

Grading, Packaging and Sale of Dairy Products Regulations (Schedule 3)

made under Sections 9 and 11 of the
Dairy Industry Act
S.N.S. 2000, c. 24

N.S. Reg. 200/89 (August 11, 1989)

1 In the regulations following, unless the context otherwise requires

- (a) "Act" means the Dairy Industry Act;
- (b) "creamery" means a creamery licensed under the Nova Scotia Dairy Commission Act;
- (c) "creamery butter" means butter manufactured, processed, reworked, or repacked in a creamery, exclusively from milk, cream separated from milk, or both, and with or without added water, colouring matter, or common salt;
- (d) "dairy butter" means butter other than whey butter made on a farm or at a place not registered as a creamery;
- (e) "grader" means a dairy produce grader appointed under the Canada Agricultural Products Act;
- (f) "inspector" means an inspector appointed by the Commission;
[Note: the Nova Scotia Dairy Commission does not exist under the Dairy Industry Act; the Dairy Farmers of Nova Scotia and the Natural Products Marketing Council regulate the industry under the new Act.]
- (g) "Minister" means the Minister of Agriculture for the Province of Nova Scotia;
[Note: the reference to the Minister of Agriculture and Marketing has been updated in accordance with Order in Council 2006-121 under the Public Service Act, R.S.N.S. 1989, c. 376, effective February 24, 2006.]
- (h) "package" means any box, tub, crock, tin, crate, parchment or foil wrapper, carton or other receptacle or covering used for the packing of butter or any other dairy product;
- (i) "registered number" or "establishment number" means the registration number or establishment number allotted by the Minister of Agriculture [and Agri-Food] for Canada;
- (j) "renovated", or "process butter" means butter that has been melted, clarified, or refined, and in any case remanufactured into butter;
- (k) "Supervisor" means the Supervisor of Dairy Services for the Province of Nova Scotia;
- (l) "whey butter" means butter made from milk fat that has been recovered from whey.

2 (1) Every person who operates a creamery or manufactures, packs or repacks creamery butter, ice cream, cheese, dry skimmed milk or condensed milk, shall annually register such creamery, manufacturing or packing establishment with the Minister.

(2) Application for registration shall be made in such form as may be prescribed by the Minister.

(3) No person shall manufacture creamery butter unless the Minister of Agriculture [and Agri-Food] for Canada has allotted to him a registration number.

(4) The Supervisor shall keep a register of creameries and establishments showing the name and address of the owner or operator of each creamery or establishment, [and] the registered number of each creamery or establishment.

3 (1) All cream purchased, or used by any creamery shall be graded by the operator of the creamery at the time of its receipt at the creamery as special grade cream or first grade cream or second grade cream.

(2) Special grade cream means cream that is clean in flavour and the acidity of which is not more than twenty-five one-hundredths of one per centum (.25%) at the time it is graded.

(3) First grade cream means cream that is clean in flavour, of a uniform consistency, suitable for making first grade butter and the acidity of which is not more than fifty-five one-hundredths of one per centum (.55%) at the time it is graded.

(4) Second grade cream means cream that does not meet the requirements specified for special grade or first grade.

Cream differentials

4 (1) Every creamery shall pay not less than seven cents (7) per pound butterfat more for special grade cream than is paid by such operation for first grade cream.

(2) The grades of cream as determined and reported by an inspector shall be binding as between the operator of the creamery and the person supplying such cream.

Creamery butter

5 For the purpose of establishing regulations governing composition, packing and marking of creamery butter, those regulations set forth under the Canada Agricultural Products Act shall be deemed to be the regulations made pursuant to these regulations and shall apply to creamery butter when sold or manufactured in Nova Scotia.

Dairy and whey butter

6 No person shall distribute, sell, offer for sale, or have in his possession for sale, dairy butter that contains

(a) less than eighty per cent by weight of milk fat; or

(b) fat or oil other than that of milk.

