

**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

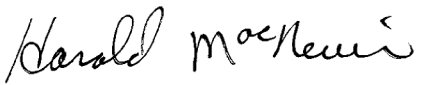
(b) the applicant has demonstrated the ability to meet all regulatory, health and safety requirements for distribution of Class 1 milk products.

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 1<sup>st</sup> 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 3<sup>rd</sup> day of July 2012.

  
\_\_\_\_\_  
Harold MacNevin, Chair

  
\_\_\_\_\_  
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**

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

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: \_\_\_\_\_

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**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: \_\_\_\_\_  
(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: \_\_\_\_\_

**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, this .....day of....., 20.....

.....

SIGNED

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