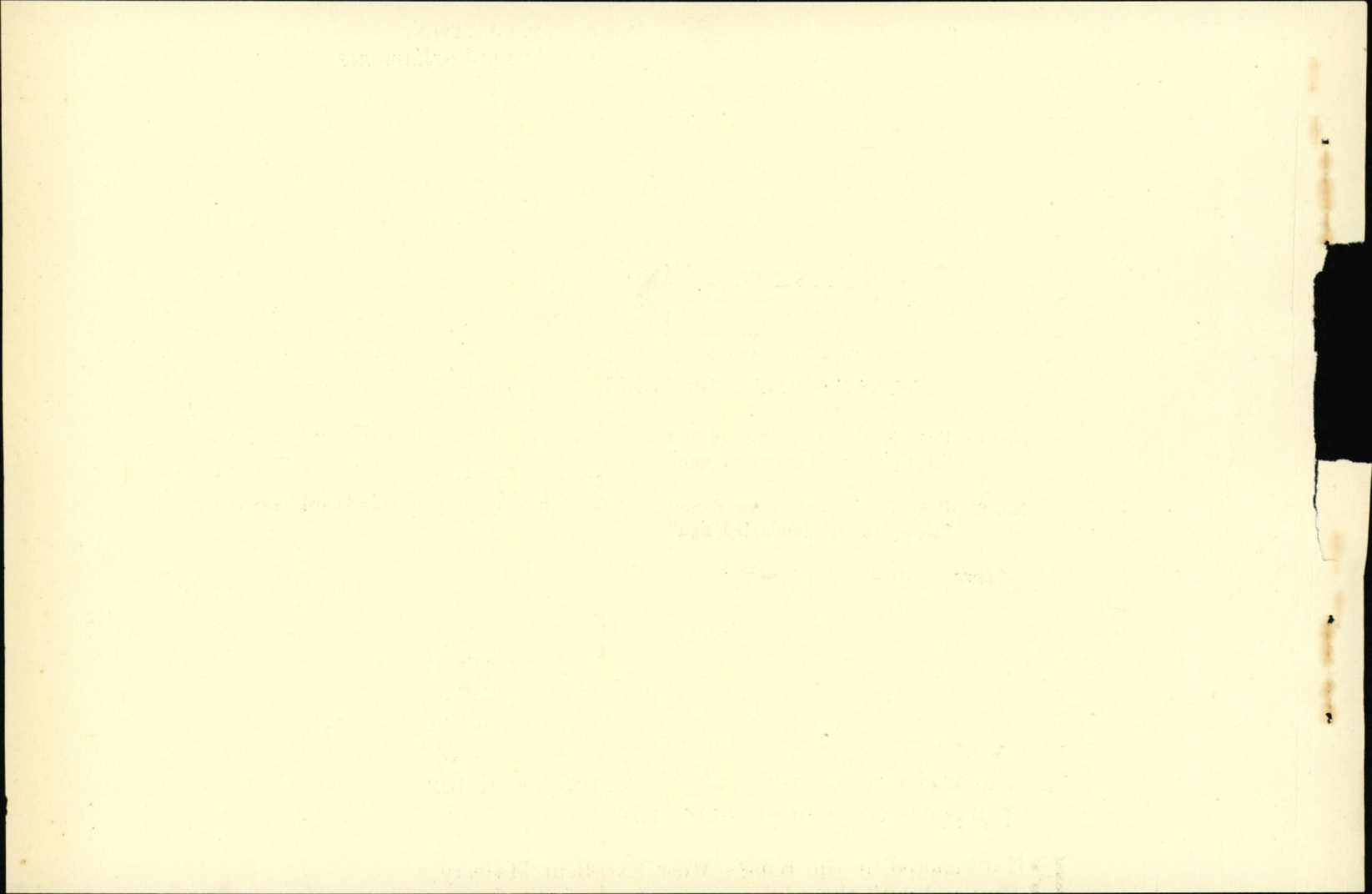


STOCK FOODS AND MEDICINES BILL.

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*Schedule of the amendments referred to in Message of 22nd May, 1940.*

- No. 1.—Page 8, clause 8, lines 19 and 20. *Omit* all words after “sign-board” *insert*  
**“sign-plate or illuminated sign”**
- No. 2.—Page 9, clause 9, lines 6 and 7. *Omit* all words after “sign-board” *insert*  
**“sign-plate or illuminated sign”**



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 14 May, 1940.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*  
Legislative Council Chamber,  
Sydney, 22nd May, 1940.

