Milk Classes and Categories Regulations
made under clauses 8(d) and 9(r) of the
Dairy Industry Act
S.N.S. 2000, c. 24

N.S. Reg. 3/2006 (January 10, 2006, effective February 1, 2006)
as amended to N.S. Reg. 12/2017 (January 31, 2017, effective February 1, 2017)

Citation
1 These regulations may be cited as the Milk Classes and Categories Regulations.

Definitions
2 In these regulations,

“accountable loss” means a loss of milk volume and components that can be measured and justified
to the Board, including dumps, fluid returns and dead vats, and “unaccountable losses” has the
opposite meaning;

“Act” means the Dairy Industry Act;

“Canadian Dairy Commission” means the body created under the Canadian Dairy Commission Act
(Canada);

“Canadian Milk Supply Management Committee” or “CMSMC” means the permanent body created
by the provincial signatories to the National Milk Marketing Plan that is responsible for
determining policy for the Plan;

“certified organic” in respect of milk means that it is produced by a producer who is certified as
organic by an organic certification body recognized by the Council;

“cheddar-type cheese” means a cheese that is a firm or semi-soft, unripened unwashed curd cheese,
with a minimum milk fat content of 25% and a maximum moisture content of 45%;

“concentrated milk” means milk that has had a part of its water content removed so that it has a
higher concentration of all other components including butterfat, protein and other solids;

“enriched milk” means milk that has other natural components of milk added, including butterfat,
protein and other solids;

“fluid milk” means any processed dairy product prepared for sale in liquid form;

“kosher” means a dairy product that is fit and proper for use in accordance with Jewish law;

“National Milk Marketing Plan” means the federal-provincial agreement that governs the supply
management system for dairy in Canada;
“Special Milk Class Permit Program” means a program established by the Canadian Milk Supply Management Committee and run by the Canadian Dairy Commission;

“UHT” or “ultra high temperature” means milk that has been heated without appreciable change in volume to a temperature of not less than 135 °C for not less than two seconds or such temperature time relationship as may be required to ensure a bacteriological shelf life of at least four weeks in the package at a temperature of not less than 20 °C.

Section 2 amended: N.S. Reg. 218/2012.

Unaccountable losses
3 All unaccountable losses of milk in a plant must be prorated among the classes of milk used in the plant, including Classes (1), (2), (3), (4)(a), (4)(a1), (4)(b) and (4)(c), and in proportion to the volumes and components of each class used.

Classes of milk
4 (1) All milk that is processed, labeled, distributed or sold in the Province must be categorized and processed, labeled, distributed or sold in the classes set out in the following table:

<table>
<thead>
<tr>
<th>Class of Milk</th>
<th>Description of class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1(a)</td>
<td>Milk and any of its components that are processed to produce milk or milk beverages for retail or food service, including milk used to produce any of the following products:</td>
</tr>
<tr>
<td></td>
<td>(a) whole milk (homogenized);</td>
</tr>
<tr>
<td></td>
<td>(b) partly skimmed;</td>
</tr>
<tr>
<td></td>
<td>(c) skimmed;</td>
</tr>
<tr>
<td></td>
<td>(d) flavoured;</td>
</tr>
<tr>
<td></td>
<td>(e) treated for lactose intolerance;</td>
</tr>
<tr>
<td></td>
<td>(f) with added vitamins or minerals;</td>
</tr>
<tr>
<td></td>
<td>(g) eggnog;</td>
</tr>
<tr>
<td></td>
<td>(h) cordial;</td>
</tr>
<tr>
<td></td>
<td>(i) cultured milk;</td>
</tr>
<tr>
<td></td>
<td>(j) concentrated milk to be reconstituted as fluid milk.</td>
</tr>
<tr>
<td>Class 1(b)</td>
<td>Milk and any of its components that are processed to produce cream with a butterfat content of 5% or more for retail or food service, other than cream in Class 1(b)(ii).</td>
</tr>
<tr>
<td>Class 1(b)(ii)</td>
<td>Milk and any of its components that are processed to produce fresh cream with a butterfat content of 32% or more used in fresh baked goods, if the Canadian Dairy Commission has issued a Class 1(b)(ii) permit.</td>
</tr>
<tr>
<td>Class 1(c)</td>
<td>Milk and any of its components that are processed to produce a new Class 1(a) or 1(b) product for retail or food service and that are approved by Dairy Farmers of Nova Scotia for an introductory period.</td>
</tr>
<tr>
<td>Class 1(d)</td>
<td>Milk and any of its components that are processed to produce a Class 1(a) or 1(b) product marketed outside of the provinces that have signed the National Milk Marketing Plan but within Canada.</td>
</tr>
</tbody>
</table>

Class 2(a)
Milk and any of its components that are processed to produce all types of yogurt, including yogurt beverages, kefir and lassi, but excluding frozen yogurt.

Class 2(b)
Milk and any of its components that are processed to produce

(a) all types of ice cream and ice cream mix, whether frozen or not;
(b) all other types of frozen dairy product, including frozen yogurt;
(c) all types of sour cream;
(d) all types of milkshake mix;
(e) fudge, pudding, soup mix and Indian sweets.

Class 3(a)
Milk and any of its components that are processed to produce all cheeses other than Class 3(b), Class 3(c) and Class 3(d) cheeses.

