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Dernière modification intégrée : R.M. 38/2017

THE FARM PRODUCTS MARKETING ACT
(C.C.S.M. c. F47)

Root Crop General Order*

Regulation 198/94
Registered October 24, 1994

Certification of land

1 Each producer of a root crop shall, on or before the 30th day of June in each year, apply to this Board for certification of all land on which that producer intends to grow or harvest a type of root crop during that year. Each application shall be in writing and shall be signed by the applicant.

Marketing prohibited unless land certified

2 No producer shall market a type of root crop unless that type of root crop was grown or harvested on land certified by this Board for the growing of that type of root crop pursuant to an application made by that producer.

Marketing to comply with grading requirements

3 No person shall market a root crop unless it has been graded and inspected as required by the *Canada Agricultural Products Standards Act* and regulations made thereunder, and is packed and marked in the manner prescribed by such Act or regulations.

Non-application of grading requirements

4 Section 3 does not apply to the transportation of root crops to this Board's premises at 1200 King Edward Street, Winnipeg, Manitoba or to such other location as may be authorized by this Board.

* This order is made under the *Manitoba Vegetable Producers' Marketing Plan Regulation*, Manitoba Regulation 249/87 R and is Order No. 2, 1994 of Peak Vegetable Sales.

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Classes of onions

5 Onions shall be classified under the following classes:

(a) yellow Spanish-type onions;

(b) cooking onions;

(c) [repealed].

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Marketing

6(1) For the purpose of this section, "**pooling area**" means:

(a) with respect to carrots and parsnips, that geographic area of Canada encompassing the provinces of Alberta, Saskatchewan, Manitoba and that portion of Ontario west of a line drawn north-south through the eastern limit of the City of Thunder Bay, Ontario;

(b) with respect to cooking onions, that geographic area of Canada encompassing the provinces of Saskatchewan, Manitoba and that portion of Ontario west of a line drawn north-south through the eastern limit of the City of Thunder Bay, Ontario; and

(c) with respect to yellow Spanish-type onions, that geographic area of Canada encompassing the provinces of Manitoba and that portion of Ontario west of a line drawn north-south through the eastern limit of the City of Thunder Bay, Ontario;

6(2) Subject to the exemptions provided in the Plan, no producer shall market a root crop except to this Board or through this Board. Each producer shall deliver all root crops to be marketed by that producer to this Board or, if directed by this Board, to a person designated by this Board to receive such root crops.

6(3) No person engaged in the marketing of a root crop shall purchase or otherwise acquire root crops except from or through this Board.

6(4) No processor shall purchase or otherwise acquire a root crop grown or harvested in Manitoba expect from or through this Board, unless otherwise permitted by this Board.

6(5) With respect to root crops marketed by this Board to purchasers located in the pooling area the following provisions will apply:

(a) This Board will sell root crops to such purchasers on a basis whereby the sale proceeds are pooled and distributed as set out below;

(b) initial payments for each type or class of root crop will be made to each registered producer on delivery of possession of such root crop in accordance with the initial payment schedule established from time to time by resolution of this Board based on the quantity, quality, variety, grade, or size of the root crop marketed. Any monies owing by a producer to this Board for materials or services provided by this Board to that producer will be deducted from any initial payment to be made to that producer.

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(c) pool periods for each type or class of root crop shall commence on the first day of each month and terminate on the last day of each month, subject to such other commencement and/or termination date as may be established by resolution of the Board from time to time;

(d) all monies received by this Board from the sale of each type and class of root crop in each pool period shall, after deduction of any initial payments made by this Board, be placed in separate pools for that type and class of root crop; and

(e) at the termination of each pool period for a type and class of root crop, all necessary and proper disbursements and expenses incurred in marketing that type or class of root crop and conducting the pool, and all allowances for reserves as may be approved by the Manitoba Natural Products Marketing Council, will be deducted from that pool and the remainder of the money in that pool will be distributed to the producers of that type and class of root crop relative to the quantity, quality, variety, grade, or size of root crop delivered by each producer during that pool period. Any initial payments which may have been paid to a producer and any monies owing by that producer to the Board for materials or services provided by the Board to that producer will be taken into account in making the final distribution at the end of each pool period.

