

# General Regulations under *The Vegetable, Fruit and Honey Sales Act*

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Saskatchewan Regulations 137/70  
(effective June 12, 1970).

**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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**SASKATCHEWAN REGULATION 137/70**  
under *The Vegetable and Honey Sales Act*

INTERPRETATION

**Interpretation**

**1** In these Regulations:

- (a) **“Act”** means “The Vegetable and Honey Sales Act”.
- (b) **“carload”** means 20,001 pounds or more gross weight shipped or received in a railway car, truck or vehicle;
- (c) **“close package”** means any package the contents of which cannot be satisfactorily inspected without removing the cover, lid or other closing device;
- (d) **“condition defects”** means any defects that may develop in produce during storage or transit;
- (e) **“Department”** means the Saskatchewan Department of Agriculture;
- (f) **“District Supervisor”** means the District Supervisor of the Fruit and Vegetable Division, Canada Department of Agriculture;
- (g) **“diameter”** means the greatest diameter at right angles to the longitudinal axis;
- (h) **“establishment”** means any plant, factory or premises in which vegetables are canned or otherwise processed;
- (i) **“grade name”** means a grade name established by these Regulations and includes any mark, description or designation of a grade;
- (j) **“inspection”** means inspection by an inspector appointed under the Act and **“inspected”** has corresponding meaning;
- (k) **“inspection certificate”** means a certificate in such form as the Minister prescribes;
- (l) **“inspection point”** means any point normally serviced by an inspector, or where, in the opinion of the Minister, an inspection can be conveniently provided;
- (m) **“inspector”** means a person appointed or designated as an inspector under the Act;
- (n) **“lot”** means that quantity of produce that for any reason is considered separately from other produce as the subject of an inspection;
- (o) **“package”** means an inner or outer receptacle or covering used for containing, packing, wrapping or covering any produce;

- (p) **“produce”** means vegetable as defined herein.
- (q) **“properly packed”** means that the vegetables are not slack or overpressed or otherwise in condition likely to result in permanent damage during handling or in transit; and shall also mean that bags or sacks containing vegetables shall not be loosely or insecurely closed;
- (r) **“rutabaga”** means that vegetable commonly known as “Swede turnip” but does not include the usually smaller species commonly known as “Summer turnip”.
- (s) **“vegetable”** means asparagus, beets, Brussels sprouts, cabbages, carrots, cauliflowers, celery, sweet corn, cucumbers, head lettuce, onions, parsnips, potatoes, rutabagas and tomatoes sold, offered for sale or held in possession for sale in Saskatchewan.

12 Jne 70 SR 137/70 s1.

## GENERAL

### Application

- 2(a) Except as provided in Regulations 2(b) and 21(3) these Regulations shall apply to all vegetables sold, offered for sale or held in possession for sale in Saskatchewan.
- (b) These Regulations shall not apply to vegetables produced in Saskatchewan and sold directly by the producer to a consumer for purposes of consumption and not for resale.

12 Jne 70 SR 137/70 s2.

### No sale permitted without authorization

#### 3 No person shall:

- (a) pack, offer or accept for shipment or ship, advertise, display, sell, offer for sale, or have in his possession for sale any vegetable,
- (i) in a package of a size and type not specified in these Regulations;
  - (ii) which has not been graded, packed, and marked in accordance with the provisions of the Act and these Regulations.
  - (iii) which has been transported into Saskatchewan and has been repacked for sale in Saskatchewan unless the provisions of these Regulations have been complied with.
  - (iv) where the faced or shown surface falsely represents the grade, size, maturity, color or variety of the produce contained in the package.
  - (v) of which the quality or salability is adversely affected by the presence of insects, twigs, plant material, stones or other foreign objects or material.
- (b) offer or accept for shipment or ship, offer for sale, or sell any vegetable which is below the minimum grade for such kind of vegetable, except to a person engaged in the operation of an establishment;

- (c) sell, expose, offer for sale or have in his possession for sale or use again for packing vegetables any package previously marked in accordance with the Act and Regulations unless he first completely removes, erases or obliterates the previous marks;
- (d) without authority:
  - (i) use any registered number or mark assigned to any other person;
  - (ii) alter, efface or obliterate or cause to be altered, effaced or obliterated, wholly or partially, any marks on any package containing vegetables which has been inspected;
  - (iii) mark any package or vegetable in a manner describing or relating to the grade of the contents otherwise than as required by any Regulations under this Act.

