



## ANALYSIS

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1947, No. 7

AN ACT to consolidate and amend the Law relating to Title.  
the Sale of Food and Drugs. [14th August, 1947

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

Short Title.

1. This Act may be cited as the Food and Drugs Act, 1947.

Interpretation.

*Cf.* 1908,  
No. 167, s. 2  
1924, No. 9, s. 7

2. In this Act, unless the context otherwise requires,—  
“Agent”, in relation to any food or drug, includes any person who, not being the owner of the food or drug or a person appointed or employed as the agent or servant of the owner, is, with the consent or concurrence of the owner, for the time being in possession or control of the food or drug:

“Analyst” means an Analyst appointed under this Act:

“Appliance” includes the whole or any part of any utensil, machinery, instrument, apparatus, or article used or intended for use in or for the making, keeping, preparing, or supplying of any food:

“Drug” means any substance or mixture of substances used or intended for use, whether internally or externally, as a medicine for man; and includes—

(a) Any substance or mixture of substances used for the purposes of the prevention, diagnosis, or treatment of any disease, ailment, disorder, deformity, defect, or injury of the human body; and

(b) Anæsthetics; and

(c) Soaps and dusting-powders; and

(d) Disinfectants, germicides, antiseptics, and preservatives used for any purpose:

“Food” includes any article which is used for food or drink by man, or which enters into or is used in the composition or preparation of any such article, and also includes flavouring matters and condiments:

“Officer” means an officer of the Department of Health or any person appointed as an officer for the purposes of this Act:

*Cf.* 1924,  
No. 9, s. 2

“Package” includes anything in or by which goods for carriage or for sale may be cased, covered, enclosed, contained, or packed; and, in the case of goods sold or carried or intended for sale or carriage in more than one package, includes every such package.

3. (1) In this Act, unless the context otherwise requires, “sale” includes barter, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale, and refers only to sale for human consumption or use; and “sell” has a corresponding meaning.

What constitutes “sale”.  
Cf. 1908, No. 167, s. 2

(2) For the purposes of this Act any article of food being part of or supplied with any meal or food for which payment is made or required to be made, and which is supplied for consumption in any shop, hotel, restaurant, or eating-house, or at any stall or other place, shall be deemed to have been sold or offered or exposed for sale.

Cf. 1924, No. 9, s. 3

(3) For the purposes of this Act, every person shall be deemed to sell or to intend to sell any food or drug if he sells or intends to sell for human consumption or use any article of which the food or drug is a constituent.

Cf. 1908, No. 167, s. 22

(4) When any food or drug is sold or offered or exposed for sale it shall be deemed to be sold or, as the case may require, offered or exposed for sale, for human consumption or use, unless the contrary is proved.

(5) The purchase and sale, under the provisions of this Act, of a sample of any food or drug for the purpose of analysis shall be deemed to be a purchase and sale of the food or drug for human consumption or use, unless the seller proves that the bulk from which the sample was taken was offered, exposed, or intended for sale for purposes other than human consumption or use.

4. For the purposes of this Act, any food or drug shall be deemed to be adulterated—

What constitutes “adulteration”.  
Cf. *ibid.*, s. 15

(a) If it contains or is mixed or diluted with any substance which diminishes in any manner its nutritive or other beneficial properties as

compared with the food or drug in a pure and normal state and in an undeteriorated and sound condition, or which in any other manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer:

(b) If it contains or is mixed or diluted with any substance of a commercial value lower than that of the food or drug in a pure and normal state and in an undeteriorated and sound condition:

(c) If any substance or ingredient has been extracted or omitted therefrom, and by reason of such extraction or omission the nutritive or other beneficial properties of the food or drug as sold are less than those of the food or drug in its pure and normal state, or the purchaser or consumer is or may be in any other manner prejudiced.

Appointment of  
Analysts and  
officers.

