



Milk Act
Loi sur le lait

R.R.O. 1990, REGULATION 753

GRADES, STANDARDS, DESIGNATIONS, CLASSES, PACKING AND MARKING

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This Regulation is made in English only.

DEFINITIONS

1. In this Regulation,

“consumer” means an individual who is acting other than in the course of carrying on business;

“grader” means a grader appointed under the Act;

“nutrient content claim” means a nutrient content claim that may be made in accordance with article B.01.503 of the *Food and Drug Regulations* made under the *Food and Drugs Act* (Canada);

“official method” means a method of analysis or examination approved by the Director for use in the administration of the Act and this Regulation;

“omega-3 polyunsaturated fatty acids” means “omega-3 polyunsaturated fatty acids” as defined in article B.01.001 of the *Food and Drug Regulations* made under the *Food and Drugs Act* (Canada). R.R.O. 1990, Reg. 753, s. 1; O. Reg. 103/95, s. 1; O. Reg. 163/04, s. 1.

DESIGNATIONS

2. (1) Milk that complies with and is produced and stored in compliance with Regulation 761 of the Revised Regulations of Ontario, 1990 is designated as Grade A milk. R.R.O. 1990, Reg. 753, s. 2 (1).

(2) Grade A milk used for processing into milk products other than fluid milk products is designated as industrial milk. R.R.O. 1990, Reg. 753, s. 2 (2).

3. Buttermilk, cream, double cream, flavoured cream, flavoured milk, flavoured partly-skimmed milk, flavoured skim-milk, milk, a milk beverage described in paragraph 3 of section 4, partly-skimmed milk, skim-milk, table cream and whipping cream are designated as fluid milk products. O. Reg. 8/11, s. 1.

3.1 (1) Subject to subsection (2), milk that,

(a) is derived in whole or in part from a milk product; and

(b) resembles or may be used as a substitute for a fluid milk product,

is designated as reconstituted milk. O. Reg. 100/97, s. 2.

(2) A fluid milk product with increased milk solids is not reconstituted milk. O. Reg. 100/97, s. 2.

(3) Subsection 16 (2) of the Act and the provisions of this Regulation applying to reconstituted milk do not apply to reconstituted milk processed at home for consumption on the premises. O. Reg. 100/97, s. 2.

4. (1) The following products are designated as milk products:

1. Products that are processed from milk or a component of milk in any form and that contain no oil or fat other than milk-fat.
2. Products, other than milk beverages, if the products are processed from milk or a component of milk in any form and contain,
 - i. no more than 0.5 per cent by weight of oil or fat other than milk-fat when contained in a flavouring agent, and
 - ii. no fat or oil other than milk-fat, except for the oil or fat mentioned in subparagraph i.
3. A milk beverage that contains,
 - i. no more than 0.5 per cent by weight of oil or fat other than milk-fat when contained in a flavouring agent,
 - ii. in addition to the oil or fat mentioned in subparagraph i, no more than 0.5 per cent by weight of oil or fat other than milk-fat, if the oil or fat contains omega-3 polyunsaturated fatty acids and its inclusion in the milk beverage would allow a person to make a nutrient content claim that the milk beverage is a source of omega-3 polyunsaturated fatty acids, and
 - iii. no fat or oil other than milk-fat, except for the oil or fat mentioned in subparagraph i or ii.
4. Products reprocessed from a product described in paragraph 1, 2 or 3.
- 5., 6. REVOKED: O. Reg. 8/11, s. 2 (2).

O. Reg. 163/04, s. 3; O. Reg. 443/04, s. 2 (1, 2); O. Reg. 201/07, s. 1 (1); O. Reg. 8/11, s. 2 (1, 2).

(2)-(4) REVOKED: O. Reg. 8/11, s. 2 (3).

FLUID MILK PRODUCTS

STANDARDS

5. (1) Fluid milk products shall be prepared from Grade A milk. R.R.O. 1990, Reg. 753, s. 5 (1).

