

ORDER 2016-06
AN ORDER COMPENSATING FOR UNMARKETABLE MILK UNDER THE
DAIRY FARMERS OF NEW BRUNSWICK
(the "UNMARKETABLE MILK ORDER")

PURPOSE: To outline the means by which unmarketable milk shall be determined and the rules governing the assignment of responsibility for such unmarketable milk.

WHEREAS the Board, inter alia, is vested with the power to make such orders as are considered by the Board necessary or advisable to regulate effectively the marketing or production and marketing of milk in New Brunswick.

AND WHEREAS these recitals form part of this Order.

NOW THEREFORE BE IT ENACTED pursuant to

iv. *Milk Plan Order – Dairy Farmers of New Brunswick and all of its Orders*, and amendments or successor thereto;

DAIRY FARMERS OF NEW BRUNSWICK (hereinafter called the "Board") in its exercise of its Federal and Provincial powers, where applicable, in whole or in part, concurrently and in combination hereby repeals Order 2008-09 The Unmarketable Milk Order and replaces it with:

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THE UNMARKETABLE MILK ORDER

- 1) **DEFINITIONS:** The terms referenced herein have the same meaning as given in the by-law, act, regulation, order or agreement in which the term was originally defined. If a term originates herein the term will be defined below.
- 2) **UNMARKETABLE MILK**
 - a) If a Producer delivers to the Board milk containing substances that cause all the milk collected by the bulk milk hauler to be unmarketable, the Producer shall be liable and responsible to the Board for all costs, expenses, losses, loss of profits or damages (hereinafter called "losses") incurred or suffered by the Board;
 - b) If two or more Producers deliver unmarketable milk to the Board in the same bulk load, the liability for the losses referred to above shall be divided equally between the said Producers;
 - c) For the purpose of determining if a Producer has delivered to the Board unmarketable milk, the Board shall be entitled to rely on information and test data available to it from its own employees, agents or servants, and those employees, agents and servants of the Commission; and
 - d) The liability of a Producer as determined above shall be deemed to be a debt due by the Producer to the Board and, in addition to any other legal remedy available to it, the Board may deduct from any monies owing to the Producer all or a portion of the debt due by the

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Producer to the Board. Any such deduction may be in whole or in part and may be deducted over a period of time as determined by the Board.

- e) The Producer will not receive any revenues or be subject to any marketing fees for their milk which contaminated the truckload of milk nor will that Producer's milk be counted against their quota.

This Order comes into effect August 1, 2016

This Board Order is a reproduction of the original Board Order which has been signed by the Chairman and the General Manager.