



Tuck's Organic Farm & Sanctuary

Operated by Trueman Tuck

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If you do not respect animals and the environment, it is unlikely that you will respect the God-given individual sovereign spiritual rights of human beings.

FILE COPY



By Purolator

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July 21, 2010

Page(s): 5 plus Brief

Canada Border Services Agency
Recourse Directorate
Ottawa, ON K1A 0L8

File: TT v. CBSA

Attention: Ms. Anabelle Allain, Adjudicator

COPY

Dear Ms. Allain:

Re: Request for Ministerial Decision CS – 60194/95927
Notice of Penalty Assessment: February 24, 2010
Penalty Assessment Number: 95927
Penalty Amount: \$100.00
Office Code: 0439
Issuing Officer: 16203

I am in receipt of your letter of June 25, 2010 enclosing the written Notice of Reasons for Action and the Issuing Officer Report of February 24, 2010 [See **Exhibit 1**]. First and most important we need to get the legal entities involved in this clearly identified and provide the historic background to what the real issues are here.

The US exporter is my US Corporation – Tuck's Discount Vitamins USA Limited. The Canadian importer is me in my *sui juris* Private Law legal capacity. Tuck's Discount Vitamins in Canada is operated by 6406661 CANADA INC. and is not the importer, but is simply assisting me as my inbound freight and brokerage legal agent. I make this response to the issuing officer's report and the notice on behalf of myself, personally, and Tuck's Discount Vitamins operated by 6406661 CANADA INC. which, as already indicated, was not importing the U.S. manufactured food products.

Unlawful Prejudicial Targeting

I object that when the issuing officer did a title search of Trueman Tuck and Tuck's Discount Vitamins in the ACROSS system that I was the subject of a target for importing good through the port of Prescott. I did not know until your disclosure that there actually was what you refer to as a target placed by someone on your system.

For many years, I have been importing 50 to 100 shipments each year. Over the last few years, only a few shipments have been seized and unlawfully interfered with. This has only

happened to me a half a dozen times. In fact, Mr. Perry Birch was the first federal Public Employee to deliberately seize and hold consecutive shipments in the manner that happened in Prescott. It is my intention to pursue every possible criminal and civil option against him personally in his *sui juris* private law legal capacity.

In a NCC Risk Management Committee Issue Sheet of September 9, 2003, a strategy was implemented by the ONOC, NCC and legal services to coordinate an effort to remove a natural health product from entering the Canadian market. In this meeting, I was named personally as an individual associated with the Friends of Freedom challenging the *Food & Drugs Act*. [See **Exhibit 2**] Due to my high profile as a Traditional Holistic Health Care advocate for small businesses and myself, personally, I know that there is a coordinate conspiracy to destroy me, my reputation and my family's financial interests.

Implications of using Importer Numbers

Tuck's Organic Farm & Sanctuary is a sole proprietorship operated by myself. As indicated earlier, Tuck's Discount Vitamins is a corporate operating division of 6406661 Canada Inc. I have no knowledge of what business numbers are on the CBSA computer. Tuck's Discount Vitamins started in 1995 and has been operated under various legal entities over the years. To my knowledge, only Tuck's Discount Vitamins has been actively operating since August 1st, 2008 under the operating division of 6406661 CANADA Inc.

My Corporation and I are not involved in any criminal activity and always have been completely up front about whether or not we will agree to comply with any government demands. I believe it is the People who own the vast maze of sole and aggregate corporations making up the federal government and not the other way around.

Violation of section 15 of the *Criminal Code of Canada*

Section 15 of the *Criminal Code of Canada* says: "*No person shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and enforced by persons in de facto possession of the sovereign power in and over the place where the act or omission occurs.*" The Black's Law Dictionary defines *de facto* as actual; existing in fact; having effect even though not formally or legally recognized.

The acts and regulations of the Canadian Food Inspection Agency, the Canada Border Services Agency and Health Canada are in violation of my rights under section 15 of the *Criminal Code of Canada*. Under the *de jure* rule of England's common law, by convicting me under the amps penalty, my sovereign spiritual human rights had been taken away. I am not under any circumstances, other than through a jury conviction, prepared to submit to what I sincerely view as an unlawful *de facto* authority under the Canada Border Services Agency, the Canadian Food Inspection Agency and Health Canada.