(2) In addition,

- (a) buttermilk,
 - (i) shall be prepared by adding a bacterial culture to milk from which a portion of the milk-fat has been removed so that it develops an acidity in excess of that found in the milk,
 - (ii) shall contain not more than 3.25 per cent milk-fat, and
 - (iii) may contain added salt and stabilizers;
- (b) cream,
 - (i) shall contain not less than 10 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers;
- (c) double cream,
 - (i) shall contain not less than 40 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers;
- (c.1) flavoured cream,
 - (i) shall contain not less than 10 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, pH adjusting agents, stabilizers, sweeteners and food colouring;

- (d) flavoured milk,
 - (i) shall contain not less than 3 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;
- (e) flavoured partly-skimmed milk,
 - (i) shall contain not less than 0.9 per cent nor more than 1.1 per cent milk-fat or not less than 1.9 per cent nor more than 2.1 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;
- (f) flavoured skim-milk,
 - (i) shall contain not more than 0.3 per cent milk-fat and not less than 8 per cent milk solids other than milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;
- (g) subject to clause (j.1), milk,
 - (i) shall contain not less than 3.25 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat, and
 - (ii) may contain added vitamin D;
- (g.1) a milk beverage described in paragraph 3 of section 4,
 - (i) shall contain not less than 51 per cent by volume of milk, partly-skimmed milk or skim-milk that meets the standards set out in clause (g), (h) or (i), and
 - (ii) may contain added fruit, fruit pulp, fruit juices, vegetables, vegetable pulp, vegetable juices, nuts, carbon dioxide, bacterial cultures, salt, pH adjusting agents, stabilizers, sweeteners, lactase, flavouring and food colouring;
- (h) partly-skimmed milk,
 - (i) shall contain not less than 0.9 per cent milk-fat nor more than 1.1 per cent milk-fat and not less than 8.5 per cent milk solids other than milk-fat,
 - (ii) shall contain not less than 1.9 per cent nor more than 2.1 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat, and
 - (iii) may contain added vitamin A and vitamin D;
- (i) skim-milk,
 - (i) shall contain not more than 0.3 per cent milk-fat and not less than 8.5 per cent milk solids other than milk-fat, and
 - (ii) may contain added vitamin A and vitamin D;
- (j) table cream,
 - (i) shall contain not less than 16 per cent but less than 32 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers;
- (j.1) unhomogenized milk shall contain not less than 3.8 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat if it is sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations;
and
- (k) whipping cream,
 - (i) shall contain not less than 32 per cent but less than 40 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers. R.R.O. 1990, Reg. 753, s. 5 (2); O. Reg. 545/91, s. 2 (1); O. Reg. 103/95, s. 2; O. Reg. 100/97, s. 3; O. Reg. 376/99, s. 1; O. Reg. 163/04, s. 4; O. Reg. 443/04, s. 3 (1); O. Reg. 8/11, s. 3 (1).

(3) Lactase may be added to flavoured milk, flavoured partly-skimmed milk, flavoured skim-milk, milk, partly-skimmed milk or skim-milk. O. Reg. 545/91, s. 2 (2).

(4) Fruit juices added to a milk beverage shall meet the standards set out in the Food and Drug Regulations under the *Food and Drugs Act* (Canada). O. Reg. 545/91, s. 2 (2).

(5) Only bacterial cultures permitted by the Food and Drug Regulations under the *Food and Drugs Act* (Canada) may be added to a milk beverage. O. Reg. 545/91, s. 2 (2).

(6)-(8) REVOKED: O. Reg. 8/11, s. 3 (2).

6. (1) A fluid milk product with increased milk solids shall be prepared,

- (a) by adding Grade Canada 1 skim-milk powder, or evaporated or concentrated skim-milk, or both, to buttermilk, flavoured partly-skimmed milk, flavoured skim-milk, milk beverage, partly-skimmed milk or skim-milk; or
- (b) by removing water from buttermilk, flavoured partly-skimmed milk, flavoured skim-milk, milk beverage, partly-skimmed milk or skim-milk. O. Reg. 545/91, s. 3.

(2) Except in the case of milk beverage, the fluid milk product obtained under subsection (1) shall contain at least 10 per cent milk solids other than milk-fat. O. Reg. 545/91, s. 3.