12 Jne 70 SR 137/70 s3.

**Grading, weighing and advertising, re: pricing**

4 The grade of the vegetable and the net weight of the contents of the package shall be specified in all advertising when prices are stated.

12 Jne 70 SR 137/70 s4.

**Unfit vegetables**

5 No person shall pack, ship, sell, offer for sale or have in possession for sale any vegetables which are immature or so diseased or otherwise affected as to be unfit for human consumption.

12 Jne 70 SR 137/70 s5.

**Inspection**

6 A person who wishes to have produce inspected shall:

- (a) give at least twenty-four hours notice to an inspector, or if there is no inspector in the area, give at least forty-eight hours notice to the nearest inspector or to the District Supervisor.
- (b) place the produce in such a manner that it is accessible and its quality and condition is fully disclosed; and
- (c) render the inspector such assistance as he may require.

12 Jne 70 SR 137/70 s6.

**Samples**

7 An inspector may take or cut samples from produce he is inspecting.

12 Jne 70 SR 137/70 s7.

**Post-inspection**

8 After inspecting produce, an inspector may:

- (a) issue an inspection certificate in respect of the produce;

- (b) issue a card signed by an inspector indicating that the produce has been inspected; or
- (c) withhold the inspection certificate and any other evidence or information pertaining to the inspection
  - (i) if he has reason to believe that because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the produce,
  - (ii) to facilitate the enforcement of the Act or any regulation thereunder,
  - (iii) to give effect to instructions issued by the Department for the control of export or interprovincial shipment of produce,

12 Jne 70 SR 137/70 s8.

#### **Appeal of inspection**

9(1) The Department may upon the application of a person financially interested in a lot of produce grant an appeal inspection with respect to an inspection certificate issued for the lot of produce.

(2) The application shall state the reasons for the applicant's dissatisfaction with the original inspection certificate.

(3) The Department shall refuse to grant an appeal inspection if

- (a) the produce cannot be made accessible for inspection;
- (b) the lot has lost its identity; or
- (c) less than seventy-five per cent of the original lot is available for inspection.

(4) If the Department grants an appeal inspection, the inspector making the appeal inspection shall confirm the original inspection certificate unless the findings of the appeal inspection do not substantiate the original certificate with respect to any factor that could not have changed subsequent to the original inspection, in which case he shall issue an appeal inspection certificate rendering the original inspection certificate null and void.

12 Jne 70 SR 137/70 s9.

## **DETENTION**

#### **Detention**

10 Produce seized pursuant to section 5 of the Act may be detained by an inspector at any place at the risk and expense of the owner thereof by attaching a detention tag in such form as the Department prescribes to a prominent place on the lot of produce.

12 Jne 70 SR 137/70 s10.

**Notice of Detention**

**11** Within twenty-four hours of attaching the detention tag referred to in section 10, the inspector shall deliver or mail to the person in possession of the produce and to the owner of the produce, if known to the inspector, a duly completed Notice of Detention in such form as the Department prescribes.

12 Jne 70 SR 137/70 s11.

**Detention tag not to be tampered with**

**12** No person shall alter, deface or remove the detention tag referred to in section 10 and no person shall move, sell or otherwise dispose of any produce so detained until authorized by an inspector.

12 Jne 70 SR 137/70 s12.

**Notice of Release**

**13(1)** When an inspector is satisfied that the produce held in detention complies with these Regulations, he shall complete a Notice of Release in such form as the Department prescribes.

(2) The inspector shall deliver or mail one copy of the Notice of Release to each of the persons to whom he sent a copy of the Notice of Detention referred to in section 11.

12 Jne 70 SR 137/70 s13.

**Forfeiture: disposal**

**14** Any produce forfeited under section 5 of the Act shall be disposed of in such manner as the Department may direct.

