

RSNL1990 CHAPTER V-1

VEGETABLE GRADING ACT

Amended:

1996 cR-10.1 s77; 2004 c36 s46

CHAPTER V-1

AN ACT RESPECTING THE GRADING OF CERTAIN PRODUCTS OF AGRICULTURE IN THE PROVINCE

Short title

1. This Act may be cited as the *Vegetable Grading Act*.

RSN1970 c388 s1

Definitions

2. In this Act
 - (a) "inspector" means a person appointed as an inspector by the minister under this Act;
 - (b) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
 - (c) "product" means produce as defined in the *Fresh Fruit and Vegetable Regulations* (Canada);
 - (d) "regulations" means the *Fresh Fruit and Vegetable Regulations* (Canada) and includes amendments made to those regulations before or after the commencement of this Act;
 - (e) "standards" means grades, grade names, packaging requirements or markings which are required by the regulations for interprovincial trade of a product; and
 - (f) "vehicle" means a device in, upon or by which a person or property may be transported or drawn upon land or water.

1996 cR-10.1 s77

Interprovincial standards

3. The standards required of produce in the regulations for interprovincial trade shall apply to the trade of products within the province.

1996 cR-10.1 s77

Appointment of inspectors

4. The minister may appoint as inspectors for the purposes of this Act and the regulations those persons that the minister considers appropriate, including an inspector employed in the province under and for the enforcement of an Act of the Parliament of Canada dealing with a product referred to in paragraph 2(c).

RSN1970 c388 s4; 1996 cR-10.1 s77

Inspector's powers

5. (1) An inspector may at reasonable times, where it is reasonably necessary to determine compliance with this Act,

(a) enter a place or premises or a vehicle used or being used for the storing or carrying of products or which the inspector believes is being so used; and

(b) demand the production of and inspect the business books, documents, correspondence and records that the inspector believes on reasonable grounds are in respect of the products about which the investigation is being made.

(2) Where an inspector believes on reasonable grounds that a person has contravened this Act or regulations, an inspector may, with a warrant issued under subsection (3), at a reasonable time enter a place or premises or a vehicle and may investigate, inquire into, examine and take samples of a product in respect of which the investigation is being made and books, shipping bills, bills of lading, sales records or other records or papers.

(3) 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 place, premises or vehicle 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 that place, premises or vehicle and to make those inquiries and copies of books, shipping bills, bills of lading, sales records or other records or papers that are necessary, subject to those conditions that may be specified in the warrant.

(4) The owner or person in charge of the place, premises or vehicle referred to in this section and persons found there shall give an inspector 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.

(5) Notwithstanding subsection (2), an inspector may exercise the power of search referred to in that subsection without a warrant issued under subsection (3) where the conditions for obtaining the warrant exist but because of urgent circumstances it would not be practical to obtain the warrant.

(6) In subsection (5), 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 s66; 2004 c36 s46

Product detained at risk of owner

6. A product detained under this Act or the regulations is at the risk and expense of the owner, but the inspector shall immediately notify the owner or person having possession of the product by prepaid telegram, letter or otherwise that the product is being detained in storage or elsewhere.

RSN1970 c388 s6

Certificate of inspector

7. A certificate of the appointment of an inspector and an inspection or other certificate purporting to be signed by an inspector is, without further proof of the signature or official position of the person signing the certificate, in the absence of evidence to the contrary, evidence in a court of the facts set out in the certificate.

RSN1970 c388 s7

Registration of supervisor

8. The minister may at the request of a producers' association in the province authorize the registration of supervisory packers or head packers or other persons in charge of or responsible for the work of those engaged in the packing of a product in packing houses, warehouses or other places.

RSN1970 c388 s8

Offences

9. A person is guilty of an offence who

(a) packs, advertises, sells, offers, has in his or her possession for sale, or transports for sale a product which does not comply with this Act or the regulations except as may by regulation be permitted for manufacturing or processing purposes;

(b) represents a product to be of a certain grade, variety, or class unless that product has been so graded or classed under the regulations;

(c) misrepresents the grade, variety or class or origin of a product;

(d) sells, offers, or has in possession for sale a product in a package or container of which the faced or shown surface falsely represents the contents;

(e) carelessly handles or damages a product while being packed, transported, warehoused or otherwise dealt with;

(f) obstructs an inspector or gives to an inspector a false name or address or other false information; or

(g) refuses to permit a product to be inspected under this Act.

RSN1970 c388 s9

Penalty

10. A person guilty of an offence is liable upon summary conviction

(a) for a 1st offence to a fine of not less than \$10 nor more than \$25;

(b) for each subsequent offence to a fine of not less than \$25 nor more than \$100 or to imprisonment for a term not exceeding 30 days; and

(c) in default of payment of a fine imposed for either a 1st or subsequent offence to imprisonment for not more than 60 days.

RSN1970 c388 s10