



Newfoundland Labrador

Public Market Guidelines

September 2011

PUBLIC MARKET GUIDELINES

FOR ORGANIZED MARKETS OPERATING IN NEWFOUNDLAND & LABRADOR

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Introduction

Public Markets have enjoyed new popularity and have seen substantial growth throughout the province. With this popularity and growth, there has also been a significant shift from the marketing of only farm-fresh and / or traditional food products such as meat, vegetables, and nonhazardous home-baking to a wide variety of food products. With changing product lines and formats, the title “Public Market” has been chosen to represent this broader scope of operation. Public Markets have become a venue where many novice entrepreneurs attempt to start their respective businesses. A public market often affords the opportunity to interface with the primary producers of food products. From the perspective of consumer protection this shift has become a concern to the Government of Newfoundland & Labrador. Various Government departments have recognized the need to apply a level of control that will ensure consumer protection and encourage food security while providing entrepreneurial opportunities. This document represents the combined regulatory responsibility of several departments who have an interest in food. Health and Community Services, Natural Resources, Service NL and other indirectly associated departments have all contributed to this effort.

Policy

It is the role of Environmental Health Officers (EHO's) within Service NL (SNL) to inspect all commercial food premises where food is prepared or served to the public. This legislated responsibility is vested through *The Food and Drug Act* and subsequent *Food Premises Regulations*. These regulations apply to all commercial food service in Newfoundland and Labrador, regardless of its origin.

The administrative processes and standards contained in this guideline will be used to determine the suitability of vendors selling food products at Public Markets. Environmental Health Officers are the qualified individuals under Service NL who will consult with organizers for the location / structure of a market. In addition, EHO's will issue Food Licenses to those vendors who meet the intent of the *Food and Drug Act*, *Food Premises Regulations* and this guideline.

Definitions:

Candling: The technique of using background light to examine the internal structure of an egg to determine if defects are present.

Consumer: An individual who purchases goods for their own personal use.

Environmental Health Officer: Means a person authorized or instructed by the minister to inspect food, drugs and places where food is prepared or sold or where drugs are prepared, offered for sale or sold. All EHO's are Certified Public Health Inspectors by the Canadian Institute of Health Inspectors.

Event Organizer: The individual or organizing group responsible for allowing vendors to set up in association with the market, thus also responsible for excluding a vendor from the event.

Farm: A unit of land or water devoted to the growing or rearing of some particular type of vegetable, fruit, animal, or fish for commercial purposes.

Farm-Gate Sales: Farms selling only their own, unprocessed farm fresh products directly from the producer to the consumer.

Food: Includes every article used for food or drink by human beings, other than drugs, and an article which ordinarily enters into or is used in the composition or preparation of food for human beings, and also includes flavouring matter, condiments and ice sold for domestic purposes;

Food Premises: Means a place where food is prepared, manufactured, handled, cut, processed, packaged, displayed, stored, offered for sale, sold or served and includes hotels, restaurants, catering vehicles, mobile preparation premises, temporary facilities, retail food stores, tents, booths, ships, cold stores, bakeries, breweries, bottling establishments, drinking establishments, dairies, creameries, pasteurizing plants, meat packing premises, locker plants and premises.

Egg Defects: Physical variations in eggs structures that are not present in healthy eggs. Defects can be caused by many factors such as disease, parasites, diet, stress, inappropriate coup conditions or even mishandling of eggs. These unknown factors make defective eggs unsuitable for human consumption.

Egg Grading: A Federally mandated and regulated program based on egg size and quality with specific training and certification processes required.

Hazardous Food: Means a food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of those organisms if not properly handled and stored.

Licensed Abattoirs: A premise registered under the Meat Inspection Act (Canada) or licensed under the Meat Inspection Act (Newfoundland and Labrador) for the slaughter, butchering and processing of animals for human consumption.

Mobile preparation premise: Means a vehicle or other itinerant food premise from which food is prepared and is offered for sale to the public

Potable water supply: Potable water is simply water that is safe to drink. Potable water is free from pollution, harmful organisms and impurities.

Public Market: A venue where organized groups of vendors gather on a regular basis in a common location to market food products for which they are directly responsible. The larger scope of high risk, ready to eat food products differentiates this market from traditional Farmers Markets.

Public Market Certificate of Approval: Approval granted to the event organizer specific to the location where a public market is operated.

Vendors Food License: A food license granted to a booth operator at an organized market in accordance with the *NL Food and Drug Act*.

Utensils/ Dishware: Any implement that comes in contact with food when preparing, dispensing, or servicing food. These include, but are not limited to forks, knives, spoons, bowls, cups, plates, serving dishes, tongs or lifters.

