

Milk Classes and Categories Regulations
made under clauses 8(d) and 9(r) of the
Dairy Industry Act
S.N.S. 2000, c. 24
N.S. Reg. 3/2006 (effective February 1, 2006)
amended to N.S. Reg. 23/2023 (effective February 1, 2023)

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Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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Citation

1 These regulations may be cited as the *Milk Classes and Categories Regulations*.

Definitions

2 In these regulations,

“accountable loss” means a loss of milk volume and components that can be measured and justified to the Board, including dumps, fluid returns and dead vats, and “unaccountable losses” has the opposite meaning;

“Act” means the *Dairy Industry Act*;

“Canadian Dairy Commission” means the body created under the *Canadian Dairy Commission Act* (Canada);

“Canadian Milk Supply Management Committee” or “CMSMC” means the body created by the National Milk Marketing Plan that is responsible for determining policy for the Plan;

“certified organic” in respect of milk means that it is produced by a producer who is certified as organic by an organic certification body recognized by the Council;

“cheddar-type cheese” means a cheese that is a firm or semi-soft, unripened unwashed curd cheese, with a minimum milk fat content of 25% and a maximum moisture content of 45%;

“concentrated milk” means milk that has had a part of its water content removed so that it has a higher concentration of all other components including butterfat, protein and other solids;

“enriched milk” means milk that has other natural components of milk added, including butterfat, protein and other solids;

“fluid milk” means any processed dairy product prepared for sale in liquid form;

“kosher” means a dairy product that is fit and proper for use in accordance with Jewish law;

“National Milk Marketing Plan” means the federal-provincial agreement that governs the supply management system for dairy in Canada;

“New 1(a) and 1(b) products” means Subclass 1(a) and 1(b) products approved under the P5 1(c)/4(c) Program;

“UHT” or “ultra high temperature” means milk that has been heated without appreciable change in volume to a temperature of not less than 135 °C for not less than two seconds or such temperature time relationship as may be required to ensure a bacteriological shelf life of at least four weeks in the package at a temperature of not less than 20 °C.

“P5 1(c)/4(c) Program” means the P5 Supervisory Body policy respecting innovative products;

“P5 Supervisory Body” means the body created under the Agreement on Eastern Canadian Milk Pooling.

Unaccountable losses

- 3** All unaccountable losses of milk in a plant must be prorated among the classes of milk used in the plant, including Classes 1, 2, 3, 4(a), 4(b) and 4(c), and in proportion to the volumes and components of each class used.

Classes of milk

- 4 (1)** All milk used to process dairy products must be declared in its final end use subclass as set out in the following table:

Class	Subclass	Products
1	1(a)1	All milk and milk beverages, except those defined in Subclass 1(a)2 and Subclass 1(a)3, made of partly skimmed or skimmed milk, whether treated or not for lactose intolerance, flavoured or not, with or without vitamins or minerals added, cultured milk for retail sale or the food services sector

	1(a)2	Eggnog and all types of dairy beverages constituted of mixtures of fresh milk and fruit and vegetable juices and other products, with a dairy content exceeding 50 percent by weight and a dairy protein content of less than 75 percent of the dairy protein contained in an equal volume of Subclass 1(a)1 milk with the same butterfat content
	1(a)3	Fortified (dairy protein content exceeding that of an equal volume of fresh milk product with the same butterfat content) Subclass 1(a) products
	1(b)	All types of cream with a minimum butterfat content of 5% for retail and food service
	1(c)	New 1(a) and 1(b) products for retail and food service approved by the provincial authorities during an introductory period
	1(d)	1(a) and 1(b) products marketed outside the ten signatory provinces of the National Milk Marketing Plan, but within the Canadian boundaries (e.g.: Yukon, NWT, Nunavut & cruise ships)
Class	Subclass	Products
2	2(a)	All types of yogurt including yogurt beverages, Kefir and Lassi, excluding frozen yogurt
	2(b)1	Milkshakes for retail sale that are complying with the federal standard for milkshake mixes; crème fraîche, all types of fudge, pudding, and Indian sweets.
	2(b)3	Sports/Nutrition Drinks with a minimum Protein Content 2X greater [than] that of fluid milk products with the same butterfat content (skim milk products = 35 g of protein per liter [litre])
	2(b)4	Fresh Dairy Desserts (i.e.: at least 75% fresh milk content, final product shelf life requires refrigeration); Sour cream
	2(b)5	All types of ice cream, ice cream mix, whether frozen or not; Other frozen dairy products including frozen yogurts, frozen desserts, and milkshake mixes not for retail sale
Class	Subclass	Products
3	3(a)1	Cheese with a minimum casein content of 95% derived from fluid milks not referred to elsewhere
	3(a)2	Cheese curds, skim milk cheese, ricotta and all other cheeses not referred to elsewhere
	3(b)1	Aged Cheddar (9 months and more as per Federal Dairy

