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Hon. Mr. McKenzie.

DAIRY INDUSTRY.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate the Manufacture of Butter and Cheese for Title.
Export, and to provide for the Purity of the Milk used in
such Manufacture.

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

1. The Short Title of this Act is "The Dairy Industry Act, Short Title.
1892."

10 2. In this Act, if not inconsistent with the context,— Interpretation.
(a.) "Butter" means the fatty portion or cream of pure milk
solidified by churning:

15 "Blended butter" means the fatty portion or cream of pure
milk solidified by churning, and collected from one or
more dairies or factories for the purpose of being mixed or
blended and packed for export:

"Pat" or "print butter" means butter made up in pounds or
half-pounds, more or less, known as pats or prints:

20 "Separator butter" means the fatty portion or cream of pure
milk extracted by mechanical means, and afterwards
solidified by churning:

"Butter-fat" means the pure fat of cows' milk:

25 "Full-cream cheese" means cheese manufactured from pure
milk containing not less than three and a half per centum
of butter-fat:

- “Three-quarter skim-milk cheese” means cheese manufactured from pure milk from which part of the cream or butter-fat has been extracted, but which shall contain not less than two and a half per centum of butter-fat :
- “Half skim-milk cheese” means cheese manufactured from pure milk from which part of the cream or butter-fat has been extracted, but which shall contain not less than one and a half per centum of butter-fat :
- “Pure skim-milk cheese” means cheese made from pure milk from which the cream or butter-fat has been extracted, or from milk containing less than one and a half per centum of butter-fat :
- (b.) “Dairy” means a place privately owned and where the milk of cows is manufactured into butter or cheese or both :
- “Factory” or “creamery” shall mean a place established for receiving the milk or cream of cows from the public for the purpose of manufacturing the same or any portion of the same into butter or cheese, or both, as the case may be :
- “Inspector” means any person duly appointed under this Act :
- “Pure milk” means the whole of the milk of cows, including strippings, as drawn at each time of milking.
- 3. The Governor, from time to time,—**
- (1.) May appoint or remove such Inspectors and other officers as he shall deem necessary for the administration of this Act; and
- (2.) May, by Order in Council gazetted, prescribe regulations for all purposes of such administration, or for the conduct of officers engaged therein.
- 4. Every Inspector under this Act, or other duly-authorized officer, shall have and may exercise all the powers and authorities conferred upon an Inspector under “The Adulteration Prevention Act, 1880,” and any amendments or extensions thereof, and also shall have full access, egress, and ingress to all places of business, dairies, factories, creameries, farms, buildings, carriages, cars, vessels, cans, and steamers used for the manufacture, storage, and carriage or transit of milk, cream, cheese, or butter.**
- He shall also have power and authority to open any keg, box, or package which contains butter or cheese for the purpose of inspecting whether or not any false description or brand is placed inside of the keg, box, or package, and he may take therefrom samples for analysis.
- 5. It shall be compulsory for the owner of every dairy, factory, or creamery at which either cheese or butter, or both, are manufactured for export to have a trade-mark, duly registered under “The Patents, Designs, and Trade-marks Act, 1889,” wherewith all articles produced at such dairy, factory, or creamery for export shall be distinctly branded or marked in accordance with the subsequent provisions of this Act; and a description of such trade-mark shall be entered among the particulars to be described in the export-entry at the Customs.**
- Every owner as aforesaid who neglects, fails, or refuses to mark any article produced for export with his registered trade-mark is liable

Appointment of
officers.

Regulations.

Powers of entry to
Inspectors.

Trade-mark com-
pulsory for export
produce.

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to a penalty not exceeding *five* pounds for every article not bearing the said trade-mark.

6. Any owner of a dairy, and who is manufacturing not less than one thousand five hundred pounds of pure milk per day into cheese or butter, or both, on receiving a certificate from an Inspector under this Act to the effect that the said Inspector has inspected the said owner's dairy and is satisfied that it is suitable for the above purpose, shall be entitled to mark the produce of the said dairy with the word "Factory" or "Creamery," as the case may be. Such certificate, however, may be cancelled at any time, if in the opinion of an Inspector, the said dairy is not kept or the produce thereof is not manufactured to his satisfaction.

Dairy in certain cases deemed factory for purpose of export.

7. Every person who shall manufacture and export, and every person exporting, a keg, box, or package, or any greater quantity, of cheese or butter, including blended butter, separator butter, or butter in pats or prints, shall distinctly and durably stamp or mark on both ends of every cheese, and upon each pat or print of butter, and also upon two sides of every keg, box, or package containing such cheese or butter, the following particulars, that is to say:—

All cheese and butter for export to be branded with trade-mark.

- (1.) The registered trade-mark of such person; and
- (2.) The words "New Zealand dairy," or "New Zealand factory," or "New Zealand creamery," as the case may be; and also
- (3.) The true and exact nature and description as defined in subsection (a) of section *two* of this Act of the cheese or butter contained in each keg, box, or package, as the case may be.

Every person who exports or causes, procures, or offers to export any of the articles required by this section to be stamped or marked with the above-mentioned particulars, which are not so stamped or marked, or on which any of the aforesaid particulars are to his knowledge false, is liable for every such offence to a penalty not exceeding *one hundred* pounds and not less than *five* pounds.