General Public Market Guidelines Description:

An organizing body that wishes to plan and operate a reoccurring Public Market can apply for a Certificate of Approval to host such an event. The organizing body will maintain a list of vendors that the organizers have accepted under their own conditions. All of the vendors that wish to sell food at that event will have to apply to SNL for a Food License. When the conditions of the food licensing are met and the vendor is accepted by the market, then a food license can be issued. This is visualized in Diagram 1: licensing flowchart.

Markets that are not regularly occurring can be registered under the “Standard Health Guidelines for Temporary Food Establishments”. This document can be found at http://www.gs.gov.nl.ca/licenses/env_health/food/temp/temporary.pdf

Food Scheduling System:

For the purposes of this guideline document, food sales will be classed into 3 groups:

- **Schedule A foods**, are hazardous foods that normally are processed or could easily spoil and lead to illness.
- **Schedule B foods** are naturally less hazardous and require fewer procedures to ensure safety.
- **Schedule C foods** are foods that cannot be sold in public markets. They are very hazardous and cannot be properly maintained or stored under open

market conditions. This schedule also includes foods that are illegal to sell in the province due to resource licensing or other judicial concerns.

The foods and the scheduling system in this guideline apply to Public Markets only. The sale of these foods outside a market setting may be subject to other federal, provincial or municipal restrictions

Schedule 'A' Food Products:

These foods are classed as potentially hazardous foods:

- Storage of such food must be at a temperature of colder than 4°C (40°F) or hotter than 60°C (140°F) at all times. Therefore no hazardous food should ever be stored at a temperature between 4°C (40°F) and 60°C (140°F).
- The vendor must demonstrate to the satisfaction of the EHO that sufficient controls are in place to ensure a safe product. This includes equipment and processes at the approved source of origin, while transporting the food product and during display at the market.
- Foods prepared at the approved location must be stored at an approved location until the food is vended at the market(s).
- Unsold Schedule A products must be held at an approved location in order to be re-sold at a public market. The duration of time at which potentially hazardous foods are stored at temperatures between 4°C (40°F) and 60°C (140°F) cannot be used as the only control of micro bial growth for potentially hazardous food.
- Equipment approved by the EHO to keep potentially hazardous foods at temperatures colder than 4°C (40°F) or hotter than 60°C (140°F) is required. Potentially hazardous foods cannot be kept at room temperature.
- Inspection criteria for producers of unpasteurized juices are outlined in the Canadian Food Inspection Agency (CFIA) document, Code of Practice for the Production and Distribution of Unpasteurized Apple and Other Fruit Juice/Cider in Canada, and the CFIA Code of Practice - General Principles of Food Hygiene, Composition, and Labelling. Juices and ciders from these sources, which are offered for sale and are not pasteurized must be labelled "unpasteurized", properly stored and refrigerated at 4°C (40°F), or frozen. Ciders / juices which are pasteurized to the CFIA standard of a 5-log reduction of E. coli O157:H7, but are not commercially sterile, also require refrigeration at 4°C (40°F) or colder, or be kept frozen.

Potentially hazardous foods that are not listed here may also be offered for sale upon the approval of an EHO.

Examples of Schedule A foods:

- Raw meat and meat products from licensed abattoirs
- Raw fish and shellfish from licensed processors
- Poultry & poultry products from licensed abattoirs
- Eggs

- Fruit and vegetable juices processed onsite
- Milk and dairy products from licensed processors
- Cut fruits and vegetables
- Fruits and vegetables to be marketed as washed for ready-to-eat purposes
- Potentially hazardous dessert products, i.e., cream pastries, meringue topped pies, cheesecakes
- Any other food that is capable of supporting bacterial growth

Schedule 'B' Food Products:

These food products are not considered potentially hazardous food and will be considered acceptable products for sale in a public market. Foods determined to not be potentially hazardous food by an EHO may be offered for sale in a Public Market.

Examples of Schedule B Foods:

- Raw fruit and vegetables (whole, cut necessary for harvesting purposes only)
- Honey
- Jams and jellies (high sugar content)
- Baked goods and pastries (excluding cream pastries and meat filled pies)
- Hard candy and fudge
- Pasteurized Fruit Juices
- Chocolate
- Reconstituted powdered drinks
 - water used must be from a commercially bottled source, an approved municipal water supply, or a potable water supply
- Coffee and tea (milk/ cream to be kept at temperatures of 4°C (40°F) or colder, and water used must be from a potable water source approved by the EHO).

Schedule 'C' Food Products:

These foods present the highest risk to public health when conditions are compromised or may contravene existing legislation. These products will not be permitted to be offered for sale to the public in a Public Market.

Examples of Schedule C Foods:

- Raw Milk (unpasteurized is illegal for sale in Canada)
- Neutral pH canned / bottled food such as salsa or vegetables (a pH of equal to or greater than 4.6) where heat is used to sterilize the contents of the container and the only barrier to bacterial growth is the seal on the container itself.
- Wild mushrooms.