		Product Standards)
	3(b)2	<p>Cheddar, cheddar-type cheeses sold fresh (Cheddar-type cheese: A cheese of descriptive nomenclature will be recognized as a cheddar-type cheese for the purpose of classification if it is a firm or semi-soft, unripened, unwashed curd cheese, with a minimum milk fat content of 25% and a maximum moisture content of 45%)</p> <p>Stirred curd, cream cheese, and cream cheese bases or cheese mixes, other than creamy cheese bases or cheese mixes used to process products referred to in another class</p> <p>Any product not referred to in Subclass 3(a)1, 3(a)2, 3(b)1, 3(c)1, 3(c)2, 3(c)3, 3(c)4, 3(c)5, 3(c)6 and 3(d) made by coagulating milk, coagulating milk products, or coagulating both milk and milk products with the aid of bacteria to form a curd; excludes rennet casein curd</p>
	3(c)1	Feta
	3(c)2	Asiago, Gouda, Havarti, Parmesan, Swiss
	3(c)3	Munster (Muenster) Canadian-style, part skim pizza cheese, pizza cheese
	3(c)4	Brick, Colby, Farmer's, Jack, Monterey Jack, all types of Mozzarella other than Pizza Mozzarella and Part Skim Pizza Mozzarella and Mozzarella falling within Subclass 3(d)
	3(c)5	Pizza Mozzarella and Part Skim Pizza Mozzarella not described in Subclass 3(d)
	3(c)6	Paneer
	3(d)	Standardized Mozzarella cheeses to be used strictly on fresh pizzas by establishments registered with the CDC under terms and conditions approved by the CMSMC
Class	Subclass	Products
4	4(a)	<p>Butter and butteroil</p> <p>Concentrated milk as an ingredient in the food industry</p> <p>Concentrated milk protein in liquid and dry forms at a concentration of at least 40% on a dry matter basis (Liquid milk protein concentrate transactions are allowed in Subclass 4(a) only for transactions between milk buyers for utilization in Canada. Transactions to non-milk buyer</p>

		<p>dairy will be done at Subclass 2(b)1 for Subclass 2 products, Subclass 3(b)1 for Subclass 3 products, and Subclass 4(b)2 for Class 4 products[]]</p> <p>All types of powders (including but not limited to whole milk powder, skim milk powder, yogurt powder, sour cream powder, edible casein powders)</p> <p>Milk and milk components used to make infant formula</p> <p>Rennet casein (dry or curd) used in the manufacture of non-standardized final products in the processed cheese category (as per the procedure defined in the National Audit Standards</p>
	4(b)1	<p>Concentrated milk for Retail, whether sweetened or not</p> <p>Losses (i.e. explained losses: dumps, dead vats, etc. as approved by milk boards)</p>
	4(b)2	All other products not elsewhere stated
	4(c)	New industrial products approved by provincial authorities for an introductory period
	4(d)	Inventories and returns (fluid returns for products declared in 1(a)1 only)
	4(m)	Milk components for animal feed
Class	Subclass	Products for further processing
5	5(a)	Cheese used as ingredient in further processing in Canada
	5(b)	All other dairy products used as ingredients in further processing in Canada
	5(c)	Dairy products used as ingredients in the Canadian confectionery sector (skim milk powder (SMP) and milk protein concentrate (MPC) are not eligible to class 5(c))

(1A) All milk used to process dairy products defined in Subclass 4(a) that is subsequently used as an ingredient to process another dairy product in Classes 1-3 or Subclass 4(b) must be reclassified under their end use in clause (a).