Class 3(b)
Milk and any of its components that are processed to produce any of the following products:

(a) cheddar cheese;
(b) stirred cheese curd;
(c) cream cheese;
(d) creamy cheese bases or cheese mixes;
(e) cheddar and cheddar-type cheese sold fresh;
(f) any product not referred to in Class 3(a), elsewhere in 3(b), 3(c) or 3(d) made by coagulating milk, coagulating milk products or coagulating both milk and milk products with the aid of bacteria to form a curd excluding rennet casein curd used in the manufacture of non-standardized final products in the processed cheese category.

Class 3(c)(1)
Milk and any of its components that are processed to produce any of the following products:

(a) asiago cheese;
(b) feta cheese;
(c) gouda cheese;
(d) havarti cheese;
(e) parmesan cheese;
(f) Canadian-style munster (muenster) cheese;
(g) swiss cheese.

Class 3(c)(2)
Milk and any of its components that are processed to produce any of the following products:

(a) all types of mozzarella cheese except when declared in Class 3(d);
(b) brick cheese;
(c) colby cheese;
(d) farmer cheese;
(e) jack cheese;
(f) paneer;
(g) monterey jack cheese.

Class 3(d)
Standardized mozzarella cheese to be used only on fresh pizzas by establishments registered with the Canadian Dairy Commission under terms and conditions approved by the CMSMC.

Class 4(a)
Milk and any of its components that are processed to produce any of the following products:
(a) butter and butteroil;
(b) all types of powders other than those identified in Class 7;
(c) all types of powders with over 4% butterfat content and packaged for retail;
(d) liquid MPC and MPI made from whole milk or partly skimmed milk (greater than 4% butterfat), in any concentration, derived by any process;
(e) concentrated milk, whether sweetened or not, not for retail;
(f) all other products not elsewhere stated.

Class 4(b)
Milk and any of its components that are processed to produce sweetened or unsweetened concentrated milk for retail sale.

Class 4(c)
Milk and any of its components that are processed to produce new dairy products for retail or food service, other than products in Class 1(c), and that are approved by [the] Dairy Farmers of Nova Scotia for an introductory period.

Class 4(d)
Milk and any of its components that are included in month-end inventories and accountable losses.

Class 5(a)
Milk and any of its components that are processed to produce cheese for further processing, if the Canadian Dairy Commission has issued a permit under the Special Milk Class Permit Program.

Class 5(b)
Milk and any of its components that are processed to produce dairy products, other than cheese, for further processing, if the Canadian Dairy Commission has issued a permit under the Special Milk Class Permit Program.

Class 5(c)
Milk and any of its components that are processed to produce dairy products, for use in the confectionery sector, if the Canadian Dairy Commission has issued a permit under the Special Milk Class Permit Program.

Class 5(d)
Milk and any of its components that are processed to produce dairy products that are exported, within the limits for subsidized exports set out in Canada’s Schedule to the World Trade Organization’s Agreement on Agriculture, if the Canadian Dairy Commission has issued a permit under the Special Milk Class Permit Program.

Class 7
Eligible components, products and ingredients:

(a) skim milk components in liquid and dry form, in any concentration, derived by any process, including MPC and MPI(1);
(b) skim-milk powder;
(c) whole milk powder(2);
(d) edible casein and edible caseinate powders(3);
(e) yogurt powders, sour cream powders, and partly-skimmed milk powder and blended milk powders with a maximum milk fat content of 4%;
(f) rennet casein (dry or curd) used in the manufacture of non-standardized final products in the processed cheese category(4).

(1) Eligibility of liquid is subject to specific rules described in the administrative measures of the Harmonized Billing Mechanism.
(2) Subject to rules that have yet to be established.
(3) Including casein, sodium caseinate, calcium caseinate.
(4) As per the procedure defined in the National Audit Standards.
Section 4, Class 2 repealed: N.S. Reg. 218/2012.
Section 4, Class 2(a)-(b) added: N.S. Reg. 218/2012.
Section 4, Class 2(b) amended: N.S. Reg. 217/2015.
Section 4, Class 3(a) amended: N.S. Reg. 218/2012; N.S. Reg. 211/2013.
Section 4, Class 3(c) added: N.S. Reg. 218/2012; amended: N.S. Reg. 211/2013.
Section 4, Class 3(d) added: N.S. Reg. 211/2013.
Section 4, Class 2(e) and Class 4(a) 1 amended: N.S. Reg. 27/2011.
Section 4, Class 3(c) replaced and redesignated as 3(c)(1): N.S. Reg. 175/2016.
Section 4, Class 3(c)(2) added: N.S. Reg. 175/2016.
Subsection 4(1), Class 3(b) replaced: N.S. Reg. 12/2017.

(2) Milk used to make the components, products and ingredients within Class 7, that are subsequently used to process a product in another class is deemed to come within that other class for milk pricing and billing purposes, as defined in the Harmonized Billing Mechanism pursuant to the Milk Pricing Regulations made under the Act.

Categories of milk
5 All dairy products in Section 4 may also be categorized as certified organic, enriched, kosher, or UHT.

Designated fluid milk products
6 The following are designated as fluid milk products:

(a) products made from Class 1(a) milk;
(b) products made from Class 1(b) milk;
(c) products made from Class 1(b)(ii) milk;
(d) products made from Class 1(c) milk;
(e) products made from Class 1(d) milk.

Substitution of provisions
7 These regulations are made in substitution for subsections 3(4) to 3(15) of Schedule 8.