- Home bottled / canned meat, fish, smoked fish, shellfish and seafood products which are not produced in a licensed facility by a licensed fish processor.
- Meat or poultry originating from unlicensed abattoirs as defined in the *Meat Inspection and Wildlife Act*.
- Potentially hazardous food which has been stored at temperatures between 4°C and 60°C or prepared under unsanitary conditions.
- Other such foods deemed to be unacceptable by the EHO.

Licensing Requirements:

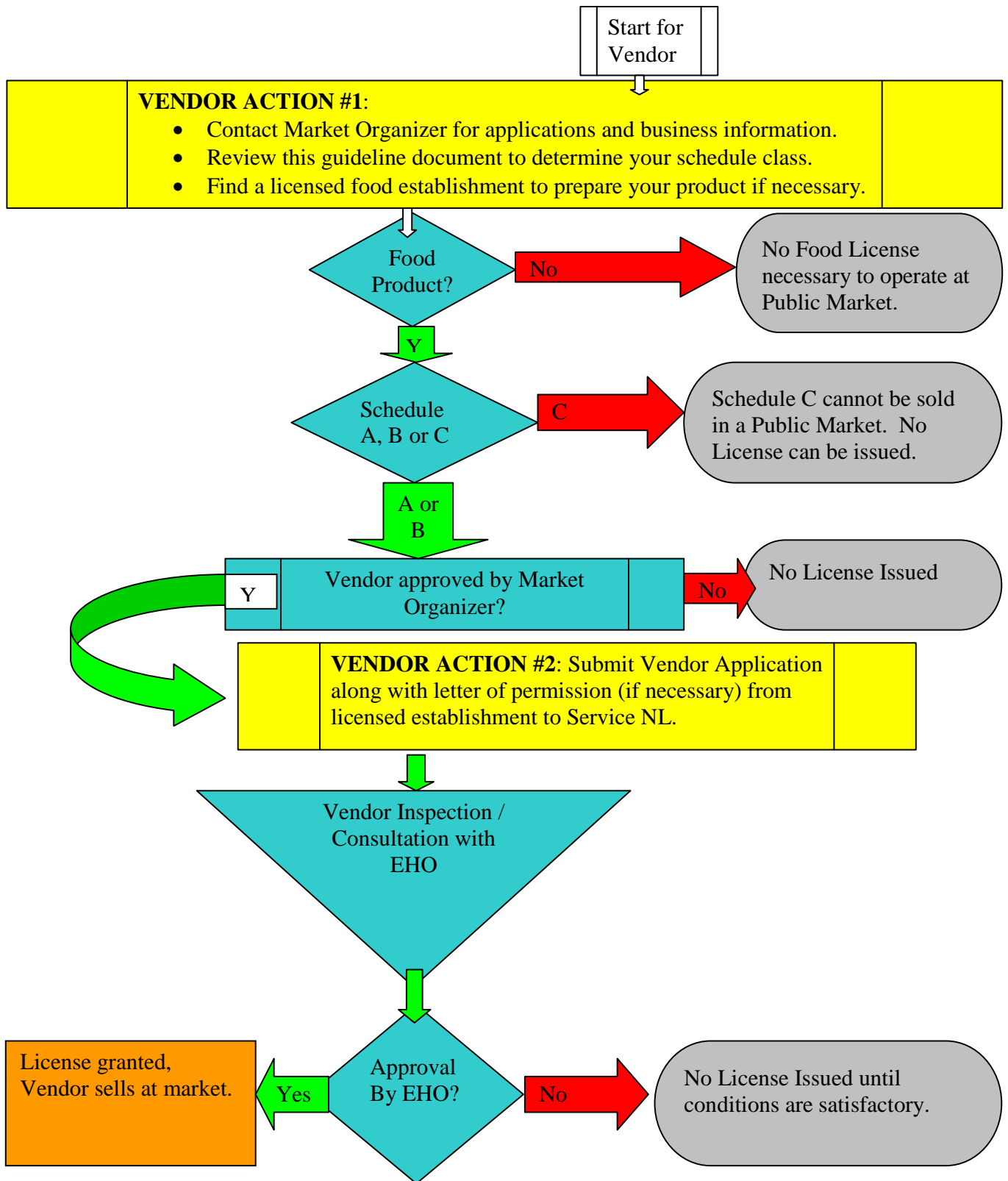
Market Organizer:

1. The public market organizer will be required to apply for and obtain a non-transferable Public Market Certificate of Approval for the public market location.
2. Any applicable municipal, community or private land permissions and approvals must be obtained prior to the start of the market.

