

Mr. Hornsby.

QUACKERY AND OTHER FRAUDS PREVENTION.

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A BILL INTITULED

AN ACT to prevent the Sale of Quack Nostrums and to suppress other Fraudulent Practices. Title.

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

1. The Short Title of this Act is “The Quackery and other
Frauds Prevention Act, 1906.” Short title.

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

10 “Health Office” means the Department of Public Health :
“Chief Health Officer” means the Chief Health Officer of the
Colony of New Zealand appointed under “The Public
Health Act, 1900”:

15 “Publish” means publish any advertisement or announce-
ment or exhibit or cause to be exhibited any writing,
printing, device, or picture in any newspaper, magazine,
or book; writing, printing, or picture upon paper or
any other substance having upon it characters capable
of being read:

20 “Certificate” means a certificate in writing or permit issued
by and under the authority of the Chief Health Officer:

“Unauthorised” means not authorised by certificate or
permit:

25 “Quack nostrum” means an unauthorised medicament:

“Medicament” means and includes any medicine, drug,
mixture, medical appliance or instrument or contrivance,
apparatus, potion, pill, or other medicinal specific, or any
other such thing as the Governor in Council by regulation
may direct:

“ Proprietary medicine ” means any medicine, liniment, application, remedy, specific, mixture, or other article certificated by the Health Office, and offered for sale or sold by a duly registered chemist or other vendor :

“ Unregistered practitioner ” means any person other than a duly qualified registered medical practitioner or registered chemist who sells or offers for sale, or has in his possession any medicament, or who prescribes for any complaint or disease : 5

“ Sale,” “ sell,” or “ sold ” includes barter, and also includes offers or attempts to sell or receives for sale, or has in his possession for sale, or exposes for sale, or sends forward or delivers for sale, or causes or suffers or allows to be sold, offered, or exposed for sale, and refers only to sale for human consumption or use : 10

“ Package ” includes every means by which goods for carriage or for sale may be carried, covered, enclosed, contained, or packed. 15

Certificate of Chief Health Officer to be obtained before any medicament sold.

3. It shall not be lawful for any person to sell any medicament other than those prescribed and supplied by a duly qualified registered medical practitioner or a registered chemist without first obtaining the consent and certificate of the Chief Health Officer ; and each and every package, bottle, or other parcel or thing containing such medicament, after being duly authorised, shall bear upon it, whenever and wherever sold, vended, or supplied, a fac-simile of the certificate issued by the Health Office, and such certificate shall bear upon its face the fac-simile of the signature of the Chief Health Officer. 20

Chemist may apply for certificate.

4. Every registered chemist within the colony may at any time make application for authorisation of any medicament, and deposit therewith the formula and such sample of the said medicament as the Chief Health Officer may deem necessary, and the Chief Health Officer shall, on being satisfied of the useful curative or other beneficial qualities of such medicament, forthwith issue an authorisation and certificate to the registered chemist aforesaid. Should the Chief Health Officer refuse to issue the desired certificate or authorisation, it shall be competent for the registered chemist aforesaid to apply for relief to the Supreme Court, whose decision shall be final, and no appeal shall be allowed therefrom. 30

Appeal.

Unregistered practitioner may apply for certificate.

5. Any unregistered practitioner within the Colony of New Zealand may make application to the Health Office for the right to advertise any medicament or treatment for any disease or complaint, and the Chief Health Officer may, if reasonably satisfied of the efficacy of such treatment or medicament and of the *bona fides* of such unregistered practitioner, issue to any such person a certificate authorising such treatment or use of medicaments ; and in the event of any such application being declined or refused by the Chief Health Officer, the applicant may appeal to the Supreme Court for relief, and the decision of the said Court shall be final. 40

Appeal.

Proprietor of medicament may apply for certificate.

6. Every proprietor of any medicament may, whether such proprietor be resident in or out of the Colony of New Zealand, make application to the Chief Health Officer for authorisation of such 50

medicament, and the Chief Health Officer may, if he shall be satisfied as to the curative or relieving or otherwise beneficial properties of such medicament, issue to such proprietor the necessary authorisation: Provided always that the formula of such medicament be first deposited with the Health Office, together with a sample of any such medicament.

7. Any person who publishes or causes to be published any advertisement or other notification whatsoever relating to any quack nostrum, and any unregistered practitioner who shall publish any advertisement or notification offering or seeking to offer advice to sufferers or patients or to cure disease or complaints either with or without fee, and the publishers and proprietors of any such publication in which any such advertisement or notification may appear, shall be and shall be deemed to be guilty of an offence under this Act, and any such advertisement or notification shall be an offence under "The Offensive Publications Act, 1892," "The Offensive Publications Act, 1894," and "The Post Office Act, 1900."

Illegal publication.

8. It shall not be lawful for the proprietor or publisher of any newspaper, magazine, book, pamphlet, or other publication whatsoever, whether printed within or without the colony, or, if printed without the colony and published or sought to be published within the colony, to publish any advertisement or reference of any kind for or on behalf of vendors of alleged free packets of jewellery, or other gifts of jewellery or jewels or articles of reward in return for the sale by any person within the Colony of New Zealand of scented packets, medical remedies, or unauthorised medicaments, and any publication shall be and shall be deemed to be an offence under this Act.

Unlawful advertising.

9. The penalty for offences under this Act shall be:—

Penalty.

(a.) For a first offence, a fine not exceeding *five* pounds and not less than *one* pound:

(b.) For a second offence, imprisonment for not more than *one* month:

(c.) For any subsequent offence, not less than *six* months' nor more than *twelve* months' imprisonment.

10. This Act shall come into force on the first day of June, one thousand nine hundred and seven.

Date of Act coming into force.