

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,
7th October, 1897.

Hon. W. C. Walker.

ADULTERATION PREVENTION ACTS AMENDMENT.

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A BILL INTITULED

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

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 Acts Amendment Act, 1897"; and it shall form part of and be read with "The Adulteration Prevention Act, 1880." Short Title.
- 10 2. On and after the first day of July, one thousand eight hundred and ninety-eight, it shall not be lawful for any person to sell, or in any way to offer or expose for sale,— Particulars to be stated on tins, &c. containing food.
- 15 (1.) Any article of food in closed tins, bottles, or other closed packages, unless each 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 contained therein at the time when it is sold or offered or exposed for sale; nor
- 20 (2.) Any article of food, being condensed milk, in closed tins, bottles, or other closed packages, unless each package bears a label or other notification setting forth in clear and distinct letters or figures the particulars specified in subsection one hereof, and also a true analysis showing the respective percentages of water, proteids, butter-fat, lactose, ash, and cane-sugar (if any) contained
- 25 (3.) Any article of food, being condensed milk, in which any animal fats, or animal, mineral, or vegetable oils, is substituted wholly or in part for pure butter-fat.

No. 9—2.—1897.

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 in breach of any of the provisions of this Act; or
 (2.) Refuses to supply any such article to any Inspector who applies to purchase the same and tenders the usual price therefor— 5

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 or analysis of the article, or overstates the actual weight thereof, it shall be a sufficient defence if the defendant satisfies the Court,— 10

(a.) That he purchased the article in question in the same package, 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 in a warehouse, shop, or dairy) that the statements as to name, weight, and analysis appearing on such label, brand, or notification were correct; and also 15 20

(b.) That at no time had he any reason to believe that any such statement was in any way incorrect; and also 25

(c.) That he sold the article or offered or exposed it for sale in the same state as when he purchased it.

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. 30

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." 35

(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." 40

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." 45

Food not to include
drink.

7. "Food" in this Act does not include "drink."