

Hon. Mr. McKenzie.

DAIRY INDUSTRY.

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A BILL INTITULED

AN ACT to regulate the Manufacture of Butter and Cheese, and to provide for the Purity of Milk. 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 is "The Dairy Industry Act, 1894." Short Title.

2. In this Act, if not inconsistent with the context,—

10 (a.) "Dairy" means a place where the milk of cows is manufactured into butter or cheese, or both, or into other milk products, not being a factory or creamery as defined:

"Creamery" means a place established for receiving the milk of cows for the purpose of separating the cream therefrom and manufacturing same into butter or otherwise:

15 "Factory" means 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, or into other milk products, as the case may be:

20 "Inspector" means any person duly appointed for the purpose of inspection under this Act:

"Pure milk" means the whole of the milk of cows, including strippings, as drawn at each time of milking:

25 "Butter-fat" means the pure fat of cows' milk.

(b.) "Pure butter" means the fatty portion or cream of pure milk solidified by churning:

"Milled butter" means pure butter collected from one or more dairies or factories for the purpose of being mixed or blended and packed :

"Full-cream cheese" means cheese manufactured from milk, and shall contain not less than thirty per centum of butter-fat in such cheese : 5

"Half skim cheese" means cheese manufactured from milk, and shall contain not less than twenty per centum of butter-fat in such cheese :

"Pure skim cheese" means cheese made from milk, and shall contain less than twenty per centum of butter-fat in such cheese. 10

3. The Governor, from time to time,—

Appointment of officers.

(1.) May appoint or remove such Inspectors and other officers as he shall deem necessary for the administration of this Act ; 15

Regulations.

(2.) May, by Order in Council gazetted, prescribe regulations for all purposes of such administration, or for the conduct of officers engaged therein ; and

Cool-stores.

(3.) May proclaim certain cool-stores now in existence, or otherwise provide for the establishment of such, and prescribe regulations and charges for the management and storage of produce while in such stores. 20

Powers of entry, &c., of Inspectors.

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, farms, cowsheds, dairies, factories, creameries, carriages, cars, vessels, cans, and steamers used for the manufacture, storage, and carriage or transit of milk, cream, cheese, or butter. 25 30

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. 35

Inspector may inspect farm, &c., and require defects to be remedied.

5. Any Inspector under this Act, or duly-authorized officer, shall have the power to inspect any farm, cowshed, or premises where cows are kept, or the milk of such cows is stored, and the food and water supplied to cows the milk of which is sold, supplied, sent, or brought to a dairy, factory, or creamery, or the public ; and should such farm, cowshed, or premises be not kept in a clean and satisfactory condition, and an ample supply of food and fresh water provided, the Inspector may notify in writing the owner to remedy such defects within the time mentioned in such notice ; or, should he consider the defects to be of such a nature as to affect the purity or wholesomeness of the milk ; he shall at once serve said owner with a notice in writing prohibiting the disposal of such milk until said owner has remedied such defects ; and should said owner refuse or neglect to comply with such notice, he shall be liable to a penalty as hereafter provided. Either of the aforesaid notices may be in the form or to the effect of 40 45 50

Schedule A.

Schedule A hereto.

6. Every person offering milk for sale to a dairy, factory, or creamery, or to the public, shall, unless otherwise stated in writing, supply pure milk only, as defined by this Act. And, for the purpose of obtaining a conviction under this section, it shall be sufficient to show that such milk, so sold, supplied, brought, or sent to a dairy, factory, or creamery, or to the public as aforesaid, is substantially inferior in quality to pure milk. Pure milk only to be sold, unless otherwise stated.
7. No person shall sell, supply, bring, or send to a dairy, factory, or creamery, or to the public, any milk which has been near or in contact with any person, animal, or thing suffering from or infected with any infectious or contagious disease. Milk not to be sold after contact with anything infected.
8. No person shall sell, supply, bring, or send to a dairy, factory, or creamery, or to the public, any milk that is tainted or sour, or 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, 1893," or ulcers, or running sores, or other disorders, or during the time the cow is in season, or for four days after calving. Milk not to be sold if tainted or from diseased animal.
9. 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. Samples of milk offered for sale may be taken for analysis.
10. 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, or to the public, 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. Samples of milk may be taken from cows for analysis.
11. Every person supplying milk to a dairy, factory, or creamery shall, immediately the milk is drawn from the cow, pass the milk over a cooler or aëerator for the purpose of being properly cooled or aërated. Milk to be cooled or aërated.
12. Every owner of a dairy, factory, or creamery receiving milk shall pay for the same at per gallon of eleven pounds avoirdupois; but nothing herein contained shall prevent any dairy, factory, or creamery owner paying for such milk according to the productive character thereof. Rate of payment for milk.
13. No person shall manufacture or mix with or add to milk, cream, butter, or cheese, any animal fats, or animal, mineral, or vegetable oils, or extraneous butter-fat or oil; nor shall any person manufacture any butter or cheese, or other milk product, from other than milk or cream, to which may be added sugar, salt, or harmless preservative or colouring matter. No milk, cream, butter, or cheese to be adulterated.
14. Every owner of a dairy, factory, or creamery, manufacturing butter or cheese, and every owner of premises where milled butter is mixed or blended and packed for export, shall forward to the Minister of Agriculture for free registration, within one month after commencement of operations in each season, the particulars required and set forth in Schedule B to this Act. Particulars to be sent to Minister of Agriculture.