## New South Wales.



ANNO QUARTO

# GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1940.

An Act to regulate in certain respects the sale of foods and medicines for animals and birds; to provide for the constitution of a Stock Medicines Board and to define its powers, authorities, duties and functions; and for purposes connected therewith.

**B**E 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.** (1) This Act may be cited as the "Stock Foods and Medicines Act, 1940." Short title and commencement.

28851

341—A

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Stock Foods and Medicines.*

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

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

Division  
into Parts.

15

PART I.—PRELIMINARY.

PART II.—STOCK FOODS.

PART III.—STOCK MEDICINES.

PART IV.—GENERAL PROVISIONS.

3. In this Act, unless the context otherwise indicates  
10 or requires— Interpretation.

“Analyst” means analyst appointed under this Act.

“Bacteriologist” means bacteriologist appointed under this Act.

15

“Biological product” includes any vaccine serum or virus, whether living or dead, aggressins, gland extracts and diagnostic agents or any other product of bacterial growth. cf. Vict. Act No. 4488 (1937), s. 2.

“Board” means the Stock Medicines Board constituted under this Act. *Ibid.*

20

“By-products” includes husks, bran, pollard, brewer’s grains and materials produced from any kind of grain in any process of treatment or manufacture not being the primary object of such process and also includes any other commodity, substance, material or matter which may be declared by the regulations to be a by-product for the purposes of this Act. cf. Vict. Act No. 3780 (1928), s. 3.

25

“Chaff” means hay or straw cut into short lengths. *Ibid.*

30

“Foreign ingredient” includes any substance, plant, part of a plant, or the seeds of any plant which may be declared by the regulations to be a foreign ingredient. *Ibid.*

35

“Hay” means any cereal, legume or grass cut before complete ripeness and dried and from which the grain or seed has not been removed.

“Hay chaff” means chaff consisting only of hay. *Ibid.*

“Inspector”

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*Stock Foods and Medicines.*

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“Inspector” means inspector appointed under this Act.

“Manufactured stock food” includes—

- 5 (a) all kinds of meals and foods for stock prepared whether in whole or in part from one or more kinds of grain, nut, or oils or juices or meats or other substances of a like nature; and
- 10 (b) any condimental, patented or proprietary stock foods claimed to possess nutritive properties or nutritive as well as medicinal properties; and
- (c) stock licks.

15 “Package” includes anything in or by which any stock food or stock medicine is cased, covered, enclosed, contained or packed.

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

20 “Regulations” means regulations made under this Act.

25 “Sell” includes barter or exchange and also includes agreeing to sell or offering or exposing for sale or having in possession for sale or sending, forwarding or delivering for or on sale or causing, suffering or attempting any of such acts or things; and derivatives from “sell” have a corresponding meaning.

*cf. Viet. Act No. 4488 (1937), s. 2.*

30 “Stock” means any animal or bird of the following kinds or species, namely:—Horse, cow, sheep, goat, pig, dog, domestic fowl, duck, goose, turkey or pigeon.

*cf. Ibid.*

35 “Stock food” includes hay, straw, chaff, grain, manufactured stock food and by-products and also includes any other substance declared by the regulations to be a stock food.

“Stock

*Stock Foods and Medicines.*

5 "Stock lick" means any preparation consisting of or containing any mineral, inorganic substance, bone or mineral salt or salts and claimed to supply or primarily intended for supplying mineral matter to stock; and includes any prescribed preparation consisting of or containing any mineral salt or salts.

cf. Vict. Act No. 4382 (1936), s. 2.

10 "Stock medicine" means any substance, or mixture or compound of substances, or biological product which is intended to be administered or applied to stock by any means for the purpose of—

cf. Vict. Act (1937) No. 4488, s. 3.  
Qld. Act No. 33 of 1933, s. 2.

- 15 (a) curing or alleviating any injury to stock;
- (b) diagnosing, curing, alleviating or preventing any disease of any stock;
- (c) destroying any parasite or pest affecting stock; or
- 20 (d) improving the condition of any stock or increasing the capacity of any stock for work or for production or for reproduction of progeny,

but does not include—

- 25 (i) any such substance, mixture, compound or product bona fide prescribed by a veterinary surgeon in the course of the practice of his profession as such or supplied by him for any stock for the time being under his professional care or charge; or
- 30 (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.
- 35

"Straw" means any dried cereal, legume or grass from which the seed or grain has been removed in any way.

