

# **Ticketable offences under the *Farm Products Grades and Sales Act*: what you should know if you are involved in grading, packaging and marketing farm products**

**Suzete Moniz, OMAFRA, Regulatory & Standards Coordinator**

## **Infosheet**

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Ontario's fruit, vegetable, honey and maple syrup industries have a reputation for producing safe, high quality food for consumers. Providing accurate information to buyers as required by law is an important part of upholding that reputation.

Requirements are outlined in the *Farm Products Grades and Sales Act* (FPGSA), Regulation 378 (Grades – Fruit and Vegetables), Regulation 384 (Honey) and Regulation 386 (Maple Products) which are enforced by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

### **What is the *Farm Products Grades and Sales Act*?**

The FPGSA and Regulation 378 (Grades – Fruit and Vegetables) regulate the quality, labelling, packaging and food safety issues for fresh fruits and vegetables in the province of Ontario.

The regulation also sets out the requirements for:

- labelling and marking of packages/master containers;
- grade standards;
- retail display signage; and
- advertisements of fresh fruits and vegetables.

### **How is the act enforced?**

While the majority of industry participants comply with the requirements, appropriate action is required when an individual, business or corporation violates provisions of the FPGSA or its regulations. Ticketing is one option that can be used to enforce this legislation.

Ticketing through the authority of the *Provincial Offences Act* provides a streamlined process to deal with offences for which formal prosecution may not be warranted. It is an effective deterrent for individuals who, for example, misrepresent the origin of produce.

## **What offences are subject to ticketing?**

Ticketing addresses offences related to packaging, labelling, marketing and product misrepresentation. A system of ticketing has been set up to include offences for the following regulations under the FPGSA:

- Regulation 378 (Grades - Fruit and Vegetables);
- Regulation 384 (Honey); and
- Regulation 386 (Maple Products).

Examples of offences include:

- selling produce at retail without a display sign;
- selling produce at retail without a display sign indicating the country or province of origin;
- misrepresenting the country of origin or grade (where grade standards exist) of produce being offered for sale; and
- failing to remove old markings from previously used containers.

A detailed list of offences under each regulation, as well as the fine amounts can be found on the Ontario Court of Justice website at: <http://www.ontariocourts.on.ca/ocj/en/setfines/one/index.htm>

For further information about each offence, please refer to the corresponding section of regulations 378 , 384 or 386 .

## **Why is ticketing important?**

Ticketing is a beneficial enforcement tool because it:

- encourages compliance with the regulatory requirements;
- enhances the reputation of Ontario's agri-food industry as a producer of safe, quality products through an effective deterrent system;
- supports the ministry's ability to trace products back to their source in case a food safety or quality issue arises;
- encourages a fair marketplace; and
- enables inspectors to effectively deal with infractions.

## **Where will tickets be issued?**

Provincial Offences Officers responsible for enforcing the FPGSA can issue a ticket (also known as Certificate of Offence) at any level of trade from packers to point of sale, such as farmers' markets and retail. Municipalities are responsible for the administration of ticketing and court processes, where necessary. Fines collected from ticketing go directly to the municipality in which the offence occurred.

## **What are my options if I receive a ticket?**

If you receive a ticket, you have three options:

1. Plead guilty and pay the fine, which involves mailing in your payment without a court appearance.
2. Plead guilty with an explanation. This involves appearing before a judge and explaining any unique circumstances surrounding the offence.
3. Initiate court proceedings to argue against the charges. This involves appearing in court to enter a not guilty plea and having a trial with respect to the charges listed on the ticket.

## **Can Provincial Offences Officers issue a ticket for produce that is not covered by Regulation 378, Grades – Fruit and Vegetables, under the FPGSA, such as bananas or oranges?**

Produce that cannot be grown in Canada, such as bananas and oranges, are not regulated under the FPGSA. Labelling requirements for commodities that cannot be grown in Canada are regulated by the Canadian Food Inspection Agency (CFIA). More information on commodities that cannot be grown in Canada can be found on the CFIA website at <http://www.inspection.gc.ca/english/fssa/frefra/cdnreqe.shtml> or by calling the CFIA at 1-800-667-2657.

### **Where can I get more information:**

*Farm Products Grades and Sales Act* available at:

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90f08\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f08_e.htm)

**Regulation 378 (Grades—Fruit and Vegetables)** available at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900378\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900378_e.htm)

**Regulation 384 (Honey)** available at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900384\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900384_e.htm)

**Regulation 386 (Maple Products)** available at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900386\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900386_e.htm)

*Provincial Offences Act* available at:

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90p33\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p33_e.htm)

For access to complete statutes and regulations , please refer to the Ontario statutes and regulations website:

<http://www.e-laws.gov.on.ca/navigation?file=browseStatutes&reset=yes&menu=browse&lang=en>

**Food Inspection Branch**  
Ministry of Agriculture, Food and Rural Affairs

1 Stone Road West, 5th Floor  
Guelph, Ontario N1G 4Y2  
**Tel: (519)826-4655**  
**Fax: (519)826-4375**

**Email:** [fpo.omafra@ontario.ca](mailto:fpo.omafra@ontario.ca)  
**Website:** [www.omafra.gov.on.ca](http://www.omafra.gov.on.ca)