12 Jne 70 SR 137/70 s14.

**FEES****Fees**

**15(1)** Subject to this Part, the fees payable for an inspection of produce that is in

(a) carload lots, are as follows:

(i) five dollars per carload for an inspection performed at shipping points; and

(ii) ten dollars per carload when the inspection is performed at some place other than shipping point; and

(b) other than carload lots, shall be determined in accordance with the following table:

<i>Column I</i>	<i>Column II</i>	<i>Column III</i>
Quantity of Produce Inspected	Fee at Shipping Point	Fee at Places Other Than Shipping Point
1 5,000 lbs. or less	\$2.00	\$4.00
2 5,001 lbs.– 20,000 lbs.	3.00	6.00
3 20,001 lbs.– 40,000 lbs.	5.00	10.00
4 40,001 lbs.– 60,000 lbs.	7.00	13.00
5 60,001 lbs.– 80,000 lbs.	9.00	16.00
6 Over 80,000 lbs.	\$9.00 plus \$2.00 for each 20,000 lbs., or part thereof, in excess of 80,000 lbs.	\$16.00 plus \$3.00 for each 20,000 lbs. or part thereof, in excess of 80,000 lbs.

(2) Notwithstanding subsection (1), the fee for a restricted inspection of produce that has been previously inspected and is in storage or in transit and in carload lots is four dollars per carload.

(3) For the purpose of subsection (2), “**restricted inspection**” means an inspection of a portion of a carload lot that is readily accessible without unloading or rearrangement of the lot.

(4) For the purposes of this Part, produce shall be deemed to be in carload lots if the quantity being inspected is more than twenty thousand pounds and can be definitely established as constituting all or part of a lot received or to be shipped in a truck, trailer or railway car.

12 Jne 70 SR 137/70 s15.

#### Same

**16** The fee for an appeal inspection referred to in section 9 shall be double the fee otherwise payable under section 15, except that no fee shall be assessed if the original inspection is not confirmed.

12 Jne 70 SR 137/70 s16.

#### Rates

**17** Where the Department specifies that this section shall apply in the determining of the fees for an inspection, the fee for that inspection shall be determined on the basis of the time required to make the inspection at the following rates per inspector:

- (a) two dollars and fifty cents per hour or part thereof;
- (b) seven dollars and fifty cents per half day; and
- (c) fifteen dollars per day.

12 Jne 70 SR 137/70 s17.

**Expenses**

**18** Where traveling, telegram, telephone or other expenses are incurred in connection with the inspection of produce, the fees set out in this part may be increased by the amount of such expenses.

12 Jne 70 SR 137/70 s18.

**Fees payable, re: conditions**

**19** The fees prescribed in this Part shall be payable by the applicant for inspection

- (a) upon delivery of the inspection certificate;
- (b) in the case of applicants holding authorized charge accounts, upon receipt of an invoice from the District Supervisor, or
- (c) in advance of inspection if so requested by the inspector.

12 Jne 70 SR 137/70 s19.

**Inspection certificate, re: additional copies**

**20(1)** The applicant for an inspection shall normally be supplied with only two copies of the inspection certificate but upon request to the inspector prior to issuance of the certificate this may be increased to four copies at no additional charge.

(2) Upon request to the Department and payment of a fee of two dollars, any person financially interested in the produce covered by an inspection certificate may be supplied with not more than four copies of the certificate.

12 Jne 70 SR 137/70 s20.

**MARKING****Marking**

**21(1)** Subject to subsection (3), a grade name shall not be used in connection with produce unless the produce, the package in which it is packed or a tag attached thereto, is marked with

- (a) the name and address of the packer or, if the produce is packed for a person who will sell the produce under his own label, the name and address of that person;
- (b) the grade of the produce;
- (c) the words "Table Potatoes" if the package contains potatoes;
- (d) the number of heads in the package if the package is not transparent and contains cauliflower or lettuce;
- (e) the number of stalks in the package if the package is not transparent and contains celery;
- (f) the number of cucumbers in the package if the package is not transparent and contains greenhouse cucumbers of Canada No. 1 grade;

- (g) the net weight of the contents if the package is a bag, unless the bag contains sweet corn, in which case the number of ears shall be marked; and
  - (h) the net weight if the package contains beets, cabbages, carrots, onions, parsnips, potatoes, or rutabagas.
- (2) When packages of produce bearing a grade name are placed in a master container the master container, or a tag attached thereto, shall be marked with
- (a) the name and address of the packer or, if the produce is packed for a person who will sell the produce under his own label, the name and address of that person;
  - (b) the grade of the produce; and
  - (c) the kind of produce packed therein if the kind is not readily discernible without opening the master container.
- (3) The provisions of subsection (1) do not apply to produce in a bulk display in a retail store.

