

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 1st day of August, 1883.

NOTICES RELATING TO ORDERS OF THE DAY.

ADULTERATION PREVENTION ACT AMENDMENT BILL.

Hon. Mr. DICK, in Committee, to move the following amendments :—

In clause 2, to insert : “ ‘The said Act’ means ‘The Adulteration Prevention Act, 1880.’ ” In the same clause, to omit all the words after “Inspector,” in the ninth line, and insert the following : “in addition to any Inspector acting under the said Act, includes any other person appointed by a local authority to do or perform any act or duty which, under the said Act or this Act, may be done by or imposed upon an Inspector.”

In clause 3, on line eighteen, after the word “into,” insert “French loaves,” or “batch loaves.”

In clause 4, to insert, before the word “loaves,” on line 21, the words, “French loaves or batch”; and to add to this clause the words, “Nothing in this Act shall extend or apply to bread of the class known as fancy bread.”

To insert new clauses to stand as clauses 5 and 6, as follows :—

5. Every French loaf and batch loaf shall be stamped with the initials of the Christian name or names and surname of the baker by whom the same was baked, and also with a figure or figures and letters indicating the weight of such loaf, as prescribed by this Act.

Such initials shall be stamped in Roman letters at least *one* inch in length at the time of stamping, and such figure or figures shall be in Arabic numerals of like length at the time of stamping; and every person baking or permitting to be baked any such loaf without having stamped or caused to be stamped thereon such initials and weight as aforesaid shall be liable to a penalty not exceeding *five* pounds.

6. Any person who shall sell or offer for sale in any shop, store, or building, or in any street or open place of public resort, any French loaf or batch loaf which is not stamped in accordance with this Act shall be liable to a penalty for every such offence not exceeding *five* pounds.

In clause 8, line 25, after word “by,” insert “the said Act or.”

To omit clause 10 as printed.

To omit clause 11 as printed.

To insert the following new clauses :—

12. Notwithstanding anything contained in the said Act, any purchaser of an article of food or of a drug in any place shall be entitled, on payment to an analyst appointed under the said Act of the fee prescribed for analysis, to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis in the mode prescribed by the said Act.

And, after such analysis has been made and a certificate given as aforesaid, if it appear to such person that an offence has been committed against any provision of the said Act or this Act, he may take all proceedings necessary for the prosecution of the offender.

13. Any Inspector may procure any sample of food or drugs, and, if he suspect the same to have been sold to him contrary to any provision of the said Act or this Act, shall submit the same to be analyzed by an analyst appointed under the said Act; and such analyst shall, with all convenient speed, analyze the same and give a certificate to such Inspector wherein he shall specify the result of the analysis in the mode prescribed by the said Act.

14. If any Inspector shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises, or in any shop, store, factory, or place, or in any street or open place of public resort, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such Inspector, such person shall be liable to a penalty not exceeding *ten* pounds.

15. It shall not be necessary, in any prosecution against the owner of any food or drug so exposed for sale as aforesaid for an offence under the last preceding section, to prove that an application to purchase as aforesaid was made to such owner; but it shall be sufficient to show that such application was made to any servant or person employed by such owner in any shop, store, factory, or place as aforesaid, or in charge of such food or drug in any street or open place of public resort.

16. Any person or Inspector purchasing any article with the intention of submitting the same to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analyzed by an analyst appointed under the said Act, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed, or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the article analyzed, to the analyst.

17. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, shall seal or fasten up one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

18. An article of food or a drug shall be deemed to be adulterated within the meaning of the said Act and this Act in the several cases mentioned and set forth in the *First* Schedule hereto.

19. The several articles mentioned in the *Second* Schedule shall not exceed or be less in strength, weight, quality, quantity, or other requirement, as the case may be, than those mentioned in such Schedule.

The Governor in Council may, from time to time, prescribe the strength, weight, quality, or quantity of any other article of food or of any drug which shall be necessary to exempt the same from the operation of the said Act or this Act.

20. Any Inspector may procure, without payment, at the place of delivery, any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk, or may obtain such sample, without payment, from any vessel or receptacle contained in any vehicle or means of conveyance carrying milk for sale or delivery.

Such Inspector, if he suspect the same to be adulterated or to have been sold contrary to any of the provisions of the said Act or this Act, shall submit the same to be analysed, and the same shall be analysed, and proceedings shall be taken and penalties on conviction enforced in like manner in all respects as if such Inspector had purchased the same from the seller or consignor under any provision of the said Act or this Act.

The onus of proving that such milk was not being delivered in pursuance of a contract for sale or delivery as aforesaid, or was not being carried in any such vessel or receptacle for sale or delivery as aforesaid, shall be upon the person charged under this Act.

21. The seller or consignor, or any person intrusted by him for the time being with the charge of such milk, or the charge or control of any vehicle or means of conveyance carrying any vessel or receptacle containing milk, if he shall refuse to allow such Inspector to take the quantity which he shall require for the purpose of analysis as aforesaid, shall be liable to a penalty not exceeding *ten* pounds.

22. In determining whether an offence has been committed against the said Act or this Act by selling, to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin.

23. In any prosecution under the provisions of the said Act or this Act it shall not be necessary to prove that the prescribed fee has been paid to the analyst.

And in any such prosecution for an offence against the said Act or this Act in respect of any article of food or any drug which is not of the nature, substance, and quality of the article demanded by any purchaser, it shall be no defence to allege that the purchaser, having bought for analysis, was not prejudiced by such sale.

Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature, or in substance, or in quality, was not defective in all three respects.

24. All provisions of the said Act which are repugnant to or inconsistent with this Act are hereby repealed.

SCHEDULES.

FIRST SCHEDULE.

IN THE CASE OF DRUGS.

1. If, when sold under or by a name recognized in the British Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein.

2. If, when sold under or by a name not recognized in the British Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on *Materia Medica*, it differs materially from the strength, quality, or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

IN THE CASE OF FOOD OR DRINK.

1. If any substance or any substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality, strength, purity, or true value.

2. If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of or be sold under the name of another article.

5. If it consist wholly or in part of a diseased, or decomposed, or putrid, or rotten animal or vegetable substance, whether manufactured or not, or, in the case of milk, if it is the produce of a diseased animal.

6. If it be coloured, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it.

SECOND SCHEDULE.

1. Milk shall contain not less than 9·0 per cent. by weight of milk solids, not fat, and not less than 2·5 per cent. of butter fat.
2. Skim milk shall contain not less than 9·0 per cent. by weight of milk solids, not fat.
3. Butter shall contain not less than 80·0 per cent. of butter fat.
4. Tea shall contain not more than 8·0 per cent. of mineral matter, calculated on the tea dried at 100°C, of which at least 3 per cent. shall be soluble in water, and the tea as sold shall yield at least 30 per cent. of extract.
5. Cocoa shall contain at least 20 per cent. of cocoa fat.
6. Vinegar shall contain not less than 3·0 per cent. of acetic acid.