

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1937.

A BILL

To amend the Pure Food Act, 1908, in certain respects; and for purposes connected therewith.

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. (1) This Act may be cited as the "Pure Food Short title.
(Amendment) Act, 1937."

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette. Commencement, etc.

(3) The Pure Food Act, 1908, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Principal Act as amended by this Act may be cited as the Pure Food Act, 1908-1937.

2. The Principal Act is amended—

Amendment of Act No. 31, 1908.

- (a) (i) by omitting from section four the definition of the word "Appliance" and by inserting in lieu thereof the following definition:— Sec. 4. (Interpretation.)

"Appliance" includes the whole or any part of any utensil, machinery, instrument, apparatus or article used or intended for use in or for the making, manufacturing, keeping, preserving, preparing, handling, serving, or supplying of any food or drug, or which in the course of such use may come into contact with any food or drug; the term also includes any instrument or contrivance which is held out to any person or to the public as of use for curative purposes, or in relieving human suffering, or in overcoming or alleviating any physical defect.

- (ii) by inserting in the same section at the end of the definition of the word "Drug" the words "and any substance or article for consumption or use by man which the Governor may by proclamation published in the Gazette declare to be a drug";

- (iii) by inserting in the same section at the end of the definition of the word "Food" the words "and any substance or article used for consumption by man which the Governor may by proclamation published in the Gazette declare to be food"; (iv)

(iv) (a) by inserting in the same section in the definition of the expression " To sell " after the words " exposed for sale " the words " or to be supplied as part of a meal where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for ";

(b) by inserting at the end of the same definition the words " or for purposes of analysis or other examination in pursuance of this Act ";

(b) (i) by omitting from paragraph (f) of section five the words " or stained " and by inserting in lieu thereof the words "stained, prepared, or treated ";

Sec. 5. (Adulteration or false description.)

(ii) by omitting from paragraph (m) of the same section the words " attached thereto " and by inserting in lieu thereof the words "or written matter attached thereto or enclosed therewith ";

(iii) by inserting in the same paragraph after the words " contained therein " the words " or its physiological, curative, or therapeutic effect."

3. The Principal Act is further amended—

Further amendment of Act No. 31, 1908.

(a) by omitting from subsection three of section twelve the word "defective" wherever occurring and by inserting in lieu thereof the word "different";

Sec. 12. (Selling goods not of nature demanded—defence.)

(b) (i) by inserting in subsection one of section thirteen after the words "sound condition" the words "and shall comply with the prescribed standards";

Sec. 13. (Sale of mixture.)

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

(3) No person shall sell any food or drug which is a mixture in respect of which a standard has been prescribed under this Act unless the mixture is in accordance with such standard.

(c)

- (c) by inserting in section fourteen and in the short heading to that section, after the word "food" wherever occurring, the words "or drug"; Sec. 14.
(Packages to be labelled.)
- (d) (i) by omitting from subsection one of section seventeen the words "which by reason of its inactivity or inefficiency"; Sec. 17.
(Prohibition of sale of injurious drugs, &c.)
- (ii) by omitting from the same subsection the words "of cure";
- (e) by inserting in section twenty after the words "in private" the words and figures "Division 7 of Part III of the District Courts Act, 1912-1936, shall apply, mutatis mutandis, to any such appeal. Sec. 20.
(Appeal.)

The judge may make such order for the payment of the costs and charges of and incidental to the appeal as to him seems just.

Such costs and charges shall be taxed by such officer as the judge directs and may be recovered in like manner as any debt adjudged by the judge of a district court to be paid can be recovered."

- (f) (i) by omitting from subsection one of section twenty-one the words "the milk of" and by inserting in lieu thereof the words "milk or any product thereof from"; Sec. 21.
(Milk of infected cow.)
- (ii) by inserting in subsection two of the same section after the words "sells milk" the words " or any product thereof";
- (iii) by omitting from the same subsection the words "the milk of" and by inserting in lieu thereof the words "the milk or any product thereof from";
- (iv) by inserting after the same subsection the following new subsection:—
- (2A) A person who sells milk shall not knowingly allow any diseased cattle to be in his milking herd or on his dairy premises as defined in the Dairies Supervision Act, 1901, as amended by subsequent Acts.

4. The Principal Act is further amended—

Further amend-
ment of Act
No. 31, 1908.

- (a) (i) by inserting at the end of subsection six of section twenty-two the words "and why he should not be ordered to pay the expenses incurred by the officer in the examination, seizure, and destruction of the article, package, or vessel";
- (ii) by inserting in subsection seven of the same section after the words "shall be destroyed" the words "The said magistrate or justices may further order that such owner or person shall pay the reasonable expenses incurred by the officer in the examination, seizure, and destruction of the article, package, or vessel";
- (iii) by inserting in subsection nine of the same section after the words "licensed house" the word "boarding-house";
- (b) by omitting from subsection two of section twenty-four the words "and shall retain one of the said parts for future comparison, and submit the third part to an analyst," and by inserting in lieu thereof the words "and submit one of the said parts to an analyst, and shall retain the third part for future comparison and for such examination or analysis as a magistrate may direct."

Sec. 22.
(Entry and inspection.)

Sec. 24 (2).
(Samples.)

5. The Principal Act is further amended—

Further amend-
ment of Act
No. 31, 1908.

- (a) by inserting in paragraph (a) of section thirty-eight after the word "Act" the words "or upon demand by an officer to state his name and place of abode refuses so to do or states a false name or place of abode";
- (b) by inserting in section forty-four after the word "analysis" the words "or examination";
- (c) by omitting from subsection three of section fifty-one the words "ten pounds" and by inserting in lieu thereof the words "twenty pounds";

Sec. 38 (a).
(Obstruction to officers.)

Sec. 44.
(Evidence.)

Sec. 51 (3).
(Refusing information.)

(d)

-
- (d) by inserting in section fifty-two after the word "food," wherever occurring, the words "or drug"; Sec. 52.
(Suggestive names.)
 - (e) (i) by omitting from subsection one of section fifty-four the words "articles of food, or to packages containing such articles," and by inserting in lieu thereof the words "any food or drug, or to packages containing any food or drug"; Sec. 54.
(Regulations.)
 - (ii) by inserting in the same subsection after the words "payment of analysts" the following new paragraph:—
 - "prohibiting the publication, use or exhibition in any manner whatsoever, of any printed or pictorial matter with respect to any food or drug which is false or misleading or likely to mislead."
-