12 Jne 70 SR 137/70 s21.

#### Markings specifications

**22** All marks required by this Part shall be

- (a) readily discernible, of a permanent nature and of a size reasonably in proportion to the package, label or tag but shall not be less in height than
  - (i) one-eighth of an inch on tags or tomato tubes,
  - (ii) three-sixteenths of an inch on bags containing less than 10 pounds, and
  - (iii) one-quarter of an inch in all other cases;
- (b) placed on one end of boxes, cartons, crates, lugs or headed barrels;
- (c) Stenciled, printed or interwoven on bags or placed on a suitable tag attached to the bag; or
- (d) placed on the lid, handle or one end of packages not referred to in paragraphs (b) and (c).

12 Jne 70 SR 137/70 s22.

#### Grade names

**23** Where a grade name is marked on a package, no other words or markings shall be placed on the package in such a manner as to appear to be part of the grade name or as to be mistaken for part of the grade name.

12 Jne 70 SR 137/70 s23.

#### Same

**24(1)** A package on which a grade name has been marked shall not have marked thereon

- (a) any legible marks that do not relate to the present contents of the package; or
- (b) any words that are false or misleading as to the contents of the package.

(2) When the marking on a package is changed, the change shall be made in such a manner that the old marking cannot be confused with the new marking.

12 Jne 70 SR 137/70 s24.

## PACKAGES

### Size and type

**25** All vegetable packages for use in Saskatchewan shall be of a size and type specified in Schedule B; except that the Department may authorize the manufacture and experimental use of other packages if identified and distributed as prescribed by such authorization.

12 Jne 70 SR 137/70 s25.

### Package must be maintained

**26** Packages containing produce, in connection with which a grade name is used, shall not be so stained, soiled, warped, broken or otherwise damaged as to affect the shipping quality or salability of the produce packed therein.

12 Jne 70 SR 137/70 s26.

### Onions, potatoes, re: clean packaging

**27** Packages containing onions and Canada No.1 grade potatoes shall be new, clean and free from stains.

12 Jne 70 SR 137/70 s27.

## GRADE AND STANDARDS

### Grade and standards

**28(1)** The grades for vegetables, the grade names therefor and the standards thereof are, subject to subsections (2) and (3), as set out in Schedule A; except that the Department may authorize such additional grades and grade standards as may be necessary from time to time.

(2) Condition defects shall not apply against the grade of any lot of produce other than beets, carrots, onions, parsnips, potatoes or rutabagas except at the time of shipment or at the time of repacking.

(3) A tolerance of five per cent in addition to that provided in Schedule A will be allowed for condition defects but, in the case of potatoes, not more than an additional one per cent may be decay and in the case of the other commodities mentioned herein not more than an additional two per cent may be decay except at the time of shipment or at the time of repacking of any lot of beets, carrots, onions, parsnips, potatoes or rutabagas.