7 No person shall sell, offer for sale, or have in his possession for sale whey butter that contains

(a) less than eighty percent by weight of milk fat;

(b) fat or oil other than that of milk; or

(c) milk, creamery butter, dairy butter of cream separated milk, creamery butter, dairy butter of cream separated from milk [sic].

8 For the purpose of establishing regulations governing packing and marking of dairy butter or whey butter, those regulations set forth in regulations under the Canada Agricultural Products Act shall be deemed to be the regulations made pursuant to these regulations and shall apply to dairy butter and whey butter when sold or manufactured in Nova Scotia.

Process butter

9 (1) No person shall sell, offer for sale, or have in his possession for sale, processed or renovated butter that contains any fat or oil other than that of milk.

(2) No person shall melt, clarify, refine, re churn or otherwise treat butter to produce "process butter" or "renovated butter" unless he has obtained a special permit from the Minister for that particular purpose.

Frozen dairy dessert mix

10 (1) Frozen dairy dessert mix

(a) shall be the unfrozen, pasteurized combination of cream, milk or other milk products, sweetened with permitted sweetening agents;

(b) may contain

(i) egg,

(ii) a flavouring preparation,

(iii) cocoa or chocolate syrup,

(iv) permitted food additives,

(v) salt,

(vi) up to one percent added edible casein or edible caseinates, and

(vii) where the frozen dairy dessert mix is not used in the preparation of ice cream, light ice cream or ice milk, fruit juice.

(2) Frozen dairy dessert mix may be labelled and marketed as

(a) ice cream mix, where it contains

(i) not less than 36 percent solids, and

(ii) not less than 10 percent milk fat, or where cocoa or chocolate syrup has been added, 8 percent milk fat;

(b) light ice cream mix, where it contains

(i) not less than 36 percent solids, and

(ii) more than 5 percent milk fat and not more than 7.5 percent milk fat, or where cocoa or chocolate syrup has been added, more than 5 percent milk fat and not more than 6 percent milk fat; or

(c) ice milk mix, where it contains

(i) not less than 33 percent solids; and

(ii) not less than 3 percent milk fat and not more than 5 percent milk fat.

Frozen dairy dessert

11 (1) Frozen dairy dessert

(a) shall be the frozen food obtained by freezing frozen dairy dessert mix, with or without the incorporation of air, and may contain

(i) cocoa or chocolate syrup,

(ii) fruit, nuts and confections, and

(iii) where the frozen dairy dessert is not labelled or marketed as ice cream, light ice cream or ice milk, or any combination of these dairy products, fruit juice;

(b) shall contain not more than

(i) 100,000 bacteria per gram, and

(ii) 10 coliform organisms per gram.

(2) Frozen dairy dessert may be labelled and marketed as

(a) ice cream, where it contains

(i) not less than 36 percent solids,

(ii) not less than 10 per cent milk fat, or where cocoa or chocolate syrup, fruit, nuts or confections have been added, 8 percent milk fat, and

(iii) not less than 180 grams of solids per litre of which amount not less than 50 grams shall be milk fat, or, where cocoa or chocolate syrup, fruit, nuts or confections have been added, 180 grams of solids per litre of which amount not less than 40 grams shall be milk fat;

(b) light ice cream, where it contains

(i) not less than 36 percent solids,

(ii) more than 5 percent milk fat and not more than 7.5 percent milk fat, or, where cocoa or chocolate syrup, fruit, nuts or confections have been added, more than 5 percent milk fat, and not more than 6 percent milk fat, and

(iii) not less than 180 grams of solids per litre of which amount more than 25 grams but less than 37.5 grams shall be milk fat, or, where cocoa or chocolate syrup, fruit, nuts or confections have been added, not less than 180 grams of solids per litre of which amount more than 25 grams but less than 30 grams shall be milk fat; or

(c) ice milk, where it contains

(i) not less than 33 percent solids,

(ii) not less than 3 percent and not more than 5 percent milk fat, and

(iii) not less than 160 grams of solids per litre of which amount not less than 14 grams and not more than 25 grams per litre shall be milk fat.