6(6) With respect to root crops sold by this Board to purchasers located other than in the pooling area the following provisions will apply:

(a) This Board will sell root crops to such purchasers on the basis set out below;

(b) any registered producer wishing to participate in the sale of root crop to purchasers located outside of the pooling area shall advise the Board of the type or class and quantity of root crops such producer wishes to market to such purchasers (all such producers being referred to as "participating producers");

(c) when an order for root crop is received from a purchaser located outside of the pooling area, the participating producers who have indicated that they have root crop available which could fill such order may be invited to fill such order. Any such invitation will follow the notification procedures established by this Board from time to time for such purpose, copies of which notification procedures will be available to any participating producer at the head office of this Board;

(d) in accepting an invitation to fill an order, a participating producer must provide the Board with a written confirmation of such acceptance. Any such acceptance must follow the acceptance procedures established by this Board from time to time for such purpose, copies of which acceptance procedures will be available to any participating producer at the head office of this Board;

(e) if a participating producer fails to deliver root crop following an acceptance of an invitation to fill an order, or fails to deliver root crop of the quality and quantity specified in the order, the participating producer shall be responsible for all losses, expenses and charges, direct and indirect, incurred by this Board as a result of such failure; and

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(f) payment for root crop sold on the basis set out above will be made to a participating producer on or before the last day of the month following the month in which such root crop was sold, less all necessary and proper disbursements and expenses incurred in marketing that root crop, all allowances for reserves as may be approved by the Manitoba Natural Products Marketing Council, and any monies owing by that producer to this Board for materials or services provided by this Board to that producer.

6(7) Nothing in this Order requires this Board to receive or market a root crop which does not meet grade specifications set out in the Quality Control Manual of the Board.

M.R. 117/95; 38/2017

Size of containers

7(1) No person shall market a root crop unless such root crop is packed in a container, the type and class of root crop wherein weighs either 25 or 50 pounds (11.34, or 22.68 kilograms).

7(2) Notwithstanding subsection (1), a root crop packed to those requirements may, after delivery to this Board or to persons designated by this Board, be repacked into containers of the size or weight specified for that type of root crop in Table VI of the *Fresh Fruit and Vegetable Regulations* made under the *Canada Agricultural Products Standards Act* ("Consumer Bags").

7(3) Notwithstanding subsection (1), this Board may authorize the transportation of a root crop in bulk on a load by load basis.

Delivery orders

8(1) No person shall transport or deliver for transport (except to a transporter retained by this Board) a root crop unless such person has been issued a delivery order by this Board for the root crop being transported.

8(2) Subsection (1) does not apply to the transportation of a root crop by a producer from that producer's storage for the purpose of washing, grading and packing such root crop and for no other purpose.

Licenced repackers

9 No person shall repack a container of a type of root crop unless such person has been licenced by the Board as a licenced repacker for that type.

Tags

10(1) No person shall market or have in possession for marketing, a root crop unless it is packed in a container and the container containing such root crop, or the master container if the root crop has been packed in Consumer Bags, has attached to it a completed tag authorized and obtained from this Board, which tag shall show the following information:

(a) type, class and grade of the root crop;

(b) weight of the root crop;

(c) producer's name or producer's registration number, and if such root crop has been packed by a licenced repacker, the name of that licenced repacker; and

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(d) such other information as this Board may require from time to time;

provided however, that if such registered producer has received written permission from the Board, such product may be packed in a container or a master container, if such master container or the containers in such master container have printed on it or them, as part of it or them, such information.

10(2) Where this Board has directed a person to transport a root crop in bulk on a load by load basis, subsection (1) does not apply with respect to that root crop, but the vehicle transporting such root crop shall carry with it a bill of lading including the information set out in subsection (1) for that root crop.