"Veterinary

*Stock Foods and Medicines.*

“Veterinary surgeon” means a veterinary surgeon registered under the provisions of the Veterinary Surgeons Act, 1923.

5 “Wholesale dealer” in respect of any stock food or stock medicine means the manufacturer, importer or other person primarily responsible for placing such stock food or stock medicine on the market in New South Wales.

cf. Vict.  
Act No.  
4488, s. 2.

## PART II.

## 10 STOCK FOODS.

4. (1) In any sale, contract or agreement for the sale or delivery of chaff such chaff in the absence of a written agreement to the contrary shall be presumed to be hay chaff.

Sales of  
chaff to be  
deemed  
sales of hay  
chaff unless  
otherwise  
stated.

15 (2) Any person who sells or contracts or agrees to sell or deliver chaff shall, in the absence of such a written agreement to the contrary, be guilty of an offence against this Act if the chaff so sold or contracted or agreed for is not hay chaff.

cf. Vict. Act  
No. 3780  
(1928), s. 5.

20 5. (1) Every wholesale dealer in any manufactured stock food or in any by-product shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade as a wholesale dealer in such stock food or by-product

Registration  
of manufac-  
tured stock  
foods and  
by-products.

25 (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for registration of such stock food or by-product in writing in or to the effect of the prescribed form setting

cf. Vict. Act  
No. 4382  
(1936), s. 2.

30 out the following particulars:—

- (a) his name and place of business;
- (b) all marks, figures, words or letters (in this Act referred to as “the distinguishing name”) used or intended to be used in connection with every such

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*Stock Foods and Medicines.*

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such stock food or by-product which he then sells or which he then proposes to sell during the period ending on the next following thirtieth day of June;

- 5 (c) the place of manufacture thereof;
- (d) the names of the grains, salts or other materials from which such stock food or by-product is or is to be prepared;
- 10 (e) a chemical analysis of such stock food or by-product stating—
- (i) in the case of a stock food (other than a stock lick) or a by-product—
- the minimum percentage of crude protein;
- 15 the minimum percentage of crude fat;
- the maximum percentage of crude fibre,
- 20 contained in such stock food or by-product, and
- (ii) in the case of a stock lick—
- the maximum percentage of salt (sodium chloride);
- 25 the minimum percentage of phosphoric acid ( $P_2O_5$ ), lime, magnesia, iron, sulphur and iodine and of any other prescribed constituent,
- contained in such stock lick;
- 30 (f) such further particulars as may be prescribed.
- (2) Every such application shall be accompanied by—
- (a) a statutory declaration by such wholesale dealer verifying the statements and particulars contained in such application; and
- 35 (b) the prescribed fee.

(3)



*Stock Foods and Medicines.*

(3) If after the thirtieth day of June in any year any wholesale dealer in any manufactured stock food or in any by-product proposes to sell any manufactured stock food or by-product in addition to those already registered 5 pursuant to this Part such wholesale dealer shall before commencing to sell such additional stock food or by-product make with respect to the same a like application for registration as hereinbefore prescribed.

(4) The registration of any manufactured stock 10 food or by-product shall subject to this Act continue in force until the thirtieth day of June next following the date of registration.

6. (1) Every vendor of any manufactured stock food or of any by-product shall securely and conspicuously 15 affix a label in accordance with this section to every package containing the stock food or by-product.

Labels to be affixed to packages.  
cf. Vict. Act No. 4382 (1936), s. 6.

(2) On every such label there shall be set out—

(a) the name and place of business of the wholesale 20 dealer who manufactured or imported the stock food or by-product or who was primarily responsible for placing the same on the market in New South Wales;

(b) the distinguishing name of the stock food or by-product;

(c) the net weight of the contents of the package;

(d) the chemical analysis required by this Act to be set out in the application for registration of such stock food or by-product, and

(e) such further particulars as may be prescribed.

(3) The particulars required by this section to be 30 set out on such label shall, notwithstanding any agreement to the contrary, have effect as a warranty by the vendor of the accuracy of such particulars.

Particulars required to be set out on labels to constitute a warranty.  
*Ibid.*

(4) The provisions of subsections one and two of 35 this section shall not apply in any case where a retailer breaks a package labelled as herein provided of any such stock

Non-application of subsections (1) and (2).  
*Ibid.*

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*Stock Foods and Medicines.*

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stock food or any by-product in order to sell portion of the stock food or by-product contained in the package without altering or adding to the stock food or by-product.

