

## New Zealand.



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## 1924, No. 9.

### Title.

AN ACT to amend the Sale of Food and Drugs Act, 1908.

[22nd September, 1924.]

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 Sale of Food and Drugs Amendment Act, 1924, and shall be read together with and deemed part of the Sale of Food and Drugs Act, 1908 (hereinafter referred to as the principal Act).

### Definition of "drug."

2. Section two of the principal Act is hereby amended by repealing the definition of the term "drug," and substituting the following definition:—

"Drug" means any substance or mixture of substances used by man as a medicine, whether internally or externally, and includes anæsthetics; and also includes soaps, dusting-powders, and unguents used by man; and disinfectants, germicides, antiseptics, and preservatives used for any purpose."

### Extension of term "sale"

3. For the purposes of the principal 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 eatinghouse, or at any stall or other place, shall be deemed to have been sold or offered or exposed for sale.

4. Any officer under the principal Act 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 officer as aforesaid.

Examination of Customs entries.

5. (1.) In addition to the powers conferred by section four of the principal Act, any officer, having inspected any food or drug under the authority of that section, may select and take or obtain samples thereof for purposes of examination or analysis, without complying with the provisions of section five or section seven of the principal Act:

Additional powers of officers to take samples of food or drug for purposes of examination or analysis.

Provided that no proceedings in respect of any such food or drug shall be taken for any offence mentioned in section twelve of the principal Act unless the provisions of the said sections five and seven have been complied with.

(2.) Any person who obstructs any officer in the exercise of his powers under this section is guilty of an offence against the principal Act.

6. (1.) Section four of the principal Act is hereby amended by repealing paragraph (c) of subsection one, and substituting the following paragraph:—

Damaged articles of food that have been seized may be returned to owner if made fit for use.

“(c.) Seize any food or drug, wherever found, which is or appears to be unwholesome, unclean, damaged, deteriorated, perished, or deleterious to health, or which contains any decomposed organic substance.”

(2.) Nothing in subsection two or subsection three of the said section four shall be construed to prevent the release or return of any food or drug seized under that section if any conditions or stipulations imposed by the officer for the purpose of making such food or drug fit for sale have been complied with to his satisfaction.

7. For the purposes of the principal Act every person who, not being the owner of any food or drug or 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 such food or drug shall be deemed to be the agent of the owner as if he were in fact such agent.

Person in possession of food or drug with concurrence of owner deemed to be the agent of the owner.

8. Section seven of the principal Act is hereby amended by adding the following subsection:—

Special provision in cases where quantity contained in one package is insufficient for division and analysis.

“(5.) When any food or drug is contained in a package in such quantity that its division into three parts, as hereinbefore provided, 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 hereinbefore provided.”

9. (1.) Every person commits an offence who, being the seller of any food or drug, or the agent or servant of the seller, publishes or causes to be published any statement, design, or device relating to such food or drug, or to any ingredient thereof, which directly or by implication qualifies or is contrary to any particulars required by regulations under the principal Act to be marked on or attached to

Offence by advertisement to contradict contents of label.

packages containing any such food or drug, or which is calculated or is likely to deceive a purchaser in regard to the properties of such food or drug.

(2.) For the purposes of this section a statement shall be deemed to be published 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 sent to any person through the Post Office or otherwise, or which is delivered to any person or left upon premises in the occupation of any person.

Section twelve of principal Act amended.

10. (1.) Section twelve of the principal Act is hereby amended by omitting from subsection five the words "two parts of proof spirit," and substituting the words "three parts of proof spirit."

(2.) The said section twelve is hereby further amended by adding to subsection three the words "or which does not comply with the standard prescribed therefor by any such regulations."

(3.) Section fifteen of the principal Act is hereby amended by repealing paragraph (d) thereof.

Consequential amendment of section fifteen of principal Act.

Regulations may require disclosure of particulars as to articles of food sold otherwise than in packages.

11. In addition to the power conferred on the Governor-General by section twenty-seven of the principal Act to make regulations with respect to the labelling of food when sold in packages, the Governor-General may, by Order in Council under that section, make regulations 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 the regulations, as are required by regulations to be contained in the labels when such article of food is sold in packages.