

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and,  
having this day passed as now printed, is transmitted to the  
LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
19th August, 1908.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Hornsby.

## QUACKERY PREVENTION.

### ANALYSIS.

- Title.  
1. Short Title. | 2. Illegal to advertise quack medicines.  
3. Penalty.

### A BILL INTITULED

AN ACT to prevent the Practice of Quackery.

Title.

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

1. This Act may be cited as the Quackery Prevention Act, 1908.

Short Title.

*Struck out.*

10 2. (1.) It shall not be lawful to advertise or supply any pre-  
paration, medicine, or appliance alleged to be for the prevention,  
alleviation, or cure of any human ailment or physical defect if such  
preparation, medicine, or appliance is declared by a Judge of the  
Supreme Court, on the application of the Chief Health Officer, to be  
harmful to health, or of a fraudulent nature, or of such a character  
15 that it cannot have the effect claimed for it, or cannot effect the  
purpose for which it was supplied.

(2.) The Governor may, by Order in Council gazetted, make  
such regulations as he deems necessary for carrying into full effect  
the provisions of this Act.

20 3. Every person who commits a breach of the provisions of this  
Act is liable to a fine not exceeding fifty pounds.

Penalty.

*New clauses.*

25 3A. Every person commits an offence who publishes or causes  
or be published any statement which is intended by the defendant  
to 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.

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

Method of publication.

3B. 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. 5

Fines.

3C. 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. 10

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

3D. 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. 15

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

3E. (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. 20 25

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. 30 35

Information to be laid by Chief Health Officer.

3F. 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.

3G. No prosecution shall be commenced against any person for an offence against this Act without the leave of the Attorney-General. 40

Appeal.

3H. 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. 45

Interpretation.

3I. 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: 50

“Newspaper” means any newspaper registered under the Printers and Newspapers Registration Act, 1908, or any

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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.

3J. This Act shall come into operation on the first day of Commencement. January, nineteen hundred and *nine*.