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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

A BILL

For securing the wholesomeness and purity of food and drugs, and fixing standards for the same; for preventing the sale or other disposition, or the use of articles dangerous or injurious to health; for the prevention of deception and fraud; to amend the Public Health Act, 1902; and for purposes consequent thereon or incidental thereto.

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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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Pure Food Act, 1918," and shall be construed with the Public Health Act, 1902, hereinafter called the Principal Act, and shall come into force on the first day of

Short title, construction, and commencement.

2. This Act is divided into Parts, as follows:—

Division of Act into Parts.

PART I.—PRELIMINARY—*ss.* 1-9.

PART II.—PROHIBITED ARTICLES—*ss.* 10-21.

PART III.—INSPECTION AND ANALYSIS—*ss.* 22-35.

PART IV.—OFFENCES AND LEGAL PROCEDURE—*ss.* 36-50

PART V.—GENERAL AND SUPPLEMENTAL — *ss.* 51-55.

Repeals.

3. Section three, so far as it defines "food," and sections seventy-six to ninety-three inclusive of the Principal Act are repealed.

Repeal.

Definitions.

4. In this Act, unless the context otherwise requires,—
"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.
"Article"

Interpretation.

- “ Article ” includes any substance, compound, or appliance. Article.
- “ Authorised ” means authorised either generally or specially in writing by the board. Authorised.
- “ Board ” means Board of Health. Board.
- “ Drug ”—without limiting the ordinary meaning of the term—any article used for or in the composition or preparation of medicine for internal or external consumption or use by man; the term includes disinfectants, germicides, antiseptics, preservatives, deodorants, anæsthetics, tobacco, narcotics, soaps, cosmetics, dusting powders, essences, unguents, and all other toilet articles.
- “ Food,” or “ article of food,” means article used for food or drink by man, and includes confectionery, and any article that enters into or is used in the composition or preparation of food, and any spices, flavouring substances, essences, and colouring matters so used. Food, or article of food.
- “ Officer ” means medical officer of health, acting medical officer of health, officer of the board or of a local authority, or member of the police force authorised by the board.
- “ Package ” includes anything in or by which goods are cased, covered, enclosed, contained or packed.
- “ Place ” includes any house, building, ship, barge, boat, vehicle, car, station, wharf, shed, land, street, or premises.
- “ Premises ” includes all buildings, structures, and lands within the curtilage thereof; also any vehicle used in connection with any business carried on at the premises.
- “ Prescribed ” means prescribed by this Act or the regulations. Prescribed.
- “ Prohibited article ” means article, the manufacture, sale, or use of, or other dealing with which in its then state or condition is prohibited by this Act, or the regulations, either absolutely or conditionally. Prohibited article.
- “ Regulation ”

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“Regulation” means regulation made under this Act. Regulation.

“Retail sale” shall mean selling direct to the consumer.

“To sell” (with its derivatives) includes barter, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for sale, or causing or suffering, or permitting, or allowing to be sold, or offered or exposed for sale, unless the context otherwise indicates, the term refers only to sale for consumption or use by man, or for purposes of analysis, or other examination.

“To advertise” means to publish in a newspaper or public print circulating in New South Wales, or to publish by distributing through the post office, or otherwise, hand-bills, circulars, posters, or other written or printed matter. To advertise.

“Writing.” Expressions referring to writing include printing, stencilling, typing, and any mode of representing or reproducing words or figures in a visible form : Writing.

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.

5. For the purposes of this Act an article of food or a drug is adulterated or falsely described— Adulteration or false description.

