

Hon. Mr. J. McKenzie.

DAIRY INDUSTRY.

ANALYSIS.

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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,— Interpretation.

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, but shall not be deemed to include a dairy to which milk is supplied or in which butter or cheese is manufactured for owner's household or workmen's use, or butter or cheese for sale in the colony.

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

20 "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:

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	“ 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 :	
	“ Butter-fat ” means the pure fat of cows’ milk.	5
	(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 :	10
	“ Full-cream cheese ” means cheese manufactured from <i>pure</i> milk, and shall contain not less than thirty per centum of butter-fat in such cheese :	
	“ Half skim cheese ” means cheese manufactured from milk, and shall contain not less than twenty per centum of butter-fat in such cheese :	15
	“ Pure skim cheese ” means cheese made from milk, and shall contain less than twenty per centum of butter-fat in such cheese.	
Appointment of officers.	3. The Governor, from time to time,—	20
	(1.) May appoint or remove such Inspectors and other officers as he shall deem necessary for the administration of this Act ;	
	<i>Struck out.</i>	
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	25
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.	30
	<i>New subclause.</i>	
	(2.) May, by Order in Council gazetted,—	
	(a.) Prescribe regulations for all purposes of such administration, or for the conduct of officers engaged therein ; and	35
	(b.) Provide for the establishment of cool-stores, or declare any building already constructed to be a cool-store for the purposes of this Act, and prescribe regulations and charges for the management and storage of produce while in such stores.	40
	And the Governor from time to time, in similar manner, may alter or revoke any such Order in Council in whole or in part.	
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.	45
	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	50

the keg, box, or package, and he may take therefrom samples for analysis.

5 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 10 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 15 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 Schedule A hereto.

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

20 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 25 inferior in quality to pure milk.

Schedule A.

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.

30 8. No person shall sell, supply, bring, or send to a dairy, factory, or creamery, or to the public, *to be used for human consumption or manufactured into butter or cheese*, 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, 35 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 40 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.

45 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, 50 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.

Milk to be cooled
or aerated.

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 aerator for the purpose of being properly cooled or aerated.

Rate of payment
for milk.

12. Every owner of a dairy, factory, or creamery receiving milk shall pay for the same at per gallon of ~~eleven~~ *ten and a half* pounds avoirdupois; but nothing herein contained shall prevent any dairy, factory, or creamery owner paying for such milk according to the productive character thereof. 5

No milk, cream,
butter, or cheese
to be adulterated.

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. 10

Particulars to be
sent to Minister of
Agriculture.

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, *not later than the first of November in every year*, or within one month after commencement of operations in each season, the particulars required and set forth in Schedule B to this Act. 15 20

Schedule B.

New Clause.

Certificate of
Inspector to entitle
to use brand.

14A. Any owner of a dairy manufacturing butter or cheese, on receiving a certificate from an Inspector under this Act to the effect that his dairy is suitable for the purpose of such manufacture, shall be entitled to stamp or mark the produce of such dairy with the word "Factory" or "Creamery," as the case may be. Any Inspector may suspend or cancel such certificate should such dairy be not kept or the produce be not manufactured to the satisfaction of said Inspector. 25

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 *in dark letters of any colour other than red* containing such cheese or butter, the following particulars, that is to say,— 30 35

(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: 40

Struck out.

(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, 45

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.

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.

New paragraph.

Butter or cheese packed in hermetically-sealed tins shall only require the keg, box, or package in which the tins are packed to be stamped or marked, as required by subsections one and two of section fifteen and section sixteen.

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 on both ends of 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.

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

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.

Schedule C.

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, or defaces, obliterates, or alters any stamp or mark thereon, is liable to a penalty as hereinafter provided.

Penalty for using stamp or mark not registered.

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.

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.

Penalty for exporting butter or cheese not stamped or marked.

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 any one or more of the following provisions shall be in force:—

Struck out.

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

Ports of shipment.

Persons may be appointed to grade butter or cheese.

- (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.
- (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.
- 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.

New subsections.

- (1.) (a.) Every person exporting butter shall have such butter placed in the cool-store proclaimed by the Governor at the port of shipment, at least four clear days prior to shipment, for the purpose of being cooled or frozen. 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.
- (b.) Every person exporting cheese shall have such cheese placed in the cool-store proclaimed by the Governor at least two days prior to shipment, for the purpose of being cooled.
- (c.) On the despatch of any butter or cheese to a cool-store, the sender thereof shall immediately post notice thereof to the officer in charge of the 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 of each keg, box, or package.

(2.) The Governor may appoint persons who—

- (a.) Shall, prior to shipment, inspect and grade each lot of butter, and shall stamp or mark each keg, box, or package with the official stamp or mark and the figure denoting the grade;
- (b.) Shall, prior to shipment, inspect and grade each lot of butter, and shall stamp and mark each keg, box, or package found to contain inferior butter with the official stamp or mark and the figure denoting the grade;
- (c.) Shall, prior to shipment, inspect and grade each lot of cheese, and shall stamp or mark each cheese and each keg, box, or package containing such cheese, with the official stamp or mark and the figure denoting the grade;
- (d.) Shall, prior to shipment, inspect and grade each lot of cheese, and shall stamp or mark each cheese found to be of inferior quality, and each keg, box, or package containing such cheese, with the official stamp or mark and the figure denoting the grade.

The official stamp is **1**, and the grade-marks **1** for first grade, **2** for second grade, and **3** for third grade.

- (3.) That on every keg, box, or package containing butter or cheese, and on every cheese in each lot, 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, shall be legibly stamped or marked.

For the purpose of inspecting and grading the quality of any butter or cheese, the Grader may open and sample any one or more kegs, boxes, or packages of each lot of such butter or cheese, and affix the official stamp and grade-mark on the lot, or any portion thereof, according to the quality of the sample thereof.

The provisions of this section shall not apply to butter or cheese in hermetically-sealed tins.

And the Governor from time to time, in similar manner, may alter or revoke any such Order in Council in whole or in part.

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 one* pounds.

Penalty for offences under Act.

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."

Penalties recoverable summarily.

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. 5

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 ~~11lb.~~ 10 $\frac{1}{2}$ lb. 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.

" " half skim "

" " pure " "

New Zealand Dairy full cream cheese.

" " half skim "

" " pure " "

New Zealand Factory pure butter.

" Dairy "

" Creamery "

" Milled butter (in red letters).

In dark letters other than red.

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.