

DFPEI 2012-01
DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER: DFPEI 2012-01

EFFECTIVE: 1 August 2012

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:

FLUID MILK DISTRIBUTOR LICENSING ORDER

- Application 1. This order provides for licensing distributors of fluid milk products.
- Definitions 2. The words herein shall have the meanings as found in the *Natural Products Marketing Act*, R.S.P.E.I. 1988, Cap N-3, the *Natural Products Marketing Act* Dairy Farmers of Prince Edward Island Regulations thereunder, unless otherwise defined herein:
- a) “distributor” means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers, and for better certainty includes a processor, but does not include a storekeeper;
 - b) “distributor license” means a license issued by DFPEI under the terms of this order;
 - c) “DFPEI” means Dairy Farmers of Prince Edward Island;
 - d) “fluid milk product”, also called “class 1 milk product” means any product made from milk or cream that is prepared for sale in liquid or fluid form;
 - e) “milk” means the normal milk from cows; and
 - f) “storekeeper” means any person who carries on a retail grocery business and includes wholesale and discount food stores.
- Requirement for License 3. No person shall conduct business as a distributor of fluid milk products in Prince Edward Island unless they possess a distributor’s license from Dairy Farmers of Prince Edward Island.
- Application and Terms of License 4. (1) A person intending to commence business as a distributor of fluid milk products or seeking to amend the terms of an existing license shall apply to Dairy Farmers of Prince Edward using the forms specified under section 7 of this order.
- (2) The licenses specified in section 3 may be made subject to any terms and conditions the Board considers appropriate.

(3) Licenses granted under this order are specific to the products listed with the license and do not authorize the licensee to distribute other fluid milk products.

Renewal of
License

5. A licensed distributor who complies with the provisions of this Order and all other applicable regulations, and continues to do so, shall be entitled to renew their license upon submission of an application to renew and payment of the appropriate fee.

Fees

6. (1) The application fee for a distributor's license shall be fifty dollars.

(2) The renewal fee for a distributor's license in which there are no changes from the previous application shall be twenty-five dollars.

Form of
Application

7. (1) New applications and applications to amend the terms or conditions of a license, including amendment to the list of licensed products, shall be made using the form set out in Schedule 1 to this order and shall include all documentation listed on that form.

(2) Applications for renewal that do not include any changes for a license shall be made using the form set out in Schedule 2 to this order and shall include all documentation listed on that form.

Form of
License

8. All licenses shall be issued by the Board in a format consistent with the form set out in the Schedule 3 to this order and shall be accompanied by a list of the products the licensee is authorized to distribute.

Expiration

9. All licenses issued by Dairy Farmers of Prince Edward Island shall expire annually on 31 July or as otherwise specified in the conditions of the license.

Requirement to
Apply License
in Best Interest
of Public or
Dairy Trade

10. The Board shall not:

(1) issue a license pursuant to this Order; or

(2) approve any term or condition of a license issued pursuant to this order unless, in the opinion of the Board:

(a) issuing a license or approving a term or condition of a license is in the best interest of the general public or the dairy products trade; and

(b) the applicant has demonstrated the ability to meet all regulatory, health and safety requirements for distribution of Class 1 milk products.

Transfer
Prohibited

11. Licenses issued under these regulations are not transferable.

- Generic Product
Distribution 12. All fluid milk products not carrying the registered trademark of the manufacturer must be distributed by a licensed PEI fluid milk distributor.
- Revocation or
Suspension of
License 13. The Board may suspend, revoke, or refuse to issue or renew a license for failure to provide or perform the licensed service or, for failure to observe, perform or carry out the provisions of any governing act, regulations, orders or any condition specified in a license issued under this order.
- Transition
Date 14. All licenses issued under DFPEI Order 2011-04 shall remain in effect under this Order until they are renewed, expire or are revoked.
15. DFPEI shall not accept new applications under this Order until the 1st of October 2012.
- Revocation 16. DFPEI Order 2011-04 dated 7 March 2011 is hereby revoked.
- Commencement
17. This Order comes into force on the 1st day of August 2012.

Dated at Charlottetown, Prince Edward Island, this 3rd day of July 2012.