In *R v. Chong* (1909), 11 W.L.R. 231, 14 B.C.R. 275 (CA) [See **Exhibit 3**], Irving, J stated: "*Among the normal rights which are available to every British subject against all the world are: (1) personal safety and freedom; (2) one's good name; (3) the enjoyment of the*

advantages ordinarily open to all the inhabitants of the country, e.g., the unmolested pursuit of one's trade or occupation and free use of the highways; (4) freedom from malicious vexation by legal process; and (5) to one's own property."

For decades, my legal position has been that I am acting as an import broker for U.S. manufactured food, devices and cosmetics. Under the current *Food & Drugs Act*, if I do not make a health claim on any imported food, devices or cosmetics, these U.S. imports cannot legally be converted to a drug by Health Canada's bureaucratic policies or procedures. I have also maintained that the same holds true for any Health Canada bureaucratic regulation.

For many years, I have claimed that federal bureaucrats have been in violation of my section 15 rights under the *Criminal Code of Canada* pursuant to the *de jure* English Rule of Common Law, as well as, the freedoms and liberties under the Canadian Written and Unwritten Constitution, the Implied Bill of Rights and the UN *Universal Declaration of Human Rights*, 1948. The Canada Border Services Agency, the Canadian Food Inspection Agency and Health Canada have coordinated their efforts to force THHC consumers and entrepreneurs to comply or submit to their *de facto* claim of sovereign authority.

In *Wrigley Canada v. Canada*, 2000, CanLII 15485 (F.C.A.), it states in para. 10: "...There is nothing in either the statutory definition of "food" and "drugs", or the legislative scheme as a whole, that precludes a food from also becoming a drug if a representation is made that otherwise brings it within the definition of a drug in section 2. The categories are not mutually exclusive." [See **Exhibit 4**] This matter was first addressed and continues to be addressed with the Canada Border Services Agency from August 2006 onward. [**Exhibit 5**]

It has also been my legal opinion that trade and commerce activities are within provincial jurisdiction and not federal jurisdiction. Sections 92 (13) & (16) of the *British North American Act*, 1867 state: "13. Property and Civil Rights in the Province...16. Generally all Matters of a merely local or private Nature in the Province." Just because an Ontario-based business imports products, it does not create federal jurisdiction. Any attempts to claim jurisdiction is *de facto* and not valid.

Scrutiny Challenges

Since the implementation of the Natural Health Products Regulations, the regulatory Schedule 'F' and the DIN regulations since 2004 to present day, I have continually challenged the lawful and regulatory basis with the Joint Senate and House of Commons Scrutiny of Regulations [See **Exhibit 6**].

Violation of Section 39 of the Criminal Code of Canada

Section 39(1) of the Criminal Code of Canada states: "Every one who is in peaceable possession of personal property under a claim of right, and every one acting under his authority, is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary."

I was in contact with the Canada Border Services Agency in Prescott, Ontario pertaining to what I viewed as an unlawful detention and/or seizure of my personal property under section 101 of the *Customs Act*. Under the defence of colour of right, there was no lawful right to seize my money and personal products.

Section 337 of the *Criminal Code of Canada* states: “Every one who, being or having been employed in the service of Her Majesty in right of Canada or in right of a province, or in the service of a municipality, and entrusted by virtue of that employment with the receipt, custody, management or control of anything, refuses or fails to deliver it to a person who is authorized to demand it and does not demand it is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.”

