

DFPEI 2012-03
DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER: DFPEI 2012-03

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 COMPOSITIONAL STANDARDS

1. This order applies to the compositional standards of fluid milk products.
 2. In this Order,
 - (a) "board" means Dairy Farmers of Prince Edward Island;
 - (b) "bulk milk grader" means a person licensed by the Board to perform the duties of a bulk milk grader as described in the Raw Milk Production and Transportation Order of the Board and who holds a bulk milk grader's license issued by the Board;
 - (c) "consumer" means an individual who is acting other than in the course of carrying on business;
 - (d) "dairy animal" means a cow of the bovine family kept for the purposes of milking;
 - (e) "DFPEI" means Dairy Farmers of Prince Edward Island;
 - (f) "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;
 - (g) "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;
 - (h) "inspector" means a person who is a bulk milk grader and who is appointed by the Board to, subject to the provisions of this Order, detain or seize and dispose of any product marketed by a person as a fluid milk product that is determined not to be a fluid milk product as defined in this Order.
 - (i) "milk" means a normal lacteal secretion obtained from the mammary gland of a dairy animal that has not been modified in any way other than by the removal of milk fat and homogenization;
 - (j) "official method" means a method of analysis or examination approved by the Board for use in the administration of this Order;
- Definitions
- Board
- bulk milk grader
- consumer
- dairy animal
- DFPEI
- distributor
- fluid milk product
- inspector
- milk
- official method

omega-3
polyunsaturated
fatty acids

- (k) “omega-3 polyunsaturated fatty acids” means “omega-3 polyunsaturated fatty acids” as defined in article B.01.001 of the Food and Drug Regulations made under the *Food and Drugs Act* (Canada); and

Raw milk
standards

3. Milk that meets the standards established in the Raw Milk Production and Transportation Board Order of the Board is designated for use in the manufacture of fluid milk products.

Reconstituted
milk

4. Milk that is,
(1) derived in whole or in part from a milk product, and
(2) resembles or may be used as a substitute for a fluid milk product
is designated as reconstituted milk.

Not reconstituted
milk

5. A fluid milk product with increased milk solids is not reconstituted milk.

Idem

6. The provisions of this Order applying to reconstituted milk do not apply to reconstituted milk processed at home for consumption on the premises.

Designated fluid
milk products

7. The following products are designated as fluid milk products:
(1) Products processed from milk that contain no oil or fat other than milk-fat.
(2) Products, other than milk beverages and the products described in subsection (1), if the products are processed from milk and contain,
(a) no more than 0.5 per cent by weight of oil or fat other than milk-fat when contained in a flavouring agent, and
(b) no fat or oil other than milk-fat, except for the oil or fat mentioned in subparagraph (a).
(3) A milk beverage that contains,
(a) no more than 0.5 per cent by weight of oil or fat other than milk-fat when contained in a flavouring agent,
(b) in addition to the oil or fat mentioned in subparagraph (a), no more than 0.5 per cent by weight of oil or fat other than milk-fat, if the oil or fat contains omega-3 polyunsaturated fatty acids and its inclusion in the milk beverage would allow a person to make a nutrient content claim that the milk beverage is a source of omega-3 polyunsaturated fatty acids, and
(c) no fat or oil other than milk-fat, except for the oil or fat mentioned in subsections (1) or (2).
(4) Products reprocessed from a product described in subsections 1, 2 or 3.

Idem

8. Notwithstanding S.7, fluid milk products may include, but are not limited to: blend, buttermilk, cream, double cream, eggnog, flavoured cream, flavoured milk, flavoured partly-skimmed milk, flavoured skim-milk, milk beverages, partly-skimmed milk, skim-milk, standard milk, table cream and whipping cream.

Fluid milk product
standards

9. Fluid milk products shall only contain milk that meets the standards set out in the Raw Milk Production and Transportation Board Order of the Board.

- (1) In addition,
- Blend cream
 - (a) blend cream
 - (i) shall contain not less than 10 per cent and not more than 16 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers;
 - Buttermilk
 - (b) buttermilk,
 - (i) shall be prepared by adding a bacterial culture to milk from which a portion of the milk-fat has been removed so that it develops an acidity in excess of that found in milk,
 - (ii) shall contain not more than 3.25 per cent milk-fat, and
 - (iii) may contain added salt and stabilizers;
 - Double cream
 - (c) double cream,
 - (i) shall contain not less than 40 per cent milk-fat, and
 - (ii) may contain added pH adjusting agents and stabilizers;
 - Eggnog
 - (d) eggnog,
 - (i) shall contain not less than 3.9 per cent and not more than 6.1 per cent milk fat and not less than 9 per cent milk solids other than fat, and
 - (ii) notwithstanding S.7, may contain added sugar, sweeteners, emulsifiers stabilizers and flavouring agents, including ingredients derived from milk products, to a maximum of 10 per cent milk solids other than fat;
 - Flavoured cream
 - (e) flavoured cream,
 - (i) shall contain not less than 10 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, pH adjusting agents, stabilizers, sweeteners and food colouring;
 - Flavoured milk
 - (f) flavoured milk,
 - (i) shall contain not less than 3 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;
 - Flavoured partly-skimmed milk
 - (g) flavoured partly-skimmed milk,
 - (i) shall contain not less than 0.9 per cent and not more than 1.1 per cent milk-fat or not less than 1.9 per cent and not more than 2.1 per cent milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;
 - Light eggnog
 - (h) light eggnog,
 - (i) shall contain not less than 2.9 per cent and not more than 3.1 per cent milk fat and not less than 10 per cent milk solids other than fat, and
 - (ii) notwithstanding S.7, may contain added sugar, sweeteners, emulsifiers stabilizers and flavouring agents, including ingredients derived from milk products, to a maximum of 10 per cent milk solids other than fat; and

