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Mr. Hornsby.

QUACKERY PREVENTION.

ANALYSIS.

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| <p>Title.<br/>1. Short Title.<br/>2. Interpretation.<br/>3. Certificate of Board to be obtained before any preparation sold.<br/>4. Chemist or herbalist may apply for certificate. Appeal.</p> | <p>5. Unregistered practitioner may apply for certificate. Appeal.<br/>6. Proprietor of preparation may apply for certificate.<br/>7. Illegal publication.<br/>8. Penalty.<br/>9. Date of Act coming into force.</p> |
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A BILL INTITULED

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

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

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| <p>1. This Act may be cited as the Quackery Prevention Act, 1907.<br/>2. In this Act, if not inconsistent with the context,—<br/>10 “Health Office” means the Department of Public Health :<br/>“Chief Health Officer” means the Chief Health Officer of the Colony of New Zealand appointed under the Public Health Act, 1900 :<br/>15 “Board” means a Board of five persons to be appointed by His Excellency the Governor, and to consist of the Chief Health Officer, one member of the British Medical Association, one member of the New Zealand Pharmaceutical Society, one member of the Herbalists’ Association of New Zealand, and a Stipendiary Magistrate :<br/>20 “Certificate” means a certificate in writing or permit issued by and under the authority of the Board :<br/>“Unauthorised” means not authorised by certificate or permit :<br/>“Quack nostrum” means any unauthorised preparation or appliance :<br/>25 “Preparation” means and includes any medicine, drug, medical appliance or instrument or contrivance, apparatus, potion, pill, or other alleged medicinal or surgical specific, or any other such thing as the Governor in Council by regulation may direct :</p> | <p><b>Short Title.</b><br/><b>Interpretation.</b></p> |
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“ Proprietary medicine ” means any medicine, liniment, application, remedy, alleged specific, mixture, or other article certificated by the Board and offered for sale or sold by a duly registered chemist or other vendor :

“ Publish any advertisement ” means to exhibit or cause to be exhibited, issued, or circulated through the post-office or by any means whatsoever 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 : 5

“ Unregistered practitioner ” means any person other than a duly qualified registered medical practitioner, registered chemist, or registered herbalist who sells or offers for sale, or has in his possession any preparation or instrument, or who prescribes for any complaint or disease : 10

“ 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 : 15

“ Package ” includes every means by which goods for carriage or for sale may be carried, covered, enclosed, contained, or packed. 20

Certificate of Board to be obtained before any preparation sold.

3. Any preparation other than those prescribed and supplied by a duly qualified registered medical practitioner shall bear upon every package, bottle, or other parcel, whenever and wherever sold, vended, or supplied, a fac-simile of the certificate issued by the Board. Any contravention of this clause shall be and shall be deemed to be an offence. 25

Chemist or herbalist may apply for certificate.

4. Every registered chemist or herbalist within the colony may at any time make application for authorisation of any preparation, and deposit therewith the formula and such sample of the said preparation as the Board may deem necessary, and the Board shall, on being satisfied of the useful curative or other beneficial qualities of such preparation, forthwith issue an authorisation and certificate to the registered chemist or herbalist aforesaid. Should the Board refuse to issue the desired certificate or authorisation, it shall be competent for the registered chemist or herbalist 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 Board for the right to advertise any preparation or curative treatment for any disease or complaint, and the Board may, if reasonably satisfied of the efficacy of such treatment or preparation and of the *bona fides* of such unregistered practitioner, issue to any such person a certificate authorising such treatment or use of preparation or treatment by such unregistered practitioner ; and in the event of any such application being declined or refused by the Board, the applicant may appeal to the Supreme Court for relief, and the decision of the said Court shall be final. 35 40 45 50

Appeal.

6. Every proprietor of any preparation may, whether such proprietor be resident in or out of the Colony of New Zealand, make application to the Board for authorisation of such preparation, and the Board may, if it shall be satisfied as to the curative or relieving or otherwise beneficial properties of such preparation, issue to such proprietor the necessary authorisation.

Proprietor of preparation ma. apply for certifica.

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. 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.

9. This Act shall come into force on the first day of June, nineteen hundred and *eight*.

Date of Act coming into force.