Vendors:

1. Vendors selling food as described in Schedule A & B, will require a seasonal food license as stated in the *Food Regulations* § 5 (1).
2. This license will be required for a vendor to operate at Public Markets.
3. A vendor selling Schedule A & B products can obtain a license which will allow the vendor to sell for the duration of the season.
4. Each year the vendor wishes to operate, they will be required to contact SNL two weeks prior to operation to renew their status.
5. No vendors can be licensed to sell foods as described in Schedule C.
6. Vendors shall apply to SNL and are subject to inspection and licensing as required by the *Food Regulations*, §5. 2(a). To prevent delays in application processing, it is advisable to submit the applications as early as possible.
7. A mobile vendor that is already licensed under section 32 and meets the definition of a mobile food preparation premises under § 2. (J) of the *NL Food Regulations*, is exempt from the Public Market Guidelines.
8. In accordance with the *NL Food and Drug Act*, all food preparation must occur in a licensed food preparation establishment or a registered home based location.

Diagram 1: Licensing Flowchart



Operational Standards:

1. Operation of a Public Market.

Public Market food sales in Newfoundland & Labrador, shall be in accordance with the *NL Food and Drug Act*, *NL Food Premise Regulations* and these Guidelines.

2. Source of Ingredients.

All potentially hazardous (schedule A) and low risk foods (schedule B) offered for sale in Public Markets must originate from an approved and / or licensed source. Home, unlicensed preparation of such foods is clearly prohibited by the regulations.

- “Approved” means approved by an EHO.

3. General Food Hygiene

Food served to the public must be free from contamination;

- Protected from contamination (covers, packaging, or display enclosures are required) from wind, flies, etc.
- Ice is considered food and shall be treated in a like fashion;
 - Stored at least 15 cm (6”) off the ground in food grade, covered containers.
- Do not prepare perishable foods at home.
- Milk should remain stored in original containers.
- Condiments should be individually packaged or served from covered dispensers.
- Keep all hazardous foods at safe temperatures during transportation, storage, display, and service.
- Cold at 4°C (40°F) or colder
- Hot at 60°C (140°F) or hotter
- Cook or reheat all foods to 74°C (165°F) prior to hot holding.
- Hot holding units should be provided to maintain food at internal temperatures of 60°C (140°F) or greater after initial reheating.
- Never guess the temperature of food. Metal stem thermometers (probe thermometers) should be used to check the internal temperatures of food.
- Picnic coolers can be used for refrigeration provided the freeze packs are replaced every four hours.
- Thermometers should be provided in refrigerators, freezers and coolers.
- All pre-packaged potentially hazardous food should be adequately labeled with the information required by the CFIA Disposable or single service dishes and utensils must be used.
- Wiping cloths should be stored in a sanitizing solution. Use one teaspoon of bleach in four litres of water.

4. Food Labeling & Allergens

All vendors must comply with labelling requirements of all food products in accordance with the Canadian Food Inspection Agency document, Guide to Food Labelling and Advertising. Basic food labelling requirements in Canada include:

1. Common Name
2. Net Quantity Declaration
3. Producer Name and Address
4. List of Ingredients
5. Durable Life Date (Best Before)

Section 7 (1) & (2) of the *Consumer Packaging and Labelling Act*, as well as Section 5 (1) of the Federal Food and Drug Act prohibit false labeling. As stated in *The Guide to Food Labelling and Advertising*, in certain circumstances the vendor can have the above information posted at the vendor's booth. For example;

- Clerk-served foods which are packaged at the time of sale are not considered to be prepackaged foods and are therefore exempt from having a label affixed to the product.

It is important for vendors to be aware of allergens and the importance of ingredients. The CFIA has identified the following as common allergens:

- | | |
|---------------------|------------------|
| 1. Wheat | 6. Milk |
| 2. Fish / Shellfish | 7. Soy |
| 3. Peanuts | 8. Egg |
| 4. Tree Nuts | 9. Sulphite |
| 5. Sesame seeds | 10. Mustard seed |

- If products contain these ingredients they must be included on the label

5. Pesticides

The Department of Environment and Conservation would like to advise vendors that pesticides must be handled in a responsible manner. In Canada, all pesticides are classed into 3 groups:

1. Domestic - for home and garden, narrow range of products, available in small quantities only.
 - a. No license necessary to apply these pesticides
 - b. Read the label for explicit instructions on pre harvest intervals, food handling / washing and conditions of application.
2. Commercial - to be used only by licensed applicators, concentrated product, available in larger quantities than Domestic class pesticides.
 - a. Refer to the pesticide label for proper food handling and pre harvest interval instructions
3. Restricted - to be used only by licensed applicators, concentrated product, available in larger quantities, may be more hazardous to humans, plants and animals; therefore, certain restrictions apply to the way it is used. The nature of restriction, whether it is for human health or environmental safety, will be explained on the pesticide label.