*Cf.* 1908,  
No. 167. s. 3

See Reprint  
of Statutes,  
Vol. VI,  
p. 1061

5. (1) There may from time to time be appointed, as officers of the Public Service, such Analysts and officers as are required for the purposes of this Act. Every officer of the Department of Health appointed under the Health Act, 1920, shall, for the purposes of this Act, be deemed to be an officer appointed under this subsection.

(2) The Governor-General may from time to time appoint any person, not being an officer of the Public Service, as an Analyst or officer, in a part-time capacity, for the purposes of this Act. No person appointed under this subsection shall by virtue of such appointment become an officer of the Public Service, and nothing in the Public Service Act, 1912, shall apply with respect to any appointment made under this subsection.

(3) Analysts and officers under this Act shall have the powers and shall perform the duties set out in this Act, and shall have such other powers and shall perform such other duties as may be necessary to carry into effect the provisions of this Act or as may be prescribed by regulations under this Act.

*Ibid.*, Vol. VII,  
p. 522

*Sales of Food and Drugs*

6. (1) Subject to such exceptions as may be prescribed by regulations under this Act, every person commits an offence who sells any adulterated food or adulterated drug without fully informing the purchaser, at the time of the sale, of the nature of the adulteration, unless the package in which it is sold has conspicuously printed thereon a true description of the composition of the food or drug so sold.

Offences in relation to sales.

*Cf.* 1908, No. 167, s. 12  
1924, No. 9, s. 10

(2) Every person commits an offence who sells any food or drug—

- (a) Containing any substance of which the addition is prohibited by regulations under this Act or which does not comply with the standard prescribed therefor by any such regulation:
- (b) Containing a greater proportion of any substance than is permitted by regulations under this Act.

(3) Every person commits an offence who sells any food or drug in any package which bears or has attached thereto any false or misleading statement, word, brand, label, or mark purporting to indicate the nature, quality, strength, purity, composition, weight, origin, age, or proportion of the article contained in the package or of any ingredient thereof.

(4) Every person commits an offence who sells any food containing methyl alcohol or, being a food in respect of which Customs or excise duty has not been paid, containing more than three parts of proof spirit per centum.

(5) Every person commits an offence who sells any food which is unsound or unfit for human consumption.

(6) Subject to the provisions of subsection seven of this section, every person who commits any offence against this section shall be liable, in the case of the first offence, to a fine not exceeding fifty pounds, or, in the case of any subsequent offence (whether of the same or a different nature), to a fine not exceeding two hundred pounds.

(7) If any such offence as aforesaid, whether it is the first or any subsequent offence, is wilfully committed, the person so committing it shall be liable—

- (a) In the case of an individual, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months:
- (b) In the case of a body corporate, to a fine not exceeding five hundred pounds.

No defence that offence not wilfully committed.  
Cf. 1908, No. 167, s. 13

7. In a prosecution for selling any food or drug contrary to the provisions of this Act, or of any regulations under this Act, it shall be no defence that the defendant did not act wilfully, unless he also proves that he took all reasonable steps to ensure that the sale of the article would not constitute an offence against this Act or against any regulations under this Act.

Reliance on written warranty a good defence.  
Cf. *ibid.*, s. 14

8. (1) Subject to the provisions of this section, it shall be a good defence in any prosecution for an offence against section six of this Act if the defendant proves—

- (a) That he purchased the article sold by him in reliance on a written warranty or other written statement as to the nature of the article purchased, signed by or on behalf of the person from whom the defendant purchased the article; and
- (b) That if the article had truly conformed to the warranty or statement the sale of the article by the defendant would not have constituted the offence charged against him; and
- (c) That he had no reason to believe or suspect that the article sold by him did not conform to the warranty or statement; and
- (d) That at the time of the commission of the alleged offence the article was in the same state as when he purchased it.

(2) No warranty or statement shall be any defence under this section unless—

- (a) It was given or made by or on behalf of a person resident in New Zealand or a company having a registered office in New Zealand or a firm having a place of business in New Zealand; and

Cf. Food and Drugs Act, 1938 (1 and 2 Geo. 6, c. 56), s. 84 (1) (c) (U.K.)

