

No. , 1899.

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## A BILL

To regulate the making and sale of Bread, and to prevent the adulteration of Bread, Meal, and Flour, and to more effectually prevent frauds upon the public in the sale of Bread, Meal, and Flour.

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**B**E 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:—

*The making of bread.*

1. All bread made for sale, or sold, or exposed for sale, shall be made of flour or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or potatoes or any of them, with any common salt, pure water, eggs, milk, leaven, potato or other yeast, mixed in such proportions as may be thought fit, and with such other materials, mixed in such proportions as may be prescribed.

Bread for sale to be made of certain ingredients only.

2. The several sorts of bread made for sale, or sold, or exposed Bread to be well made. for sale, shall be well made, in their several and respective degrees, according to the quality of the meal or flour whereof the same is made, and no mixture or ingredient whatsoever, other than and except as hereinbefore in this Act mentioned, shall be put into or in anywise used in making bread for sale; and any person who acts in contravention of this section shall be liable to a penalty not exceeding *ten* Penalty. pounds nor less than *forty* shillings.

*The weight of bread.*

3. All bread made for sale shall, except as hereinafter in this Bread to be sold in loaves of certain weights. Act provided, be made into loaves weighing not less than one pound, two pounds, and four pounds respectively, according to the standard weight by law established, and such loaves shall be called and understood to be the one pound loaf, two pounds loaf, and four pounds loaf.

Any person who sells or offers for sale bread of any other Penalty. denomination or size, or any loaf deficient by more than one half-ounce of its due weight, shall, for every such offence, be liable to a penalty of not less than *forty* shillings nor more than *five* pounds, unless such loaf was baked more than twenty-four hours before the time of its being so sold or offered for sale, the onus of proving which shall be upon such person as aforesaid.

4. Nothing in the last preceding section shall apply to fancy Weight of fancy bread. bread, and all such bread shall be made into loaves of two sizes, weighing respectively not less than fourteen ounces and twenty-eight ounces according to the standard weight by law established; and such sizes shall respectively be taken as the equivalents of the one pound loaf and the two pounds loaf mentioned in the last preceding section.

Any person who sells or offers for sale any loaf of fancy Penalty. bread of any other denomination or size, or any loaf of fancy bread deficient of its due weight shall, for every such offence, be liable to a penalty not exceeding *five* pounds nor less than *forty* shillings, unless such loaf was baked more than twenty-four hours before the time of its being so sold or offered for sale, the onus of proving which shall be on such person as aforesaid.

5. Every baker or seller of bread shall cause to be fixed in some Bakers to provide in their shops scales and weights. conspicuous part of his shop, on or near the counter, a correct beam and scales with proper weights or other sufficient balance with proper weights for weighing loaves of the regulated weights, and any person purchasing a loaf from any seller of bread may require the same to be immediately weighed in his presence.

Any baker or seller of bread who neglects to keep such beam Penalty. and scales, or other sufficient balance so fixed as aforesaid, or who neglects

neglects to provide such proper weights, or who fails to comply with such request as aforesaid, shall, for every such offence, be liable to a penalty not exceeding *five* pounds nor less than *two* pounds.

6. Every baker or seller of bread, and every journeyman, servant, or other person employed by a baker or seller of bread who conveys bread for sale in any cart or carriage drawn by a horse or other animal, or in any boat or vessel, or in any hand-cart shall be provided with and constantly carry in such cart, carriage, boat, vessel, or cart a correct beam and scales with proper weights or other sufficient balance with proper weights for weighing loaves of bread of the regulated weights, and shall, if requested, weigh any loaf purchased from him in the presence of the person purchasing the same; and any person acting in contravention of this section shall be liable to a penalty not exceeding *five* pounds nor less than *two* pounds.

Bakers delivering by cart to be provided with scales and weights.

Penalty.

7. (1) It shall be lawful for any justice, and for any constable authorised by warrant under the hand of any justice at any time to enter into any house, shop, stall, bakehouse, pastry-warehouse, outhouse, or place whatsoever belonging to or used by any baker or seller of bread, to search for, weigh, and try all the bread found therein.

Bakers shops may be searched for bread short of weight.

