

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 September, 1871.

(Hon. Mr. Sewell.)

Bakers and Millers.

ANALYSIS.

Title.	12. Selling bread not weighed.
1. Short Title.	13. Bakers to provide in their shops beams scales and weights &c.
2. Commencement of Act.	14. Persons delivering by cart &c. to have beams scales and weights &c.
3. On Act coming into force in certain Provinces Acts and Ordinances in Schedule to be repealed.	15. Selling bread made of unwholesome flour.
4. Bread for sale to be made of certain ingredients only.	16. Penalty for adulterating meal or flour or selling flour of one sort of corn as the flour of another.
5. Bread to be well made.	17. Bakers' shops &c. may be searched.
6. "Standard wheaten bread."	18. Penalty for having ingredients for the adulteration of bread.
7. "Household wheaten bread."	19. Penalty for obstructing search.
8. "Mixed bread."	20. Recovery of penalties.
9. Penalty for not marking household or mixed bread.	21. After second conviction offender's name may be advertised.
10. Bread to be sold by weight. Except French or fancy bread or rolls.	22. Limiting the time of information.
11. Penalty on bakers using any other than the avoirdupois weight.	23. Protection to officers.

A BILL INTITLED

AN ACT to regulate the Sale of Bread and to prevent the Adulteration of Meal and Flour. Title.

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

- 1. The Short Title of this Act shall be "The Bakers and Millers Act, 1871." Short Title.
- 2. This Act shall come into operation on the thirty-first day of December, one thousand eight hundred and seventy-one. Commencement of Act.
- 3. The Acts and Ordinances specified in the Schedule to this Act shall upon the coming into operation of this Act be repealed. Where before the coming into operation of this Act any offence has been wholly or partly committed against any or either of the Acts or Ordinances hereby repealed, or any forfeiture or penalty thereunder has been incurred, or any act has been done under the authority of any or either of such Acts or Ordinances, or where in respect of any matter or thing done before the coming into operation of this Act any right liability privilege or protection accrues or has accrued under the said Acts or Ordinances, or any action prosecution or other proceeding has been or shall hereafter be commenced, every such offence shall be dealt with and punished, and every such forfeiture and penalty shall be enforced and recovered, and every such act and every such right liability privilege or protection shall continue and be in force, and every such action prosecution or other proceeding shall be prosecuted continued or defended in the same manner as if such Acts or Ordinances were not repealed. On Act coming into force in certain Provinces, Acts and Ordinances in Schedule to be repealed.
- 4. All bread made for sale or sold or exposed for sale within any part of New Zealand shall be made of pure and sound flour or meal of wheat barley rye oats buckwheat Indian corn peas beans rice or potatoes or any of them and with any common salt pure water eggs milk barm leaven potato or other yeast and mixed in such proportions as may be thought fit and with no other ingredient or matter whatsoever. Bread for sale to be made of certain ingredients only. 6 and 7 Wm. IV. c. 37 s. 2.

Bread to be well made.

Ib. s. 8.

5. The several sorts of bread which shall be made for sale or sold or exposed for sale shall always be well made and in their several and respective degrees according to the quality of the meal or flour whereof the same ought to be made and no alum or mixture in which alum shall be an ingredient or any other mixture or ingredient whatsoever other than and except as herein mentioned shall be put into or in anywise used in making bread for sale under any colour or pretence whatsoever and every person who shall knowingly offend in the premises shall on conviction of every such offence forfeit and pay any sum not exceeding ten pounds nor less than forty shillings.

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"Standard wheaten bread."

Ib. s. 10.

6. All bread made of the flour of wheat which flour without any mixture or division shall be the whole produce of the grain the bran or hull thereof only excepted shall be called and understood to be standard wheaten bread.

"Household wheaten bread."

Ib. s. 10.

7. All wheaten bread made for sale of any meal in which a portion of the bran or hull thereof shall have been retained shall be called and understood to be household wheaten bread and every loaf of such bread shall be marked with a large Roman H.

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"Mixed bread."

Ib. s. 10.

8. All bread made for sale wholly or partially of the meal or flour of any other sort of corn or grain than wheat or of the meal or flour of any peas beans or potatoes shall be called and understood to be mixed bread and every loaf of such bread shall be marked with a large Roman M.

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Penalty for not marking household or mixed bread.

Ib. s. 10.