Cf. Pure Food Act, 1908-1944, s. 47 (1) (i) (N.S.W.)

- (b) The signature thereto is written by hand; and *Cf. 1946, No. 40, s. 71*
- (c) The defendant proves that at the time he received the warranty or statement he took reasonable steps to ascertain, and did in fact believe, that the signature was that of the person from whom he purchased the article, or, as the case may be, of some person purporting to sign on behalf of the person from whom the defendant purchased the article.

(3) No warranty or statement shall be any defence in any prosecution unless the defendant has within seven days after service of the summons delivered to the prosecutor a copy of the warranty or statement, with a written notice stating that he intends to rely thereon and specifying the name and address of the person from whom he received it, and has also within the same time sent by post a like notice of his intention to that person.

(4) When the defendant is a servant or agent of the person who purchased the article under such a warranty or statement as aforesaid, he shall be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been if he had been the defendant.

**9.** (1) Every person commits an offence against this Act who, being the seller of any food or drug, or the servant or agent of the seller, publishes or causes to be published any statement, design, or device relating to the food or drug, or to any ingredient thereof, which—

*Offences in relation to advertisements. Cf. 1924. No. 9, s. 9*

- (a) Directly or by implication qualifies or is contrary to any particulars required by regulations under this Act to be marked on or attached to packages containing any such food or drug:
- (b) Is prohibited by any such regulations as aforesaid from being marked on or attached to packages containing any such food or drug:
- (c) Is calculated or likely to deceive a purchaser with respect to the properties of the food or drug.

(2) For the purposes of this section a statement, design, or device shall be deemed to be published if it is—

- (a) Inserted in any newspaper or other periodical publication printed or published in New Zealand; or
- (b) Contained in any document which is sent to any person through the Post Office or otherwise; or
- (c) Delivered to any person or left upon premises in the occupation of any person; or
- (d) Brought to the notice of members of the public in New Zealand in any other manner whatsoever.

Liability of persons named on labels.

*Cf.* 1908, No. 167, s. 11

**10.** Where any food or drug in connection with which there is a breach of any of the provisions of this Act or of any regulations under this Act is sold in an unopened package, every person who appears from any statement or label thereon or attached thereto to be the person who has manufactured, imported, or prepared the food or drug, or to be the person who is the owner of the rights of manufacture thereof or has enclosed it in the package, or to be the agent of any such person as aforesaid, shall, unless he proves the contrary, be deemed to have so manufactured, imported, prepared, or enclosed the food or drug or, as the case may require, to be such agent as aforesaid, and shall be liable in the same manner and to the same extent as if he had actually sold the food or drug.

Sales by agent or servant.

*Cf.* *ibid.*, s. 16

**11.** (1) For the purposes of this Act every person shall be deemed to sell any food or drug who actually sells the food or drug, whether on his own account or as the agent or servant of any other person.

(2) In the case of a sale by an agent or servant his principal or employer shall, without prejudice to any liability under this Act of the agent or servant, be liable under this Act in the same manner and to the same extent as if the principal or employer had effected the sale personally.

*Powers and Duties of Officers*

**12.** (1) Any officer may—

- (a) At all reasonable times enter into and inspect any place where there is any food or drug which he has reasonable ground for believing to be intended for sale; and
- (b) Mark, seal, or otherwise secure, weigh, count, or measure any food or drug of which the sale, preparation, or manufacture is or appears to be contrary to the provisions of this Act; and
- (c) Seize any food or drug, wherever found, which is or appears to be unwholesome, unclean, damaged, deteriorated, perished, or injurious to health, or which contains any decomposed organic substance; and
- (d) Destroy any food or drug, wherever found, which is decayed or putrefied; and
- (e) Inspect any food or drug, wherever found, which he has reasonable ground for believing to be intended for sale, and select and take or obtain samples thereof for the purposes of examination or analysis without complying with the provisions of sections fifteen and sixteen of this Act:

Powers of entry and inspection, &c.  
Cf. 1908, No. 167, s. 4

Cf. 1924, No. 9, s. 6 (1)

Cf. *ibid.*, s. 5

Provided that no proceedings in respect of any such food or drug shall be taken for any offence mentioned in section six of this Act unless the provisions of the said sections fifteen and sixteen have been complied with.

