

## Farm Products Marketing Act

### R.R.O. 1990, REGULATION 437

#### TURKEYS — MARKETING

Consolidation Period: From February 13, 2008 to the e-Laws currency date.

Last amendment: O. Reg. 20/08.

This is the English version of a bilingual regulation.

1. In this Regulation,  
“local board” means the Turkey Farmers of Ontario; (“commission locale”)  
“plan” means the Turkey Farmers of Ontario Marketing Plan; (“plan”)  
“processing” means the slaughtering of turkeys; (“transformation”)  
“producer” means a person engaged in the production of turkeys; (“producteur”)  
“turkey” means a turkey or any class or part thereof. (“dindon”) R.R.O. 1990, Reg. 437, s. 1; O. Reg. 556/93, s. 1; O. Reg. 78/07, s. 1.

2. This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of turkeys, including the prohibition of such producing and marketing in whole or in part. R.R.O. 1990, Reg. 437, s. 2.

3.-5. REVOKED: O. Reg. 556/93, s. 2.

#### POWERS OF LOCAL BOARD

6. (1) The Commission authorizes the local board to use the licence fees and other money payable to it for the purpose of paying the expenses of the local board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan. R.R.O. 1990, Reg. 437, s. 6 (1).

(2) The Commission authorizes the local board to establish a fund in connection with the plan for the payment of any money that may be required for the purposes mentioned in subsection (1). R.R.O. 1990, Reg. 437, s. 6 (2).

7. The Commission delegates to the local board the power,

(a) to require persons engaged in producing or marketing turkeys to register their names, addresses and occupations with the local board;

(b) to require persons engaged in producing or marketing turkeys to furnish such information relating to the production or marketing of turkeys, including the completing and filing of returns, as the local board determines;

(c) to appoint persons to,

(i) inspect the books, records, documents, lands and premises and any turkeys of persons engaged in producing or marketing turkeys, and

(ii) enter on lands or premises used for the producing of turkeys and perform a count of turkeys;

(d) to stimulate, increase and improve the marketing of turkeys by such means as it considers proper;

(e) to co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing turkeys;

(f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the Act, the regulations or the plan. R.R.O. 1990, Reg. 437, s. 7.

8. The Commission delegates to the local board its powers to make regulations,

(a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of turkeys;

(a.1) prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;

(a.2) providing that the local board may impose terms and conditions upon a licence;

(b) prohibiting persons from engaging in the producing, marketing or processing of turkeys except under the authority of a licence and except in compliance with the terms and conditions of the licence;

(c) providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made;

(d) providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the Act, the regulations, the plan or any order or direction of the Commission or local board;

(d.1) providing for the imposition, amount, disposition and use of penalties where, after a hearing, the local board is of the opinion that the applicant or licensee failed to comply with or has contravened any term or condition of a licence or any provision of the Act, the regulations, any plan or any order or direction of the local board;

(e) providing for the fixing of licence fees and the payment thereof by any or all persons producing, marketing or processing turkeys and the collecting of the licence fees and their recovery by suit in a court of competent jurisdiction;

(f) requiring any person who receives turkeys to deduct from the money payable for the turkeys any licence fees payable to the local board by the person from whom the turkeys are received and to forward such licence fees to the local board;

(g) requiring any person who produces and processes turkeys to furnish to the local board statements of the amounts of turkeys produced in any year and used for processing;

(h) prescribing the form of licences;

(i) providing for the exemption from any or all of the regulations, orders or directions under the plan of any class, variety, grade or size of turkeys, or any person or class of persons engaged in the producing or marketing of turkeys or any class, variety, grade or size of turkeys;

(i.1) authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees owing by a person engaged in the producing, marketing or processing of turkeys;

(j) providing for the control and regulation of agreements entered into by producers of turkeys with persons engaged in marketing or processing turkeys, and the prohibition of any provision or clause in such agreements;

(k) requiring any person who produces turkeys to offer to sell and to sell turkeys to or through the local board;

(l) prohibiting any person from processing, packing or packaging any turkeys that have not been sold to, by or through the local board;

(m) providing for the making of agreements relating to the marketing of turkeys by or through the local board, and prescribing the forms and the terms and conditions of such agreements. R.R.O. 1990, Reg. 437, s. 8; O. Reg. 541/91, s. 2; O. Reg. 166/92, s. 1; O. Reg. 155/94, s. 1; O. Reg. 658/94, s. 1; O. Reg. 811/94, s. 1; O. Reg. 413/99, s. 1; O. Reg. 20/08, s. 1.

9. (1) All turkeys shall be marketed through the local board. R.R.O. 1990, Reg. 437, s. 9 (1).

(2) No person shall market turkeys except through the local board. R.R.O. 1990, Reg. 437, s. 9 (2).

10. The Commission vests in the local board the following powers:

1. To direct and control, by order or direction, either as principal or agent, the marketing of turkeys, including the times and places at which turkeys may be marketed.

2. To determine the quality of each class, variety, grade or size of turkeys that shall be marketed by each producer.

3. To prohibit the marketing of any class, variety, grade or size of turkeys.

4. To determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for turkeys or any class, variety, grade or size of turkeys and to determine different prices for different parts of Ontario.