(2) If on the weighing of such bread any deficiency is found in the due weight on the average of the whole weight of all the loaves of the same denomination or size so found as aforesaid, which are not proved to have been baked more than twenty-four hours before, such baker or seller of bread shall be liable to a penalty not exceeding *five* shillings nor less than *one* shilling for every ounce deficient, and in the case of a third offence within three years the offender shall forfeit and pay the sum of *five* shillings for every ounce deficient. Such deficiency may be proved upon the view of any justice, or may be proved before any justice upon the oath of the party weighing the same.

Penalty for deficiency.

Any justice or constable may seize all loaves so found to be deficient, and any justice may dispose thereof as in his discretion he may think fit.

(3) No such penalty shall be inflicted where it is proved that the deficiency wholly arose from some unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy to injure the party accused; and if upon the weighing of the whole of the loaves of the same size or denomination the average deficiency does not exceed half an ounce upon each loaf so weighed, no action shall be taken, but if the average deficiency exceeds that weight, the accused shall be liable in respect of the total deficiency:

No penalty in certain cases.

Provided that in the case of fancy bread no such allowance shall be made, but the fancy bread must be of the full weight prescribed by this Act.

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*The adulteration of meal, flour, and bread.*

8. If any person puts into any corn, grain, meal, or flour ground, dressed, bolted, or manufactured for sale, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatever, not being the real and genuine produce of the corn or grain, or sells or offers for sale, either separately or mixed, any meal or flour of one kind of corn or grain, as the meal or flour of any other kind of corn or grain, or any meal or flour mixed with any ingredient not allowed by this Act to be used in the making of bread, he shall be liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds.

Penalty for adulterating meal or flour, or selling flour of one sort of corn as the flour of another.

But nothing herein contained shall apply to any ingredient, article, or material used for cleansing or preserving such corn or grain from smut or other disease, weevil or other insect, or impurity, provided that every such ingredient, article, or material so used is carefully and effectually removed from such corn or grain before the same is ground.

9. Any mealman or miller, or baker or seller of bread who has upon his premises, or any place used by him as a shop, store, or bakehouse, any impure, unsound, or unwholesome flour, and any person who sells, or offers for sale, any bread containing such flour, shall be liable to a penalty not exceeding *twenty* pounds.

Penalty for having unsound flour.

10. It shall be lawful for any justice, or inspector of weights and measures, and for any constable, authorised by warrant under the hand of a justice, at any time to enter and search any house, mill, shop, stall, bakehouse, bolting house, pastry-warehouse, outhouse, or ground of, or belonging to any miller, mealman, or baker, or other person who grinds grain, or dresses or bolts meal or flour, or makes bread for sale; and if, upon any such search, any meal, flour, dough, or bread is found, which, in the opinion of the justice, inspector, or constable, has been adulterated by such miller, mealman, baker, or other person as aforesaid, by the addition of any ingredient not allowed by this Act to be used in the making of bread, or if any mixture or ingredient is found which appears to have been deposited there in order to be used in the adulteration of meal, flour, or bread, it shall be lawful for such justice, inspector, or constable to seize and take any such meal, flour, dough, or bread, and all such mixtures and ingredients, and such justice, inspector, or constable shall then and there take three portions, and shall make each portion into a parcel and seal it, and shall deliver one portion so sealed to the person from whose possession it was taken, and retain the other two portions.

Bakers' shops, &c., may be searched for adulterated flour or bread, or ingredients for adulterating the same.

Any justice who makes any such seizure as aforesaid, or to whom anything seized under the authority of this Act is brought may, on being satisfied upon the evidence of any competent person taken

taken upon oath that any such meal, flour, dough, or bread so seized has been adulterated by the addition of any ingredient not allowed by this Act to be used in the making of bread, or that any ingredient or mixture so found as aforesaid has been deposited or kept for the purpose of adulterating meal, flour, or bread, dispose of the same as he in his discretion thinks proper.