- (a) when it contains, or is mixed or diluted with, any substance in any quantity or in any proportion which diminishes in any manner its food value or nutritive properties as compared with such article in a pure or normal state and in an undeteriorated or sound condition ; or Pure Food Act (Vic.), s. 24. U.S.A. Pure Foods Act, 1906, s. 7.
- (b) when it contains or is mixed or diluted with any substance of lower commercial value than such article in a pure or normal state, and in an undeteriorated or sound condition ; or
- (c) when, either wholly or in part, it does not comply with a standard therefor prescribed by any regulation ; or
- (d) when it contains any substance prohibited by the regulations ; or
- (e)

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- (e) when it contains any substance concerning which any restrictive regulation has been made in excess of any quantity or proportion permitted by such regulation ; or
 - (f) when it is mixed, coloured, powdered, coated, or stained in a manner whereby damage or inferiority may be concealed ; or
 - (g) when it consists wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, or of any portion of an animal unfit for food, whether manufactured or not ; or
 - (h) when it is the product of a diseased animal, or of one which has died otherwise than by slaughter ; or
 - (i) when it is damaged, deteriorated, or perished ; or
 - (j) when any valuable constituent of the article has been wholly or in part abstracted ; or
 - (k) when it is in any package, and the contents of the package as originally put up have been removed in whole or in part and other contents have been placed in such package, or if it fails to bear on the package, or on a label attached thereto, a statement of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein, or any other substance specified by the regulations as necessary to be so stated ; or
 - (l) when it is in package form, and the contents are stated in terms of weight or measure, and they are not correctly stated on the outside of such package as provided by this Act ;
 - (m) when it is in package form and the package, or any label attached thereto, bears a statement, design, or device regarding such article of food or drug, or the ingredients or substance contained therein, or its physiological, curative, or therapeutic effect, which is false or misleading in any particular :
Provided

Provided that in a prosecution or other proceeding under this Act for selling an article of food or a drug to which paragraph (a) or paragraph (b) applies, such article or drug shall not be deemed to be adulterated or falsely described if it is sold as a mixture in accordance with the provisions of this Act :

Provided further that nothing in this Act shall be construed as requiring proprietors or manufacturers of proprietary foods or drugs which contain no poisonous added ingredient to disclose their trade formulæ, except in so far as the provisions of this Act may require to secure freedom from adulteration or false description.

Advisory committee.

6. (1) The Governor shall appoint, for the purposes of this Act, an advisory committee. Advisory committee. Pure Food Act (Vic.), s. 40.

(2) The persons so appointed shall act for no longer period than two years from the date of their appointment, but may be reappointed. Pure Food Act (Vic.), s. 40.

(3) Any member of the committee may be removed by the Governor on the recommendation of the board.

7. (1) At all meetings of the committee the chairman shall have a vote, and in the event of an equality of votes a second or casting vote. Procedure at meetings of committee. Pure Food Act (Vic.), s. 40.

(2) Any five members of the committee shall constitute a quorum. Pure Food Act (Vic.), s. 40.

(3) The Governor may make regulations relating to the meetings of the committee.

8. The members of the committee, other than those employed in the public service, shall be paid attendance fees of such amount as may be prescribed by regulations, but such fees shall not exceed two guineas per member per sitting. Fees of members. Ibid.

Administration of Act.

9. The administration and the enforcing of the provisions of this Act shall primarily be the duty of the Board of Health, but may, by the 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. Administration of Act.

PART II.

PROHIBITED ARTICLES.

Sale of food and drugs.

10. No person shall sell any article of food or any drug which is adulterated or falsely described, or which is packed or enclosed for sale in any manner contrary to any provision of this Act.

Adulterated food.

Ibid. s. 35.

11. (1) No person shall for purposes of sale—

Mixing food or drugs so as to be injurious to health.

Principal Act, s. 87.

(a) mix, or cause or permit to be mixed, any ingredient or material with any article of food, or colour any such article, or cause or permit the same to be coloured, so as in any such case to render such article dangerous or injurious to health ; or

(b) mix, or cause or permit to be mixed, any ingredient or material with any drug, or colour any such drug, or cause or permit the same to be coloured, so as to affect injuriously the quality or potency of such drug.

(2) No person shall sell any food or drug mixed with any such ingredient or material, or so coloured as aforesaid, whereby such food or drug is rendered dangerous or injurious to health, or whereby its quality or potency is injuriously affected.

Selling food or drugs so as to be injurious to health.

12. (1) No person shall—

Mixing or selling food to increase bulk.