12 Every outlet that has for sale ice milk in cones shall cause to have displayed in a conspicuous manner, in such outlet, a sign or placard bearing the words "Ice Milk is Served Here" in letters large enough to be seen distinctly from all parts of such outlet.

Yogurt

13 Yogurt shall be the fermented slightly acid semi-fluid milk food made from partially skimmed milk and milk solids to which lactic cultures have been added. The product

(a) may contain approved

(i) stabilizers,

- (ii) emulsifiers,
 - (iii) thickening agents,
 - (iv) sweetening agents,
 - (v) flavours,
 - (vi) colours,
 - (vii) permitted preservatives;
- (b) shall contain not more than 10 coliform organisms per gram as determined by the official method.

Sherbert

14 (1) Sherbert shall be the frozen food other than ice cream or ice milk made from a milk product.

(2) Sherbert may contain

- (a) water,
- (b) a sweetening agent,
- (c) fruit or fruit juice,
- (d) citric or tartaric acid,
- (e) a flavouring preparation,
- (f) a food colour,
- (g) not more than 0.75 percent stabilizing agent,
- (h) a sequestering agent,
- (i) lactose, and
- (j) not more than 0.5 percent microcrystalline cellulose.

(3) Sherbert shall contain

- (a) not more than 5 percent milk solids, including milk fat; and
- (b) not less than 0.35 percent acid determined by titration and expressed as lactic acid.

15 No person shall sell, offer for sale, or have in his possession for sale, ice cream, ice cream mix, ice milk, ice milk mix, light ice cream, light ice cream mix, or sherbert unless it complies with the standards of packing and marking provided in the regulations made from time to time under the Canada Agricultural Products Act.

Fudge stick

16 Fudge stick means a dairy product that is frozen while quiescent and is sold on a stick.

(a) No person shall sell, offer for sale or have in his possession for sale a fudge stick unless it conforms to the following standards of composition, packing and marking.

(b) Fudge sticks shall contain

- (i) not less than 3 percent by weight of milk fat,
- (ii) not less than 36 percent by weight of food solids,
- (iii) not more than 3/4 of 1 per centum by weight of stabilizer, and
- (iv) no fat or oil other than that of milk.

(c) Every package containing a fudge stick shall be labelled in accordance with the requirements of the Canada Food and Drug Act.

17 A frozen or semi-frozen dairy product other than ice cream, light ice cream, ice milk, sherbert and fudge sticks shall comply with the standard of composition for the ice cream as defined in the regulations under the Canada Agricultural Act or shall contain not more than 5 percent by weight of milk solids including milk fat.

Milk shake mix

18 (1) Milk shake mix shall be the pasteurized product prepared by combining milk, cream, or other milk products, and sweetening agent and may contain those products described for use in ice milk mix in Section 10.

(2) It shall contain

- (i) not less than 3 percent of milk fat by weight,
- (ii) not less than 23 percent by weight of food solids,
- (iii) not more than 100,000 bacteria per gram, and
- (iv) not more than 10 coliform organisms per gram as determined by the official method.

Cheese

19 For the purposes of establishing grade standards [and] standards of composition for cheddar cheese, those regulations set forth under the Canada Agricultural Products Act shall be deemed to be the regulations made pursuant to these regulations and shall apply to cheddar cheese when sold or manufactured in Nova Scotia.

Cottage cheese

20 (1) "Cottage cheese" is the product in the form of discrete curd particles prepared from skim milk, evaporated skim milk, or skim milk powder, and harmless acid producing bacterial cultures with or without milk, cream, milk powder, rennet, salt, calcium chloride, gelatin, relishes, fruits or vegetables and shall contain not more than 80 percent moisture and 0.5 percent stabilizing agent.

