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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
30th August, 1883.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Dick.

ADULTERATION PREVENTION ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Adulteration Prevention Act, 1880."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Adulteration Prevention Act Amendment Act, 1883."

Short Title.

New clause.

10 2. This Act shall come into operation on the *first* day of *December*, one thousand eight hundred and eighty-*three*.

Commencement of Act.

3. In this Act, if not inconsistent with the context,—
"The said Act" means "The Adulteration Prevention Act, 1880."

Interpretation.

15 "Inspector," in addition to any Inspector acting under the said Act, includes any other person appointed by a local authority to do or perform any act or duty which, under the said Act or this Act, may be done by or imposed upon an Inspector.

20 "Local authority" means and includes any Borough Council, County Council, or Town Board respectively constituted under any Act of the General Assembly.

3. 4. After the passing of this Act no baker or seller of bread shall make, sell, or offer for sale any bread not made up into French loaves or batch loaves of two, four, six, or eight pounds in weight respectively.

No bread to be sold unless made up of certain weights.

- Penalty for breach of last section. 4. 5. If any baker or seller of bread shall sell or offer for sale any bread in any other manner than in French loaves or batch loaves of two, four, six, or eight pounds in weight he shall be liable to a penalty not exceeding *five* pounds.
- Nothing in this Act shall extend or apply to bread of the class known as fancy bread. 5
- Loaves to be stamped with initials of baker and weight of such loaves. 5. 6. Every French loaf and batch loaf shall be stamped with the initials of the Christian name or names and surname of the baker by whom the same was baked, and also with a figure or figures and letters indicating the weight of such loaf, as prescribed by this Act. 10
- Such initials shall be stamped in Roman letters at least *one* inch in length at the time of stamping, and such figure or figures shall be in Arabic numerals of like length at the time of stamping; and every person baking or permitting to be baked any such loaf without having stamped or caused to be stamped thereon such initials and weight as aforesaid shall be liable to a penalty not exceeding *five* pounds. 15
- Penalty for offering for sale bread not so stamped. 6. 7. Any person who shall sell or offer for sale in any shop, store, or building, or in any street or open place of public resort, any French loaf or batch loaf which is not stamped in accordance with this Act shall be liable to a penalty for every such offence not exceeding *five* pounds. 20
- Powers and duties of Inspectors. 7. 8. Any Inspector may, and he is hereby required from time to time, to inspect all bread offered for sale or in course of delivery to customers within the limits of the districts for which such Inspector has been appointed or acts, and, if he shall think fit, to weigh the same with fit and proper scales and weights, or require the same to be weighed by any baker or seller of bread who offers such bread for sale, or who is in the course of delivering the same to customers. 25
- Penalty for selling bread deficient in weight. 8. 9. If any bread so sold or offered for sale shall be found deficient in weight, any such baker or seller of bread who shall so offend shall be liable to a penalty not exceeding *five* pounds. 30
- (1.) But no baker or seller of bread shall be liable to the aforesaid penalty in respect of any stale bread.
- (2.) And if any baker or seller of bread shall sell any loaf or loaves of stale bread which may be found deficient in weight he shall make up such deficiency by adding thereto other bread; and if any baker or seller of bread sell any stale bread deficient in weight without making up such deficiency as aforesaid, he shall be liable to a penalty not exceeding *five* pounds. 35
- (3.) "Stale bread" means all bread that may have been manufactured for a period of twenty-four hours and upwards. 40
- Penalty for resisting Inspector. 9. 10. Every person who shall wilfully resist, impede, or obstruct any Inspector appointed or acting under the provisions of this Act in the lawful execution of his duty shall be liable to a penalty not exceeding *ten* pounds nor less than *two* pounds. 45
- Local authorities may appoint Inspectors. 10. 11. Every local authority may appoint one or more officers of police, or any other person or persons, to be an Inspector or Inspectors for the purposes of this Act, and every such Inspector shall, within the district in or over which such local authority has jurisdiction, have and may exercise all the powers and authorities by the said Act or this Act vested in an Inspector. 50

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11- 12. In any county where the law for the time being in force constituting counties is not in operation, or has been suspended in accordance with such law, the power of appointing an Inspector shall vest in any authority or body having under such law the functions or 5 duties of the original County Council in any road district or town district constituted under any Act of the General Assembly.

