

New Zealand.



ANALYSIS.

- | | |
|---|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Publication of false statements in order to promote the sale of medicine, preparation, &c., an offence. 3. Method of publication. 4. Fines. 5. Printer, publisher, and proprietor of newspaper severally liable for offence. | <ol style="list-style-type: none"> 6. Chief Health Officer to give warning as to publication of any particular false statement. Mode of delivery of warning. 7. Informations to be laid by Chief Health Officer. 8. Attorney-General to consent to prosecutions. 9. Appeal. 10. Interpretation. 11. Commencement. |
|---|---|

1908, No. 247.

AN ACT to prevent the Practice of Quackery.

[10th October, 1908.]

Title.

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

1. This Act may be cited as the Quackery Prevention Act, 1908.
2. Every person commits an offence who publishes or causes to be published any statement which is intended by the defendant or any other person to promote the sale of any article as a medicine, preparation, or appliance for the prevention, alleviation, or cure of any human ailment or physical defect, and which is false in any material particular relating to the ingredients, composition, structure, nature, or operation of that article, or to the effects which have followed or may follow the use thereof.
3. A statement shall be deemed to be published within the meaning of this Act if it is inserted in any newspaper printed and published in New Zealand, or is publicly exhibited in view of persons in any road, street, or other public place, or is contained in any document which is gratuitously sent to any person through the Post Office or otherwise, or which is gratuitously delivered to any person or left upon premises in the occupation of any person.
4. Every person who commits an offence against this Act is liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred pounds in the case of a first conviction for any such offence, and not exceeding two hundred pounds in the case of a second or any subsequent conviction.

Short Title.

Publication of false statements in order to promote the sale of medicine, preparation, &c., an offence.

Method of publication.

Fines.

Printer, publisher, and proprietor of newspaper severally liable for offence.

5. If any person causes any statement to be inserted in breach of this Act in a newspaper printed and published in New Zealand, the printer, publisher, and proprietor of that newspaper shall severally (and without excluding the liability of any other person) be deemed to have published that statement in breach of this Act, and shall be liable for an offence against this Act accordingly.

Chief Health Officer to give warning as to publication of any particular false statement.

6. (1.) Notwithstanding anything in this Act, no prosecution shall be instituted against the printer, publisher, or proprietor of any newspaper registered under the Printers and Newspapers Registration Act, 1908, for the publication of any statement in breach of this Act unless before the publication thereof a warning has been delivered to the defendant under the hand of the Chief Health Officer under the Public Health Act, 1908, that such statement or some other statement substantially to the same effect is false, and that the publication thereof is an offence against this Act.

Mode of delivery of warning.

(2.) Without excluding other modes of delivery, any such warning shall be deemed to be duly delivered to the proprietor, publisher, or printer of a newspaper if it is delivered at the premises on which the newspaper is printed or published, or is sent through the post by registered letter to those premises, and is in each case addressed either by name or description to the proprietor, publisher, or printer, as the case may be, of the said newspaper.

Informations to be laid by Chief Health Officer.

7. Every information for an offence against this Act shall be laid by the Chief Health Officer under the Public Health Act, 1908, or by some person authorised by him in that behalf either generally or in the particular case.

Attorney-General to consent to prosecutions. Appeal.

8. No prosecution shall be commenced against any person for an offence against this Act without the leave of the Attorney-General.

9. Every person convicted of an offence against this Act shall have a right of appeal under the Justices of the Peace Act, 1908, on any question of law or fact, whatever may be the amount of the fine which has been imposed upon him.

Interpretation.

10. In this Act, unless a contrary intention appears,—

“Document” includes any article (of whatever nature) which has any words or statement printed or impressed upon it or otherwise attached thereto or appearing thereon:

“Newspaper” means any newspaper registered under the Printers and Newspapers Registration Act, 1908, or any periodical publication which is published at intervals not exceeding three months; and for the purposes of this Act every document which at any time accompanies and is distributed along with any newspaper shall be deemed to form part of the newspaper:

“Public place” has the same meaning as in section twenty-eight of the Police Offences Act, 1908.

Commencement.

11. This Act shall come into operation on the first day of January, nineteen hundred and nine.