(2) Any person claiming anything seized under this section may within forty-eight hours after the seizure complain thereof to any Justice, and the complaint may be heard and determined before a Magistrate or any two Justices, who may either confirm or disallow the seizure either wholly or in part, and may order the article seized to be restored.

(3) If within forty-eight hours after any such seizure as aforesaid no complaint has been made, or if the seizure is confirmed pursuant to the last preceding subsection, the article seized shall become the property of the Crown, and shall, subject to the provisions of

subsection four of this section, be destroyed or otherwise disposed of so as to prevent the use of it for human consumption.

*Cf.* 1924,  
No. 9, s. 6 (2)

(4) Nothing in this section shall be construed to prevent the release or return by any officer of any food or drug seized under this section if he is satisfied that the food or drug is fit for sale or if any conditions or stipulations imposed by him for the purpose of making the food or drug fit for sale have been complied with to his satisfaction.

(5) Where the seizure of any food or drug is made in any place which is not in the occupation of the owner of the thing seized, the officer making the seizure shall forthwith give notice in writing of the seizure to the owner, or to the consignor or consignee, or to the agent of the owner, of the thing seized, if his name and address are attached thereto or are otherwise known to the officer and the address is that of a place in New Zealand.

Power of  
Medical Officer  
of Health to  
require  
information.

*Cf.* 1908,  
No. 167, s. 10  
See Reprint  
of Statutes,  
Vol. VI,  
p. 1061

**13.** (1) If in the opinion of any Medical Officer of Health appointed under the Health Act, 1920, there is reasonable ground for suspecting that any person is in possession of any food or drug or other substance for the purpose of sale, or for the purpose of manufacturing or preparing any food or drug for sale, in breach of this Act or of any regulations under this Act, the Medical Officer of Health may require that person to produce for his inspection, or to produce to any officer specially authorized by the Medical Officer of Health in that behalf, any books or documents dealing with the reception, possession, purchase, sale, or delivery of any such food or drug or other substance.

(2) The Medical Officer of Health may make or cause to be made copies of or extracts from any such books or documents, and the copies or extracts, certified as such by any specially authorized officer, shall be deemed to be true and correct copies or extracts unless the contrary is proved.

(3) Every person commits an offence against this Act who refuses or neglects to comply with any requisition made pursuant to this section.

(4) Every officer who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section, or who communicates any such matter to any person, except for the purpose of carrying into effect the provisions of this Act, commits an offence and shall be liable to a fine not exceeding fifty pounds.

14. For the purposes of this Act, any officer shall have the right at all times, subject to the convenience of the Collector or other responsible officer of Customs, to inspect any Customs entry relating to any goods imported or proposed to be imported into New Zealand, or to inspect any certificate or invoice relating to those goods, if and so long as any such document is in the possession or control of the Collector or other responsible officer as aforesaid.

Examination  
of Customs  
entries.

*Cf.* 1924,  
No. 9, s. 4

#### *Analysis of Food and Drugs*

15. (1) On payment or tender to any person selling or making any food or drug, or to his agent or servant, of the current market value of the samples referred to in this section, any officer may at any place demand and select and take or obtain samples of the food or drug for the purpose of analysis.

Procuring of  
samples for  
analysis.

*Cf.* 1908,  
No. 167, s. 5

(2) Any such officer may require the said person or his agent or servant to show and permit the inspection of the package in which the food or drug is at the time kept, and to take therefrom the samples demanded.

(3) Where any food or drug is kept for retail sale in an unopened package, no person shall be required by any officer to sell less than the whole of the contents of the package.