Principal Act, s. 88.

(a) for purposes of sale, mix, or cause or permit to be mixed, any ingredient or material with any food or drug in order thereby fraudulently to increase its weight, bulk, or measure, or to conceal its inferior quality ; or

(b) sell any food or drug mixed with any ingredient or material whereby the weight, bulk, or measure of such food or drug has been fraudulently increased, or its inferior quality concealed.

(2) No person shall—

Selling food or drugs not of the nature demanded.

(a) sell any food or drug which is not of the nature, substance, or quality of the food or drug demanded by the purchaser ; or

(b)

- (b) sell any compounded food or drug which is not composed of ingredients in accordance with the demand of the purchaser.

(3) In any prosecution under this section it shall be no defence to prove that the food or the drug, the subject of the prosecution, though defective in nature, or in substance, or in quality, was not defective in all three respects.

(4) For the purposes of this section, any drug sold under any name included in the British Pharmacopœia which does not comply with the description given of and tests prescribed for such drug in the latest edition, with amendments, of the British Pharmacopœia shall, unless such drug be included in a list of exceptions published in the Gazette, under the authority of the Minister, be deemed to be a drug which is not of the substance of the drug demanded by the purchaser.

As to defences.

Drugs to comply with tests specified in the British Pharmacopœia.

Ibid. s. 91.

13. (1) Where any person sells a food or drug which is a mixture, the ingredients shall be pure and in an undeteriorated and sound condition, and shall comply with prescribed standards, and such person shall deliver the mixture to the purchaser in a package, on or attached to which shall be a statement or label, legibly and uniformly written, stating that the food or drug is a mixture, and the names of the ingredients, and when the mixture is a food, the proportions of ingredients when so prescribed :

Sale of mixture. See *Ibid.* s. 88.

Provided that it shall not be necessary so to attach a statement or label in the case of—

- (a) an article of food or a drug generally known to users as a compounded article or a drug not recognised by the British Pharmacopœia mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or to conceal its inferior quality ; or
- (b) a drug supplied by prescription or order signed by a legally qualified medical practitioner for any person then under his care and treatment ; or

(c)

- (c) a mixture exempted from this section by the regulations, which exemption may be applied to classes of articles; or
- (d) a mixture supplied by a registered pharmacist for immediate consumption on his premises.

(2) No person shall sell any food or drug which is a mixture in respect of which the provisions of this section have been contravened, or have not been complied with.

13A. No person shall have in his custody or 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 adulterated, falsely described, or packed contrary to the provisions of this Act.

Food in packages.

14. (1) Except in the case of a package of food or drug which has been exempted from any or all of the provisions of this section by the regulations there shall be legibly and durably written on or attached to every package of food or drug packed or enclosed for sale a statement or label indicating the trade name or description, the net weight or the number, true measure or volume of the contents thereof, and the name and address of the vendor or the maker thereof, or of the agent therefor or the owner of rights of manufacture: Provided that where such vendor, maker, agent, or owner is a company registered under the Companies Act, or is a firm having its name registered under the Registration of Firms Act, the address of such company or firm may be omitted. No person shall, after the expiration of six months from the commencement of this Act, sell in a package any food or drug unless such a statement or label is written on or attached to such package as required by this section.

Packages to be labelled with description, weight, &c., of contents. Pure Food Act, (Vic.), s. 15.

(2) In the case of any liquors paying excise or customs duty, the measures set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section in regard to measure.

Liquors.

(3)

(3) Weights and measures closely approximating those indicated on the statement or label will be allowed, but the degree of approximation may be fixed by the regulations, either generally or with respect to particular articles of food :

Approximate weights and measures.

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

15. Where any food or drug in connection with which there is a contravention of any of the provisions of this Act is sold in a closed package to any officer, any person who appears from any statement or label thereon, or attached thereto, to have imported, manufactured, or prepared such food or drug, or to have enclosed it in such package, shall, unless he proves to the contrary, be deemed to have so imported, manufactured, prepared, or enclosed such food or drug, and (unless the contravention is shown to be due to the default of the person on whose premises the package is found, or to deterioration or other causes beyond the control of the person named on the package or label) shall be guilty of an offence against this Act.