Where law relating to counties not in operation or suspended, appointment of Inspector to be made by substituted authority.

12- 13. Notwithstanding anything contained in the said Act, any purchaser of an article of food or of a drug in any place shall be entitled, on payment to an analyst appointed under the said Act of the 10 fee prescribed for analysis, to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis in the mode prescribed by the said Act.

Purchaser entitled to have articles of food or drug analyzed.

And, after such analysis has been made and a certificate given as aforesaid, if it appear to such person that an offence has been com- 15 mitted against any provision of the said Act or this Act, he may take all proceedings necessary for the prosecution of the offender.

13- 14. Any Inspector may procure any sample of food or drugs, and, if he suspect the same to have been sold to him contrary to any provision of the said Act or this Act, shall submit the same to be 20 analyzed by an analyst appointed under the said Act; and such analyst shall, with all convenient speed, analyze the same and give a certificate to such Inspector wherein he shall specify the result of the analysis in the mode prescribed by the said Act.

Inspector may procure samples for analysis.

14- 15. If any Inspector shall apply to purchase any article of food 25 or any drug exposed to sale or on sale by retail on any premises, or in any shop, store, factory, or place, or in any street or open place of public resort, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale 30 shall refuse to sell the same to such Inspector, such person shall be liable to a penalty not exceeding ten pounds.

Penalty for refusing samples to Inspector.

15- 16. It shall not be necessary, in any prosecution against the owner of any food or drug so exposed for sale as aforesaid for an offence under the last preceding section, to prove that an application 35 to purchase as aforesaid was made to such owner; but it shall be sufficient to show that such application was made to any servant or person employed by such owner in any shop, store, factory, or place as aforesaid, or in charge of such food or drug in any street or open place of public resort.

Application not necessarily to owner.

40 16- 17. Any person or Inspector purchasing any article with the intention of submitting the same to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analyzed by an analyst appointed 45 under the said Act, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed, or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

Procedure of Inspector on making analysis.

He shall afterwards retain one of the said parts for future 50 comparison, and submit the third part, if he deems it right to have the article analyzed, to the analyst.

Procedure if seller
refuse to divide
article with In-
spector.

17-18. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, shall seal or fasten up one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter. 5

Interpretation of
"adulterated food or
drugs."

18-19. An article of food or a drug shall be deemed to be adulterated within the meaning of the said Act and this Act in the several cases mentioned and set forth in the *First* Schedule hereto. 10

Inspection of
imported wines or
spirits.

19-20. When any wines or spirits in bulk shall be imported into New Zealand any Inspector may, without any payment, procure and take a sample or samples of such wines or spirits for the purposes of analysis.

Such sample shall be taken before or at the time when such wines or spirits are gauged by or under the direction of any officer of Customs; and the Inspector may for such purposes, and without any other authority than this Act, enter, by force if necessary, any warehouse, shed, building, or premises where such wines or spirits may be stored or kept. 15

All proceedings may be had and taken, in respect of any such sample or samples as aforesaid, in like manner as if the same had been purchased from the owner thereof, for the purpose of submitting the same to analysis, and the importer of such wines or spirits shall, for the purposes of this Act, be deemed the seller of such sample or samples. 20

If upon analysis it shall be found that such wine or spirits is adulterated within the meaning of the said Act or this Act, proceedings may be had and taken against the importer of the wines or spirits accordingly: Provided that no such proceedings shall be taken if the importer shall enter into a sufficient bond, to the satisfaction of the Collector or other principal officer of Customs at the port or place where such wines or spirits were imported, providing that the whole of the wines or spirits from which such sample or samples was or were taken shall be exported from the colony or destroyed within a time to be specified in the bond. 25

If adulterated may
be destroyed.

If the importer fails to enter into such bond or to perform the obligation therein contained, the whole of the wines or spirits from which such sample or samples was or were taken as aforesaid shall be destroyed, in such manner as the Commissioner of Customs may in any case direct. 30

Statutory standard
of milk, &c.