Particulars to be stamped or marked on cheese or butter.

15. Every person manufacturing a keg, box, or package, or any greater quantity of cheese or butter, shall, before such keg, box, or package leaves the dairy, factory, or creamery, distinctly and durably stamp or mark on each cheese, and also upon each keg, box, or package containing such cheese, or butter, the following particulars, that is say,— 5

- (1.) The words "New Zealand Dairy," or "New Zealand Factory," or "New Zealand Creamery," as the case may be:
- (2.) The true and exact nature and description, as defined in subsection (b.) of section *two* of this Act, of the cheese or butter contained therein: 10
- (3.) The date or dates on which such butter or cheese was manufactured, and the number of the churning or vat, as the case may be.

Milled butter to be stamped or marked.

16. Every person mixing or blending a keg, box, or package, or any greater quantity, of milled butter, shall, before such keg, box, or package leaves his premises, distinctly and durably stamp or mark on each keg, box, or package in red letters the words "New Zealand Milled Butter," and the date on which such milled butter was packed. 15

In addition to the foregoing, any person may affix his registered trade-mark, registered under "The Patents, Designs, and Trade-marks Act, 1889," to such keg, box, or package. 20

Every stamp or mark to be supplied by Department of Agriculture.

17. Every person manufacturing a keg, box, or package of butter or cheese, or mixing or blending a keg, box, or package of milled butter, shall apply to the Department of Agriculture, at Wellington, for a stencil-plate or rubber-stamp with which he shall mark or stamp such keg, box, or package containing such butter or cheese, and also each cheese in such keg, box, or package, as the case may be. 25

Schedule C.

Every mark or stamp issued shall be in one or other of the forms set forth in Schedule C, as the case may be, and shall bear a different number for each dairy, factory, or creamery, or premises where milled butter is prepared and packed; and the Department of Agriculture shall register the name, location, and number of each dairy, factory, creamery, or premises, and the name of the person authorised to use such stamp or mark and number. 30 35

Penalty for using stamp or mark not registered.

Every person who stamps or marks any butter or cheese, or keg, box, or package containing butter or cheese, with a stamp or mark which is not registered, or of which he is not the registered owner, without the authority of such owner, is liable to a penalty as herein-after provided. 40

Every person who neglects, or fails, or refuses to stamp or mark any article produced in the manner above described is liable to a penalty as hereinafter provided.

Penalty for exporting butter or cheese not stamped or marked.

18. Every person who exports, or causes, procures, or offers to export, any cheese, or any keg, box, or package containing butter or cheese, or milled butter, required by this Act to be stamped or marked, and which are not so stamped or marked, or on which any of the aforesaid particulars are to his knowledge false, or inside of which shall be found any stamp or mark other than the true and exact nature and description of the contents of such keg, box, or package, is liable to a penalty as hereinafter provided. 45 50

If the person exporting is acting as agent only for the owner or manufacturer of such cheese or butter, he may, on receiving notice of any non-compliance with the provisions of this Act, free himself from any liability by disclosing the name of the owners or manufacturers thereof, as the case may be.

19. The Governor may, by Order in Council, declare that from a date to be thereby fixed the following provisions shall be in force :—

(1.) Every person exporting either butter or cheese shall have such placed in the cool-store proclaimed by the Governor at the port of shipment for the purpose of being graded, and subsequently frozen or cooled, as the case may be ; in the case of butter at least six days, and cheese three days, prior to shipment. On the despatch of any butter or cheese to the cool-store, advice thereof must be immediately posted, addressed to the Government Grader at such cool-store, giving full particulars of the number of kegs, boxes, or packages, as the case may be, together with the stamps or marks and weights and tares of each keg, box, or package. The ports of shipment to be Auckland, Wellington, Lyttelton, and Port Chalmers, and such others as the Governor may from time to time proclaim by Order in Council.

Butter or cheese for export to be placed in cool-store.

Ports of shipment.