5. To require the price or prices payable or owing to the producer for turkeys to be paid to or through the local board.

6. To collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of turkeys.

7. To purchase or otherwise acquire such quantity or quantities of turkeys as the local board considers advisable and to sell or otherwise dispose of any turkeys so purchased or acquired.

8. To pay to the producers the price or prices for turkeys and to fix the times at which or within which such payments shall be made. R.R.O. 1990, Reg. 437, s. 10.

11. (1) The Commission authorizes the local board,

- (a) to require that turkeys be marketed on a quota basis;
- (b) to prohibit any person to whom a quota has not been fixed and allotted for the marketing of turkeys or whose quota has been cancelled from marketing any turkeys;
- (c) to prohibit any person to whom a quota has been fixed and allotted for the marketing of turkeys from marketing any of the turkeys in excess of such quota; and
- (d) to prohibit any person to whom a quota has been fixed and allotted for the marketing of turkeys produced on lands or premises in respect of which such quota was fixed and allotted from marketing any turkeys other than turkeys produced on such lands or premises. R.R.O. 1990, Reg. 437, s. 11 (1).

(2) The Commission authorizes the local board,

- (a) to fix and allot to persons quotas for the marketing of turkeys on such basis as the local board considers proper;
- (b) to refuse to fix and allot to any person a quota for the marketing of turkeys for any reason that the local board considers proper;
- (c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of turkeys for any reason that the local board considers proper; and
- (d) to permit any person to whom a quota has been fixed and allotted for the marketing of turkeys in excess of such quota on such terms and conditions as the local board considers proper. R.R.O. 1990, Reg. 437, s. 11 (2).

12. (1) The Commission authorizes the local board,

- (a) to require that turkeys be produced on a quota basis;
- (b) to prohibit any person to whom a quota has not been fixed and allotted for the producing of turkeys or whose quota has been cancelled from producing any turkeys;
- (c) to prohibit any person to whom a quota has been fixed and allotted for the producing of turkeys from producing any turkeys in excess of such quota; and
- (d) to prohibit any person to whom a quota has been fixed and allotted for the producing of turkeys on lands or premises in respect of which such quota was fixed and allotted from producing any turkeys other than turkeys produced on such lands and premises. R.R.O. 1990, Reg. 437, s. 12 (1).

(2) The Commission authorizes the local board,

- (a) to fix and allot to persons quotas for the producing of turkeys on such basis as the local board considers proper;
- (b) to refuse to fix and allot to any person a quota for the producing of turkeys for any reason that the local board considers proper;
- (c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing turkeys for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board believes on reasonable grounds that the person to whom the quota was fixed and allotted has contravened the Act or the regulations; and
- (d) to permit any person to whom a quota has been fixed and allotted for the producing of turkeys to produce any turkeys in excess of such quota on such terms and conditions as the local board considers proper. R.R.O. 1990, Reg. 437, s. 12 (2).

12.1 The Commission vests in the local board the power to make regulations,

- (a) providing for the seizure and detention of turkeys by any person appointed under clause 7 (c) where the person believes on reasonable grounds an offence against the Act or regulations has been committed in respect of the turkeys;
- (b) providing for the release from detention of turkeys where the local board is satisfied that the owner of the turkeys complies with the Act and regulations respecting the turkeys;

(c) providing for the disposal of turkeys that have been seized and detained and providing for the administration and disposition of any money received from any such disposal; and

(d) prescribing the manner in which turkeys shall be seized, detained, released and disposed of. O. Reg. 155/94, s. 2.

#### ADVISORY COMMITTEE

13. (1) There shall be an advisory committee to be known as “The Turkey Industry Advisory Committee”. R.R.O. 1990, Reg. 437, s. 13 (1).

(2) The advisory committee shall be composed of nine members, one of whom shall be chair. R.R.O. 1990, Reg. 437, s. 13 (2).

(3) After the 1st day of October and before the 31st day of October in each year,

(a) the Commission shall appoint a person to be the chair of the advisory committee;

(b) the local board shall appoint four persons to be members of the advisory committee;

(c) the Ontario Poultry Processors’ Association shall appoint two persons to be members of the advisory committee;

(d) the Ontario Division of the Canadian Feed-Manufacturers’ Association shall appoint one person to be a member of the advisory committee; and

(e) the Ontario Hatcheries Association shall appoint one person to be a member of the advisory committee. R.R.O. 1990, Reg. 437, s. 13 (3); O. Reg. 90/92, s. 2 (1).

(4) The members of the advisory committee appointed under subsection (3) shall hold office until the 31st day of October in the year next following the year in which they were appointed. R.R.O. 1990, Reg. 437, s. 13 (4); O. Reg. 90/92, s. 2 (2).

(5) Where a member of The Turkey Industry Advisory Committee dies or resigns or is unavailable to act before the expiration of his or her term, the person or persons who appointed him or her shall appoint a person for the unexpired term of the member who died, resigned or was unavailable to act. R.R.O. 1990, Reg. 437, s. 13 (5).

