or a conviction recorded, under this Act or the regulations shall not affect the right of a person to another legal remedy to which he or she is entitled.

RSN1970 c302 s16

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