<< Original signed by >>
Harold MacNevin, Chair

<< Original signed by >>
Ronald Maynard, Secretary

APPLICATION
FLUID MILK DISTRIBUTOR'S LICENSE
Issued Under the Dairy Farmers of Prince Edward Island
Regulations and Orders

This application is to be completed, signed and returned,

with the appropriate fee payable to Dairy Farmers of PEI, to: **Dairy Farmers of PEI**
PO Box 335
420 University Avenue
Charlottetown, PE C1A 7K7

Part I

Distributor's Information (Required)

Company/Distributor's Name _____

Contact Person: _____

Mailing Address: _____

Physical Address: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Primary/Expected Delivery Area: _____

Business Registration Certificate _____

Delivery Truck Type: Number Refrigeration (Yes/No)

_____ _____ _____

_____ _____ _____

Explain where product will be stored and identify the inspecting authority for that facility:

_____ Certificate of Inspection (Yes/No) _____

Part II

Type of Delivery/Sale

Check Each Type That Applies

Manufacturer Delivering to Wholesalers/Retailers: _____

Manufacturer Delivering Direct to Consumers: _____

Manufacturer Delivering to Distributors: _____

Distributor Delivering to Another Distributor: _____

Distributor Delivering to Wholesalers/Retailers: _____

Distributor Delivering Direct to Consumers: _____

Other Relationship (please describe): _____

Part III

Manufacturer's Information (Required)

Company Name: _____

Company Address: _____

Contact Person: _____

Mailing Address: _____

Plant Location: _____

Telephone Number: _____

Federal/Prov. Reg. Number: _____

Fax Number: _____

E-mail Address: _____

Part IV

Other Information

1. Do you currently hold or have you ever held or applied for a license to distribute Class 1 (Fluid) milk products in any Canadian jurisdiction? Yes/No: _____

2. If yes, where and when?

3. Please provide details of any declined applications.

4. Explain how this distributorship will serve the best interest of consumers or the dairy products trade.

Part V

List of Class 1 (Fluid) Milk Products to be Distributed

<u>Product Name/Description</u>	<u>Package Size</u>	<u>Available In PEI (Yes/No)</u>
_____	_____	_____
_____	_____	_____

Attach additional sheets if required

Part VI

Additional Requirements

Please ensure the following information is included with your application

1. Product labels for all products to be distributed under this license, which shall include the specifications/recipe for the product. If in any instance a descriptive product label is not available, the applicant shall provide a narrative description of the product that includes a statement of the reason a label is not available for examination by the licensing authority.
2. A statement of country of origin for the product if it is other than Canada
3. Copies of all inspection certificates or related documentation for all distribution vehicles, equipment and facilities listed in this application (except motor vehicle inspection certificates)
4. Supply agreement(s) covering any products listed in this application that are not manufactured by the applicant
5. Proof of liability insurance
6. Copy of current operating licenses for PEI and other jurisdictions

Part VII Certification and Consent

I certify that:

1. To the best of my knowledge the information provided in this Application is true and accurate in all respects.
2. I have read and understand the information contained in the current Dairy Farmers of Prince Edward Island Distributor Licensing Order and agree to abide by all provisions of that order.
3. I will abide by the Natural Products Marketing Act and Regulations, Dairy Farmers of Prince Edward Island Orders, any terms and conditions established by Dairy Farmers of Prince Edward Island and any other regulations that apply to the distribution of fluid milk products in Prince Edward.

I GIVE CONSENT FOR THE LICENSING AUTHORITY TO:

1. Conduct a credit history investigation on the applicant;
2. Obtain information from licensing authorities in other jurisdictions regarding current or past licenses and/or applications for licenses by the applicant.

Dated at _____ this the ____ day of _____, _____.

Applicants (business) Name: _____

Per Authorized Signing Officer: _____

Name of Authorized Signing Officer (Print) _____

Position/Title _____

FOR OFFICE USE ONLY

REVIEW PROCESS

Received by: _____ Date: _____

Reviewed by: _____ Date: _____

Follow-up required: _____

RECOMMENDATION

(a) APPROVE WITHOUT CONDITIONS: _____

(b) APPROVE WITH THE FOLLOWING CONDITIONS: _____

Conditions of license: 1. _____

2. _____

(c) REJECT: _____

Reasons for rejection: 1. _____

2. _____

Recommended by: _____ Date: _____

License approved by: _____ Date: _____

License issued by: _____ Date: _____

**CLASS 1 MILK DISTRIBUTOR'S LICENSE
APPLICATION EVALUATION**

1. Part I – Distributor's Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

2. Part II – Type of Delivery/Sale

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

3. Part III – Manufacturer's Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

4. Part IV – Other Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

5. Part V – List of Class 1 Products

- (a) Is the list of Class 1 (Fluid) Milk Products to be distributed clear? Yes: _____ No: _____
(b) Do all product descriptions meet provincial standards? Yes: _____ No: _____
(c) Which products do not? (1) _____
(2) _____
(3) _____

