

IN THE MATTER OF THE  
*NATURAL PRODUCTS MARKETING (BC) ACT*  
AND AN APPEAL FROM A DECISION OF THE BRITISH COLUMBIA  
CHICKEN MARKETING BOARD CONCERNING AN OFFER OF  
INCENTIVE QUOTA

**BETWEEN:**

BEV and BRIAN WHITTA dba WHITTA FARM,  
43933 B.C. LTD.,  
STEVEN & LORNE JACK dba FIRBANK FARM  
and ERIC BOULTON dba SOMERSET FARM

**APPELLANTS**

**AND:**

BRITISH COLUMBIA CHICKEN MARKETING BOARD

**RESPONDENT**

**AND:**

TOP SHELF FEEDS LTD.

**INTERVENER**

**DECISION**

**APPEARANCES:**

For the British Columbia  
Farm Industry Review Board

Suzanne K. Wiltshire, Presiding Member  
Andy Dolberg, Member  
Diane Fillmore, Member

For the Appellants:

Christopher Harvey, QC, Counsel

For the Respondent:

Claire E. Hunter, Counsel

Intervener:

Robert Davison, President  
Sherry Davison, Director

Date of Hearing

December 4, 2012

Place of Hearing

Nanaimo, British Columbia

**INTRODUCTION**

- 1. This is an appeal of the August 21, 2012 decision of the British Columbia Chicken Marketing Board with respect to the discontinuance of ferry freight assistance for chicken not processed on Vancouver Island.

**ISSUE**

- 2. Did the Chicken Board err when it determined in its decision of August 21, 2012, to uphold its previous determinations of December 7 and December 20, 2011 and January 25, 2012, respecting the discontinuance of the Vancouver Island ferry freight assistance to commercial Vancouver Island growers as a condition of the grant of incentive quota?

**FINDING**

- 3. We find the August 21, 2012 decision of the Chicken Board consistent with sound marketing policy. Accordingly, we find the Chicken Board did not err when, in August 21, 2012, it upheld its previous decisions of December 7 and 20, 2011 and January 25, 2012, to discontinue ferry freight assistance to commercial Vancouver Island growers as a condition of the grant of incentive quota.

**DECISION**

- 4. The appeal is dismissed.
- 5. Written reasons to follow.

Dated at Victoria, British Columbia this 7<sup>th</sup> day of June, 2013.

**BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD**

Per:



Suzanne K. Wiltshire, Presiding Member



Diane Fillmore, Member



Andy Dolberg, Member