7. A sterile or sterilized fluid milk product shall be prepared by heating a fluid milk product without appreciable change in volume to a temperature of not less than 135°C for not less than two seconds or to such other temperature-time relationship as may be required to ensure that it is free of living organisms when held for seven days at a minimum temperature of 32°C. R.R.O. 1990, Reg. 753, s. 7.

SIZE OF CONTAINERS

8. (1) A fluid milk product for retail sale must be in a container described in one of the following paragraphs, subject to the restrictions, if any, set out in the paragraph:

- 1. A container of any size that is 500 millilitres or smaller.
- 2. A container that is 625 millilitres.
- 3. A container that is 750 millilitres.
- 4. A container that is one litre.
- 4.1 A container that is one and a half litres.
- 5. A container that is two litres.
- 5.1 A container that is three litres.
- 6. A container that is four litres or larger in increments of one litre.
- 7. A container of any size if the product in it is a milk beverage.
- 8. A glass bottle of any size if the processor who packages the product accepts bottles of that type after sale for refilling with a fluid milk product. O. Reg. 134/00, s. 1; O. Reg. 550/00, s. 1; O. Reg. 221/14, s. 1.

(2) In addition to the containers mentioned in subsection (1), unhomogenized milk may be sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations. O. Reg. 134/00, s. 1.

LABELLING

9. (1) Subject to subsection (2), every container used for the sale or distribution of a fluid milk product shall,

- (a) have a label imprinted on the container, affixed to the container or imprinted on the cap of the container stating in prominent lettering of uniform size and style, at least one-half the height of the lettering used for the common name, the designated name of the fluid milk product contained in it and, in the case of a flavoured fluid milk product or a fluid milk product with increased milk solids, the name of the flavour and words indicating that the product contains increased milk solids where applicable; and
- (b) display on the principal display panel in a legible manner,
 - (i) the percentage of milk-fat using the words "milk-fat" or the abbreviation "M.F." or "B.F.",
 - (ii) the processor's name and head office address or number sufficient to identify the processing plant,

- (iii) the date before which the product is of best quality,
- (iv) on all packages of sterile or sterilized fluid milk products, the word “sterile” or “sterilized” in prominent lettering at least one-half the height of the lettering used for the designated name of the fluid milk product contained therein, immediately preceding, above or below the designated name,
- (v) the word “Refrigerate” on all packages of pasteurized fluid milk products other than sterile or sterilized fluid milk products,
- (vi) the words “Refrigerate After Opening” on all packages of sterile or sterilized fluid milk products, and
- (vii) the words “Goats’ Milk” where the source of the fluid milk product is goats’ milk. R.R.O. 1990, Reg. 753, s. 9; O. Reg. 545/91, s. 5; O. Reg. 103/95, s. 4 (1); O. Reg. 100/97, s. 4 (1).

(2) Every container used for the sale or distribution of unhomogenized milk that is sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations shall,

- (a) have a label imprinted on the container, affixed to the container or imprinted on the cap of the container stating in prominent lettering of uniform size and style, the words “Unhomogenized Milk For Home Processing”; and
- (b) display on the principal display panel in a legible manner,
 - (i) the volume in litres of the container,
 - (ii) the processor’s name and head office address and a marking or number sufficient to identify the processing plant,
 - (iii) the date before which the milk is of best quality, and
 - (iv) the words “For Home Processing Only”, “Pasteurized”, “Refrigerate” and “No Vitamins Added”. O. Reg. 103/95, s. 4 (2).

(3) Every container used for the sale or distribution of reconstituted milk shall have a label imprinted on the container, affixed to the container or imprinted on the cap of the container with the words “reconstituted milk”. O. Reg. 100/97, s. 4 (2).

TESTING STERILE OR STERILIZED FLUID MILK PRODUCTS

10. (1) Samples of each batch of sterile or sterilized fluid milk product shall be tested by the processor using an official method. R.R.O. 1990, Reg. 753, s. 10 (1).

(2) Every processor shall keep records showing,

- (a) the date of each test;
- (b) batch identification and quantity;
- (c) the name of the fluid milk product;
- (d) the standard plate count where applicable;
- (e) the disposition of the batch; and
- (f) the name and signature of the person responsible for such records. R.R.O. 1990, Reg. 753, s. 10 (2).

