

***AGRICULTURE AND AGRI-FOOD ADMINISTRATIVE  
MONETARY PENALTIES ACT***

**DECISION**

In the matter of an application for a review of the facts of a violation of section 40 of the *Health of Animals Regulations*, alleged by the Respondent, and requested by the Applicant pursuant to subsection 8(1) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*:

**Mr. Florin Romaniuc, Applicant**

**- and -**

**Canadian Food Inspection Agency, Respondent**

**CHAIRMAN BARTON**

**Decision**

**Following a review of the submissions of the parties including the report of the Respondent, the Tribunal, by order, determines the Applicant committed the violation.**

**REASONS**

The applicant did not request an oral hearing.

The notice of violation dated July 26, 2000 alleges that the Applicant, at 12.30 on July 26, 2000, at Montreal airport in the province of Quebec, committed a violation, namely, "*importation of sausage*" contrary to section 40 of the *Health of Animals Regulations* which states:

40. No person shall import into Canada an animal by-product, manure or a thing containing an animal by-product or manure except in accordance with this Part.

In general, *Part IV* of the *Health of Animals Regulations* permits importation into Canada from the United States, of most of these items, if the country of origin is the United States. If the country of origin is other than the United States, there are various specific requirements for the importer to meet before importation of such items is allowed. It is clear the country of origin was other than the United States and that the Applicant was unaware of these requirements.

On entry into Canada, the report of the Respondent states that an inspector inspected the baggage of the Applicant and found a sausage - type meat product hidden among the clothes in a suitcase. The meat was undeclared, and was seized, confiscated and later discarded in a garbage box by the inspector.

The main reason given by the Applicant for the request for a review is that it was not "*sausage*" the applicant was importing, but was in fact a salami, made with first grade ingredients, in accordance with a secret recipe in the Carpathinian mountains, with a validity period which was still in effect.

The Merriam - Webster's Collegiate Dictionary defines "*salami*" as a "*highly seasoned sausage of pork and beef either dried or fresh*". It defines "*sausage*" as "*a highly seasoned minced meat*." Accordingly, for the purpose of section 40 of the *Health of Animals Regulations*, there is no practical distinction between salami and sausage.

Although the Applicant requested sample testing and a return of the salami, neither is possible as the Respondent seized, confiscated and discarded the goods, which actions are not within the jurisdiction of this Tribunal to review.

The Applicant, then, has admitted importing an animal by-product into Canada without meeting the prescribed requirements of the *Health of Animals Regulations*.

Dated at Ottawa this 18<sup>th</sup> day of October, 2000.

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Thomas S. Barton, Q.C., Chairman