Flavoured skim-milk

- (i) flavoured skim-milk,
 - (i) shall contain not more than 0.3 per cent milk-fat and not less than 8 per cent milk solids other than milk-fat, and
 - (ii) may contain added flavouring, salt, stabilizers, sweeteners, food colouring and vitamins A and D;

Standard milk

- (2) Subject to S.7, standard milk,
 - (a) shall contain not less than 3.15 per cent and not more than 3.35 per cent milk fat,
 - (b) shall contain not less than 8 per cent milk solids other than milk-fat, and
 - (c) may contain added vitamin D;

Milk beverage

- (3) A milk beverage,
 - (a) shall contain not less than 51 per cent by volume of milk, partly-skimmed milk or skim-milk, and
 - (b) may contain added fruit, fruit pulp, fruit juices, vegetables, vegetable pulp, vegetable juices, nuts, carbon dioxide, bacterial cultures, salt, pH adjusting agents, stabilizers, sweeteners, lactase, flavouring and food colouring;

Partly-skimmed milk

- (4) Partly-skimmed milk,
 - (a) shall contain not less than 0.9 per cent milk-fat nor more than 1.1 per cent milk-fat and not less than 8.5 per cent milk solids other than milk-fat, or
 - (b) shall contain not less than 1.9 per cent nor more than 2.1 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat, and
 - (c) may contain added vitamin A and vitamin D;

Skim milk

- (5) Skim-milk,
 - (a) shall contain not more than 0.3 per cent milk-fat and not less than 8.5 per cent milk solids other than milk-fat, and
 - (b) may contain added vitamin A and vitamin D;

Table cream

- (6) Table cream,
 - (a) shall contain not less than 16 per cent but less than 32 per cent milk-fat, and
 - (b) may contain added pH adjusting agents and stabilizers;

Unhomogenized milk

- (7) Unhomogenized milk shall contain not less than 3.8 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat if it is sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations; and

Whipping cream

- (8) Whipping cream,
 - (a) shall contain not less than 32 per cent but less than 40 per cent milk-fat, and
 - (b) may contain added pH adjusting agents and stabilizers.

- Lactase
10. Lactase may be added to flavoured milk, flavoured partly-skimmed milk, flavoured skim-milk, standard milk, partly-skimmed milk or skim-milk.
- Increasing milk solids
11. A fluid milk product with increased milk solids shall be prepared,
- (1) by adding Grade Canada 1 skim-milk powder, or evaporated or concentrated skim-milk, or both, to buttermilk, flavoured partly-skimmed milk, flavoured skim-milk, milk beverages, standard milk, partly-skimmed milk or skim-milk; or
 - (2) by removing water from buttermilk, flavoured partly-skimmed milk, flavoured skim-milk, milk beverage, standard milk, partly-skimmed milk or skim-milk,
 - (a) except in the case of a milk beverage, the fluid milk product obtained under subsection (1) shall contain at least 10 per cent milk solids other than milk-fat.
- Production and manufacturing of fluid milk products
12. During production or manufacture of a fluid milk product, no person shall,
- (1) add to the fluid milk product any substance that this Order does not require or permit; or
 - (2) remove from a fluid milk product any substance, except milk-fat or water to the extent required or permitted by this Order.
- Products deemed for sale
13. A fluid milk product having a composition other than as permitted by this Order, that is found on the premises of a manufacturer, wholesaler or retailer, shall be deemed to be for sale if it is,
- (1) packaged in consumer-sized containers; or
 - (2) in bulk or in containers other than consumer-sized containers and is not labelled "Not for Sale".
- Detention of products
14. (1) If a fluid milk product has been manufactured or sold in contravention of this Order, an inspector may detain the product at the risk and expense of the person in possession of it.
- Detention tag
- (2) An inspector who detains a fluid milk product shall attach to the container or package of containers a detention tag and deliver or send by registered mail on the day of detention a notice of the detention to,
- (a) the person in possession of the product; and
 - (b) the manufacturer, if any, whose name or number appears on the container or package of containers.
- Idem*
15. No person shall,
- (1) offer for sale, sell, or move a detained product; or
 - (2) remove a detention tag.

Apply for
release of
product

16. (1) The person in possession of the product or the manufacturer may apply to the Board for release of the product from the detention.

Application

(2) An application under subsection (1) must contain a statement of the facts and reasons on which the applicant relies and must be received by the Board not later than 10 days after the detention was made.

Removal of
detention tag

17. (1) If the Board is satisfied, without a hearing, that the product under detention was not manufactured or sold in contravention of this Order, the inspector shall remove the detention tag and release the product.

Board hearing

(2) If the product is not released from detention under subsection (1), the Board shall hold a hearing as soon as reasonably possible to determine whether there has been a contravention of this Order.

Product
disposal or
release

(3) If, after a hearing, the Board determines that the product under detention was,
(a) manufactured or sold in contravention of this Order, the Board may order that the product be disposed of; or
(b) not manufactured or sold in contravention of this Order, the Board shall order that the detention tag be removed and the product be released from detention.

Commencement

18. This Order comes into force on the 1st day of August 2012.

DATED at Charlottetown, Prince Edward Island, this 10th day of July 2012.

<< Original signed by >>

Harold MacNevin, Chair

<< Original signed by >>

Ronald Maynard, Secretary