CLASSES OF MILK

11. (0.1) This section applies only in respect of milk from cows. O. Reg. 361/05, s. 1 (1).

(1) The classes of milk set out in the Table to this section are established. O. Reg. 449/96, s. 1.

(2) REVOKED: O. Reg. 236/20, s. 1 (1).

(3) Unaccountable losses in a plant shall be prorated among the classes used in the plant, except class 4(d), in proportion to the volumes of each class used. O. Reg. 449/96, s. 1; O. Reg. 2/97, s. 1 (1); O. Reg. 62/16, s. 1 (2).

(4) If milk is used to process a product in a class and that product is in turn used to process a product in a different class, the milk shall be classified according to the end use, including for the purposes of the regulations made by the marketing board determining the price or prices that shall be paid for milk. O. Reg. 236/20, s. 1 (2).

TABLE

Item	Class	Description
1.	1 (a)	Milk used to process milk, partly-skimmed milk, skim-milk, buttermilk or milk beverages for retail sale or use in a food service premises. Milk used to process flavoured milk, flavoured partly-skimmed milk or flavoured skim-milk sold at retail or used in a food service premises. Milk used to process eggnog.
2.	1 (b)	Milk used to process cream with a butterfat content greater than 5%, table cream, double cream or whipping cream for retail sale or use in a food service premises. Milk used to process flavoured cream sold at retail or used in a food service premises.
3.	1 (c)	Milk used to process new milk products within the categories of products referred to in class 1 (a) or (b).
4.	1 (d)	Milk used to process products within the categories of products referred to in class 1 (a) or (b) if the products are processed for sale in the Yukon, the Northwest Territories or Nunavut, or for use on a cruise ship.
5.	2 (a)	Milk used to process all the types of yogurt including yogurt beverages, kefir and lassi but not including frozen yogurt referred to in class 2 (b).
6.	2 (b)	Milk used to process milkshakes, milk shake mixes, sport and nutrition drinks, fresh dairy desserts, sour cream, all types of ice cream and ice milk, ice cream mix and ice milk mix, whether frozen or not, other frozen dairy products including frozen yogurt, crème fraîche, all types of fudge, pudding, soup mix and Indian sweets. Milk used to process unhomogenized milk sold to consumers in non-graded containers of 20 litres or more.
7.	3 (a)	Milk used to process cheeses other than cheeses referred to in classes 3 (b) (i), 3 (c) and 3 (d). Milk used to process cheese curds other than stirred curd referred to in class 3 (b) (i).
8.	3 (b) (i)	Milk used to process cheddar cheese and cheddar-type cheeses sold fresh, stirred curd, cream cheese and cream cheese bases or cheese mixes other than cream cheese bases or cheese mixes used to process products referred to in another class.
9.	3 (b) (ii)	Milk used to process products not referred to in classes 3 (a), 3 (b) (i), 3 (c) and 3 (d) made by coagulating milk to form a curd, by coagulating milk products to form a curd or by coagulating both milk and milk products to form a curd.
10.	3 (c)	Milk used to process Asiago, Brick, Canadian-style Munster (Muenster), Colby, Farmer, Feta, Gouda, Havarti, Jack, Monterey Jack, Paneer, Parmesan, Pizza Cheese, Swiss and all types of Mozzarella except types of Mozzarella described in class 3 (d).
11.	3 (d)	Milk used to process standardized Mozzarella to be used strictly on fresh pizzas by establishments registered with the Canadian Dairy Commission under terms and conditions approved by the Canadian Milk Supply Management Committee.
12.	4 (a)	Milk used to process butter or butteroil. Milk used to process concentrated milk protein, all types of powders, infant formula or concentrated milk as an ingredient in the food industry. Milk used to process rennet casein (dry or curd) if the processed product is to be used in making an unstandardized processed cheese-type product.
13.	4 (b)	Milk used to process concentrated milk or sweetened concentrated milk for retail sale. Milk used to process any product not within a category of product referred to in another class. Accountable losses of milk at a plant.