8. No person shall sell, supply, bring, or send to any dairy, factory, or creamery, or to the owner or manager thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, without distinctly notifying, in writing, the owner or manager of such dairy, factory, or creamery that such milk has been so diluted with water, or adulterated, or had the cream so taken from it.

Notice to be given if milk adulterated.

9. No person who sells, supplies, brings, or sends to any dairy, factory, or creamery, or to the owner or manager thereof, any milk to be manufactured into cheese or butter shall keep back any portion of that part of the milk known as strippings.

Strippings not to be kept back.

10. No person shall sell, supply, bring, or send to a dairy, factory, or creamery, or to the owner or manager thereof, any milk that is tainted or sour.

As to tainted or sour milk.

11. No person shall sell, supply, bring, or send to a dairy, factory, or creamery, or to the owner or manager thereof, any milk taken or drawn from a cow that is suspected or known to be suffering from or infected with any disease as defined in "The Stock Act, 1891," at the time the milk is so taken or drawn from such cow.

As to diseased animal.

Penalty for contra-
vention.

12. Every person who, by himself or by any other person to his knowledge, violates any of the provisions of the *four* last-preceding sections, shall, for each offence, upon conviction thereof, be liable to a penalty not exceeding *ten* pounds and not less than *two* pounds.

Who shall be liable.

The person on whose behalf any milk is sold, supplied, brought, or sent to a dairy, factory, or creamery, for any of the purposes aforesaid, shall be *prima facie* liable for the violation of any of the last-aforesaid provisions.

Inspector may take
for analysis samples
of milk from factory,
&c.

13. Any person to whom milk is offered for sale and any Inspector may, without payment, take samples of such milk for analysis, and the said samples shall be sealed and packed in the presence of the owner of or the person offering such milk for sale, and shall be submitted for analysis to an analyst under "The Adulteration Prevention Act, 1880;" and, in case such owner or person offering such milk for sale refuses a sample of such milk to be taken for analysis as aforesaid, he shall be liable to a penalty not exceeding *five* pounds and not less than *two* pounds for each separate offence.

Inspector may
require owner of
cows to have milk
tested or analysis
made.

14. Any Inspector may require the owner or custodian of any cow or cows, and whose milk is being sold, supplied, brought, or sent to a dairy or factory or creamery,—

(1.) To submit such cow or cows at his farm, or where such cows are usually kept, to such milk test as may be necessary for ascertaining the quantity and quality of the milk of such cow or cows on any day, and at such time on any such day, as may be appointed by the said Inspector; or

(2.) To allow samples of milk to be taken from any such cows for the purpose of being sent for analysis to any analyst under "The Adulteration Prevention Act, 1880:." Provided that such samples shall be sealed and packed in the presence of the aforesaid owner or custodian:

Penalty for refusing.

And in case the owner or custodian refuses to so submit such cow or cows, or obstructs in the execution thereof the carrying-out of such milk-test, or refuses a sample of milk to be taken for purpose of analysis as aforesaid, or the application of its result, shall be liable for every such offence to a penalty of not less than *five* pounds or more than *twenty* pounds.

What shall be
evidence.

15. For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of sections *eight* to *eleven* of this Act, it shall be sufficient *prima facie* evidence on which to found a conviction to show that such milk so sold, supplied, brought, or sent, to a dairy, factory, or creamery as aforesaid to be manufactured into cheese or butter, is substantially inferior in quality to pure milk, provided the test is made by means of a lactometer or cream gauge, or some other proper and adequate test, and is made by a competent person: Provided always that a conviction may be made or had on any other sufficient legal evidence.

Specific nature of
deterioration need
not be described.

16. In any complaint or information laid under either of sections *eight* to *eleven* of this Act, and in any conviction thereon, the milk complained of may be described as deteriorated milk, without specification of the cause of deterioration, and, thereupon, proof of any of the causes or modes of deterioration mentioned in either of the said sections shall be sufficient to sustain a conviction; and in any

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complaint, information, or conviction under this Act the matter complained of may be declared and shall be held to have arisen within the meaning of "The Justices of the Peace Act, 1882," at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere.

17. Every person who resists, impedes, or obstructs any Inspector appointed or acting under the authority of this Act in the lawful execution of his duty is liable for each such offence to a penalty not exceeding *five* pounds and not less than *two* pounds. Penalty for obstructing Inspector.

10 Every person who delays an Inspector in the exercise of any power under this Act shall be deemed to obstruct an Inspector in the execution of his duty.

18. Every person accused of an offence under this Act, and the husband or wife of such person, shall be competent and compellable witnesses. Husbands and wives as witnesses.

19. Every person who contravenes this Act in any manner is liable for every such offence, where no other penalty is provided, to a penalty not exceeding *twenty* pounds. Penalty for offences under Act.

20 All penalties under this Act may be recovered in a summary way before a Resident Magistrate or any two or more Justices of the Peace under "The Justices of the Peace Act, 1882." Penalties recoverable summarily.

21. Any pecuniary penalty imposed under this Act shall, when recovered, be paid into the Public Account and form part of the Consolidated Fund; but the convicting Magistrate or Justices may in any case direct that any portion of such penalty, not exceeding one-half thereof as they shall think fit, shall be paid to the person or divided among the several persons upon whose information a conviction was obtained. Application of penalties.