

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

Legislative Council,  
2nd July, 1896.

Hon. Mr. W. C. Walker.

ADULTERATION PREVENTION ACTS AMENDMENT.

ANALYSIS.

- |  |  |
|--|--|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Particulars to be stated on tins, &amp;c., containing food, and on butter.</p> <p>3. Penalty for breach of Act.</p> | <p>4. What a sufficient defence to any proceedings. Notice of such defence to be given.</p> <p>5. Section 9 of "The Adulteration Prevention Acts Amendment Act, 1895," amended.</p> <p>6. Section 26 of Act of 1883 amended.</p> |
|--|--|

Title.

A BILL INTITULED

AN ACT to amend the Law relating to the Sale of Food.

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

Short Title.

1. The Short Title of this Act is "The Adulteration Prevention Acts Amendment Act, 1896"; and it shall form part of and be read with "The Adulteration Prevention Act, 1880."

Particulars to be stated on tins, &c., containing food, and on butter.

2. (1.) On and after the first day of January, one thousand eight hundred and ninety-seven, it shall not be lawful for any person to sell, or in any way to offer or expose for sale,—

(a.) Any article of food in closed tins, bottles, or packages, unless each such tin, bottle, or package bears a label or other notification setting forth in clear and distinct letters or figures the true name, and also the minimum avoirdupois weight (being not more than the actual weight), of the article of food then contained therein; nor

(b.) Any butter in pats or rolls, unless each pat or roll bears a brand, label, or other notification setting forth in clear and distinct figures the minimum avoirdupois weight (being not more than the actual weight) of such pat or roll at the time when it is sold or offered or exposed for sale;

(c.) Any condensed milk in closed tins, bottles, or packages, unless such tin, bottle, or package bears a label or other notification setting forth in clear and distinct letters or figures an analysis of such condensed milk, showing the percentage of water, proteids, butter-fat, lactose, ash, and cane-sugar (if any) contained in such condensed milk;

(2.) "Food" in this section does not include "drink."

Penalty for breach  
of Act.

3. If any person, by himself, his servant, or agent,—

(1.) In any way sells or offers or exposes for sale any article of food, or any butter, in breach of any of the provisions of this Act; or

(2.) Refuses to supply any such article of food, or pat or roll of butter, as aforesaid, to any Inspector who applies to purchase the same and tenders the usual price therefor—

he commits an offence, and is liable to a penalty not exceeding five pounds in respect of each such offence.

What a sufficient  
defence to any  
proceedings.

4. (1.) If in any proceedings for an offence under this Act the offence lies in the fact that the label, brand, or notification aforesaid does not state the true name of the article, or butter, or overstates the actual weight thereof, it shall be a sufficient defence if the defendant satisfies the Court,—

(a.) That he purchased the article or butter in question in the same tin, bottle, package, pat, or roll, bearing the same label, brand, or notification as when he sold it, or offered or exposed it for sale, and that he so purchased it with a written warranty (which the defendant produces to the Court) from the seller (being a person resident in the colony and there carrying on business by the sale of such articles or butter in a warehouse, shop, or dairy) that the statements as to name or weight appearing on such label, brand, or notification were correct; and also

(b.) That at no time had he any reason to believe that any such statement was in any way incorrect.

Notice of such  
defence to be given.

(2.) But he shall nevertheless be liable to pay the cost incurred by the prosecutor, unless he has given him timely notice of his intention to rely on the above defence, and the Court is of opinion that in the circumstances the prosecutor should not have continued the proceedings after receipt of such notice.

Section 9 of "The  
Adulteration  
Prevention Acts  
Amendment Act,  
1895," amended.

5. Section nine of "The Adulteration Prevention Acts Amendment Act, 1895," is hereby amended as follows:—

(1.) As to clause (a) of subsection one thereof: By adding to the end of that clause the following words, "(which he produces to the Court) from the seller, being a person resident in the colony and there carrying on business by the sale of such articles in a warehouse or shop."

(2.) As to subsection two thereof: By adding to the end of that subsection the following words, "and the Court is of opinion that, in the circumstances, the prosecutor should not have continued the proceedings after receipt of such notice."

Section 26 of Act of  
1883 amended.

6. Section twenty-six of "The Adulteration Prevention Act 1880 Amendment Act, 1883," is hereby amended by substituting the word "penalties" in lieu of the word "fees."