REPEALED

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ABROGÉ

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

Potato General Order

Regulation 123/2000
Registered September 25, 2000

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Definitions

1 In this Order:

"**regulated product**" means "potato" or "potatoes", as the context may require;

"**seed potatoes**" means a potato marketed for use as seed, provided that potato is actually used as seed by the purchaser of such potato; and

"**table potatoes**" a potato which is not a seed potato.

Certification of land

2 Each producer of regulated product 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 regulated product during that year. Each application shall be in writing and shall be signed by the applicant.

Marketing prohibited unless land certified

3 No producer shall market a regulated product unless such regulated product was grown or harvested on land certified by this Board for the growing of regulated product pursuant to an application made by that producer.

Marketing to comply with grading requirements

4(1) No person shall market a regulated product 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.

4(2) Subsection (1) does not apply to the transportation of potatoes to this Board's premises at 1200 King Edward Street, Winnipeg, Manitoba or to such other location as may be authorized by this Board.

Classes of regulated product

5 All regulated product shall be classified under the following classes:

(a) Russet Table Potatoes;

(b) Red Table Potatoes;

(c) White Table Potatoes;

(d) Yellow Fleshed Table Potatoes;

(e) Specialty Table Potatoes; and

(f) Seed Potatoes.

Marketing

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

(a) for the period commencing on the first day of each crop year and terminating on March 31st of that crop year, 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

(b) for the period commencing April 1st of each crop year until the termination of that crop year, 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.

6(2) Subject to the exemptions provided in the Plan, no producer shall market regulated product except to this Board or through this Board. Each producer shall deliver all regulated product 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 regulated product.

6(3) No person engaged in the marketing of regulated product shall purchase or otherwise acquire regulated product except from or through this Board.

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

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

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

(b) [repealed]; M.R. 152/2018

(c) pool periods for each class of regulated product 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 class of regulated product in each pool period shall be placed in separate pools for each class of regulated product; and

(e) at the termination of each pool period for a class of regulated product, all necessary and proper disbursements and expenses incurred in marketing that class of regulated product 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 class of regulated product relative to the quantity, quality, variety, grade, or size of regulated product delivered by each producer during that pool period.

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

(a) this Board will sell regulated product to such purchasers on the basis set out below;

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

(c) when an order for regulated product is received from a purchaser located outside of the pooling area, the participating producers who have indicated that they have regulated product 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 regulated product following an acceptance of an invitation to fill an order, or fails to deliver regulated product 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

(f) payment for regulated product 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 regulated product was sold, less all necessary and proper disbursements and expenses incurred in marketing that regulated product, 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 regulated product which does not meet grade specifications set out in the Quality Control Manual of the Board.

6(8) Nothing in this Order requires this Board to receive or market all of the regulated product produced by a registered producer for marketing pursuant to an annual table quota to purchasers located in the pooling area.

M.R. 98/2010; 152/2018

Size of containers

7(1) No person shall market regulated product unless such regulated product is packed in a container, the regulated product wherein weighs either 50, 75 or 100 pounds (22.68, 34.02, or 45.36 kilograms).

7(2) Notwithstanding subsection (1), a regulated product 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 regulated product 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 regulated product 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 regulated product unless such person has been issued a delivery order by this Board for the regulated product being transported.

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

Licenced repackers
9 No person shall repack a container of regulated product unless such person has been licenced by the Board as a licenced repacker for potatoes.

Tags
10(1) No person shall market or have in possession for marketing, a regulated product unless it is packed in a container and the container containing such regulated product, or the master container if the regulated product 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) class and grade of regulated product;

(b) weight of regulated product;

(c) producer's name or producer's registration number, and if such regulated product has been packed by a licenced repacker, the name of that licenced repacker or such other brand name authorized by the Board for use by that licenced repacker; and

(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 regulated product in bulk on a load by load basis, subsection (1) does not apply with respect to that regulated product but the vehicle transporting such regulated product shall carry with it a bill of lading including the information set out in subsection (1) for that regulated product.

10(3) A person who has been licenced to repack regulated product 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 regulated product 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 regulated product 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 regulated product 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 regulated product 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.

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 regulated product 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 regulated product 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 regulated product 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 potatoes within Manitoba shall

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

(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 potatoes 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 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 regulated product within Manitoba shall

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

(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 potatoes from producers other than those pursuant to contracts with such producers entered into prior to the planting of such potatoes.

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.

15 Repealed.

M.R. 98/2010

Pool exemptions for specified seed orders

16 Section 6 does not apply to an order for seed received by this Board from a purchaser, where the purchaser specifies from which grower such order should be filled.

Repeal

17 Manitoba Regulation 203/94 is repealed.

August 22, 2000

PEAK OF THE MARKET

David Jeffries, Chairman

Doug Connery, Secretary