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THE FARM PRODUCTS MARKETING ACT (R.S.M. 1987, c. F47)

Milk General Order*

Regulation 301/89
Registered December 19, 1989

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* This order is made under The *Manitoba Milk Producers' Marketing Plan Regulation*, Man. Reg. 247/87R and is Order 3/89 of The Manitoba Milk Producers' Marketing Board.

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PART I

INFORMATION

Books, records and reporting

1 Every person engaged in the marketing of the regulated product shall

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

(b) shall upon request from this Board promptly report to this Board such information respecting the marketing of regulated product as this Board may request, and without restricting the generality of the foregoing, shall fill in and delivery to the head office of this Board within 7 days of request from this Board a report on such marketings in the form prescribed by this Board containing the information and data indicated thereon, properly certified as accurate.

Monthly utilization reports

2 Notwithstanding the generality of section 1, every processor and manufacturer shall, in respect of each month;

(a) make and sign a milk utilization report in a form provided by this Board in respect of each plant of the manufacturer or processor correctly indicating:

(i) the receipt and utilization of all milk received by the plant, and the sales of all milk and dairy products by the plant, and

(ii) such other information as this Board may require; and

(b) deliver such milk utilization report to this Board on or before the 10th day of the next following month, or where a statutory holiday falls within that 10 day period, on or before the 11th day of that month.

Inspection of books and records

3 Every person engaged in the transporting, manufacturing, processing or distributing of the regulated product shall at all times permit any authorized representative of this Board to inspect such books and records in respect to any part of his operations; and shall make available such books and records and shall facilitate such inspection.

PART II

POOLING

Producers to sell to Board

4 Subject to the expectations provided for subsection 28(2) of the Plan, no producer shall market milk except to this Board and shall deliver all milk marketed by him to this Board as directed by this Board.

Processors to buy from Board

5 All milk supplied to a processor or manufacturer shall be sold to the processor or manufacturer by this Board and bought by the processor or manufacturer from this Board on the terms and conditions set down by this Board.

Processors to limit operations

6 Except with the permission of this Board, no manufacturer or processor shall sell, process, pack or package milk except milk purchased from this Board.

Acceptable milk defined

7 "Acceptable milk" means milk that is not sub-standard milk.

Sub-standard milk defined

8 "Sub-standard milk" means:

- (a) contaminated milk or milk diluted with water or adulterated in any other way; or
- (b) milk from which any cream has been taken; or
- (c) milk to which cream has been added; or
- (d) milk or cream to which foreign fat, colouring matter, preservative or other chemical substance of any kind has been added; or
- (e) milk taken from a cow that is diseased at the time the milk is taken from her;
- (f) milk which contains an antibiotic or any other substance that inhibits the growth of a bacteria culture;
- (g) milk which, on a test made and verified by officials of the Department of Agriculture (Manitoba), has a bacterial count of 75,000 or more bacteria per millilitre as determined by the plate loop count method; or

(h) milk which, on a test made and verified by officials of the Department of Agriculture (Manitoba), has a somatic cell count of one million somatic cells per millilitre or more:

and includes milk that:

(a) contains any substance, matter or thing prohibited by the regulations made pursuant to *The Dairy Act*; or

(b) contains a substance, matter or thing in excess of the amount thereof permitted by the regulations made pursuant to *The Dairy Act*; or

(c) has any substance, matter or thing removed therefrom contrary to the regulations made pursuant to *The Dairy Act*; or

(d) comes from premises that do not comply with the standards set out in the regulations made pursuant to *The Dairy Act*.

Daily entitlement pool

9 All monies received by this Board from the sale of acceptable milk marketed by producers in each month within the quantity of allotted to such producers pursuant to the Daily Entitlement Pricing Policy of this Board shall, after deduction of any handling and other fees and charges payable to this Board, be placed in a pool (to be known as "The Daily Entitlement Pool"). At the termination of each month, all necessary and proper adjustments, disbursements and expenses incurred in marketing such milk and conducting such pool and all allowances for reserves as may be approved by the Manitoba Natural Products Marketing Council will be deducted from the pool and the remainder of the money received from the sale of such milk will be distributed to the producers relative to the quantity of such milk delivered by each producer during that month.

Surplus pool

10 All monies received by this Board from the sale of acceptable milk marketed by producers in each month in excess of the quantity of milk allocated to such producers pursuant to the Daily Entitlement Pricing Policy of this Board shall, after deduction of any handling and other fees and charges payable by this Board be placed in a pool (to be known as "The Surplus Pool"). At the termination of each month, all necessary and proper adjustments, disbursements and expenses incurred in the marketing of such milk and conducting such pool and all allowances for reserves as may be approved by the Manitoba Natural Products Marketing Council will be deducted from the pool and the remainder of the money received from the sale of such milk will be distributed to the producers relative to the quantity of such milk delivered by each producer during that month.

Payment for sub-standard milk

11 The Board may include sub-standard milk in either a Daily Entitlement Pool in any month, and may make a payment to a producer with respect to such sub-standard milk in that month in such amount and on such terms as the Board may in the Board's absolute discretion determine.

Purchase of sub-standard milk

12 Nothing in this Order requires this Board to receive or purchase sub-standard milk from a producer.

Purchase of milk following marketing of sub-standard milk

13 This Board may refuse to purchase any milk offered by a producer if that producer's milk was previously found to be sub-standard until the Board is satisfied that such producer's milk may reasonably be expected to be acceptable.

Suspension or cancellation re sub-standard milk

14 The Board may cancel or suspend the registration or license of a producer as provided in section 15 of the Plan, or suspend, reduce or cancel, either on a temporary basis or on a permanent basis the total allowable production quota of a producer if such producer repeatedly markets sub-standard milk to this Board.

PART III

TRANSPORTATION

Transportation by producers regulated

15 The provisions of this Part include the transportation of milk by the producer of such milk from the bulk milk tank of such producer.

Transportation agreements required

16 No person shall transport raw milk in bulk carriers unless he has entered into a valid written agreement with this Board providing for the transportation of milk as the agent of this Board.

Milk collection manifests required

17 Every person transporting milk shall at all times carry and keep with the vehicle carrying such milk copies of all milk collection manifests for the milk so transported by him.

Receipt of milk by manufacturers and processors

18 Every manufacturer or processor shall:

- (a) provide space and facilities for the unloading of milk from a milk tank truck, and approved facilities for the washing of milk tank trucks;
- (b) unload the milk from a milk tank truck,
 - (i) within two hours of the time of arrival at the milk plant where the arrival is at a time agreed upon by this Board and processor, or
 - (ii) within such additional time as may be required where an emergency exists at the milk plant by reason of a processing breakdown;
- (c) sign a milk collection manifest in the form provided by this Board, and made and signed by operator of the milk tank truck;
- (d) receive from the operator of the milk tank truck a copy of the milk collection manifest made and signed by the operator.

PART IV
GENERAL

19 [Repealed]

M.R. 160/92

Repeal

20 Manitoba Regulations 246/74, 34/77, 137/81 and 233/81 are repealed.

November 30, 1989

**THE MANITOBA MILK PRODUCERS' MARKETING
BOARD:**

Louis Balcaen, Chairman

R.L. Seekings, Secretary