

DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER: DFPEI 2017-06

EFFECTIVE: 1 February 2017

Under the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, and the Dairy Farmers of Prince Edward Island Regulations thereunder, Dairy Farmers of Prince Edward Island makes the following Order:

MILK CLASSIFICATION ORDER

Application

1. This Order establishes the Classes of Milk in Prince Edward Island.

Definitions

2. The words herein shall have the meanings as found in the Prince Edward Island Natural Products Marketing Act and the Dairy Farmers of Prince Edward Island Regulations unless differentiated herein and as hereinafter defined:

- (a) "CMSMC" shall mean the Canadian Milk Supply Management Committee;
- (b) "cheddar type cheese" - a cheese of descriptive nomenclature will be recognized as cheddar-type cheese for the purpose of classification if it is a firm or semi-soft, unripened, unwashed curd cheese, with a minimum milk fat content of 25% and a maximum moisture content of 45%;
- (c) "losses" - unless otherwise specified refers to explained losses such as dumped milk or fluid returns;
- (d) "milk protein concentrate" or "MPC" is a dairy protein product with a protein content greater than 42% on a dry matter basis; and
- (e) "milk protein isolate" or "MPI" is not formally defined but is used to describe MPC at very high protein content, usually more than 70%.

Milk Classifications

3. The following classifications of milk are established:

- (a) Class 1(a) milk;
- (b) Class 1(b) milk;
- (c) Class 1(b)ii milk;
- (d) Class 1(c) milk;
- (e) Class 1(d) milk;
- (f) Class 2(a) milk;
- (g) Class 2(b) milk;
- (h) Class 3(a) milk;
- (i) Class 3(b) milk;
- (j) Class 3(c)1 milk;
- (k) Class 3(c)2 milk;

- (l) Class 3(d) milk;
- (m) Class 4(a) milk;
- (n) Class 4(a)1 milk;
- (o) Class 4(b) milk;
- (p) Class 4(c) milk;
- (q) Class 4(d) milk;
- (r) Class 4(m) milk;
- (s) Class 5(a) milk;
- (t) Class 5(b) milk;
- (u) Class 5(c) milk;
- (v) Class 5(d) milk; and
- (w) Class (7)

Harmonized Milk
Classification System

4. The following classes are established in accordance with the Harmonized Milk Classification System adopted by the CMSMC, 22 April 2010 and amended from time to time. This system classifies processor utilization of milk, partially skimmed, skim milk, creams, concentrated milk or a mix for products listed in the following classes.

Class 1(a) Milk

5. Class 1(a) - Milk and milk beverages, partly skimmed or skimmed, whether or not treated for lactose intolerance, whether flavoured or not, with or without vitamins or minerals added, for retail and food service, also including:
- (a) egg nog;
 - (b) cordials;
 - (c) cultured milk; and
 - (d) concentrated milk to be reconstituted as fluid milk.

Class 1(b) Milk

6. Class 1(b) - All types of cream with a butterfat content not less than 5% for retail and food service.

Class 1(b)ii Milk

7. Class 1(b)ii - Fresh cream with a butterfat content of 32% and higher used to make fresh baked goods, which are not eligible for a Class 5 permit. Any utilization in this class requires a Class 1(b)ii permit issued by the Canadian Dairy Commission.

Class 1(c) Milk

8. Class 1(c) - New class 1(a) and 1(b) fluid products for Retail and Food Service that are approved by Dairy Farmers of Prince Edward Island during an introductory period.

Class 1(d) Milk

9. Class 1(d) - Class 1(a) and 1(b) fluid products marketed outside the ten signatory provinces but within the boundaries of Canada, (e.g.: Yukon, NWT, Nunavut and cruise ships).

Class 2(a) Milk

10. Class 2(a) - All types of yogurts including yogurt beverages, Kefir and Lassi, excluding frozen yogurts.

Class 2(b) Milk

11. Class 2(b):
- (a) all types of ice cream, ice cream mix, whether frozen or not;
 - (b) other frozen dairy products including frozen yogurts;
 - (c) all types of sour cream;
 - (d) all types of milk shake mixes; and
 - (e) the following products: fudge, puddings, soup mixes and Indian sweets.