Liability of person named on package.
Ibid., s. 16.

Advertised articles.

16. (1) The board may, and on the recommendation of the advisory committee shall, caused to be examined any food, drug, or article which is advertised, for the purpose of ascertaining its composition and properties, and efficiency, and shall compare the results of the examination with any advertisement which relates to the food, drug, or article, and with the price at which it is sold, and shall prepare and forward to the Minister a report upon the whole matter, which may include any comment which the board thinks desirable in the public interest.

Examination and report upon food, drugs, and appliances advertised.

(2) The board may thereupon, with the approval of the Minister, cause the report to be published in the Gazette, and in any newspaper or public print which circulates within New South Wales, and to be distributed among the public in any other way, and no action shall lie in respect of such publication.

(3)

(3) Any proprietor or manager of a newspaper or public print may republish therein any such report which has been published by the board as aforesaid, and no action shall lie against such proprietor or manager in respect of the republication.

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.

(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.

(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 :

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 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 this Act.

17. (1) The Governor, on the recommendation of the board, or of a District Court judge on appeal, may, by notification in the Gazette, and in any newspaper circulating in New South Wales, prohibit, after the date therein mentioned, the advertising or sale of any food or drug or appliance which, in the opinion of the board or of the said judge, is injurious to life or health, or useless for the advertised purposes.

Prohibition
of sale of
injurious
drugs or
appliances.

(2)

(2) No person shall advertise or sell any food or drug or appliance in contravention of any notification as aforesaid, and no proprietor or manager of a newspaper or other public print shall publish any advertisement prohibited under this section, and no person shall print any such advertisement. Advertisement.

(3) Provided that the prohibition shall not apply to the advertisement in bona fide trade journals and price lists of drugs by or on behalf of manufacturers to the retail trades only, nor to the sale of drugs supplied by prescription or order signed by a legally qualified medical practitioner, and by him given to any person then under his care and treatment as such practitioner, or to any other person on his behalf. Saving.

Disinfectants and preservatives.

18. (1) The Governor, on the recommendation of the Board, or of a District Court judge on appeal, by notification in the Gazette, may prohibit the sale of any substance or compound as a disinfectant, germicide, antiseptic, or preservative. Prohibition of sale of disinfectants and preservatives.

(2) No person shall sell any substance or compound so prohibited.

19. (1) The Board, by notification in the Gazette, may require concerning any substance or compound sold or intended to be sold as a disinfectant, germicide, antiseptic, or preservative, that such information or directions as it deems fit shall be set out on a statement or label written on or attached to any package containing the same. Labelling of disinfectant.

(2) No person shall sell any such substance or compound unless such information or directions are set out as aforesaid.

Appeal.

20. Any person deeming himself aggrieved by any report or recommendation of the board under section sixteen or section seventeen or section eighteen may appeal therefrom to a District Court judge, who may hear and determine such appeal, and may vary the report or recommendation or rescind the same and make

a fresh report or recommendation. No such report shall be published or prohibition made pending such appeal. Such hearing may be in private.

The Governor may make regulations prescribing in what cases and to whom notice shall be given of any such report or recommendation of the board, and regulating appeals under this section.

Milk.

21. (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 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, 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.

(3) The Governor, on recommendation of the board, may declare from time to time what are diseases in cattle for the purposes of this section.

PART III.

INSPECTION AND ANALYSIS.

Inspection and removal of food, drugs, or articles.

22. (1) Any officer may enter and inspect any place which he has reasonable ground for believing is kept or used for the sale, storage, delivery, conveyance, manufacture, or preparation for sale of any article used, or which he has reasonable grounds for believing is intended to be used, as a food or drug; or which he has reasonable grounds for believing is a prohibited article; and may inspect any such article: Provided that where such officer

Entry and inspection of place and animals or articles therein.

Health Act (Vic.), 1880, s. 52.

