

NEW WESTMINSTER

2012-03

2011-11-10

Affidavit of Hasan Junaid
Affirmed January 10, 2011

No. S-124618
New Westminster Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

FRASER HEALTH AUTHORITY

PETITIONER

AND:

ALICE JONGERDEN carrying on business as
HOME ON THE RANGE, JANE DOE and JOHN DOE

RESPONDENTS

AFFIDAVIT

I, Hasan Junaid, of 4388 Number 4 Road, in the City of Richmond, in the Province of British Columbia, AFFIRM AND SAY AS FOLLOWS:

1. From August 2010 to September 2010, I was a Legal Researcher for Jason Gratl of Gratl and Company. During the time of my position at Gratl and Company, I was asked by Mr. Gratl to conduct research on raw milk regulations in foreign jurisdictions. As such, I have personal knowledge of the facts and matters set out in this affidavit, except where stated to be based on information and belief, in which case I believe such information to be true.
2. I graduated with an LLB from the University of Leicester in Leicester, United Kingdom and upon return to Canada completed the transfer requirements imposed by the National Committee on Accreditation administered by the *Federation of Law Societies of Canada*. I worked for Gratl and Company as a pre-articled legal researcher.

3. I conducted research into the laws of the United States and those of the European Union. I used official online sources, including websites of US State governments and the publications website of the European Union.
4. In the United States, milk and most other food products are governed primarily by State legislation rather than by the federal government. The State legislatures maintain websites or link to websites on which the statutes of the state are published,
5. I researched statutes for each State to find the relevant laws. In most States, the laws would be listed under the section on "Agriculture" often with more specific subheadings related to "Milk and Milk Products". In other jurisdictions the headings varied, as in Illinois where the laws were under the heading of "Public Health". My research required going through the legislation to identify the relevant section.
6. After completing my research, I organized US statutes in two categories: (i) States in which the retail sales of raw milk are legal; and (ii) States in which farm sales of Raw Milk are legal.
7. States in which retail sales of raw milk are legal are Arizona, California, Connecticut, Washington, New Mexico, Maine, Pennsylvania, South Carolina and New Hampshire. Excerpts of the legislation in these states are attached to this affidavit as **Exhibit "A"**.
8. States in which farm sales of raw milk are legal are Oregon, Utah, South Dakota, Nebraska, Kansas, Texas, Illinois, Wisconsin, Missouri, Arkansas and Mississippi. Excerpts of the legislation in these states are attached to this affidavit as **Exhibit "B"**.
9. Upon review of public online sources, I was unable to find relevant legislation or regulation for the remaining 30 States, and I cannot say whether retail or farm sales of raw milk are legal in those States.

10. I have no formal training in American law. My research was based on a plain reading of the law as found in the statutes. My determination that retail sales or farm sales being legal in a state were inferred most times through the statute speaking on labelling requirements for raw milk.

11. I also conducted research on the European Union. Having completed my law degree in the UK, European Union (EU) law was one of the mandatory courses of the LLB. While I have never practiced EU law, I was more familiar with the fundamentals of it and had knowledge of the general terms used.

12. Regulation of raw milk within the European Union has its basis in Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin and Regulation (EC) No. 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption published in the "Official Journal of the European Union". Attached as **Exhibit "C"** to this affidavit is an excerpt of Regulation (EC) No.853/2004. Attached as **Exhibit "D"** to this affidavit is an excerpt of Regulation (EC) No.852/2004.

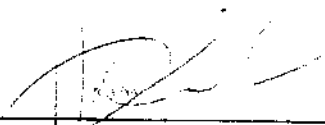
13. As with much European Union regulation and law making, member states are required to ensure compliance within their domestic law and to pass appropriate legislation to meet the intention of the regulation. The regulations direct member states to ensure that appropriate criteria are used to ensure safe human consumption of raw milk. The EU guidelines in effect set broad guidelines for domestic regulation of raw milk within member states. I did not research the laws of individual European member states in regards to their implementation of the European Regulation into domestic legislation.

14. Aside from the regulations mentioned herein, there are other detailed EU regulations dealing with specific aspects of raw milk, including, for example, regulations setting standards for

certification of veterinarians that examine cows and other animals providing raw milk. Aside from identifying that such detailed regulations exist, I did not research these regulations in detail.

15. I affirm this affidavit in support of an application.

AFFIRMED BEFORE ME this 10th day of)
January, 2011 in the City of Vancouver, in)
the Province of British Columbia)
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)
)
_____)
A Commissioner for taking Affidavits)
in the Province of British Columbia.)



HASAN JUNAID

This affidavit is commissioned by Jason B. Gratl of 302-560 Beatty Street, Vancouver, British Columbia.
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