14.	4 (c)	Milk used to process new milk products, other than new milk products within the milk product categories referred to in class 1 (c).
15.	4 (d)	Milk inventory.
16.	4 (m)	Milk used to process products for animal feed.
17.	5 (a)	Milk used to process cheese for further processing in Canada, other than by the confectionery sector.
18.	5 (b)	Milk used to process milk products, other than cheese, for further processing in Canada, other than by the confectionery sector.
19.	5 (c)	Milk used to process milk products for the confectionery sector.
20.	5 (d)	Milk used to process milk products that are exported within the limits for subsidized exports set out in Canada's Schedule to the World Trade Organization's Agreement on Agriculture.

O. Reg. 376/99, s. 2 (1); O. Reg. 361/05, s. 1 (3); O. Reg. 21/08, s. 1; O. Reg. 138/08, s. 1; O. Reg. 502/09, s. 1; O. Reg. 448/12, s. 1; O. Reg. 161/13, s. 1; O. Reg. 62/16, s. 1 (4); O. Reg. 236/20, s. 1 (3).

12. REVOKED: O. Reg. 449/96, s. 1.

RECONSTITUTED MILK

12.1 (1) A person who has a permit to do so may process or sell reconstituted milk. O. Reg. 100/97, s. 5.

(2) The Director shall issue a permit to process or to sell reconstituted milk if, but only if,

(a) the applicant for the permit holds the licences required under Regulation 761 of the Revised Regulations of Ontario, 1990;
and

(b) the supply of fluid milk products is insufficient to meet requirements. O. Reg. 100/97, s. 5.

(3) A permit expires on the date specified on it. O. Reg. 100/97, s. 5.

(4) A permit is not transferable. O. Reg. 100/97, s. 5.

12.2 (1) A permit is authority to,

(a) process or sell reconstituted milk only at such times as the supply of fluid milk products is insufficient to meet requirements;
and

(b) process or sell reconstituted milk in the area specified on the permit. O. Reg. 100/97, s. 5.

(2) The Director may suspend or revoke a permit if the holder of the permit exceeds the authority given in the permit or ceases to hold any of the licences required under Regulation 761 of the Revised Regulations of Ontario, 1990 that the holder had when the permit was issued. O. Reg. 100/97, s. 5.

12.3 (1) Every permit holder shall keep a record of,

(a) the quantity of reconstituted milk processed and sold; and

(b) the quantity of each milk product used to process the reconstituted milk. O. Reg. 100/97, s. 5.

(2) Every permit holder shall report the information required under subsection (1) to the Director by the 15th day of the month immediately following the month in which the reconstituted milk was processed and sold. O. Reg. 100/97, s. 5.

MILK PRODUCTS

STANDARDS

13. (1) Milk products shall be prepared from Grade A milk. R.R.O. 1990, Reg. 753, s. 13 (1).

(2) Except in so far as they are inconsistent with this Regulation, the grades, standards, grade names, grade marks, packing, marking and labelling requirements and specifications of containers for dairy products established under the following are adopted as part of this Regulation and shall be complied with:

1. Subdivision D of Division 3 of Part 11 of the *Safe Food for Canadians Regulations* (Canada).
 2. The document entitled "Canadian Grade Compendium, Volume 4 — Dairy Products" prepared by the Canadian Food Inspection Agency and available on its website, as that document is amended from time to time. O. Reg. 62/22, s. 1.
- (3) Dairy spread shall contain not less than 50 per cent milk-fat. R.R.O. 1990, Reg. 753, s. 13 (3).
- (4)-(7) REVOKED: O. Reg. 201/07, s. 2.

13.1 REVOKED: O. Reg. 8/11, s. 4.

GRADING

14. (1) Subject to subsection (2), a grader when requested to do so shall grade a milk product. R.R.O. 1990, Reg. 753, s. 14 (1).

(2) A milk product shall only be graded,

- (a) in a plant,
 - (i) licensed under section 15 of the Act, and
 - (ii) that, at the time of the preparation and grading of the product, complies with Regulation 761 of the Revised Regulations of Ontario, 1990; or
- (b) on premises approved by the Director. R.R.O. 1990, Reg. 753, s. 14 (2).

15. (1) A grader shall use official methods to determine the grade or compliance with standards prescribed in this Regulation for a milk product. R.R.O. 1990, Reg. 753, s. 15 (1).