12 Jne 70 SR 137/70 s27.

**SCHEDULE A**  
**Grades for Fresh Vegetables**

- 1 The grades for asparagus are Canada No.1 and Canada No. 2.
- 2 The grades for beets are Canada No. 1 and Canada No. 2.
- 3 The grades for Brussels sprouts are Canada No.1 and Canada No.2.
- 4 The grades for cabbages are Canada No.1 and Canada No. 2.
- 5 The grades for carrots are Canada No. 1, Canada No. 1-Cut Crowns and Canada No. 2.
- 6 The grades for cauliflowers are Canada No.1 and Canada No.2.
- 7 The grades for celery are Canada No.1, Canada No.1 Heart and Canada No.2.
- 8 The grade for sweet corn is Canada No. 1.
- 9 The grades for field cucumbers are Canada No. 1 and Canada No.2.
- 10 The grades for greenhouse cucumbers are Canada No.1 and Canada No.2.
- 11 The grades for head lettuce are Canada No.1 and Canada No.2.
- 12 The grades for onions are Canada No.1, Canada No.1 Pickling and Canada No. 2.
- 13 The grades for parsnips are Canada No.1, Canada No. 1-Cut Crowns and Canada No. 2.
- 14 The grades for potatoes are Canada No.1, Canada No.1 large and Canada No. 2.
- 15 The grade for rutabagas is Canada No.1.
- 16 The grades for field tomatoes are Canada No.1 and Canada No. 2.
- 17 The grades for greenhouse tomatoes are Canada No.1 and Canada No. 2.

**Grade Standards for Fresh Vegetables**

The grade standards for fresh vegetables established by regulations pursuant to the Canada Agricultural Products Standards Act as they may exist from time to time shall be the grade standards for fresh vegetables in Saskatchewan.

**SCHEDULE B**  
**Standard Packages**

- 1 All produce may be packed in the packages described in Table 1 of this Schedule.
- 2 Vegetables of a kind referred to in Column I of Table 2 of this Schedule may be packed in the packages described in Columns II and III of Table 2 of this Schedule.
- 3 Packages containing produce must, in addition to meeting the requirements prescribed by Items 1 and 2, be suitable for the produce.
- 4 Produce for which packages are not specified in this Schedule may be packed in any package set out in Table 1 of this Schedule or in any other suitable package.
- 5 Packages set out in Table 2 of this Schedule must, unless their dimensions are prescribed in that Table, have marked thereon the volume, weight or count of the produce packed therein.

TABLE 1

Column I Type	Column II Size or Volume
Pint .....	33.6 cubic inches
Quart .....	67.2 cubic inches
Baskets .....	2, 4, 6 or 11 quarts
Bushel.....	Hamper 32 quarts
Half Bushel Hamper .....	16 quarts
Bushel Box, Carton or Crate .....	2,200 cubic inch minimum
Half Bushel Box, Carton or Crate .....	1,100 cubic inch minimum
4-Basket Crate .....	15 3/4" x 15 3/4" x 5 1/8" to carry baskets of 4 1/4" depth measuring 7 1/2" x 7 1/2" at the top and 6 1/2" x 6 1/2" at the bottom

Any package of a capacity less than 3 lbs, except in the case of tomatoes, provided that the net weight is shown on all such packages.

TABLE 2

Column I Kind	Column II Type	Column III Size, Weight or Count
Beets, Carrots, Onions	Bag, Carton, Box or Crate	3, 5, 10, 25, 50, 75 and 100 lbs.
Cabbage	Bag, Carton, Box or Crate	40, 50 and 75 lbs.
Corn	Bag, Carton, Box or Crate	4, 5, 6 and 8 dozens
Cucumbers	Carton	16 1/2" x 8 1/2" x 6 1/4", containing two dozen cucumbers
Cucumbers	Carton	14 3/4" x 8 1/2" x 6 1/4", containing two dozen cucumbers
Cucumbers	Carton	13 1/4" x 8 1/4" x 6 1/4" containing two dozen cucumbers
Cucumbers	Carton	16" x 11" x 9 1/2"
Cucumbers	Crate	16 1/8" x 11 1/2" x 4 1/2"
Lettuce	Carton or Crate	21" x 14" x 9 3/4"
Parsnips	Bag, Carton, Box or Crate	3, 5, 20, 25, 40, 50 and 75 lbs.
Potatoes	Bag, Carton, Box or Crate	3, 5, 10, 15, 20, 25, 50, 75, 100 and 110 lbs.
Rutabagas	Bag, Carton Box or Crate	3, 5, 20, 25, 50, 75 and 100 lbs.
Tomatoes	Crate or Lug	16 1/8" x 13 1/2" x 6 1/2"
Tomatoes	Carton, Box or Crate	8 and 10 lbs., and 10 plus multiples of 5 lbs.
Tomatoes	Tube	14 oz.

12 Jne 70 SR 137/70 Schedule B.