9. Every person who shall make for sale or sell or expose for sale any such household wheaten bread or any mixed bread without being respectively marked as hereinbefore is directed shall on conviction forfeit and pay the sum of ten shillings for every pound weight of such bread which shall be so made for sale or sold or exposed for sale without being so marked as aforesaid.

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Bread to be sold by weight. 6 and 7 Wm. IV. c. 37 s. 2.

10. All bread shall be sold by the several bakers or sellers of bread respectively by weight and not otherwise, and may be made of such weight or size as the said bakers or sellers shall think fit; and in case any baker or seller of bread shall sell or cause to be sold bread in any other manner than by weight, then and in such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding forty shillings.

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Except French or fancy bread or rolls.

Nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such baker or seller of bread from selling bread usually sold under the denomination of French or fancy bread or rolls without previously weighing the same.

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Penalty on bakers using any other than the avoirdupois weight. 6 and 7 Wm. IV. c. 37 s. 5.

11. The several bakers or sellers of bread respectively, in the sale of bread, shall use the avoirdupois weight of sixteen ounces to the pound according to the legal standard in New Zealand, and the several gradations of the same for any less quantity than a pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight and the several gradations of the same, he shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than five shillings.

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Selling bread not weighed. Ib. s. 4.

12. In case any baker or seller of bread shall sell or deliver in his her or their shop house or premises any bread which shall not have been previously weighed in the presence of the party purchasing the same, whether required by the purchaser so to do or not, except as aforesaid, then and in every such case every such baker or seller of bread so offending shall upon conviction forfeit and pay for every such offence any sum not exceeding five pounds.

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Bakers to provide in their shops beams scales and weights &c. Ib. s. 6.

13. Every baker or seller of bread shall cause to be fixed in some conspicuous part of his shop on or near the counter a beam and scales with proper weights or other sufficient balance in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid: And in case any

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such baker or seller of bread shall neglect to fix such beam and scales or other sufficient balance in manner aforesaid, or to provide and keep for use such proper beams and scales and proper weights or balance, or shall have or use any incorrect or false beam or scales or balance, or
 5 any false weight not being of the weight it purports to be according to the said standard, then and in every such case he shall for every such offence forfeit and pay any sum not exceeding five pounds.

14. Every baker or seller of bread, and every journeyman servant or other person employed by such baker or seller of bread, who shall
 10 convey or carry out bread for sale, shall be provided with and shall constantly carry a correct beam and scales with proper weights or other sufficient balance, in order that all bread sold by every such baker or seller of bread, or by his journeyman servant or other person, may from time to time be weighed in the presence of the purchaser thereof, except
 15 as aforesaid: And in case any such baker or seller of bread, or his journeyman servant or other person, shall at any time carry out and deliver any bread without being provided with such beam and scales with proper weights or other sufficient balance, or shall carry defective weights according to the said standard, or shall at any time refuse to
 20 weigh any bread purchased of him or delivered by his journeyman servant or other person in the presence of the person purchasing or receiving the same, then and in every such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding five pounds.

Persons delivering by cart &c to have beams scales and weights &c.
 Ib. s. 7.

15. Any baker or confectioner who shall wilfully or knowingly have upon his premises used by him as such baker or confectioner any impure unsound or unwholesome flour, or who shall sell or offer to sell any bread or dough for bread or biscuit or confectionery containing any such flour, shall on conviction before two or more
 30 Justices forfeit and pay any sum not exceeding twenty pounds; and such bread dough biscuit confectionery or flour shall be liable to be seized and confiscated as unwholesome and adulterated, and shall be disposed of by the said Justices as they in their discretion shall think proper.

Selling bread made of unwholesome flour.

16. If any person shall put into any corn meal or flour which shall be ground dressed bolted or manufactured for sale, either at the time of grinding dressing bolting or manufacturing the same or at any other time, any ingredient or mixture whatever not being the real and genuine produce of the corn or grain which shall be so ground, or if
 40 any person shall knowingly sell or offer for sale, either separately or mixed, any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale, then and in every such case every person so offending shall on conviction
 45 forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds: Provided that nothing herein contained shall apply to any ingredient article or material employed or used for cleansing or preserving such corn or grain from smut or other disease, weevil or other insect or impurity, so as that every such
 50 ingredient article or material so employed or used be carefully and effectually removed from such corn and grain before the same shall be ground.

Penalty for adulterating meal or flour, or selling flour of one sort of corn as the flour of another.
 6 and 7 Wm. IV.
 c. 37 s. 9.

