

The Milk Products Compositional Standards Regulations, 2014

being

[Chapter A-20.2 Reg 15](#) (effective December 18, 2014).

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 A-20.2 REG 15

The Animal Products Act

PART I

Preliminary Matters

Title

- 1 These regulations may be cited as *The Milk Products Compositional Standards Regulations, 2014*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Animal Products Act*;
- (b) **“approved laboratory”** means a laboratory approved by an inspector;
- (c) **“bacterial culture”** means a growth of harmless acid and aroma producing bacteria;
- (d) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (e) **“butterfat”** or **“milk fat”** means the fat of milk;
- (f) **“compositional standards”** means:
 - (i) the compositional standards for milk products set out in the federal regulations mentioned in clause 11(1)(a); and
 - (ii) the compositional standards set out in the Appendix;
- (g) **“cream”** means the fatty liquid prepared from milk by separating milk constituents in a manner that increases the milk fat content;
- (h) **“fluid milk”** means any milk product that is marketed or offered for sale in Saskatchewan in fluid form other than reconstituted, evaporated or condensed milk;
- (i) **“improperly branded milk products”** means milk products that are marketed with a false or misleading description, name or statement;
- (j) **“licence”** means a valid licence issued pursuant to these regulations;
- (k) **“manufacturing”** or **“processing”** means changing the nature, quality or condition of milk and includes pasteurizing, standardizing, dehydrating or ultrafiltering milk;
- (l) **“milk”** means the lacteal secretion, free of colostrum, obtained from the mammary gland of a cow;
- (m) **“milk product”** means any milk product or dairy product manufactured or processed wholly or primarily from milk;

- (n) **“processing establishment”** means a building or a collection of buildings where milk is received, processed into a milk product, cooled, stored, packaged or otherwise prepared for sale for human consumption;
- (o) **“processor”** means any person engaged in the business of manufacturing or processing milk;
- (p) **“reconstituted milk”** means milk resulting from combining whole milk powder or skim milk powder with water.

2 Jan 2015 cA-20.2 Reg 15 s2.

Application of regulations

3(1) These regulations apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the manufacturing, sale or processing of milk products in Saskatchewan.

(2) These regulations do not apply to category II milk plants as defined in *The Milk Pasteurization Regulations*.

2 Jan 2015 cA-20.2 Reg 15 s3.

PART II Licensing

Licence to act as processor required

4(1) No person shall, except under the authority of a licence issued pursuant to these regulations, carry on business or operate as a processor.

(2) Every licence continues in force indefinitely unless it is suspended or cancelled in accordance with these regulations.

(3) A separate licence is required for each location of a processing establishment at which a person carries on business or operates as a processor, and every person who holds a licence is deemed to be a separate processor with respect to each location.

2 Jan 2015 cA-20.2 Reg 15 s4.

Application for licence

5 Every applicant for a licence shall:

- (a) apply to the minister in the form provided by the minister;
- (b) submit to the minister a \$300 non-refundable application fee, payable to the Minister of Finance; and
- (c) provide the minister with any other information or material that the minister may reasonably require.

2 Jan 2015 cA-20.2 Reg 15 s5.

Issuance of licence

6(1) The minister may:

- (a) issue a licence to an applicant if the minister:
 - (i) receives an application together with the application fee pursuant to section 5; and
 - (ii) is satisfied that the applicant has complied with the Act and these regulations; or
 - (b) subject to section 10, refuse to issue a licence.
- (2) Not more than one processing establishment shall be maintained under the same licence, but the minister may issue more than one licence to the same applicant or licensee who applies in accordance with these regulations.

2 Jan 2015 cA-20.2 Reg 15 s6.

Effect of licence

7 A licence authorizes the licensee to carry on business or operate as a processor at the processing establishment location specified in the licence.

2 Jan 2015 cA-20.2 Reg 15 s7.

Terms and conditions

8(1) In this section, “**milk pasteurization licence**” means a licence issued pursuant to section 6 of *The Milk Pasteurization Regulations*.