(2) The Director shall on request furnish copies of official methods used for the purposes of this Regulation. R.R.O. 1990, Reg. 753, s. 15 (2).

16. Where a grader has reasonable grounds to believe that the quality of a milk product no longer corresponds to the grade given to that product, the grader may change the grade mark to a grade mark that corresponds to the quality of the product. R.R.O. 1990, Reg. 753, s. 16.

17. Any person who has submitted a milk product for grading, or any purchaser of a milk product that has been graded, may appeal to the Director from the decision of the grader. R.R.O. 1990, Reg. 753, s. 17.

OFFENCES

18. No person shall buy, sell, offer for sale, have in possession for sale, manufacture for sale or distribute for sale a milk product or a fluid milk product unless it complies with this Regulation or it is a new milk product or a new fluid milk product that the Commission allows, subject to those conditions it may impose, to be manufactured and sold on a temporary basis. R.R.O. 1990, Reg. 753, s. 18; O. Reg. 545/91, s. 7.

19. During or after the production or manufacture of a milk product or a fluid milk product, no person shall, directly or through another person,

- (a) add to the milk product or fluid milk product any substance that this Regulation does not require or permit;
- (b) remove from a fluid milk product any substance, except milk-fat or water to the extent required or permitted by this Regulation; or
- (c) allow the milk product or the fluid milk product to be exposed to a toxic substance, vermin or any other contaminating or foreign object or thing. O. Reg. 545/91, s. 8.

20. No milk product or fluid milk product or the container thereof shall be marked or labelled in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding the product's value, quantity, composition, quality, identity or nature. R.R.O. 1990, Reg. 753, s. 20.

21. No milk product or fluid milk product or the container thereof shall be marked with any words or symbols descriptive of purporting to be descriptive of the quality of the product, other than the grade name and grade mark, unless in the opinion of the Director the connotation of quality conveyed by the words or symbols is valid. R.R.O. 1990, Reg. 753, s. 21.

22. A milk product or a fluid milk product having a composition other than as permitted by this Regulation, that is found on the premises of a manufacturer, wholesaler or retailer, shall be deemed to be for sale if it is,

- (a) packaged in consumer-sized containers; or
- (b) in bulk or in containers other than consumer-sized containers and is not labelled "Not for Sale". R.R.O. 1990, Reg. 753, s. 22.

DETENTION

23. (1) If a milk product, fluid milk product or reconstituted milk has been manufactured or sold in contravention of the Act or regulations, a field-person may detain the product at the risk and expense of the person in possession of it. O. Reg. 100/97, s. 6.

(2) A field-person who detains a milk product, fluid milk product or reconstituted milk shall attach to the container or package of containers a detention tag and deliver or send by registered mail on the day of detention a notice of the detention to,

- (a) the person in possession of the product; and
- (b) the manufacturer, if any, whose name or number appears on the container or package of containers. O. Reg. 100/97, s. 6.

24. No person shall,

- (a) offer for sale, sell or move a detained product; or
- (b) remove a detention tag. O. Reg. 100/97, s. 6.

25. (1) The person in possession of the product or the manufacturer may apply to the Director for release of the product from the detention. O. Reg. 100/97, s. 6.

(2) An application under subsection (1) must contain a statement of the facts and reasons on which the applicant relies and must be received by the Director not later than 10 days after the detention was made. O. Reg. 100/97, s. 6.

26. (1) If the Director is satisfied, without a hearing, that the product under detention was not manufactured or sold in contravention of the Act or the regulations, the field person shall remove the detention tag and release the product. O. Reg. 100/97, s. 6.

(2) If the product is not released from detention under subsection (1), the Director shall hold a hearing as soon as reasonably possible to determine whether there has been a contravention of the Act or the regulations. O. Reg. 100/97, s. 6.

(3) If, after a hearing, the Director determines that the product under detention was,

- (a) manufactured or sold in contravention of the Act or regulations, the Director may order that the product be disposed of; or
- (b) not manufactured or sold in contravention of the Act or regulations, the Director shall order that the detention tag removed and the product be released from detention. O. Reg. 100/97, s. 6.