

## FOOD AND DRUGS AMENDMENT BILL

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### EXPLANATORY NOTE

SECTION 6 (5) of the Food and Drugs Act 1947 makes it an offence to sell any food which is unsound or unfit for human consumption. Recent decisions of the Courts have raised doubts as to the circumstances in which the presence of foreign matter in food makes the food unfit for human consumption. This Bill makes it a separate offence under section 6 of the Act to sell a food or drug containing any extraneous thing which is harmful or dangerous, or which is offensive.

The existing defences under sections 7 and 8 of the Food and Drugs Act 1947 will be available to anyone charged with this offence. Under section 7 it will be a good defence that he did not act wilfully if he also proves that he took all reasonable steps to ensure that the sale of the food or drug did not constitute an offence. Under section 8 it will be a good defence if he proves that he sold the food or drug in reliance on a written warranty given to him by the person from whom he bought it, and had no reason to believe or suspect that it did not conform to the warranty.

*Hon. Mr Hanan*

## FOOD AND DRUGS AMENDMENT

### ANALYSIS

Title	2. Section 6 of principal Act (as to
1. Short Title	offences) amended

### A BILL INTITULED

#### An Act to amend the Food and Drugs Act 1947

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

**1. Short Title**—This Act may be cited as the Food and  
Drugs Amendment Act 1956, and shall be read together with  
and deemed part of the Food and Drugs Act 1947 (hereinafter  
referred to as the principal Act).

10 **2. Section 6 of principal Act (as to offences) amended**—  
Section six of the principal Act is hereby amended by inserting,  
after subsection five, the following subsection:

15 “(5A) Every person commits an offence who sells any food  
or drug containing any extraneous thing which is harmful  
or dangerous, or which is offensive.”

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