20-21. The several articles mentioned in the *Second* Schedule shall not exceed or be less in strength, weight, quality, quantity, or other requirement, as the case may be, than those mentioned in such Schedule. 35

The Governor in Council may, from time to time, prescribe the strength, weight, quality, or quantity of any other article of food or of any drug which shall be necessary to exempt the same from the operation of the said Act or this Act. 40

Inspector may take
sample of milk in
course of delivery for
analysis.

21-22. Any Inspector may procure, without payment, at the place of delivery, any sample of any milk in course of delivery, to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk, or may obtain such sample, 45

without payment, from any vessel or receptacle contained in any vehicle or means of conveyance carrying milk for sale or delivery.

Such Inspector, if he suspect the same to be adulterated or to have been sold contrary to any of the provisions of the said Act or this Act, shall submit the same to be analysed, and the same shall be analysed, and proceedings shall be taken and penalties on conviction enforced in like manner in all respects as if such Inspector had purchased the same from the seller or consignor under any provision of the said Act or this Act.

The onus of proving that such milk was not being delivered in pursuance of a contract for sale or delivery as aforesaid, or was not being carried in any such vessel or receptacle for sale or delivery as aforesaid, shall be upon the person charged under this Act.

~~22.~~ **23.** The seller or consignor, or any person intrusted by him for the time being with the charge of such milk, or the charge or control of any vehicle or means of conveyance carrying any vessel or receptacle containing milk, if he shall refuse to allow such Inspector to take the quantity which he shall require for the purpose of analysis as aforesaid, shall be liable to a penalty not exceeding *ten* pounds.

Penalty for obstructing Inspector.

~~23.~~ **24.** In determining whether an offence has been committed against the said Act or this Act by selling, to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin.

Adulteration of spirits by water.

~~24.~~ **25.** In any prosecution under the provisions of the said Act or this Act it shall not be necessary to prove that the prescribed fee has been paid to the analyst.

Prosecutions and defence.

And in any such prosecution for an offence against the said Act or this Act in respect of any article of food or any drug which is not of the nature, substance, and quality of the article demanded by any purchaser, it shall be no defence to allege that the purchaser, having bought for analysis, was not prejudiced by such sale.

Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature, or in substance, or in quality, was not defective in all three respects.

~~25.~~ **26.** All fees recovered for breaches of this Act or the said Act shall be paid to the local body having control in the district where the offence has been committed.

Application of fees.

~~26.~~ **27.** All provisions of the said Act which are repugnant to or inconsistent with this Act are hereby repealed.

Repeal.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

IN THE CASE OF DRUGS.

1. If, when sold under or by a name recognized in the British Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein.
2. If, when sold under or by a name not recognized in the British Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on *Materia Medica*, it differs materially from the strength, quality, or purity laid down in such work.
3. If its strength or purity fall below the professed standard under which it is sold.

IN THE CASE OF FOOD OR DRINK.

1. If any substance or any substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality, strength, purity, or true value.
2. If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article.
3. If any valuable constituent of the article has been wholly or in part abstracted.
4. If it be an imitation of or be sold under the name of another article.
5. If it consist wholly or in part of a diseased, or decomposed, or putrid, or rotten animal or vegetable substance, whether manufactured or not, or, in the case of milk, if it is the produce of a diseased animal.
6. If it be coloured, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.
7. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it.

SECOND SCHEDULE.

1. Milk shall contain not less than 90 per cent. by weight of milk solids, not fat, and not less than 2.5 per cent. of butter fat.
2. Skim milk shall contain not less than 90 per cent. by weight of milk solids, not fat.
3. Butter shall contain not less than 80.0 per cent. of butter fat.
4. Tea shall contain not more than 80 per cent. of mineral matter, calculated on the tea dried at 100°C, of which at least 3 per cent. shall be soluble in water, and the tea as sold shall yield at least 30 per cent. of extract.
5. Cocoa shall contain at least 20 per cent. of cocoa fat.
6. Vinegar shall contain not less than 3.0 per cent. of acetic acid.