- a. Refer to the pesticide label for proper food handling and pre harvest interval instructions
- Applicators will have to be licensed by the Department of Environment to use any pesticide other than domestic class pesticides.
 - When absolutely necessary to use a pesticide, ensure the label instructions are followed very carefully. Different pesticides have very different methods of application and characteristics.
 - Home remedies are not permitted to be used – they have never been tested to determine toxicity, efficacy or residual characteristics within plants being grown for food. Never mix or create pesticides for use on food products.
 - For more information on licensing and application please contact the Department of Environment and Conservation at 1-800-563-6181, 709-729-6054 or visit: http://www.env.gov.nl.ca/env/env_protection/pesticides/#safety

6. Samples

All vendors wishing to provide food samples of products under Schedule A must obtain a Public Market Vendors License from the EHO.

Vendors wishing to provide fruit or vegetable samples on-site do not require a license. If the vendor wishes to have periodic samples available and prepare those samples on-site, the following conditions must be met:

- Fruits or vegetables used in sampling must be pre-washed using an approved source of potable water
- A pipe or gravity-fed potable water hand washing station must be present and accessible during the preparation of the samples.
- The knife used to cut the samples must be exchanged every two hours and replaced with a clean and sanitized knife.
- The EHO may discontinue the allowance of preparing fruit and / or vegetable samples on-site, depending on the existing sanitary conditions.

7. Eggs

- See Appendix A
- Producers with more than 100 hens must be recognized by the “Egg Producers of Newfoundland and Labrador” (<http://www.nleggs.ca/>) to sell eggs.
- Eggs from producers with less than 100 hens must have “Unregulated Producer” included on the labeled.
- Eggs must be stored as a potentially hazardous food at 4°C, protected from contamination and properly labeled according to the labeling section.
- Eggs, including cracks, can only be sold by the egg producer (owner of the Hens) directly to the egg consumer (the person eating the eggs) otherwise they must be federally Inspected and graded.
- Trays and cartons or other packing materials must be clean and of a suitable material and condition for food storage.

- Containers cannot be marked “Graded” unless the eggs are federally inspected and graded at a registered grading station.
- All egg producers must, as a condition of their license, inspect and candle their eggs for defects before sale. Eggs with defects are not suitable for sale.
- Defects include but are not limited to:
 - Shell
 - Cracks
 - Thin shell
 - Misshapen
 - Pin hole
 - Mottled or glassy
 - Stained
 - Fungus or mildew
 - Internal
 - Blood spots
 - Meat spots
 - Watery whites
 - Pale yolks
 - Mottled or discolored yolk
 - Rotten
 - Worm infested
 - Fetus present

8. Sale of Meat

- See Appendix B
- Any meat, (including poultry) sold to the public must be processed at an Abattoir licensed by the Province.
- The transportation and storage of meat for sale at a Public Markets must be in a protected, temperature controlled manor approved by the EHO.

9. Importation of Food

- See Appendix C
- Imported food for sale at Public Markets must be brought to the attention of the inspector. There are procedures and exceptions surrounding importation that must be adhered to. Please refer to Reference Appendix C for more information.

10. Sale of Wild Meat

- See Appendix D
- *The Wildlife Act* and Regulations prescribe the legal method for obtaining wild meat.
- Only a Wild Meat Service License (or other specialty license such as retail Caribou License) holder can purchase wild meat from licensed hunters.
- Licensed hunters must have a Permit to sell meat to Wild Meat Service Licensees.
- Only game obtained from a Wild Meat Service License holder can be sold to the public.
- Wild Meat Service License holders must keep written records of legal meat sources. This must contain the following information.
 - The name of the person receiving the meat.
 - The approximate amount of meat given or sold by the license holder.
 - The date of the gift or sale.

- The license number of the person giving or selling the meat.
 - The signature of the person giving or selling the meat.
- Possessing raw wild meat without this information and a valid Wild Meat Service License is an offence. Wildlife Officers can charge individuals who do not have it.
- Meat obtained from wild sources must comply with operational standard 8 and be approved by the EHO.

11. Sale of Fish

- See Appendix E
- Only persons who hold a processors license can sell fish product directly to the public in Newfoundland. A fishing license does not give a fish harvester this legal ability.
- Persons who wish to sell fish product (including Lobster) as a vendor under a Public Market must hold a processors license.

12. Vendor Hygiene

- Every person who works within the booth, preparing or serving food shall wash hands prior to food handling and after toilet use or smoking/eating
- Wear clean, full length aprons, smocks, etc., and a hair covering (cap, hair net)
- Be free from any open sores, infected wounds or communicable disease that can be transmitted by food.
- Avoid touching food, including ice, with bare hands. Use tongs, scoops, or other utensils.
- Do not smoke in the booth.