(6) Where the local board, the Ontario Poultry Processors’ Association, the Ontario Division of the Canadian Feed Manufacturers’ Association or the Ontario Hatcheries Association, as the case may be, fail to appoint a member or members to The Turkey Industry Advisory Committee in accordance with the provisions of subsection (3) or (5), the Commission may appoint such members as are necessary to complete the advisory committee. R.R.O. 1990, Reg. 437, s. 13 (6).

(7) No person is excluded from being appointed a member of the advisory committee by reason solely of being a member of the negotiating agency referred to in section 14, and vice versa. R.R.O. 1990, Reg. 437, s. 13 (7).

(8) A meeting of The Turkey Industry Advisory Committee may be convened by the chair thereof by giving notice to the members of the time and place and date of the meeting not less than seven days and not more than ten days prior to the date of the meeting. R.R.O. 1990, Reg. 437, s. 13 (8).

(9) Subject to subsection (10), The Turkey Industry Advisory Committee may advise and make recommendations to the local board, the Ontario Poultry Processors’ Association, the Ontario Division of the Canadian Feed Manufacturers’ Association and the Ontario Hatcheries Association in respect of any of the following matters:

1. The promotion of harmonious relationships between persons engaged in the production and marketing of turkeys.

2. The promotion of greater efficiency in the production and marketing of turkeys.

3. The prevention and correction of irregularities and inequities in the marketing of turkeys.

4. The improvement of the quality and variety of turkeys.

5. The improvement of the circulation of market information respecting turkeys.

6. Without limiting the generality of any of the foregoing, any matter with respect to which this Regulation is made. R.R.O. 1990, Reg. 437, s. 13 (9).

(10) The Turkey Industry Advisory Committee may recommend to the local board in advance, the total quotas for turkeys or any class, variety, grade or size of turkeys, for any period or periods of time up to but not exceeding one year. R.R.O. 1990, Reg. 437, s. 13 (10).

(11) The local board shall forthwith provide the Commission with full particulars of any recommendations made to the local board by The Turkey Industry Advisory Committee respecting total quotas. R.R.O. 1990, Reg. 437, s. 13 (11).

#### NEGOTIATING AGENCY

14. (1) There shall be a negotiating agency to be known as "The Negotiating Committee for Turkeys" composed of seven persons to be appointed on or before the 1st day of October in each year of whom three shall be appointed by the local board, two shall be appointed by the Ontario Poultry Processors' Association, one shall be appointed by the Ontario Division of the Canadian Feed Manufacturers' Association, and the chair shall be appointed by the Commission. R.R.O. 1990, Reg. 37, s. 14 (1); O. Reg. 90/92, s. 3 (1).

(2) Each member of the negotiating agency shall hold office until the 30th day of September of the year next following his or her appointment. R.R.O. 1990, Reg. 437, s. 14 (2); O. Reg. 90/92, s. 3 (2).

(3) Where a member of The Negotiating Committee for Turkeys dies or resigns or is unavailable to act before the expiration of his or her term, the person or persons who appointed him or her shall appoint a person for the unexpired term of the member who died, resigned or was unavailable to act. R.R.O. 1990, Reg. 437, s. 14 (3).

(4) Where the Ontario Poultry Processors' Association, the Ontario Division of the Canadian Feed Manufacturers' Association or the local board, as the case may be, fail to appoint a member or members to The Negotiating Committee for Turkeys in accordance with the provisions of subsection (1) or (2), the Commission may appoint such members as are necessary to complete the negotiating agency. R.R.O. 1990, Reg. 437, s. 14 (4).

(5) A meeting of The Negotiating Committee for Turkeys may be convened by a notice in writing given by the three members appointed by the local board or by the three members appointed by the Ontario Poultry Processors' Association and the Ontario Division of the Canadian Feed Manufacturers' Association to the other members and the chair at least seven days but not more than ten days before the date of the meeting stating the time and place of the meeting. R.R.O. 1990, Reg. 437, s. 14 (5).

15. The Negotiating Committee for Turkeys may settle by agreement,

(a) terms, conditions and forms of agreements relating to the production or marketing of turkeys; and

(b) any charges, costs or expenses relating to the production or marketing of turkeys.  
R.R.O. 1990, Reg. 437, s. 15.

16. The Commission authorizes the local board to conduct a pool or pools for the distribution of all money received from the sale of turkeys and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the money received from the sale in such manner that every producer receives a share of the remainder of the money received from the sale in relation to the amount, class, variety, grade or size of turkeys delivered by the producer, and authorizes the local board to make an initial payment on delivery of the turkeys and subsequent payments until all of the remainder of the money received from the sale is distributed to the producers. R.R.O. 1990, Reg. 437, s. 16.

17. The Commission authorizes the local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration. R.R.O. 1990, Reg. 437, s. 17.

18. The local board, in carrying out the powers vested in it under paragraph 4 of section 10, shall take into account levies, licence fees or service charges imposed on producers that are used by the local board to stimulate, increase or improve the marketing of turkeys. R.R.O. 1990, Reg. 437, s. 18.

FORMS 1, 2 REVOKED: O. Reg. 90/92, s. 4.