10(3) A person who has been licenced to repack root crop shall remove and immediately destroy the completed tag attached to each container the contents of which have been repacked by that person, or the container or master container containing such product if the information referred to in subsection (1) was printed thereon.

Tags

11(1) All tags issued by this Board remain the property of this Board and every person obtaining tags from this Board for use in marketing a root crop must account to this Board for the disposition of each such tag.

11(2) No person other than a licenced repacker shall have in that person's possession a tag or container imprinted with a name other than the name of that person.

11(3) No person other than the person to or in respect of whom a tag was issued, or someone acting on that person's behalf, shall attach a tag to a container of a root crop or otherwise use a tag issued by this Board.

11(4) No person, other than the person to or in respect of whom a tag was issued, or someone acting on that person's behalf, shall have in that person's possession any tag issued by this Board, whether used or unused, unless it is attached to the container of a root crop for which it was originally authorized, or unless it is one that has been removed for the purposes of destruction pursuant to subsection 10(3).

11(5) No person shall have in that person's possession any container showing the information outlined in subsection 10(1), other than the person whose name is shown on such container, or a person acting on that person's behalf.

11(6) No person, unless acting pursuant to subsection 10(3), shall remove a tag from a container of a root crop to which it has been attached.

11(7) No tag issued by this Board or no master container on which tag information is printed may be used more than once.

11(8) No person shall buy, sell, receive, give or otherwise traffic in tags issued by this Board, whether used or unused.

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11(9) Any person for whom an exemption is provided under the Plan may apply to this Board on a form authorized by this Board for exemption tags in respect of any of such person's root crop which such person anticipates marketing in the near future, and, upon providing satisfactory evidence to this Board that such person is entitled to such exemption in respect of such root crop and has a ready market for same, and upon paying any applicable fees and charges for such tags to this Board, such person may obtain such exemption tags.

11(10) No person to whom exemption tags have been issued shall be entitled to any further exemption or exemption tags unless such person has properly accounted to this Board for each such tag previously issued to that person.

11(11) A person who has been supplied with exemption tags pursuant to subsection (9) shall affix to each container of root crops that such person has available for marketing an exemption tag duly completed showing the information specified in subsection 10(1).

Marketing information

12 Every person engaged in the marketing of a root crop within Manitoba shall

(a) keep and maintain complete and accurate books and records of all matters relating to such marketing; and

(b) at all times permit any authorized representative of this Board to inspect such books and records and facilitate such inspection; and

(c) upon request from this Board promptly report to it such information respecting the marketing of root crops as this Board may require; and without restricting the generality of the foregoing, fill in and deliver to the Head Office of this Board within ten (10) days of request from this Board a report on such marketing in the form prescribed by this Board containing the information and data indicated thereon properly certified as accurate.

Processor Information

13 Every processor of a root crop within Manitoba shall

(a) keep and maintain complete and accurate books and records of all contracts entered into with growers of root crops;

(b) at all times permit any authorized representative of the Board to inspect such books and records and facilitate such inspection; and

(c) upon request from this Board promptly report to it such information respecting any purchases of root crops from producers other than those pursuant to contracts with such producers entered into prior to the planting of such root crops.

General

14 Applications, forms or documents to be used in connection with registration, certification licences or marketing shall be those prescribed from time to time by resolution of this Board and shall contain such information as may be indicated on such applications, forms or documents, certificates or licences properly certified as true, accurate and complete in every respect.

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15 [Repealed]

M.R. 117/95

Non-application

16 This Order does not apply to:

(a) red Spanish-type onions;

(b) white Spanish-type onions;

(c) onion sets;

(d) multiplier onions;

(e) pickling onions; and

(f) rutabagas.

M.R. 38/2017

Exemptions

17(1) As provided in the Plan, green onions are exempt from this Order.

17(2) This Order is subject to other exemptions as provided in the Plan.

Repeal

18 Order 4/83 of The Manitoba Vegetable Producers' Marketing Board, being Manitoba Regulation 201/83 is repealed.

July 21, 1994

PEAK VEGETABLE SALES:

David Jeffries
Chairman

John Kuhl
Secretary

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