13. Food Display and Storage

The potential for contamination of foods is increased at Public Markets while facilities to control contamination may be limited. Preparation of Schedule A and B foods must take place at a facility licensed by SNL as a Food Establishment using safe, acceptable food handling practices. To ensure proper food protection:

- If possible, all foods should be individually pre-wrapped
- Vendors should display only one sample food item of each type and protect the remainder.
- Keep the bulk of the product in a closed container, only opening the container to fill the order of a patron.
- Bulk or liquid foods should only be accessible to the vendor. Patrons should not be able to open and contaminate properly stored food.

The preparation of hazardous food in the booth is restricted to ready to cook items (e.g., hot dogs, pre-formed hamburgers). Cutting, chopping, mixing, stuffing, etc. of perishable food is not permitted in the food booth.

14. Outdoor Booth Construction

The booth should have:

1. Water resistant roof and walls (tent or barrier that meets provincial fire regulations) which cover the entire food preparation/display area.
2. Restricted access (fence, barrier).
3. Raised wood flooring (plywood fastened to pallets) should be used in poorly drained areas.
4. Natural or mechanical ventilation to keep the establishment free of excessive heat, steam, condensation, vapors, smoke, or fumes.
5. Work surfaces (e.g. counter tops), that are smooth, easily cleanable, and nonabsorbent.
6. Shielded light bulbs or shatter proof light bulbs.

Hand basins must be supplied with water and drained by:

- A faucet and pipe arrangement (which shall be provided for events longer than three days), e.g.: running water supply by pipe and hose with backflow prevention, drained to a sewer.

OR

- Water reservoir with faucets and catch basin (18 litres maximum) and wastewater holding tank (minimum 15% larger than water tank).
- Wastewater must be disposed of into a sewer, drain, or equivalent.

Note: Running water is the preferred method. In remote areas, a rigid plastic food grade container with faucets can be used to contain water.

15. Solid & Liquid Waste

(For Event Organizers)

Provide a minimum of one covered litter container in close proximity to each food booth.

- Additional solid waste containers should be provided based on one container placed every 100 feet on site (four containers per acre), and emptied as often as necessary, or a minimum of once daily.
- Provide a commercial disposal container at large events and empty as often as necessary or a minimum of once daily.
- Dispose of liquid waste in an approved manner:
 - holding tank or grey water pit
 - sanitary sewer system
 - waste disposal site
 - trailer dumping station

Public toilets and hand washing facilities should be provided by the event organizer.

- The number of toilets and hand wash basins are based on anticipated attendance. These figures can be estimated from previous year's attendance.

- For events with greater than 1000 people attending, the total number of toilets and hand wash basins should be determined by the EHO and event organizers.
- One handicap-equipped toilet must be provided at all sites, with one handicap-equipped toilet for every 2,000 people thereafter (or as determined to be adequate by event organizer)
- Soap, running potable water, individual towels or moist towelettes and garbage receptacles must be provided at handwash basins.
- The event organizer must maintain facilities clean and supplied throughout the event.
- Holding tanks must be emptied as required, or a minimum of once daily.
- Septic waste must be disposed of in a manner approved by SNL.

People at Site	Toilets	Handwash Facilities
1 to 50	2	2
51 to 100	4	2
101 to 200	6	2
201 to 300	6	2
301 to 400	10	2
401 to 500	12	3
501 to 600	14	3
601 to 700	16	3
701 to 800	18	3
801 to 900	20	4
901 to 1,000	22	4

16. Changes to the Market Structure

Proposed new markets or renovations / relocations made to existing markets must be forwarded to the EHO for review prior to the proposed changes being made.

Appendices Section

The following section is composed of legislation and standards that apply to food. Only the most applicable sections of an Act are included for field reference. This is not intended to be a complete compilation of all food legislation. For example, the *Food and Drug Act* is not included because it entirely deals with food safety and should be reviewed completely.

Please refer to: <http://assembly.nl.ca/legislation/sr/titleindex.htm> & <http://laws.justice.gc.ca/eng/acts/> for a complete viewing of applicable legislation.

Appendix A: Eggs

NL Poultry and Poultry Products Act (Egg Grading and Inspection Regulations)

<http://www.assembly.nl.ca/Legislation/sr/Regulations/rc960992.htm>

Health and safety standards

§ 2(e) "producer" means a person who sells eggs that are produced on a farm which he or she operates, but does not include a retail seller or a person who ships, transports, or sells eggs that are not produced on his or her farm; and

Cracked eggs

- § 4.1 The sale of cracked eggs is prohibited except where
- (a) the cracked eggs are purchased by a consumer;
 - (b) the cracked eggs are inspected and graded at egg grading stations or other facilities designated by the minister;
 - (c) the packaging is sufficient to avoid contamination or adulteration;
 - (d) the labelling clearly identifies the cracked eggs as "Newfoundland and Labrador cracks" and identifies the producer of the cracked eggs;
 - (e) the cracked eggs are stored at a temperature of 4° Celsius or less prior to sale;
 - (f) the labelling clearly indicates that the cracked eggs must be cooked thoroughly prior to human or animal consumption; and
 - (g) the labelling of trays and cartons of cracked eggs bear the instruction "keep refrigerated at 4° Celsius or less".
- (.2) The incorporation of cracked eggs into a food product marketed for human consumption is prohibited.