(2) "Creamed cottage cheese" is cottage cheese containing cream or a mixture of cream with milk or skim milk, or both, in such quantity that the final product shall contain

- (a) not less than 4 percent milk fat; and
 - (b) not more than 80 percent moisture and may contain emulsifying, gelling, stabilizing and thickening agents.
- (3) All dairy products used in the preparation of cottage cheese and creamed cottage cheese shall be from a pasteurized source.
- (4) Cottage cheese and creamed cottage cheese shall contain not more than 10 coliform bacteria per gram as determined by standard methods.

21 No person shall sell, offer for sale or have in his possession for sale, cheddar cheese, washed curd cheddar cheese or cottage cheese, unless it is marked and packed in the manner provided in the regulations made from time to time under the Canada Agricultural Products Act.

22 No person shall sell, offer for sale, or have in his possession for sale, any cheese other than cheddar cheese, washed curd cheddar cheese or cottage cheese unless it complies with the standards of composition, packing and marking provided in the regulations made from time to time under the Canada Agricultural Products Act.

23 No persons shall knowingly sell, offer for sale or have in his possession for sale, any cheese in which has been incorporated during the process of manufacturing, any inferior curd or cheese unless due notice has been given of such incorporation.

Dry skimmed milk

24 For the purpose of establishing regulations governing grade standards, standards of composition, packing and marking of dry skimmed milk powder, those regulations set forth under the Canada Agricultural Products Act shall be deemed to be the regulations made pursuant to these regulations and shall apply to dry skimmed milk when sold or manufactured in Nova Scotia.

Registration of factories

25 The Minister may register an establishment in which dry skimmed milk is manufactured or repacked if he is satisfied that the following conditions are being complied with:

- (a) the premises are suitably lighted, ventilated, and kept in a clean and sanitary condition;
- (b) all equipment for the manufacturing and packing or repacking of the dry skimmed milk is maintained from day to day in a clean and sanitary condition;
- (c) all operations involved in the preparation and packing or repacking of the dry skimmed milk are carried on from day to day carefully and with strict cleanliness;
- (d) all packages used for packing the dry skimmed milk are clean and sanitary;
- (e) all employees engaged in the production and handling of dry skimmed milk are free from tuberculosis or other communicable diseases, and are dressed in clothes or coverings that are clean and that can be easily cleaned; and
- (f) all storage space on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the dry skimmed milk.

26 No person shall sell, offer for sale, or have in his possession for sale for human consumption condensed milk, evaporated milk, evaporated skimmed milk, evaporated partly skimmed milk, dry whole milk, malted milk powder, flavoured malted milk powder, sterilized milk, sterilized canned cream or buttermilk unless it is graded, marked and packed in the manner provided in the regulations made from time to time under the Canada Agricultural Products Act.

27 The Minister may register an establishment for the processing or packing of concentrated milk products, sterilized canned milk or sterilized canned cream in Nova Scotia, if the Minister is satisfied that the following conditions with respect to sanitation and operation are being complied with:

- (a) the premises are suitably lighted, ventilated and kept in a clean and sanitary condition;
- (b) all equipment for the processing or packing of the product or products is maintained from day to day in a clean and sanitary condition;

(c) all operations involved in the preparation and packing of the product or products are carried on from day to day carefully and with strict cleanliness;

(d) all containers used for packing the products are clean and sanitary;

(e) all employees engaged in the production and handling of the product or products are free from tuberculosis or other communicable disease, and are dressed in clothes or coverings that are clean and that can be easily cleaned; and

(f) all storage space maintained on the premises or adjacent thereto is kept in a clean and sanitary condition and maintained at temperatures suitable for the proper storage of the products.

Concentrated milk products for animal food

28 Dry skimmed milk and dried buttermilk for purposes of animal or poultry feed shall meet the standards of composition, packing and marking provided in the regulations made from time to time under the Canada Agricultural Products Act.
