

NEW ZEALAND.



QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. 48.

ANALYSIS.

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AN ACT for Preventing the Adulteration of Food or Title.
Drugs, and the Selling or Exhibiting for Sale
Adulterated or Unwholesome Food or Drugs of
any kind. [8th December, 1877.]

WHEREAS it is expedient to repress, by more effectual means Preamble.
than those which are now in force for that purpose, the
practice of adulterating articles of food or drugs for sale for human
consumption, in fraud of Her Majesty's subjects, and to prevent the
selling of or exhibiting for sale adulterated or unwholesome food or
drugs of any kind :

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

1. The Short Title of this Act shall be "The Sale of Food and Short Title.
Drugs Act, 1877."

Supplement to the New Zealand Gazette No. 99, of the 13th December, 1877.

Sale of Food and Drugs.

Repealing clause.

2. From the commencement of this Act, "The Adulteration of Food Act, 1866," shall be repealed, except in regard to any appointment made under it and not then determined, and in regard to any offence committed against it, or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

Interpretation

3. The term "food" shall include every article used for food or drink by man, other than drugs. The term "drug" shall include drugs for internal or external use, and shall extend to all articles usually taken or sold as medicines.

Penalty for adulteration.

4. Every person who shall wilfully admix, and every person who shall order any other person or persons to admix, with any article of food or drink any injurious or poisonous ingredient or material to adulterate the same for sale, and every person who shall wilfully admix, and every person who shall order any other person or persons to admix, any ingredient or material with any drug to adulterate the same for sale, shall for the first offence forfeit and pay a penalty not exceeding fifty pounds, together with the costs attending such conviction, and for the second offence shall be guilty of a misdemeanour, and be imprisoned for a period not exceeding six calendar months with hard labour.

Penalty for selling or offering for sale.

5. Every person who shall sell or offer for sale any article of food or drink with which to the knowledge of such person any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink or any drug which is adulterated, shall for every such offence, on a summary conviction of the same before two Justices of the Peace, or before any Resident Magistrate, forfeit and pay a penalty not exceeding twenty pounds, together with such costs attending such conviction as to the said Justices or Resident Magistrate shall seem reasonable; and if any person so convicted shall afterwards commit the like offence, such Justices or Magistrate shall cause such offender's name, place of abode, and offence to be published, at the expense of such offender, in such newspaper or in such other manner as to the said Justices or Magistrate shall seem desirable.

Provisions of last two sections in certain cases not to apply.

6. The provisions of the two last foregoing sections shall not be deemed to apply in cases where arsenic or any other drug is mixed with any colouring matter in accordance with the provisions of any Act relating to the sale of poisons.

Penalty for admixture for increasing weight or bulk.

7. Any person who shall sell any article of food or drink or any drug which shall have been mixed with any other substance, with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same, and no other, shall be deemed to have sold an adulterated article of food or drink or drug, as the case may be, under this Act.

Analysts to be appointed.

8. The Governor may from time to time appoint persons possessing competent knowledge to be Colonial Analysts under this Act, and may pay to them such remuneration as may be appropriated by the General Assembly for the purpose, and shall from time to time give notice in the *New Zealand Gazette* whenever any such appointment shall be made, and of the residence or place of abode of the person appointed, and each such Analyst shall hold office during the Governor's pleasure.

Inspectors to procure and submit samples of articles to be analyzed.

9. Every Inspector of Nuisances or Inspector of Weights and Measures shall, on being required thereto by any person having reasonable cause to suspect any articles of food or drink or drugs to be adulterated, procure and submit samples of such articles respectively to be analyzed by the Analysts appointed under this Act, and

Sale of Food and Drugs.

shall, upon receiving a certificate stating that any of such articles of food or drink or drugs are adulterated, cause a complaint of an offence against this Act by the party selling or adulterating such articles of food or drink or drugs to be made before a Justice of the Peace, and thereupon such Justice shall issue a summons requiring the alleged seller or adulterator to appear before two Justices of the Peace or before a Resident Magistrate to answer such complaint; and such summons shall be served by delivering the same or a true copy thereof upon the premises where such samples were obtained or sold, or by personal service, and the expense of such prosecutions, if not ordered to be paid by the party complained against, shall be deemed part of the expense of executing this Act.

10. Every Analyst appointed under this Act shall report annually to the Governor the number of articles analyzed by him under this Act during the foregoing twelve months, and shall specify the result of each analysis, and such report shall be presented to the General Assembly if in session, and if not, within fifteen days after the commencement of the next ensuing session.

Analyst to report annually.

11. On the hearing by the Justices or Magistrate of any complaint under this Act, the purchaser, the Inspector of Nuisances, or the Inspector of Weights and Measures, as the case may be, shall prove to the satisfaction of such Justices or Magistrate that the article of food or drugs alleged to be adulterated was delivered to the Analysts in the same condition, and as regards its purity or impurity, as it was when received from the seller; and shall further prove that, upon delivery of such article, the seller was informed that it was intended to forward such article to an Analyst pursuant to the provisions of this Act.

Proof by Inspectors as to samples being in the same condition as when obtained.

12. Any purchaser of any article of food or drink or drugs shall be entitled, on payment to any Inspector aforesaid of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence, to have any such article analyzed by any Analyst appointed under this Act, and to receive from such Analyst a certificate of the result of his analysis, specifying whether in his opinion such article is adulterated, and also whether, if it be an article of food or drug, it is so adulterated as to be injurious to the health of persons eating or drinking the same; and such certificate, duly signed by such Analyst, shall, in the absence of any evidence before the Court to the contrary, be sufficient evidence of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

Fees to be charged.

13. All articles of food, drink, or drugs to be analyzed by the Analysts appointed under this Act shall be received by the Inspectors as aforesaid, and all such articles of food or drugs and articles shall be taken and sealed in the presence of the Analysts by the Inspectors, to be retained by them and produced in case the Justices or Resident Magistrate shall order other analyses to be made.

Samples to be taken and sealed.

14. The expense of executing this Act shall be borne out of such sums as may be appropriated for this purpose by the General Assembly of New Zealand.

Expenses incurred in executing the Act.

15. Nothing in this Act contained shall be held to affect the power of proceeding by indictment or to take away any other remedy against any offender under this Act.

Other proceedings not affected.

16. Nothing in this Act contained shall be deemed to repeal any of the provisions of "The Bakers and Millers Act, 1871," or "The Sale of Poisons Act, 1871."

"Bakers and Millers Act, 1871," and "Sale of Poisons Act, 1871," valid.