(4) Every person commits an offence who refuses or neglects to comply with any demand or requisition made by an officer pursuant to this section, unless he proves that he had no knowledge or reason to believe that the sample demanded was required for the purpose of analysis.

(5) For the purposes of this section every person who is in possession of any food or drug which in the opinion of an officer is intended for sale shall, until

the contrary is proved; be deemed to be the seller thereof or, as the case may require, the agent or servant of the seller.

How samples  
to be taken.  
*Cf.* 1908,  
No. 167, s. 7

**16.** (1) Where it is intended to submit for analysis any sample procured under the last preceding section, the officer procuring it shall, before or forthwith after procuring it, inform the seller or his agent or servant selling the article that he intends to have the sample analysed.

(2) The officer shall thereupon divide the sample into three parts, and shall mark and seal or fasten up each part in such manner as its nature will permit, and shall leave one part with the seller or his agent or servant.

(3) The officer shall subsequently deliver another part to an Analyst, and shall retain the third part.

(4) Delivery to an Analyst under this section may be effected either personally or by registered or insured parcel post, or by sending it in an insured parcel by any railway, road, or air service.

*Cf.* 1924,  
No. 9, s. 8

(5) When any food or drug is contained in a package in such quantity that its division into three parts as aforesaid would, in the opinion of the officer, furnish parts insufficient for accurate analysis, additional packages which purport to contain a similar food or drug under the same brand or label may be taken or obtained, and the contents of two or more packages may be mixed together and the mixture divided and submitted for analysis as provided in this section.

Analysis of  
sample and  
certificate of  
Analyst.  
*Cf.* 1908,  
No. 167, s. 8

**17.** (1) The certificate of the Analyst shall be in the form prescribed by regulations under this Act.

(2) Where any method of analysis is prescribed by regulations under this Act for the analysis of any food or drug, any Analyst shall in his certificate of analysis declare that he has followed the prescribed method in his analysis.

(3) Where any sample of a food or drug is procured by an officer under this Act and submitted for analysis, the person from whom the sample was procured may, on payment of a fee not exceeding two shillings and

sixpence, obtain a copy of the Analyst's certificate. Except as provided in this subsection, no person shall be entitled to obtain a copy of any Analyst's certificate given in respect of any sample procured and submitted for analysis by an officer pursuant to this Act.

(4) Every person commits an offence against this Act who causes or permits any copy of an Analyst's certificate obtained under the last preceding subsection to be used in any advertisement.

18. Every officer shall, on being requested in writing by any person to procure a sample of any food or drug and submit it for analysis, and on payment by that person of the prescribed fee together with the cost of the sample, procure a sample of the food or drug and submit it for analysis. The provisions of sections fifteen to seventeen of this Act shall, so far as applicable and with the necessary modifications, apply with respect to the procuring and analysis of the sample.

Duty of officer to procure sample for analysis on request.  
Cf. 1908, No. 167, s. 6

19. In any proceedings under this Act the production by the prosecutor of a certificate of analysis purporting to be signed by an Analyst shall, without proof of the signature of the Analyst, be sufficient evidence of the facts stated therein, unless the defendant requires that the Analyst be called as a witness, in which case the defendant shall give notice thereof to the prosecutor not less than three clear days before the date of the hearing.

Analyst's certificate to be *prima facie* evidence.  
Cf. *ibid.*, s. 20

20. In any proceedings for an offence under this Act the Magistrate shall on the request of either party to the proceedings, and may if he thinks fit without such request, order that the part of the sample retained by the officer under section sixteen of this Act be submitted, for analysis and report, to some other Analyst:

Order by Magistrate for further analysis.  
Cf. *ibid.*, s. 21

Provided that in any case the Magistrate may, if he thinks fit, order that the said part be so submitted to two analysts together, of whom one shall be an analyst nominated by the defendant and the other shall be either the Analyst whose certificate is before the Court or some other Analyst appointed under this Act.