Section 465(1)(b) of the *Criminal Code of Canada* states: “Except where otherwise expressly provided by law, the following provisions apply in respect of conspiracy: (b) every one who conspires with any one to prosecute a person for an alleged offence, knowing that he did not commit that offence, is guilty of an indictable offence and liable (i) to imprisonment for a term not exceeding ten years, if the alleged offence is one for which, on conviction, that person would be liable to be sentenced to imprisonment for life or for a term not exceeding fourteen years, or (ii) to imprisonment for a term not exceeding five years, if the alleged offence is one for which, on conviction, that person would be liable to imprisonment for less than fourteen years;”

The sequence of events with the incident in Prescott, ON, clearly indicates that I am being persecuted by the agents, servants and/or sub-delegates of the federal government corporations. In particular, Mr. Perry Birch, Manager of the Prescott operations, retaliated against me in a premeditated, malicious and vindictive manner. Earlier, I had attempted to lay criminal charges against him personally. [Exhibit 7] Under the *de jure* English Rule of Common Law, every Canadian citizen has the unalienable right to lay a Private Criminal Information pursuant to the *Criminal Code of Canada*.

NAFTA/WTO

I disagree with the issuing officer's report wherein it states a penalty should have been issued under C071 because I was aware of the requirements of Health Canada and tried to import the shipment without the required permits, certificates or licenses. The personal products which I imported from the U.S. were classified as vitamins and natural health products under the NAFTA and WTO and all lawfully required *De Jure* English Rule of Common Law were properly completed and submitted.

In fact, I disagree that any inspections, if required, should have been done by Health Canada, at all. Under the NAFTA and WTO coding, the products should have been referred to the Canadian Inspection Food Agency instead who are solely authorized under the Food and Drugs Act to review food, devices and cosmetics to ensure that no criminal activity is occurring that will result in harm and/or fraud to Canadians

It has also been my legal position that under the *Customs Act*, that it is ultimately the legal responsibility of the Canada Services Border Agency to determine the lawfulness of any recommendation provided to them by any federal regulatory authority to seize and return my

shipments. Any action to seize and return taken by Canada Border Services Agency must rely on the *Customs Act*. Health Canada has no valid seizure power without court approval and thus cannot cause a seizure without relying upon the *Customs Act*. [Exhibit 8]

AMP Provisions

I disagree with the Canada Border Services position on AMPS pertaining to their offence penalties. In order to have my funds seized, I must be guilty of something first. Under *de jure* English Rule of Common Law, there are only two types of offences, criminal and civil. Under our *Constitution*, all criminal offences are under exclusive federal jurisdiction pursuant to sections 91(27) and all civil offences are under the exclusive provincial jurisdiction pursuant to section 92(4). In Canada, there is no *de jure* AMPS or quasi-criminal offence. In my review of case law, it is legal for criminal offences under federal jurisdiction to jail or charge fines. However, no federal civil fine can be charged where no criminal conviction has occurred.

My other position is that it is unlawful to demand a pre-payment of an AMP fine under threat of denying legal due process to access a fair and proper hearing to determine a party's guilt or innocence.

Conclusion

As earlier indicated in my letter, due to my *sui juris* Private Law legal capacity, I cannot be forced to comply with *de facto* demands when I have done my lawful due diligence as much as possible in determining my lawful obligations and compliance. I believe that there cannot be any civilized Rule of Law in Canada if everyone is not subject to the same *de jure* English Rule of Common Law.

I would respectfully request the immediate dismissal of all charges against me and refund of the deposited \$600.00. In accordance with section 337 of the Criminal Code of Canada, I demand the immediate return of my property, being the \$600.00. Failure to do so on or before close of business on July 29, 2010, will result in me pursuing laying criminal private information. If I am required to take further legal actions, it will be solely against the Canada Border Services Agency, its agents, servants and sub-delegates.

Yours for Freedom, Truth, Justice and Peace,



Traeman Tuck

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- 4 *Wrigley Canada v. Canada*, 2000 CanLII 15485 (F.C.A.)
- 5 Letters to the Canada Border Services Agency dated August 9 & 26, 2006
- 6 Letters to the Joint Senate and House of Commons dated April 17, 2005, September 26, 2005 and March 18, 2005
- 7 Letter to Mr. Perry Bircht, Canada Border Services Agency, from Trueman Tuck dated May 19, 2010
- 8 *C.E. Jamieson & Co. (Dominion) v. Canada (Attorney General)* [1987] F.C.J. No. 826