Categories of milk

5 All dairy products in Section 4 may also be categorized as certified organic, enriched, kosher, or UHT.

Designated fluid milk products

6 Products designated as Class 1 under Section 4 are designated as fluid milk products.

Substitution of provisions

7 These regulations are made in substitution for subsections 3(4) to 3(15) of Schedule 8.

Legislative History Reference Tables

Milk Classes and Categories Regulations
Dairy Industry Act

N.S. Reg. 3/2006

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Milk Classes and Categories Regulations* made under the *Dairy Industry Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
3/2006	Feb 1, 2006	date specified	Feb 3, 2006
74/2010	May 11, 2010	date specified	Jun 4, 2010
27/2011	Feb 9, 2011	date specified	Feb 25, 2011
218/2012	Jan 1, 2013	date specified	Dec 14, 2012
211/2013	Jun 1, 2013	date specified	Jun 14, 2013
217/2015	Jun 1, 2015	date specified	Jun 12, 2015
175/2016	Nov 1, 2016	date specified	Sep 30, 2016
12/2017	Feb 1, 2017	date specified	Feb 17, 2017
180/2017	Dec 15, 2017	date specified	Jan 5, 2018
215/2018	Jan 1, 2019	date specified	Dec 21, 2018
66/2020	Apr 24, 2020	date specified	May 8, 2020
85/2020	Jun 1, 2020	date specified	Jun 19, 2020
31/2021	Feb 1, 2021	date specified	Feb 12, 2021
23/2023	Feb 1, 2023	date specified	Feb 10, 2023

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

Provision affected	How affected
2.....	am. 218/2012 (clause lettering removed)
2, defn. of “Act”.....	am. 218/2012
2, defn. of “Canadian Milk Supply Management Committee” or “CMSMC”.....	rs. 85/2020
2, defn. of “New 1(a) and 1(b) products”.....	ad. 85/2020
2, defn. of “Special Milk Class Permit Program”.....	rep. 85/2020
2, defn. of “P5 1(c)/4(c) Program”.....	ad. 85/2020
2, defn. of “P5 Supervisory Body”.....	ad. 85/2020
3.....	rs. 85/2020
4.....	ra. as 4(1) 12/2017
4, Class 2.....	rep. 218/2012
4, Class 2(a).....	ad. 218/2012
4, Class 2(b).....	ad. 218/2012; am. 217/2015
4, Class 2(e).....	am. 74/2010
4, Class 3(a).....	am. 218/2012, 211/2013
4, Class 3(c).....	ad. 218/2012; am. 211/2013; ra. as 3(c)(1) 175/2016
4, Class 3(c)(1).....	ra from 3(c) 175/2016; rs. 175/2016
4, Class 3(c)(2).....	ad. 175/2016
4, Class 3(d).....	ad. 211/2013
4, Class	rs. 74/2010, 27/2011

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep.=repealed
rs. = repealed and substituted

Provision affected	How affected
4(a)1.....	
4(1)	ra. from 4 12/2017, rs. 85/2020 ¹ , 31/2021
4(1), Class 1(a).....	rep. 215/2018
4(1), Class 1(a)1.....	ad. 215/2018
4(1), Class 1(a)2.....	ad. 215/2018
4(1), Class 2(b)1.....	rs. 23/2023
4(1), Class 2(b)2.....	rep. 23/2023
4(1), Class 3(a)	am. 180/2017
4(1), Class 3(b)	rs. 12/2017; am. 180/2017
4(1), Class 3(c)(2)	rs. 12/2017
4(1), Class 4(a)	rs. 12/2017; am. 180/2017
4(1), Class 4(a)1.....	rep. 12/2017
4(1), Class 4(m)	rep. 12/2017; ad. 66/2020
4(1), Class 7.....	ad. 12/2017
4(1A).....	ad. 85/2020 ¹
4(2)	ad. 12/2017; rep. 85/2020
6.....	rs. 215/2018, 85/2020

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

Note	Effective date
1 The provisions in Section 4 of original text that were lettered as clauses (1)(a) and (b) have been redesignated as subsections (1) and (1A) to correct the structure of the Section for the purposes of the consolidation.	

Repealed and Superseded:

N.S. Regulation	Title	In force date	Repealed date
110/2001	<i>Fluid Milk Categories and Classes</i>	Aug 7, 2001	Feb 1, 2006

N.S. Regulation	Title	In force date	Repealed date
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Regulations

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.