(2) Subject to section 10, at the time a licence is issued, the minister may impose any terms and conditions that the minister considers necessary.

(3) Subject to section 10, at any time after a licence is issued, the minister may do all or any of the following:

- (a) amend, modify or vary terms and conditions imposed on a licence;
 - (b) impose new terms and conditions on a licence;
 - (c) repeal terms and conditions imposed on a licence and substitute new terms and conditions in their place.
- (4) Every licensee shall:
- (a) comply with the Act and these regulations;
 - (b) in the case of a processing establishment engaging in interprovincial trade, be registered in accordance with section 10 of the *Dairy Products Regulations* (Canada);
 - (c) hold a valid milk pasteurization licence;
 - (d) inform the minister of any change to the status of the federal registration or milk pasteurization licence within 48 hours after the change;
 - (e) provide a list of all processing procedures used in the manufacturing of milk products to ensure the processing establishment is in compliance with the compositional standards set out in these regulations;
 - (f) provide a list of all milk products produced in the processing establishment during the previous year by January 31 of each year;

- (g) inform the minister of any change to the types of products produced by the processing establishment within 10 business days after the change;
- (h) provide the minister with any other information or material that the minister may reasonably require; and
- (i) comply with any additional terms and conditions imposed on the licensee's licence.

2 Jan 2015 cA-20.2 Reg 15 s8.

Suspension or cancellation of licence

9(1) Subject to section 10, the minister may suspend or cancel a licence if the licensee:

- (a) has failed to comply with any provision of the Act or of these regulations;
 - (b) has made a material misstatement in the application for the licensee's licence; or
 - (c) has been guilty of misrepresentation, fraud or dishonesty.
- (2) If the minister considers it appropriate to do so, the minister may reinstate a licence that has been suspended.

2 Jan 2015 cA-20.2 Reg 15 s9.

Opportunity to be heard

10(1) Before the minister takes any action pursuant to clause 6(1)(b) or subsection 8(2), (3) or 9(1), the minister shall provide the person affected with:

- (a) written notice of the minister's intended action and the reasons for that intended action; and
 - (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.
- (2) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (1).
- (3) After considering the representations mentioned in subsection (1), the minister shall issue a written decision and shall serve a copy of the decision on the person as soon as is practicable after the decision is made.
- (4) Notwithstanding subsection (1), if the minister considers that it is necessary to protect the public interest, the minister may immediately take any action described in subsection 8(3) or 9(1) without giving the person an opportunity to be heard, but the minister shall give the person an opportunity to be heard within 20 business days after the date on which the minister takes the action.
- (5) Every notice or decision required to be given by the minister pursuant to this section is to be served:
- (a) personally; or
 - (b) by ordinary or registered mail to the last known address of the person being served.

(6) A document served by ordinary mail or registered mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(7) Irregularity in the service of a notice or decision does not affect the validity of an otherwise valid notice or decision.

2 Jan 2015 cA-20.2 Reg 15 s10.

PART III Administration

Processors to comply with compositional standards

11(1) Every processor shall ensure that all milk products manufactured or processed for sale in Saskatchewan by the processor comply with:

- (a) the compositional standards for milk products set out in:
 - (i) the *Dairy Products Regulations* (Canada); and
 - (ii) Division 8 of Part B of the *Food and Drug Regulations* (Canada); and
 - (b) the applicable compositional standards set out in the Appendix.
- (2) If there is a conflict or inconsistency between a provision of the federal regulations mentioned in clause (1)(a) and a compositional standard set out in the Appendix, the compositional standard set out in the Appendix prevails.
- (3) In manufacturing or processing any fluid milk, no processor shall remove or break down any constituents from the fluid milk other than butterfat, water or lactose to the extent required or permitted by these regulations.
- (4) On the request of the minister or an inspector, a processor shall provide evidence satisfactory to the minister or inspector that any milk product manufactured or processed for sale in Saskatchewan by the processor complies with the applicable compositional standards.

