

No. , 1918.

A BILL

To amend the Pure Food Act, 1908 ; to regulate the publication of statements relating to certain food, drugs, and appliances ; to provide for registration in respect of certain businesses dealing with food and drugs ; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King'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 :—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1918."

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2. The Pure Food Act, 1908, is amended as follows :—

(a) In section four—

- (i) in the definition of “ authorised ”, all words after “ board ” are omitted ;
- (ii) the definition of “ council ” is omitted ; 5
- (iii) the definition of “ officer ” is omitted, and the following substituted :—

“ Officer ” means medical officer of health, acting medical officer of health, officer of the board or of a local authority, 10 or member of the police force authorised by the board ;

- (iv) the words “ or for the purpose of analysis in pursuance of this Act ” are inserted at the end of the definition of “ to sell ”. 15
- (v) The following is added at the end of the section :—

“ Provided that the Governor may by proclamation in the Gazette declare that any other substance used by man which is specified in such proclamation shall be deemed a food or a drug for the purposes of this Act.” 20

- (b) In section five, paragraph (m), after “ contained therein ” insert the words “ or its curative or therapeutic effect ”. 25
- (c) In section nine, all the words after “ Board of Health ” are omitted.
- (d) The following new section is inserted next after section thirteen :—

13A. No person shall have in his custody or 30 possession, or under his control, for the purpose of storage, preparation, treatment, or other dealing with, by himself, or by any other person, any article of food or drug for human consumption or use by man, which is 35 adulterated, falsely described, or packed contrary to the provisions of this Act.

- (e) In section fourteen and in short heading of such section after “ food ” wherever occurring, insert “ or drug ” : 40

Provided that the said amendment shall not take effect until the first day of January, one thousand nine hundred and eighteen. (f)

- (f) In section seventeen, the words "which by reason of its inactivity or insufficiency is", and the words "of cure", are omitted.
- 5 (g) Subsections one and two of section twenty-one are repealed and the following three subsections are inserted in their place :—
- (1) No person shall sell, for the food of man, milk, or any product thereof, from a cow in his milking herd which is suffering from any
- 10 disease.
- (2) The fact that a diseased cow is in the milking herd of a person who sells milk or any product thereof shall be prima facie evidence that the milk, or any product thereof,
- 15 from such cow has been sold for the food of man.
- (2A) A person who sells milk shall not have in his milking herd or on his dairy premises as defined in the Dairies Supervision Act, 1901, any diseased beast.
- 20 (h) In section twenty-two, the words "or of the local authority or of the Inspector-General of Police, as the case may", in subsection one, are omitted.
- 25 (i) In subsection five of section twenty-two the following paragraph is added at the end of the subsection :—
- (e) Destroy any article which is at the time of seizure or which may thereafter
- 30 become decayed or putrid.
- (j) The following subsection is inserted next after subsection one of section twenty-three :—
- (1A) Any officer specially authorised by the board for the purposes of this subsection, may at any reasonable time enter any premises where spirituous liquors are sold or exhibited, stored, or prepared for sale, and without purchasing any quantity test by means of a hydro-
- 35 meter, the alcoholic strength of such liquor.
- 40 (k) At end of section twenty-four the following subsection is added :—
- (4) Provided also that this section shall not apply to milk in transit or awaiting transit.

- (l) After section twenty-four the following new section is inserted:—

24A. Any officer may take samples of milk in transit or awaiting transit without payment or tender of payment for the same, and for that purpose may open any package containing milk. 5

He shall divide the milk so taken into two parts, and shall place each such part in a bottle, which he shall fasten up and seal and label or mark. 10

He shall retain one such part for future comparison, and submit the other part to an analyst.

- (m) Sections twenty-six and twenty-eight are repealed. 15

(n) In section thirty-four the words "or the local authority which has caused the analysis to be made" and the words "or such authority" are omitted.

- (o) Section forty-seven is repealed. 20

(p) In section fifty-two after "food", wherever occurring, the words "or drug" are inserted.

(q) In subsection one of section fifty-four in the eighth paragraph relating to statements or labels on articles of food, after the words "articles of food" and "such articles" the words "and drugs" are inserted. 25

- 3.** The following section is inserted next after section sixteen of the said Act:—

16A. (1) Every person who publishes, or causes to be published, any statement to promote the sale of any food, drug, 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 food, drug, or appliance, or relating to the effects which have followed, or may follow the use thereof, shall be guilty of an offence against this Act. 30

(2)

(2) A statement shall be deemed to be published within the meaning of this section if it is advertised or is publicly exhibited in view of persons in any public place.

5 (3) If any such statement be published in breach of this section in a newspaper printed in New South Wales, the printer, publisher, and proprietor of that newspaper shall severally be guilty of an offence against this Act :

10 Provided that no prosecution shall be instituted against such printer, publisher, or proprietor for the publication of any such statement, unless within twelve months immediately preceding the day of the publication thereof a warning has been delivered to
15 such printer, publisher, or proprietor, as the case may be, under the hand of the Director-General of Public Health, that such statement, or some other statement substantially to the same effect, is false, and that the publication thereof is an offence against
20 this Act.

4. The following new section is inserted next after section fifty-four of the said Act :—

25 54A. (1) The Governor, on the recommendation of the board, may by proclamation apply this section and the regulations made thereunder to the classes of businesses mentioned in such proclamation carried on in connection with the manufacture, preparation, or storage for sale of food or drugs in New South Wales or in any part thereof specified
30 in such proclamation.

The board may thereupon, with the approval of the Governor, make regulations—

- 35 (a) providing for the registration of premises used in connection with any such business and of the persons carrying on such business thereon, and for the renewal of such registration ;
- (b) prescribing the conditions on which such registration may be granted or renewed ;
- 40 (c) providing for the suspension or cancellation of such registration or any renewal thereof ;

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- (d) prescribing the fees for such registration or renewal;
 - (e) prohibiting the use of any such premises for any such business, or the carrying on by any person of any such business thereon, except 5 such premises and person are registered under the regulations;
 - (f) imposing any penalty not exceeding *fifty* pounds for any breach of the regulations.
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