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IN THE MATTER OF THE NATURAL  
PRODUCTS MARKETING (BC) ACT

AND

IN THE MATTER OF AN APPEAL TO  
THE BRITISH COLUMBIA MARKETING  
BOARD FROM A DECISION OF THE  
BRITISH COLUMBIA MARKETING BOARD  
DATED APRIL 22, 1981.

BETWEEN:

The British Columbia Turkey  
Marketing Board Appellant

AND:

4 R's Turkey Farm Respondent

Colyn Welsh Appearing for  
the Respondent

John J.L. Hunter Appearing on  
behalf of the  
Respondent and  
the Transferee

Members of the Board hearing  
the Appeal C. William Wood -  
Chairman; Daniel E.  
Shroeter, Frederick  
W. Beeson - Members

Donald A. Sutton Counsel for the  
Board

This appeal was brought on pursuant to the provisions  
of Section 11 of the Natural Products Marketing (BC) Act and  
was heard in Richmond, B.C. on Tuesday, the 28th day of  
July, 1981.

The Appellant is appealing the decision of the British  
Columbia Marketing Board dated April 22, 1981 instructing

the British Columbia Turkey Marketing Board to allow the transfer of 136,500 pounds of quota to Cloverhill Farms Ltd. from 4 R's Turkey Farm.

The Appellant argued that the Provincial Board erred in allowing the transfer of quota for the following reasons:-

1. Turkey Marketing Board General Orders require that, "The transferee of a marketing quota must be the owner or purchaser of the turkey production unit to which the marketing quota is applied to be transferred and proof of ownership or purchase is required by the Board."

2. The breaking of quota into smaller production units will not encourage economies of scale and may result in many part time turkey producers.

3. The authority of the Turkey Board as sole determining authority on quota matters is undermined by the Provincial Board decision.

This Board has determined that the appeal should fail and that the decision of the British Columbia Marketing Board dated April 22, 1981 in this matter in which it instructed the British Columbia Turkey Marketing Board to approve the transfer in question is upheld. In coming to this decision the Board has found the Respondent to be proposing a very reasonable course of action in its particular circumstances. The Board is of the opinion that the turkey production unit, combined with the Respondent's egg production unit stands a very reasonable chance of strengthening the farming unit and becoming a viable agricultural operation.

With respect to the 3 grounds of appeal above set forth the Board finds as follows:-

1. Although the General Order referred to specifically states that the transferee of a quota must be the owner or purchaser of a production unit the Appellant has made exceptions to this order in more than one instance. In any event in addition to the powers granted it as are pointed out in 3 hereof the Provincial Board has the power, on appeal, to confirm or vary any order, decision or other determination of a marketing board or commission on the terms and conditions it considers appropriate.

2. With regard to the plea of the Appellant that economies of scale are needed to operate a viable economic unit this Board is of the opinion that efficient and competitive turkey production is possible over a wide range of operating scales and conditions and that the Appellants policy regarding quota allocation to production units is far too restrictive.

3. With respect to the Appellant having sole determining authority in regard to all questions concerning quota and quota transfers, this Board has determined that the Provincial Board has been delegated the authority and power to supervise marketing boards on quota matters by virtue of the provisions of S 3(4) and S 13 (2) of the Natural Products Marketing (BC) Act which read as follows:-

"3. (4) The Provincial Board has general supervision over all marketing boards or commissions constituted under this Act and shall perform the other duties and functions and exercise the authority the Lieutenant Governor in Council prescribes by the regulations in order to carry out the intent and purpose of this Act."

"13.(2) The Provincial board may, at any time, amend, vary or cancel an order, rule or regulation made before or after February 11, 1975 by a marketing board or commission under a power vested in it under this section and sections 15 and 16, or by virtue of a power exercisable under the federal act."

The deposit lodged by the Appellant shall be forfeited in its entirety to the Minister of Finance.

Dated at Richmond, B.C. this 13<sup>th</sup> day of August, 1981.



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C. William Wood - Chairman  
British Columbia Marketing Board  
Members hearing the Appeal.