Pure Food Act (Vic.), ss. 4, 5.

officer is an officer of the board or of a local authority, or is a member of the police force, he must have the authority in writing of the board or of the local authority, or of the Inspector-General of Police, as the case may be. Such authority may be general, or may be limited to a specified place.

(2) When any such article is usually sold, delivered, conveyed, manufactured, or prepared for sale during the night, such entry and inspection may be made at any reasonable time in the day or night; otherwise, such entry and inspection shall only be made at a reasonable time in the day.

Time for entering and inspection.

(3) Any officer may inspect any article used, or which he has reasonable ground for believing is intended to be used, as a food or drug, or which he has reasonable grounds for believing is a prohibited article, and which is being conveyed through any public street or road, or conveyed by water in any vessel or boat, or by railway, for the purposes of trade, sale, or delivery.

Inspection of articles conveyed through streets. Pure Food Act (Vic.), ss. 4, 5.

(4) Where the officer is an officer of a local authority, his powers under this section may be exercised within the area of the local authority, and on any part of a road, river, stream, or watercourse, the centre or middle line of which forms a common boundary between such area and any adjoining area.

(5) Any officer may—

- (a) examine and open any such article or any package enclosing the same in any such place, or conveyed as aforesaid ;
- (b) remove for examination or analysis portions or samples of any such article ;
- (c) weigh, count, measure, gauge, or mark such article or package, and fasten, secure, or seal the same, or any door or opening affording access to the same ;
- (d) seize any such article which is, or appears to him to be, dangerous or injurious to health or unwholesome, or unfit for use, or to be a prohibited article, and any package or vessel enclosing or containing the same ;
- (e) destroy any article which is at the time of seizure or which may thereafter become decayed or putrid.

Examination, seizure, and destruction of articles. *Ibid.*

If

If the inspector is satisfied that the animal or article of food or drug is utterly unfit for human consumption, and should forthwith be destroyed in order to prevent offensiveness or disease, he may, on the authority in writing of a justice, cause it to be destroyed accordingly.

All expenses incurred by the officer in the examination, seizure, or destruction of any animal or food under this section shall, if such animal or food was diseased or unsound, or unwholesome or unfit for human consumption, be paid by the owner to the officer, and in default of payment may be recovered in a summary way before any two justices.

For the purposes of this section—

- (a) it shall, until the contrary is proved, be presumed that the animal or food was intended to be sold or prepared for sale for human consumption; and
- (b) the packing cases, tins, wrappers, coverings, and all other packing material may be dealt with in the same manner as the food contained therein; and
- (c) the word “owner” shall include consigner, consignee, indenter, importer, agent, broker, manufacturer’s or seller’s agent, or the person in possession of the animal or food.

Any officer authorised, either generally or for any limited period, or for any particular case, may—

- (a) inspect, and for that purpose, where deemed necessary, open up, take apart, and test any appliance or utensil used in the manufacture, preparation, storing, preservation, packing, delivering, or serving of any food, drug, or article;
- (b) seize any such article, appliance, or utensil which is, or appears to him to be, injurious or unwholesome, or unfit for use, or to be a prohibited article, and any package enclosing or containing the same.

(6) Any justice may thereupon grant a summons calling upon the owner of the article, or the person in whose possession it has been found, to appear before any

Summons.
See Principal
Act, s. 85.

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any police or stipendiary magistrate, or any two justices in petty sessions, to show cause why the article and the package or vessel aforesaid should not be forfeited and destroyed.

(7) Upon the said owner or person so appearing, or if after being so summoned he fails to appear, the said magistrate or justices may, after inquiry into the matter, and if satisfied by reasonable proof—

Proceedings upon such summons.

- (a) that the article is used or is intended to be sold or used as food, and was unfit for human consumption; or
- (b) that the article is used or is intended to be sold or used as a drug, and was unfit for use, or might, if sold to a purchaser and used by him in a proper manner, injuriously affect him; or
- (c) that the article is a prohibited article;

adjudge such article, and also every such package or vessel to be forfeited, and the same shall be destroyed.