*Miscellaneous*

Interference  
with official  
marks or seals.  
*Cf.* 1908,  
No. 167, s. 9

**21.** Every person commits an offence who without authority erases, alters, opens, breaks, or removes any mark, seal, or fastening placed by any officer, pursuant to this Act, on any food or drug, or on any sample of a food or drug, or on any package, place, door, or opening containing or affording access to any food or drug.

Obstruction of  
officers.  
*Cf.* *ibid.*, s. 4(5)  
1924, No. 9  
s. 5 (2)

**22.** Every person commits an offence against this Act who in any way resists, obstructs, or deceives any officer in the exercise of any powers conferred on that officer by or pursuant to this Act.

General penalty  
for offences.  
*Cf.* 1908,  
No. 167, s. 24

**23.** Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable to a fine not exceeding twenty pounds and (if the offence is a continuing one) to a further fine not exceeding two pounds for every day or part of a day during which the offence continues.

Offences  
punishable  
summarily.  
*Cf.* *ibid.*, s. 18  
See Reprint  
of Statutes,  
Vol. II, p. 351

**24.** (1) All proceedings in respect of offences against this Act or against any regulations under this Act shall be taken in a summary way under the Justices of the Peace Act, 1927. All such proceedings shall be heard before a Magistrate alone.

(2) The summons in any such proceedings shall not be made returnable in less than fourteen days from the day on which it is served.

(3) There shall be served with the summons in any such proceedings a copy of the Analyst's certificate (if any) on which the prosecution is based.

(4) Section fifty of the Justices of the Peace Act, 1927, shall not apply to any proceedings in respect of an offence against this Act or against any regulations under this Act.

Source of  
information or  
reports need  
not be  
disclosed.  
*Cf.* 1908,  
No. 167, s. 23

**25.** No prosecutor or witness in any prosecution under this Act shall be compelled to disclose the fact that he received any information, or the nature of such information, or the name of any person who gave such information; and no officer appearing as a prosecutor or witness shall be compelled to produce any confidential reports or documents made or received by him in his official capacity, or to make any statement in relation thereto.

**26.** (1) Where any person is convicted of an offence against this Act or any regulations under this Act the convicting Magistrate may order that any food or drug to which the conviction relates, and any similar food or drug found on the defendant's premises or in his possession at the time of the commission of the offence, together with all packages or vessels containing the food or drug, shall be forfeited to the Crown.

Forfeiture of food or drugs on conviction.  
*Cf.* 1908.  
No. 167. s. 17

(2) Everything so forfeited to the Crown shall be disposed of as the Minister of Health directs.

**27.** (1) Where any person is convicted of an offence against this Act or any regulations under this Act, the Magistrate may order that all fees and other expenses incidental to the analysis of any food or drug in respect of which the conviction is obtained (including any analysis under section twenty of this Act) shall be paid by the defendant.

Payment of expenses of analysis on conviction.  
*Cf.* *ibid.*, s. 25

(2) All such fees and expenses shall be deemed to be part of the costs attending the conviction, and shall be recoverable accordingly.

**28.** Where any person is convicted of an offence against this Act or any regulations under this Act, the Director-General of Health shall, if the convicting Magistrate so orders, cause to be published, in such newspaper or newspapers circulating in New Zealand or in any part of New Zealand as the Magistrate thinks fit, a notification of the name, occupation, and place or places of business of the defendant, the nature of the offence, and the fine, forfeiture, or other penalty inflicted.