Exemption

§ 5. Sections 3 and 4 do not apply to eggs or cracked eggs that are sold by producers to consumers.

Federal Egg Regulations
Under the
CANADA AGRICULTURAL PRODUCTS ACT

<http://laws-lois.justice.gc.ca/eng/acts/C-0.4/>

PART II PACKING

Health and Safety

§6. Subject to section 6.1, no person shall market eggs in import, export or interprovincial trade as food unless the eggs

- (a) are prepared in accordance with these Regulations;
- (b) are not adulterated;
- (c) are not contaminated;
- (d) are edible; and
- (e) meet all other requirements of the *Food and Drugs Act and the Food and Drug Regulations*.

§10.1 Subject to subsection (2), all eggs graded pursuant to these Regulations shall be packed in

- (a) trays, with or without an overwrap;
 - (b) cartons; or
 - (c) containers made to contain more than 30 eggs.
- (2) No eggs graded Canada A or Canada B shall be packed in a container that has been previously used to pack ungraded eggs or eggs graded Canada Nest Run.

§11. Every tray used to segregate eggs graded pursuant to these Regulations shall be

- (a) clean, dry and sound in construction;
- (b) of sufficient strength to protect the eggs;
- (c) made from a material that will not have a deleterious effect on the eggs;
- (d) new, where the material is molded pulp and is used to segregate eggs graded Canada A or Canada B; and
- (e) new or clean, sanitized and dry before being reused or conveyed to the producer, where the material is plastic.

§12. Every container in which graded eggs are packed shall be

- (a) clean and dry, strong enough to protect the eggs and properly closed, where the container is a case, box or carton;
- (b) free from discolouration, where the container is a case or box; and
- (c) new, where the container is a carton.

§13. In this Part, “clean” means free from dirt, residue of eggs and of all markings, tags and staples previously applied.

Appendix B: Meat

NL Meat Inspection Act

www.assembly.nl.ca/legislation/sr/statutes/m02.htm

§4. A person shall not
(b) sell, offer for sale, give, transport, deliver, or deal in the meat of an animal unless the slaughter of the animal took place at a plant to which this Act applies or at an establishment; and
(c) operate a plant to which this Act applies unless the plant complies with the standards for plants prescribed in the regulations, or with the standards for an establishment.

NL Meat Inspection Regulations

www.assembly.nl.ca/Legislation/sr/Regulations/rc960801.htm

§3.1 All plants must be licensed under these regulations unless they are registered as establishments under the Meat Inspection Act (Canada) or unless they are operated solely for the provision of food for the operator and the operator's family.
(.2) An operator who holds a license under these regulations shall operate the plant in accordance with these regulations.
(.3) Animals which are to be slaughtered in a plant may, upon the request of an operator, be inspected under these regulations.

Appendix C: Importation

The Fresh Fruit and Vegetable Regulations (section 29) states that commodities require an Inspection by the CFIA and the inspection certificate must travel with the shipment.

Example:

Apples grown in and shipped from Nova Scotia, New Brunswick, Quebec, Ontario or British Columbia.

These apples would be required to:

- be accompanied by an inspection certificate, or
- a "Y " release (provided in circumstances where no inspector is available to conduct inspection), or
- Have been prepared in a Registered Produce Warehouse (RPW).

However, if an individual is filling a truck with apples, crossing the provincial border and selling the apples at a farmer's market in another province, no produce license or Dispute Resolution Corporation membership would be required by the seller.

The Fresh Fruit and Vegetable Regulations do not apply if the shipment of apples does not exceed 15 packages and a total weight of 250 kg. Therefore the dealer would not have to request an inspection.

If importers are dealing more than this amount the CFIA documents mentioned above would be required even if the product is sold at a farmer's market. The EHO will need all pertinent product information to properly consult with the CFIA for approval. This would include;

- Where the product was grown?
- Is it from a Registered Produce Warehouse?
- What is the amount?
- Where is it being sold?
- Packaging information and trade marks.

Due to the case specific nature of importation, each particular situation would have to be reviewed on a one by one basis.

Appendix D: Sale of Wild Meat

NL Wild Life Act

<http://www.assembly.nl.ca/legislation/sr/statutes/w08.htm>

§2 (l.1) "sale" or "sell" means to exchange, barter or deliver for money or its equivalent;

§11.(1) The sale or possession of wild life, except during the open season for the wild life or during another period within which the sale or possession may by regulation be permitted, is, without further proof, evidence that the person selling the wild life or having it in his or her possession has taken or killed the wild life during the closed season.