Class 3(a) Milk

12. Class 3(a) - All cheeses other than those identified in Class 3(b), Class 3(c)1, Class 3(c)2 and Class 3(d).

Class 3(b) Milk

13. Class 3(b) - All types of cheddar cheese, stirred curd, cream cheese, creamy cheese bases (cheese mixes), cheddar and cheddar-type cheeses sold fresh. Any product not referred to in Class 3(a), elsewhere in 3(b), 3(c) or 3(d) made by coagulating milk, coagulating milk products or coagulating both milk and milk products with the aid of bacteria to form a curd excluding rennet casein curd used in the manufacturing of non-standard final products in the processed cheese category.

Class 3(c)1 Milk

14. Class 3(c)1 - Asiago, Canadian Style Munster (Muenster), Feta, Gouda, Havarti, Parmesan, Swiss.

Class 3(c)2 Milk

15. Class 3(c)2 - All types of Mozzarella except when declared in Class 3(d) (including but not limited to part skim Mozzarella, part skim Pizza Mozzarella, Pizza Mozzarella), Brick, Colby, Farmer, Jack, Monterey Jack.

Class 3(d) Milk

16. Class 3(d) - Standardized mozzarella cheeses to be used strictly on fresh pizzas by establishments registered with the CDC under terms and conditions approved by the CMSMC.

Class 4(a) Milk

17. Class 4(a):
- (a) all types of butter and butter oil;
 - (b) all types of powders other than those identified in Class 7;
 - (c) all types of powder with over 4% butterfat content and packaged for retail;
 - (d) liquid MPC and MPI made from whole or partly skimmed milk (greater than 4% BF), in any concentration, derived by any process;
 - (e) concentrated milk, whether sweetened or not, not for retail; and
 - (f) all other products not elsewhere stated.

Class 4(a)1 Milk

18. Class 4(a)1 - Milk components for the manufacture of rennet casein (dry or curd), MPC (dry or liquid) or skim milk (dry or liquid) to be used in the manufacture of non-standardized final products in the processed cheese category.

Class 4(b) Milk

19. Class 4(b) - Concentrated milk for retail sale whether sweetened or not.

Class 4(c) Milk

20. Class 4(c) - New industrial products as approved by Dairy Farmers of Prince Edward Island during an introductory period.

Class 4(d) Milk

21. Class 4(d) - Inventories and losses.

Class 4(m) Milk

22. Class 4(m) - Milk components for marginal markets as established from time to time by the CMSMC.

Special Milk Classes

23. Special Milk Classes reflect the wording of the “*Comprehensive Agreement on Pooling of Milk Revenues*”. All milk components necessary for the production of products containing dairy ingredients can be accessed through subclasses of Class 5 (Special Milk Classes) and/or exported dairy products (Class 5(d) only).

- (a) Class 5(a) - Cheese used as ingredients for further processing for domestic and export markets.
- (b) Class 5(b) - All other dairy products used as ingredients for further processing for the domestic and export markets.
- (c) Class 5(c) - Dairy products used as ingredients for the confectionery sector destined for domestic and export markets.
- (d) Class 5(d) - Planned exports and other exports approved by the CMSMC, the total of which shall not exceed Canada’s WTO commitments.

Ingredients Class

24. (1) Class 7 - Eligible components, products and ingredients:
- (a) skim milk components in liquid and dry form, in any concentration, derived by any process, including MPC and MPI⁽¹⁾;
 - (b) skim-milk powder;
 - (c) whole milk powder⁽²⁾;
 - (d) edible casein and edible caseinate powders⁽³⁾;
 - (e) yogurt powders, sour cream powders, and partly-skimmed milk powder and blended milk powders with a maximum fat content of 4%; and
 - (f) rennet casein (dry or curd) used in the manufacture of non-standardized final products in the processed cheese category⁽⁴⁾.

- (2) Milk used to make the components, products and ingredients within Class 7, that are subsequently used to process a product in another class is deemed to come within that other class for milk pricing and billing purposes, as defined in the Harmonized Billing Mechanism.

Notes

- (1) Eligibility of liquid is subject to specific rules described in the administrative measures of the Harmonized Billing Mechanism.
(2) Subject to rules that have yet to be established.
(3) Including Casein, sodium caseinate, calcium caseinate.
(4) As per the procedure defined in the National Audit Standards

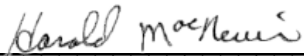
Revocation

25. Dairy Farmers of Prince Edward Island Board Order DFPEI 2016-08 effective the 1st day of November 2016 is hereby revoked.

Commencement

26. This Order comes into force on the 1st day of February 2017.

DATED at Charlottetown, Prince Edward Island, this 31st day of January 2017.



Harold MacNevin, Chair



Ronald Maynard, Secretary