In default of such reasonable proof the article and the said package or vessel shall be forthwith restored to the owner or person in whose possession they were found.

(8) In every such proceeding the presence of food in any place shall be evidence that such food was intended to be sold or used for human consumption; and the presence of drugs in any place shall be evidence that such drugs were intended to be sold or used.

Evidence.

(9) This section shall, without restricting its general application, extend and apply to articles packed, bottled, or tinned, or sold or offered for sale, or made up or included in or prepared or cooked for any meal to be consumed on the premises at any shop, factory, eating-house, licensed house, or any place or premises or elsewhere.

Application of section. Pure Food Act (Vic.), ss. 4, 5.

Purchase of samples for analysis.

23. (1) On payment or tender to any person selling or manufacturing or preparing for sale any food or drug, or to his agent or servant, or to any person in charge of the food or drug, of the current market value thereof or at the rate of payment prescribed, any officer may demand and select and take or obtain samples of the said food or drug as required by him for the purposes of this Act.

Power to demand, select, and take samples. *Ibid.* s. 13. See Principal Act, s. 79.

(2)

(2) Any such officer may require the said person or his agent or servant to show and permit the inspection of any package or vessel in which such food or drug is at the time kept, and may take or draw, or may require the said person to take or draw, therefrom the samples demanded :

Provided that where any food or drug is kept for retail sale in a closed package, no person shall be required by any officer to sell less than the whole of such package.

(3) If any rates have been fixed by regulation for the payment for samples of any food or drug it shall not be necessary for any officer to tender any higher price for such sample.

(4) Any person may, on payment of the prescribed fee, together with the cost of the sample, require any officer to purchase a sample of any food or drug and submit the same for analysis.

(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 hydrometer, the alcoholic strength of such liquor.

Procedure on taking sample.

24. (1) The person purchasing or the officer taking or obtaining any food or drug with the intention of submitting it to analysis shall thereupon notify such intention to any person then present, being the owner or his agent or servant or other person in charge of such food or drug.

Manner in which sample may be dealt with.
Principal Act, s. 80,

(2) The said person or officer shall divide any such food or drug into three parts, to be then and there separated, and each part to be labelled or marked and sealed or fastened up in such manner as its nature will permit, and shall then deliver one of the said parts to the owner, agent, servant, or person aforesaid, and shall retain one of the said parts for future comparison, and submit the third part to an analyst.

Division of sample.

(3)

(3) Provided that when any food or drug is contained in a bottle, tin, or other package in such quantity that its division into three parts, as hereinbefore provided, would furnish parts insufficient for accurate analysis, additional bottles, tins, or packages which purport to contain a similar food or drug under the same brand or label, may be taken or obtained, and the contents of two or more bottles, tins, or packages may be mixed together and the mixture divided and submitted for analysis as hereinbefore provided.

Where quantity in package is insufficient for analysis.

(4) Provided also that this section shall not apply to milk in transit or awaiting transit.

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.

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.

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

25. Where the person purchasing or the officer takes or obtains a sample of any food or drug in a locality which is situated outside a radius of _____ miles from the General Post Office, at _____, such sample may be forwarded to an analyst through the post office, as a registered article, or may be forwarded under seal in any other convenient way, in which case the certificate of the analyst that, on receipt by him, the seal was unbroken shall be sufficient evidence of identity. Any charge for postage or carriage shall be deemed one of the expenses of the analysis.

Forwarding of sample by post.

Analysis by direction of councils.

26. The board may require any council to submit for analysis during each year not less than _____ samples or portions of articles of food or drugs for each thousand persons of the population of its area. The articles to be so submitted for analysis may from time to time be specified by the board on the recommendation of the advisory committee.

Councils to submit samples for analysis.

Pure Food Act (Vic.), s. 17.

Appointment

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Appointment of analysts.

27. The Governor may appoint persons to be analysts, ^{Appointment} and may make regulations concerning their qualifications, _{of analysts.} any may prepare a list of analysts and revise such list from time to time.