

PURE FOOD (AMENDMENT) ACT.

Act No. 27, 1957.

Elizabeth II,
No. 27, 1957. An Act to make further provisions with respect to the administration and enforcement of the Pure Food Act, 1908, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended, and certain other Acts; and for purposes connected therewith. [Assented to, 1st May, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,
citation
and com-
mencement. **1.** (1) This Act may be cited as the "Pure Food (Amendment) Act, 1957."
(2)

(2) The Pure Food Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Pure Food Act, 1908-1957. No. 27, 1957.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pure Food Act, 1908-1953, is amended—

Amendment
of Act No.
31, 1908.

(a) (i) by omitting from section four the definition of “Authorised”;

Sec. 4.
(Inter-
pretation.)

(ii) by omitting from the definition of “Officer” in the same section the words “or of a local authority, or any superintendent, inspector, sub-inspector, or sergeant of police, or any constable specially authorised by the Commissioner or by any superintendent of police” and by inserting in lieu thereof the words “or any person authorised in writing by the board to act as an officer for the purposes of this Act, or any member of the police force authorised by the Commissioner of Police or by any superintendent of police to act as an officer for the purposes of this Act”;

(iii) by inserting at the end of the definition of “To advertise” in the same section the words “, or to publish by means of broadcasting or television, and derivations of the expression ‘to advertise’ have corresponding interpretations”;

(iv) by inserting at the end of the same section the following new subsection:—

(2) Any authority to act as an officer for the purposes of this Act, granted to any person by the board or to any member of the police force by the Commissioner of Police or by any superintendent of police, may authorise that person or member of the police force to exercise and perform the powers,

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powers, authorities, duties and functions conferred or imposed on officers by this Act and the regulations at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles or classes of articles as may be specified in the authority.

Any such person or member of the police force shall not exercise and perform such powers, authorities, duties and functions otherwise than in accordance with the authority so granted to him.

Sec. 6.
(Advisory
committee.)

(b) by omitting from subsection one of section six the words "the senior analyst in the Department of Public Health" and by inserting in lieu thereof the words "the Government analyst";

Sec. 9.
(Adminis-
tration of
Act.)

(c) by omitting from section nine the words "primarily be the duty of the Board of Health, but may, by direction of the Governor, be left in any case to the local authority, who shall, however, be subject to the provisions of section twenty-four of the Public Health Act, 1902" and by inserting in lieu thereof the words "be the duty of the board";

New sec.
17A.

(d) by inserting next after section seventeen the following new section:—

17A. Any person who advertises any statement—

Board may
require in-
formation
concerning
advertised
food, drug
or
appliance.

(a) holding out that any food or drug has nutritional properties or is of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, or

(b) relating to any appliance, being an instrument or contrivance which is held out, in that statement, to any person or to the public as of use for curative purposes,

purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect, No. 27, 1957.

shall, within one month after notice requiring him so to do has been served on him by the board, furnish to the board a statement setting out the composition and properties of the food, drug, or appliance or the specifications of the appliance together with such other information relating to the food, drug, or appliance as the board may, in such notice, have required.

The board may have regard to any such statement or information when preparing any report in respect of the food, drug, or appliance under subsection one of section sixteen of this Act or when making any recommendation in respect of the food, drug or appliance under subsection one of section seventeen of this Act.

- (e) by omitting the proviso to subsection one of section twenty-two and by inserting in lieu thereof the following proviso:—

Provided that where such officer is an officer of the board, he shall not exercise the powers conferred on him by this subsection otherwise than in accordance with an authority granted to him by the board. Any such authority may authorise such officer to exercise such powers at all places or at such places or classes of places as may be specified in the authority, at all times or at such times as may be specified in the authority and in respect of all articles or in respect of such articles as may be specified in the authority.

- (f) by inserting at the end of section thirty-six the following new subsections:—

(3) Any penalty recovered in any proceedings under this Act or the regulations shall be paid to the Consolidated Revenue Fund: Provided that where any such proceedings are commenced

Sec. 22.
(Entry and inspection of place and animals or articles therein.)

Sec 36.
(Penalty for offence against this Act.)

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commenced by an officer who is an officer of a local authority, being the council of a municipality or shire, one-half of the penalty so recovered shall, notwithstanding anything contained in any other Act—

- (a) be paid to the local authority; and
- (b) be allocated by the local authority to the appropriate fund kept by the local authority.

(4) Notwithstanding anything contained in the Liquor Act, 1912, as amended by subsequent Acts, where in any proceedings against a licensee as defined in section three of that Act, as so amended, for an offence against any of the provisions of this Act, the court is of opinion that the offence has been proved, it may if it thinks fit, having regard to the character of the offence and the circumstances under which the offence was committed, direct that the conviction for the offence shall not be recorded against the licensee or licensed premises for any of the purposes of the Liquor Act, 1912, as so amended, and the conviction shall not be recorded accordingly.

Sec. 37.
(Interference with official marks or seals.)

- (g) by inserting in section thirty-seven after the word "authorised" the words "in writing by the board";

Sec. 38.
(Obstruction of officer in discharge of his duties.)

- (h) (i) by omitting from paragraph (a) of section thirty-eight the words "or authorised person" wherever occurring;
- (ii) by omitting from paragraph (c) of the same section the words "or person as aforesaid";

New sec.
40A.

- (i) by inserting next after section forty the following new section:—

Officers authorised by board not to commence prosecutions without approval.

40A. No prosecution for an offence against this Act or the regulations shall be commenced by any person, not being a member of the police force,

force, unless an approval in writing to commence such prosecution has first been given by the president of the board, or by a person authorised by him in that behalf. No. 27, 1957.

In any such prosecution the production of such approval or of a document purporting to be a report, relating to the subject-matter of the prosecution, of an officer or analyst, which report bears the signature of the president of the board or of a person authorised by him under the foregoing provisions of this section shall be accepted as sufficient proof of an approval to commence such prosecution given under the provisions of this section without proof of the signature or the official character of the person appearing to have signed the same and, notwithstanding anything contained in the Principal Act, no further proof of any order to prosecute shall be necessary in respect of such prosecution.

- (j) by omitting from subsection two of section fifty-one the words "specially authorised officer" and by inserting in lieu thereof the words "officer authorised in writing either generally or in a particular case in that behalf by the board"; Sec. 51.
(Power to require information to be made available.)

- (k) by inserting next after section fifty-three the following new section:— New sec.
53A.

53A. Every officer authorised to act as an officer by the board shall submit to the board on the first day of January, April, July and October in each year a statement, in the form prescribed, showing the work performed by him in the administration of this Act during the period of three months next preceding the date of submission of the statement. Certain officers to submit reports to board.

- (l) (i) by omitting from subsection one of section fifty-four the word "shortly"; Sec. 54.
(Regulations made on recommendation of advisory committee.)
- (ii) by inserting in the same subsection after the words "pictorial matter" the words "or the broadcasting by wireless transmission of any statement."

ATTACHMENT