

File: 44200-50/TMB 99-15

October 8 1999

DELIVERED BY FAX

Mr. Marvin Friesen
Jaedel Enterprises (1978) Ltd.
PO Box 2400
2425 Townline Road
Clearbrook, BC V2T 4X3

Mr. Colyn Welsh
Secretary-Manager
British Columbia Turkey Marketing Board
Suite 106, 19329 Enterprise Way
Surrey, BC V3S 6J8

Dear Sirs:

**RE: AN APPEAL BY JAEDEL ENTERPRISES (1978) LTD. FROM A
DECISION OF THE BRITISH COLUMBIA TURKEY MARKETING
BOARD CONCERNING THE MARKETING OF OFFLINE PRODUCTION**

The British Columbia Turkey Marketing Board ("Turkey Board") has requested the British Columbia Marketing Board ("BCMB"), under s. 8(5) of the *Natural Products Marketing (BC) Act*, direct Jaedel Enterprises (1978) Ltd. ("Jaedel") to provide certain documents.

The BCMB Panel hearing this appeal has received and reviewed the following correspondence related to the Turkey Board's request:

- October 1, 1999 letter from the Turkey Board;
- October 5, 1999 letter from the Turkey Board;
- October 5, 1999 letter from Jaedel; and
- October 6, 1999 letter from the Turkey Board.

The BCMB is not prepared to direct Jaedel to provide the documents requested by the Turkey Board at this time. However, it is incumbent upon Jaedel to adduce evidence to prove its case before the BCMB. In this case, Jaedel is alleging that economic reasons justify its application to market off-line toms without quota and is requesting financial assistance. Presumably, Jaedel will need to produce documentary evidence to support these allegations. Failure to do so would result in Jaedel not proving its case before the BCMB and as such, the appeal would be dismissed.

.../2

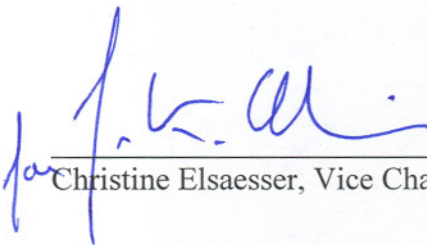
Mr. Marvin Friesen
Mr. Colyn Welsh
October 8, 1999
Page 2

As part of the pre-hearing conference the parties agreed to make every effort to provide each other with the documents that they intend to rely on one week prior to the hearing date. This disclosure requirement is independent of the need to bring the appropriate number of copies of documents to the hearing. Any attempt by either party to choose not to make disclosure and later seek to enter documents into the appeal could result in the documents being inadmissible or in an adjournment of the hearing.

The goal of the BCMB is a fair and impartial hearing where all parties feel as comfortable as possible in presenting their cases. A desire to ambush the other party is not consistent with that goal.

Should Jaedel place in issue various records that fall within the categories requested by the Turkey Board, the BCMB will be prepared to reconsider the request. In the interim, the BCMB is not prepared to make the order sought and dismisses the application.

BRITISH COLUMBIA MARKETING BOARD
Per


Christine Elsaesser, Vice Chair