17. It shall be lawful for any Justice, and also for any Constable authorized by any warrant under the hand of a Justice, at seasonable
 55 times in the day-time to enter into any house mill shop stall bake-house bolting-house pastry-warehouse outhouse or ground of or belonging to any miller mealman or baker or other person who shall grind grain, or dress or bolt meal or flour, or make bread, for reward or sale, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or

Bakers' shops &c. may be searched.
 Ib. s. 11.

ought to be shall have been mixed up with or put into any meal or flour in the possession of such miller mealman or baker, either in the grinding of any grain at the mill or in the dressing bolting or manufacturing thereof, whereby the purity of any meal or flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act, shall have been mixed up with or put into any dough or bread in the possession of any baker or other person, whereby any such dough or bread is or shall be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration and mixture; and if upon any such search and examination it shall appear that any such meal flour dough or bread so found shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal flour or bread, then and in every such case it shall be lawful for every such Justice or Constable authorized as aforesaid to seize and take any meal flour dough or bread which shall be found in any such search and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used or intended to be used in or for any such adulteration as aforesaid, and such part thereof as shall be seized by any Constable authorized as aforesaid, shall with all convenient speed after seizure be carried to a Resident Magistrate or Justice; and if any Justice who shall make any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act shall be brought, shall adjudge upon the evidence of any competent person or persons taken upon oath that any such meal flour dough or bread so seized shall have been adulterated by any mixture or ingredient put therein other than is allowed by this Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal flour or bread then and in any such case every such Justice is required to dispose of the same as he in his discretion shall from time to time think proper.

Penalty for having ingredients for the adulteration of bread.
Ib. s. 12.

18. Every miller mealman or baker in whose house mill shop stall bakehouse bolting-house pastry-warehouse outhouse ground or possession any ingredient or mixture shall be found, which shall after due examination be adjudged by any Justice to have been deposited there for the purpose of being used in adulterating the purity or wholesomeness of any meal flour dough or bread, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds for the first offence, ten pounds for the second offence, and fifteen pounds for every subsequent offence, unless it shall be made to appear to the satisfaction of any such Justice that such ingredient or mixture was so deposited without the knowledge or privity of the party accused.

Penalty for obstructing search.
6 and 7 Wm. IV.
c. 37 s. 13.

19. If any person shall wilfully obstruct or hinder any such search as hereinbefore is authorized to be made, or the seizure of any meal flour dough or bread, or of any ingredient or mixture which shall be found on any such search and shall be deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal flour dough or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any such ingredient or mixture as aforesaid, or any meal flour dough or bread which shall be seized as being adulterated or as not being made pursuant to this Act, the person so offending shall on conviction of every such offence forfeit and pay any sum not exceeding ten pounds.

Recovery of penalties.

20. All offences against this Act shall be heard and determined only in a summary way and not otherwise and in the manner provided by "The Justices of the Peace Act, 1836," and except in the cases

hereinbefore provided to be heard and determined by one Justice, all offences against this Act shall be heard and determined as aforesaid by any two or more Justices, and all fines and penalties awarded and imposed shall go and be distributed the one moiety to the Consolidated

5 Fund and the other moiety to the use of the informer or party prosecuting.

21. If any person convicted of any offence under this Act shall afterwards commit a like offence, it shall be lawful for the Justices before whom the second conviction shall take place to cause the offender's name, place of abode, and offence, and the penalty imposed, to be published at the expense of such offender in such newspaper or in such other manner as the Justices shall direct, and the expense of such publication shall be recoverable in the same manner as costs are recoverable.

After second conviction offender's name may be advertised.

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22. No person shall be convicted of any offence under this Act unless the complaint be made within seventy-two hours next after the time the offence shall have been committed, and no conviction under this Act shall be removed by writ of *certiorari* or otherwise in the Supreme Court.

Limiting the time of information.

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23. If any action or suit shall be commenced against any Justice Constable or other person for any matter or thing done in pursuance of this Act, the defendant in any such action or suit may plead a general denial and give this Act and the special matter in evidence at any trial thereupon, and that the same was done in pursuance and by authority of this Act.

Protection to Officers.

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SCHEDULE.

Schedule.

Number of Part.	Name of Province.	Title of Act or Ordinance.	Of what Legislature.
Part I.	Auckland	"Sale of Bread Act, 1863"	Superintendent and Provincial Council of the Province of Auckland.
Part II.	Otago	"Bread Ordinance, 1863" "Bread Ordinance 1863 Amendment Ordinance, 1864"	Superintendent and Provincial Council of the Province of Otago.