Publication of conviction where ordered by Magistrate.  
*Cf.* *ibid.*, s. 19

**29.** (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.  
*Cf.* *ibid.*, s. 27

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes, namely:—

- (a) Prescribing standards of strength, weight, quality, purity, quantity, or composition in respect of any food or drug or of any ingredient or component part thereof:

- (b) Prohibiting or restricting the addition of any specified thing, or of more than the specified quantity or proportion thereof, to any food or drug:
- (c) Prohibiting any modes of manufacture, preparation, or preservation of any food or drug:
- (d) Securing the cleanliness and freedom from contamination of any food or drug in the course of its manufacture, preparation, storage, packing, carriage, delivery, or exposure for sale, and securing the cleanliness of places, receptacles, appliances, and vehicles used in such manufacture, preparation, storage, packing, carriage, or delivery as aforesaid:
- (e) Prescribing the mode of labelling, branding, printing, or marking of appliances, containers, or devices used or intended for use in or in connection with the preparation or storage of any food or drug:
- (f) Prescribing the mode of labelling of packages containing any substance or preparation used or intended for use or held or kept for use in the manufacture or preparation of, or as an ingredient of, any food or drug:
- (g) Prescribing the mode of labelling of any food or drug sold in a package:
- (h) Prescribing the matter to be contained or not to be contained in any label for any of the aforesaid purposes:
- (i) Prescribing in the case of any specified class or classes of food or drugs imported into New Zealand that all articles belonging to any such class, or the packages containing such articles, shall be branded, stamped, or marked so as to indicate the fact of their importation and the country of origin:
- (j) Requiring with respect to any specified article of food that, when it is sold otherwise than in packages, there shall be conspicuously displayed in the place of sale, so as to be easily read by the purchaser, the same particulars (if any), but subject to such necessary modifications as may be expressed or indicated in

*Cf.* 1915,  
No. 32, s. 2

*Cf.* 1924,  
No. 9, s. 11

the regulations, as are required by regulations to be contained in the labels when the article is sold in packages:

- (k) Prohibiting the sale of specified articles of food otherwise than by weight:
- (l) Prohibiting or restricting the sale of any vessel or utensil intended for use in the storage, preparation, or cooking of food and made of any material containing any substance capable of imparting any poisonous or injurious property to any food that might be stored, prepared, or cooked therein:
- (m) Prohibiting the sale by retail of any drug except pursuant to the order or prescription of a medical practitioner, dentist, or veterinary surgeon:
- (n) Prescribing the method of analysis of any food or drug:
- (o) Prescribing fees to be paid in respect of the analysis by an Analyst of any food or drug:
- (p) Prescribing fines for the breach of any such regulation, not exceeding fifty pounds in any case and, where the breach is a continuing one, not exceeding five pounds for every day or part of a day during which the breach continues.

(3) Any regulation under this section may be made applicable either to foods or drugs generally or to specified foods or drugs only.

(4) Notwithstanding anything contained in any regulation made under this section, it shall be lawful for any person, at any time within twelve months after the date of the gazetting of the regulation, to sell any food or drug of which the sale is otherwise lawful, if he proves that at the said date the food or drug was part of the existing stock-in-trade in New Zealand of any person carrying on business there, and that since the said date no act has been done whereby the food or drug fails to conform to the regulation. For the purposes of this subsection any goods purchased before the said date for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand.

Regulations to be laid before Parliament.

*Cf.* 1908, No. 167, s. 28

Tobacco.

*Cf.* *ibid.*, s. 29

Act to apply to food or drugs sold by Government Departments.

Repeals and savings.

See Reprint of Statutes, Vol. III, pp. 406, 419 1946, No. 40

**30.** All regulations made under this Act shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

**31.** The provisions of this Act shall, so far as applicable, extend and apply to tobacco, cigars, and cigarettes in the same manner and to the same extent as those provisions apply to drugs.

**32.** The provisions of this Act shall, so far as applicable, apply with respect to food or drugs sold, manufactured, prepared, or packed by any Government Department.

**33.** (1) The Sale of Food and Drugs Act, 1908, the Sale of Food and Drugs Amendment Act, 1915, the Sale of Food and Drugs Amendment Act, 1924, and section seventy-one of the Statutes Amendment Act, 1946, are hereby repealed.

(2) All offices, appointments, Orders in Council, regulations, orders, certificates, notices, requisitions, records, instruments, and generally all acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force on the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the said enactments, and pending or in progress on the commencement of this Act, may be continued, completed, and enforced under this Act.