(3) The possession of the meat of moose or caribou by a person other than a licence holder is, unless that person produces written proof that the meat was in fact obtained from a licence holder, evidence that the moose or caribou was taken or killed during the closed season.

- (4) The written proof referred to in subsection (3) that the meat of moose or caribou was obtained from a licence holder shall contain
 - a) the name of the person receiving the meat;
 - b) the approximate amount of meat given or sold by the licence holder;
 - c) the date of the gift or sale;
 - d) the licence number of the person giving or selling the meat; and
 - e) the signature of the person giving or selling the meat,

NL Wild Life Regulations

http://www.assembly.nl.ca/Legislation/sr/Regulations/rc961156.htm#45_

- §64(1) The Minister may, by issue of a wild meat service licence, authorize the owner or operator of a tourist establishment licensed under The Tourist Establishments Act or a person licensed under The Food and Drug Act (Canada) to purchase from the holder of a permit to sell, during the open season and 7 days after that, big game legally taken, and to serve that game to customers.
- (2) The holder of a big game licence may during the open season and for 7 days after that, obtain from a wild life officer a permit to sell big game legally taken by him or her to any holder of a wild meat service licence.
 - (3) A wild meat service licence shall expire on August 31, in each year.
 - (4) The holder of a wild meat service licence shall keep records and make a return to the Wildlife Division at the end of each month recording the name and address of the sellers, the purchases made and the quantities served during the month and the stock on hand at the end of the month.
 - (5) The holder of a wild meat service licence shall not sell or serve or offer to sell or serve big game except in the form of cooked meals prepared for consumption on the premises or elsewhere.
 - (6) The holder of a wild meat service licence shall produce the records when requested to do so by a wild life officer.
 - (7) The holder of a wild meat service licence shall not sell or serve or offer to sell or serve big game except in the form of cooked meals prepared for consumption on the premises or elsewhere.
- §76(1) The Minister may, by issue of a wild meat service licence, authorize the owner or operator of any tourist establishment licensed under the

Tourist Establishments Act or any person licensed under The Food and Drug Act (Canada) to purchase from the holder of a permit to sell during the open season and 7 days after that small game legally taken, except migratory birds, and to serve that game to customers.

- (2) The holder of a small game licence may, during the open season and for 7 days after that, obtain from any wild life officer a permit to sell game legally taken by him or her, except migratory birds, to any holder of a wild meat service licence.
- (3) A person shall not sell or purchase or offer to sell or purchase or expose for sale any migratory game bird, migratory insectivorous bird or migratory non-game bird.
- (4) The holder of a wild meat service licence shall keep records and make a return to the Wild Life Division at the end of each month recording the name and address of the sellers, the purchases made and the quantities served during the month and the stock on hand at the end of the month.
- (5) The holder of a wild meat service licence shall produce the records when requested to do so by a wild life officer.
- (6) The holder of a wild meat service licence shall not sell or serve or offer to sell or serve small game except in the form of cooked meals prepared for consumption on the premises or elsewhere.
- (7) A wild meat service licence shall expire on August 31, in each year.

Appendix E: Sale of fish

NL Fish Inspection Administrative Regulations under the NL Fish Inspection Act

<http://www.assembly.nl.ca/Legislation/sr/Regulations/rc070074.htm>

Licence required

- §3. (1) Except as otherwise provided in section 4, a person shall not engage in, or engage in a specific aspect of, handling, storing, grading, marketing, transporting or operating a vehicle for transporting fish except under the authorization of a fish buyer's licence or a fish processing licence issued by the minister.

- (2) Except as otherwise provided in section 4, a person shall not buy or attempt to buy fish for processing or marketing from a fish harvester or a person licensed under the Aquaculture Act except under the authorization of a fish buyer's licence or a fish processing licence issued by the minister.
- (3) Except as otherwise provided in section 4 a person shall not engage in, or engage in a specific aspect of, processing except under authorization of a fish processing licence issued by the minister.

Licence not required

§4. A fish buyer's licence or a fish processing licence issued by the minister is not required by

- (a) a fish harvester or a person licensed under the Aquaculture Act selling fish directly to a fish buyer or fish processor within the province who is licensed under the Act and the regulations;
- (b) a person marketing fish for a purpose other than human consumption;
- (c) a person purchasing fish for personal consumption directly from
 - (i) a fish processor who is licensed under the Act and the regulations,
 - (ii) a person licensed under section 5 of the *Food Premises Regulations* , or
 - (iii) a person referred to in paragraph (d);
- (d) a person purchasing fish for resale without further processing from a fish processor who is licensed under the Act and the regulations; or
- (e) a person licensed under section 5 of the Food Premises Regulations
 - (i) purchasing fish for resale from a fish processor who is licensed under the Act and the regulations, or
 - (ii) purchasing live lobsters directly from a fish buyer licensed under the Act and the regulations.