

# *The Vegetable, Fruit and Honey Sales Act*

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Chapter V-2 (formerly *The Vegetable and Honey Sales Act*) of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1989-90, c.54*; and 1994, c.11.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER V-2

### An Act respecting the Grading and Sale of Vegetables, Fruit and Honey within Saskatchewan

#### Short title

1 This Act may be cited as *The Vegetable, Fruit and Honey Sales Act*.

R.S.S. 1978, c.V-2, s.1; 1994, c.11, s.4.

#### Interpretation

2 In this Act:

- (a) **“fruit”** means any fruit prescribed in the regulations that is sold, offered for sale, or held in possession for sale;
- (a.1) **“grade”** means a grade established by the regulations;
- (b) **“inspector”** means an inspector appointed under this Act;
- (c) **“minister”** means the Minister of Agriculture;
- (d) **“produce”** means vegetables, fruit or honey;
- (e) **“vegetable”** means potatoes sold, offered for sale or held in possession for sale in Saskatchewan and includes any other plant sold, offered for sale or held in possession for sale in Saskatchewan which may be designated by regulation as a vegetable by the Lieutenant Governor in Council, but does not include seed potatoes certified pursuant to the *Plant Protection Act* (Canada).

R.S.S. 1978, c.V-2, s.2; 1989-90, c.54, s.7; 1994, c.11, s.5.

#### Regulations

3(1) The Lieutenant Governor in Council may make regulations:

- (a) classifying and establishing grades for any produce;
- (b) providing for inspection, grading, packaging, packing, marking, shipping, advertising and selling of produce within Saskatchewan, and prescribing the packages and containers that may be used;
- (c) requiring the registration and licensing of brokers, commission agents, dealers and packers and of persons assembling produce or vegetable or fruit products;
- (d) prescribing fees for the registration and licensing mentioned in clause (c), and fees for the inspection of produce and vegetable or fruit products;
- (e) respecting the cleanliness and sanitation of all premises in which honey is assembled, graded or packed;

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- (f) subject to section 11, prescribing the period or periods during which and the place or places or area or areas within which any regulation shall be in force;
  - (g) prescribing the powers and duties of inspectors;
  - (g.1) prescribing fruit for the purposes of clause 2(a);
  - (h) generally for carrying out the provisions of this Act according to their true intent.
- (2) **Repealed.** 1989-90, c.54, s.5.

R.S.S. 1978, c.V-2, s.3; 1989-90, c.54, s.5; 1994, c.11, s.6.

**Appointment of inspectors**

4 The minister may appoint inspectors whose duty it shall be to enforce this Act and the regulations.

R.S.S. 1978, c.V-2, s.4.

**Powers of inspectors**

5 Any inspector may at all reasonable times for the purpose of enforcing this Act or the regulations:

- (a) enter any place or premises other than a dwelling house, or any carriage, car, truck or other vehicle, other than a railway car, used or being used for the conveyance of produce or which the inspector believes has been or is being so used;
- (b) require to be produced for inspection or for the purposes of obtaining copies thereof or extracts therefrom any books, shipping bills, bills of lading, sales records or other records or papers;
- (c) inspect any produce that is being transported by vehicle and require the driver of any vehicle, which the inspector believes to be carrying produce, to stop for the purpose of inspection;
- (d) detain any produce for the time necessary to complete his inspection or otherwise;
- (e) at the expense of the producer, packer or owner take samples of produce wherever and whenever he deems it is necessary to do so.

R.S.S. 1978, c.V-2, s.5.

**Detention of vegetables at owner's risk**

6 Any produce detained by an inspector under this Act or the regulations shall at all times be at the risk and expense of the owner, but the inspector shall immediately notify the owner or person having possession of the produce by letter, telephone, facsimile or otherwise that the produce is being detained in storage or otherwise, as the case may be.

R.S.S. 1978, c.V-2, s.6; 1994, c.11, s.7.

**Obstruction of inspector**

7 No person shall obstruct an inspector or refuse to permit any produce to be inspected, or give to an inspector a false name or address or other false information.

R.S.S. 1978, c.V-2, s.7.

**Offences and penalties**

8 Every person who:

- (a) transports, packs, advertises, sells, offers or has in his possession for sale, any produce that in any respect does not comply with this Act or the regulations, except as permitted by the regulations;
- (b) represents any produce to be of a certain grade, variety or class unless it has been so graded or classed in accordance with the regulations;
- (c) misrepresents the grade, variety or class of any produce;
- (d) sells, offers for sale or has in his possession for sale produce in a package or container of which the faced or shown surface falsely represents the contents, or a package or container that is not properly filled;
- (e) sells, exposes, offers for sale or has in his possession for sale or use again for packing produce a package previously marked in accordance with the regulations unless he first completely removes, erases or obliterates the previous marks;
- (f) without authority:
  - (i) uses a registered number or mark assigned to any other person;
  - (ii) uses a brand, stencil or label designating the owner, packer or shipper;
  - (iii) alters, effaces or obliterates or causes to be altered, effaced or obliterated, wholly or partially, any marks on a package that has been inspected;
  - (iv) marks a package of produce in a manner describing or relating to the grade of the contents otherwise than as required by any regulation;
- (g) violates any of the provisions of this Act or the regulations;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$1000 and in default of payment to imprisonment for a term not exceeding thirty days.

R.S.S. 1978, c.V-2, s.8; 1994, c.11, s.8.

**Evidence of appointment of inspector**

9 A certificate of the appointment of an inspector purporting to be signed by the minister or deputy minister shall without proof of the signature or official position of the person signing the certificate be *prima facie* evidence of the appointment of the inspector.

R.S.S. 1978, c.V-2, s.9.

**Inspection certificate *prima facie* evidence**

**10** An inspection certificate purporting to be signed by an inspector shall be *prima facie* evidence of the facts stated in the certificate and conclusive evidence of the authority of the person giving or making the certificate without any proof of appointment or signature.

R.S.S. 1978, c.V-2, s.10.

**Scope of Act**

**11(1)** The Lieutenant Governor may by proclamation limit the application of this Act, insofar as it affects vegetables or fruit, to vegetables or fruit bought or sold for use within the cities or the cities and towns named in the proclamation.

(2) This Act does not apply to vegetables, fruit or honey produced in Saskatchewan and sold directly by the producer to a consumer for purposes of consumption and not for resale.

R.S.S. 1978, c.V-2, s.11; 1994, c.11, s.9.