2 Jan 2015 cA-20.2 Reg 15 s11.

Sale of non-compliant and improperly branded milk products prohibited

12 No person shall market or possess for sale in Saskatchewan:

- (a) any milk products not in compliance with the applicable compositional standards;
- (b) any improperly branded milk products; or
- (c) any cream that does not identify the percentage of butterfat on the container.

2 Jan 2015 cA-20.2 Reg 15 s12.

Sample testing

- 13(1)** On the request of an inspector, a processor shall:
- (a) submit to an approved laboratory for testing a representative sample of any milk products produced at the processing establishment; and
 - (b) direct the approved laboratory to provide a copy of the complete report from the laboratory as soon as possible after completion of the report to:
 - (i) the processor who submitted the sample; and
 - (ii) the inspector.
- (2) Notwithstanding subsection (1), an inspector:
- (a) may, from time to time, submit to an approved laboratory for testing a representative sample of the following:
 - (i) milk products produced at a processing establishment;
 - (ii) milk products sold or offered for sale in Saskatchewan;
 - (b) shall, on submitting a sample pursuant to clause (a), notify the processor as soon as possible:
 - (i) that testing is being conducted on one or more milk products from the processor's processing establishment; and
 - (ii) of the address of the approved laboratory at which the testing is being performed; and
 - (c) shall, as soon as possible after receiving a copy of the complete report from the approved laboratory, provide a written copy of the complete report to the processor.

2 Jan 2015 cA-20.2 Reg 15 s13.

Failed compositional tests

- 14(1)** If a report from an approved laboratory pursuant to section 13 shows that a compositional standard set out in subsection 11(1) is not met, the processor shall take any action required by the inspector, including any or all of the following:
- (a) submit additional milk products for sampling;
 - (b) recall all milk products produced in the same production batch as the sample that failed to meet the compositional standards;
 - (c) segregate the milk products not in compliance with the requirements of these regulations, including all other milk products produced in the same production batch, from all other products produced;
 - (d) destroy the milk products not in compliance with the requirements of these regulations in the manner required by the inspector;
 - (e) any other action specified by the minister or the inspector.
- (2) If a report from an approved laboratory pursuant to section 13 shows that the milk products that were tested are improperly branded milk products, the inspector may require any person marketing or possessing the milk products for sale in Saskatchewan to take any action required by the inspector, including any or all of the actions mentioned in subsection (1).

(3) If the inspector finds that a milk product is not in compliance with the requirements of these regulations as determined by any test approved by the inspector that the inspector may cause to be performed in accordance with subsection 13(2), the inspector:

- (a) shall provide the processor or the person marketing or possessing the milk products for sale in Saskatchewan with a notice in writing prohibiting the selling, supplying or offering for sale of the milk products not in compliance with the requirements of these regulations; and
 - (b) may, in the notice mentioned in clause (a), set any terms and conditions for the actions described in section 13.
- (4) No person to whom notice has been given pursuant to this section shall fail to take the action required by the inspector.

2 Jan 2015 cA-20.2 Reg 15 s14.

PART IV Repeal and Coming into Force

R.R.S. c.A-20.2 Reg 14 repealed

15 *The Milk Products Compositional Standards Regulations* are repealed.

2 Jan 2015 cA-20.2 Reg 15 s15.

Coming into force

16 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

2 Jan 2015 cA-20.2 Reg 15 s16.

Appendix [Clause 11(1)(b)]

Milk Product	Compositional Standard
1. buttermilk or cultured buttermilk	a milk product containing not more than 3.25% milk fat and not less than 0.7% lactic acid
2. 2% partly or partially skimmed milk	fluid milk containing not less than 1.9% and not more than 2.1% butterfat and not less than 8.25% non-fat milk solids
3. 1% partly or partially skimmed milk	fluid milk containing not less than 0.9% and not more than 1.1% butterfat and not less than 8.25% non-fat milk solids
4. whipping cream	fluid milk containing not less than 32% butterfat
5. whole milk	fluid milk containing not less than 3.25% butterfat and not less than 8.0% non-fat milk solids

2 Jan 2015 cA-20.2 Reg 15.