11. Every miller, mealman, or baker, or seller of bread in whose house, mill, shop, stall, bakehouse, bolting house, pastry-warehouse, outhouse, ground, or possession any ingredient or mixture is found, which after due examination is adjudged by any justice to have been deposited there for the purpose of being used in adulterating any meal, flour, dough, or bread, shall on conviction forfeit and pay for every such offence any sum not exceeding *five* pounds for the first offence, *ten* pounds for the second offence, and *twenty* pounds for every subsequent offence, unless it is made to appear to the satisfaction of the Court that such ingredient or mixture was so deposited without the knowledge or privity of the party accused.

Penalty on persons in whose possession ingredients for the adulteration of bread are found.

*Registration of bakers.*

12. Every person carrying on the business of baker of bread shall register his name and address with the person and in the manner and within the time prescribed, and shall be liable to a penalty not exceeding *two* pounds for every day he carries on such business after the time prescribed without registration.

Bakers to be registered.

*Supplemental and savings.*

13. Any person who wilfully obstructs or hinders any justice, inspector, or constable in the exercise of the powers conferred by this Act shall be liable to a penalty not exceeding *twenty* pounds.

Penalty for obstructing any search authorised by this Act.

14. Any person acting in contravention of any of the provisions of this Act shall, where no penalty is expressly provided, be liable to a penalty not exceeding *two* pounds.

Penalty where none expressly provided.

15. Save as hereinbefore otherwise provided all offences against this Act shall be heard and determined in a summary way by a police magistrate or stipendiary magistrate, or two or more justices in a court of petty sessions, but no person shall be convicted of any such offence unless the information or complaint is lodged within forty-eight hours, or if a Sunday intervenes, within fifty-six hours next after the time when the offence was committed.

Recovery of penalties.

Where the party suing is not a salaried officer under any Act in force for the time being dealing with weights and measures, one-half of any penalty awarded and imposed under this Act shall be paid to such party, and the other half shall go to the use of Her Majesty for the public uses of the colony and the support of the Government thereof, but if the party suing is a salaried officer under any such Act the whole shall go to the use of Her Majesty as aforesaid.

16.

16. Any person upon whom a penalty exceeding *five* pounds has been imposed in respect of an offence against this Act shall be entitled to appeal in the manner provided by the Criminal Law Amendment Act of 1883. Appeal.

17. If in any action against any justice, inspector, constable, or other person for any matter or thing done in pursuance of this Act, a verdict is recorded for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given upon a verdict or demurrer against the plaintiff, the defendant in such action shall recover treble costs, and have the like remedy for the same as any defendant has in other cases by law for the recovery of costs. Costs in actions against persons acting under this Act.

18. When any carman, driver, or other person employed by any baker or seller of bread has been convicted of any offence against this Act, it shall be lawful for the magistrate or justices to order the penalty or forfeiture to be paid by the employer, and such order shall have the same effect as if the person against whom it was made had been convicted of the offence. Penalties on carmen.

The person against whom such order is made may recover the amount of the penalty, and costs reasonably paid by him, from such carman, driver, or other person in a summary way before a stipendiary or police magistrate or any two justices, on satisfying such magistrate or justices that no blame attaches to him in the matter.

19. The Governor may make such regulations for carrying into effect the provisions of this Act as he may deem fit, and may thereby impose a penalty not exceeding *two* pounds for any breach thereof, and provide for the recovery of any such penalty. Regulations.

Such regulations shall upon being published in the Gazette have the force of law, and shall be laid upon the table of both Houses of Parliament within four weeks of publication if Parliament is then sitting, and if not then within four weeks after the commencement of the next ensuing session.

20. In the construction of this Act unless the context requires a different meaning— Definitions.

“Fancy bread” means bread of the kinds and shapes known as the twist, the French roll or flute, the split or Carrington, and such other kinds and shapes as may be prescribed, baked in detached loaves, and so as to be wholly encrusted.

“Inspector” means inspector or assistant inspector of weights and measures.

“Justice” means justice of the peace.

“Prescribed” means prescribed by this Act or the regulations thereunder.

21. Nothing in this Act shall be deemed to apply so as to restrain the making or sale of rolls of any weight under eight ounces and sold as rolls. Rolls.

22. The Act sixth William the Fourth number one is hereby repealed. Repeal of 6 Wm. IV No. 1.

23. This Act shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and may be cited as the \_\_\_\_\_, Commencement and short title.  
“Bread Act, 1899.”