

New Zealand



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Title.

AN ACT to amend the Law relating to the Sale of Bread and the Adulteration of Food or Drugs. [12th September, 1895.]

Short 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 Adulteration Prevention Acts Amendment Act, 1895."

Acts incorporated.

2. This Act shall be read together with "The Adulteration Prevention Act, 1880," and "The Adulteration Prevention Act 1880 Amendment Act, 1883" (hereinafter, with this Act, referred to as "the Adulteration Acts").

PART I.

BREAD.

Definition of "bread."

3. "Bread" in the present Act shall not include dough, biscuits, confectionery, rolls, and twists.

All bread to be sold in loaves of certain weights.

4. All bread made for sale shall be made into loaves weighing not less than one pound, two pounds, and four pounds respectively at the time of sale, and such loaves shall be denominated and understood to be the one-pound loaf, the two-pounds loaf, and the four-pounds loaf respectively.

Every loaf to be stamped according to weight.

5. (1.) Every loaf shall, at the time of baking, be legibly stamped by the baker with the figure "1," "2," or "4," according as the loaf purports to be a one-pound loaf, a two-pounds loaf, or a four-pounds loaf.

(2.) Such figures shall be in Arabic numerals at least one inch in length at the time of stamping, and shall in all proceedings under this Act be evidence against the defendant of the denomination of both the loaf and its weight.

Purchaser entitled to have full weight of bread.

6. Every person who makes for sale, or sells, or offers for sale, any loaf of bread which is deficient of its denominated weight

at the time it is sold or offered for sale, shall make good such deficiency at the time of sale; and the onus of proof that he does so shall lie on him.

7. Any person may, when purchasing any loaf of bread, require the same to be weighed in his presence by the baker or seller thereof, who shall forthwith do so, and for that purpose shall constantly have available in the shop, cart, or other place where bread is offered for sale a correct beam and scales, with proper weights or other sufficient balance, for weighing loaves of the denominated weights of one pound, two pounds, and four pounds respectively.

Bakers to be provided with scales and weights.

8. Every person who fails or neglects to faithfully comply with any of the provisions of this Act commits an offence, and is liable for every such offence to a penalty of not less than twenty shillings nor more than five pounds:

Penalty.

Provided that in any proceedings under section four hereof for making any loaf which is deficient of its denominated weight, it shall be a sufficient defence if the defendant proves to the satisfaction of the Court that, in making the loaf, he allowed the usual and proper margin to cover loss of weight by evaporation in baking.

Defendant not liable in certain cases.

PART II.

GENERAL.

9. (1.) In any proceedings under the Adulteration Acts for selling as unadulterated any article of food or any drug which is adulterated, it shall be a sufficient defence if the defendant proves to the satisfaction of the Court—

Defendant not liable on proof that adulterated articles purchased with a warranty.

- (a.) That he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the person to whom he sold it, or the prosecutor, as the case may be, and with a written warranty to that effect;
 - (b.) That he had no reason to believe at the time when he sold it that the article was otherwise; and
 - (c.) That he sold it in the same state as when he purchased it:
- (2.) But he shall nevertheless be liable to pay the costs incurred by the prosecutor, unless he has given him due notice of his intention to rely on the above defence.

10. Every person who—

- (1.) Wilfully applies to an article of food, or to a drug, a certificate or warranty given in relation to any other article or drug; or
- (2.) Gives a false warranty in writing to any purchaser in respect of any article of food, or any drug, sold by him as principal or agent; or
- (3.) Wilfully gives a label with any article sold by him which falsely describes the article sold,—

Penalty for giving false warranty.

is liable to a penalty of not less than twenty shillings nor more than twenty pounds.

11. "The Adulteration Prevention Acts Amendment Act, 1891," is hereby repealed.

Repeal.