6. Part VI – Certification

- (a) Is the Certification completed properly? Yes: _____ No: _____

7. Evaluation

Completed by: _____ Date: _____

**APPLICATION FOR RENEWAL
FLUID MILK DISTRIBUTOR'S LICENSE
Issued Under the Dairy Farmers of Prince Edward Island
Regulations and Orders**

This application is to be completed, signed and returned,

with the appropriate fee payable to Dairy Farmers of PEI, to: **Dairy Farmers of PEI
PO Box 335
420 University Avenue
Charlottetown, PE C1A7K7**

Part I

Distributor's Information (Required)

Company/Distributor's Name: _____

Contact Person: _____

Mailing Address: _____

Physical Address: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Primary/Expected Delivery Area: _____

Business Registration Certificate _____

Name of Authorized Signing Officer (Print) _____

Position/Title _____

Part II
Certification and Consent

I certify that:

1. I have read and understand the information contained in the current Dairy Farmers of Prince Edward Island Distributor Licensing Order and agree to abide by all provisions of that order.
2. The information provided in my/this firm's application dated _____ continues to accurately reflect current fluid milk distribution operations in Prince Edward Island;
3. (Delete the text that does not apply and initial beside the deletion)
(a) The list of products and the labels for those products submitted with the previous license application referenced in paragraph 1 above is unchanged.
(or)
(b) The list of products with the previous license application referenced in paragraph 1 above is unchanged but new labels are now used on those products and samples are enclosed with this application.
4. I will abide by the Natural Products Marketing Act and Regulations, Dairy Farmers of Prince Edward Island Orders, any terms and conditions established by Dairy Farmers of Prince Edward Island and any other regulations that apply to the distribution of fluid milk products in Prince Edward.

I GIVE CONSENT FOR THE LICENSING AUTHORITY TO:

1. Conduct a credit history investigation on the applicant;
2. Obtain information from licensing authorities in other jurisdictions regarding current of past licenses and/or applications for licenses by the applicant.

Dated at _____ this the ____ day of _____, _____.

Applicants Name: _____

Per: _____ (Authorized Signing Officer)

Signatory name (print) _____

Position _____

Part III

Additional Requirements

Please ensure the following information is included with your application

1. Samples of any labels revised since the previous licensing application was submitted.
2. Copies of all inspection certificates or related documentation for all distribution vehicles, equipment and facilities listed in this application (except for Motor Vehicle Inspection certificates)
3. Proof of liability insurance
4. Copies of any current operating or business licenses for PEI and other jurisdictions

FOR OFFICE USE ONLY

REVIEW PROCESS

Received by: _____ Date: _____
Reviewed by: _____ Date: _____
Follow-up required: _____

RECOMMENDATION

(a) APPROVE WITHOUT CONDITIONS: _____

(b) APPROVE WITH THE FOLLOWING CONDITIONS: _____

Conditions of license: 1. _____
2. _____

(c) REJECT: _____

Reasons for rejection: 1. _____
2. _____

Recommended by: _____ Date: _____

License approved by: _____ Date: _____

License issued by: _____ Date: _____

**CLASS 1 MILK DISTRIBUTOR'S LICENSE
APPLICATION EVALUATION**

1. Part I – Distributor's Information

- (a) Is all the required information complete? Yes: _____ No: _____
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(2) _____
(3) _____

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(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

3. Part III – Manufacturer's Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

4. Part IV – Other Information

- (a) Is all the required information complete? Yes: _____ No: _____
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(2) _____
(3) _____

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(2) _____
(3) _____

6. Part VI – Certification

- (a) Is the Certification completed properly? Yes: _____ No: _____

7. Evaluation

Completed by: _____ Date: _____

DISTRIBUTOR LICENSE

Dairy Farmers of Prince Edward Island

LICENSE

Pursuant to the Natural Products Marketing Act, the Dairy Farmers of Prince Edward Island regulations and Dairy Farmers of Prince Edward Island Orders and, subject to the provisions thereof,

.....is hereby authorized to distribute.....

.....

in the Province of Prince Edward Island.

This license is non-transferable and expires on the day of, 20.....

Dated Charlottetown, Prince Edward Island, thisday of....., 20.....

.....

SIGNED

(on behalf of the Dairy Farmers of Prince Edward Island)