(2.) The Governor may appoint persons who shall grade while in cool-store the contents of every keg, box, or package containing butter or cheese, and shall stamp or mark each keg, box, or package with the official stamp or mark " N.Z. " and the figure denoting the grade or grades ; and, in the case of cheese, may also durably stamp or mark every cheese in such keg, box, or package in the same manner. The grade-marks shall be : " 1 " for first grade ; " 2 " for second grade ; " 3 " for third grade.

Persons may be appointed to grade butter or cheese.

For the purpose of testing the quality of any butter or cheese, the Grader may open and sample a keg, box, or package, or any greater number, of each lot of such butter or cheese.

20. 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 ; or

Penalty for obstructing an Inspector.

Who delays an Inspector in the exercise of any power under this Act, shall be deemed to be contravening this Act.

21. In all proceedings under this Act for any offence or breach thereof, the person against whom such proceedings are taken shall be deemed to have committed the offence, or to have done the act charged or alleged, as the case may be, unless he shall prove to the contrary ; and such proof shall not be upon the Inspector or other officer who shall have taken any such proceedings.

In all proceedings onus of proof on defendant.

22. Every person who contravenes this Act in any manner is liable for every such offence to a penalty not exceeding *fifty* pounds and not less than *two* pounds.

Penalty for offences under Act.

Penalties recoverable summarily.

23. All penalties under this Act may be recovered in a summary way before a Stipendiary Magistrate or any two or more Justices of the Peace under "The Justices of the Peace Act, 1882."

Application of penalties.

24. Any pecuniary penalty imposed under this Act shall, when recovered, be paid into the Public Account and form part of the Consolidated Fund.

Repeal.

25. "The Dairy Industry Act, 1892," is hereby repealed, but without prejudice to any regulations or appointments made thereunder, all of which shall continue in force until repealed by this Act.

Schedules.

SCHEDULES.

SCHEDULE A.

"THE DAIRY INDUSTRY ACT, 1894."

Notice to Dairyman.

To
 TAKE notice that the _____ belonging to you is [or are] not in a satisfactory condition, and I hereby call upon you to remedy the defects within _____ days [or prohibit you disposing of any milk till such defects are remedied].
 Dated this _____ day of _____, 189 _____

Inspector.

SCHEDULE B.

Particulars for Registration of Dairy, &c.

1. NAME of dairy, factory, creamery, or packing-house:
Where situated?
2. Name of and distance to nearest _____

}	(a.) Post-office:
	(b.) Telegraph or telephone office:
	(c.) Railway-station:
	(d.) Shipping port:
3. Name of owner, with address in full:
 If co-operative dairy company, give name and address of secretary:
 If joint-stock company, give name and address of secretary:
4. Name of manager, butter-maker, or cheese-maker:
5. Registered brand or trade-mark, if any:
6. Number of patrons supplying milk to the factory or creamery:
7. Longest distance the patrons reside from the factory or creamery:
 Give an estimate of the average distance the patrons reside from the factory or creamery.
8. Approximate number of cows kept by patrons for supplying the factory or creamery with milk:
9. Are the by-products (separated or skimmed milk, buttermilk, or whey) returned to the patrons (or milk-suppliers), or utilised at the factory or creamery?
 If at the factory, or creamery, for what purpose are they utilised?
10. If pigs are kept at the dairy, factory, or creamery, state average number:
 State approximately the number of pigs kept by the patrons (or milk-suppliers), in case the by-products are returned:
11. Is the milk paid for according to its productive character, or at a fixed price per gallon of 11lbs. avoirdupois?
 (a.) If the former, what milk-tester is used?
 (b.) Illustrate the basis of calculation used for estimating the productive character of the milk:
12. What price is paid for the milk?
13. On what terms are the by-products returned to the patrons (or milk-suppliers)?—
 (a.) Separated or skimmed milk,
 (b.) Buttermilk,
 (c.) Whey.

14. Storage,—
Have you a cool chamber in connection with the dairy, factory, or creamery?
If so, what is its capacity?
What make of refrigerating machine are you working, if any?
15. How long is the butter or cheese kept at the dairy, factory, or creamery prior to shipment?
What is the average temperature of the cool chamber in which the butter is kept prior to shipment from the dairy, factory, or creamery?
What is the average temperature of the cheese store-room, or curing-room, in which the cheese is kept prior to shipment from the dairy or factory?
What is the average length of time the cheese is kept in curing-room at dairy or factory prior to shipment?

SCHEDULE C.

**NEW ZEALAND FACTORY
FULL CREAM CHEESE**

25

New Zealand Factory full cream cheese.

" " half skim "
" " pure " "

New Zealand Dairy full cream cheese.

" " half skim "
" " pure " "

New Zealand Factory pure butter.

" Dairy "
" Creamery "
" Milled butter (in red letters).

All these stamps or stencils will be similar to the specimen given above, the exact size to outside of border being five and a half inches by three inches.