(5) This section shall extend so as to apply to any block, cake or slab of manufactured stock food or by-product which is not contained in a package; and for the purposes of such application a reference to the package containing the stock food shall be construed as a reference to the surface of the block, cake or slab.

10 7. The proportion or amount of foreign ingredients which may be contained in any kind of stock food and the character of such foreign ingredients may be prescribed by regulation.

Foreign ingredients.  
cf. Vict. Act  
No. 3780  
(1928), s. 6.

15 8. (1) Every invoice, agreement, circular or advertisement relating to stock food shall state specifically the materials of which such stock food consists.

Invoice, &c.,  
to constitute  
a warranty.

*Ibid.* s. 7.

In this subsection the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board, or sign plate prior to the first day of  
20 May, one thousand nine hundred and forty **sign-plate or illuminated sign.**

(2) Such statement in any invoice, agreement, circular or advertisement as aforesaid shall, notwithstanding any agreement to the contrary, constitute a  
25 warranty by the vendor that such stock food consists solely of the materials so specified and contains no greater proportion or amount of foreign ingredients than is prescribed.

30 9. Every invoice, agreement, circular, or advertisement relating to any manufactured stock food or to by-products—

Invoices,  
&c., as to  
mixed foods.

*Ibid.* s. 8.

(a) shall state specifically the original grain or materials from which such food or by-products were prepared; and

35 (b) shall constitute a warranty by the vendor that such food or by-products are prepared only from the specified original grain or materials and also that such food or by-products are suitable as food for stock and in the case of any agreement,

*Stock Foods and Medicines.*

agreement, circular or advertisement for the particular kind of stock (if any) specified therein.

In this section the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board, or sign plate prior to the first day of May, one thousand nine hundred and forty sign-plate or illuminated sign.

10 **10.** Except in such cases or in such circumstances as may be prescribed, the vendor, upon the sale of any stock food (whether paid for at the time of sale or not) shall at the time of sale or within seven days after delivery of the stock food or any part thereof give to the purchaser an invoice containing the statements  
15 required by this Act.

Invoice to be given by vendor.  
cf. Vict. Act No. 3780 (1928) s. 9.

**11.** Any person who—

- (a) sells any stock food which contains a greater proportion or amount of foreign ingredients than is prescribed;
- 20 (b) sells any stock food which does not consist solely of the materials or has not been prepared solely from the original grain or materials specified in any invoice, agreement, circular or advertisement relating thereto;
- 25 (c) sells any manufactured stock food or by-product which—
- (i) does not consist solely of the materials set out in the application for registration of such stock food or by-product;
- 30 or
- (ii) is not registered in accordance with the provisions of this Act and the regulations thereunder; or
- (iii) is not in accordance with the chemical analysis set out on the label; or
- 35 (iv) is not in accordance with the standard prescribed therefor; or
- (d) contravenes or fails to comply with any provision of this Part of this Act,
- shall be guilty of an offence against this Act.

Offences and penalties.  
*Ibid.* s. 10.

PART

*Stock Foods and Medicines.*

## PART III.

## STOCK MEDICINES.

12. (1) For the purposes of this Part there shall be constituted a Board to be called the "Stock Medicines Board."

Constitution  
of Stock  
Medicines  
Board.

cf. Vict. Act  
No. 4488  
(1937), s. 3.

Membership  
of Board.

*Ibid.*

(2) The Board shall consist of—

(a) the persons holding for the time being under the Public Service Act, 1902, the office of the Chief Veterinary Surgeon of the Department of Agriculture who shall be Chairman of the Board, the office of the Chief Chemist of the Department of Agriculture, and the office of the Director of Veterinary Research of the Department of Agriculture respectively;

(b) a veterinary surgeon appointed by the Minister.

(3) Subject to this Act the appointed member of the Board shall hold office for a period of not more than two years, but shall be eligible for re-appointment if then qualified.

Term of  
office of  
appointed  
member.

*Ibid.*

(4) The Minister may at any time remove the appointed member of the Board.

Removal of  
appointed  
member.

*Ibid.*

(5) Any vacancy in the office of the appointed member of the Board shall be filled by the appointment of a qualified person thereto.

Filling  
vacancy in  
office of  
appointed  
member.

*Ibid.*

(6) A quorum of the Board shall consist of not less than two of the members thereof. At any meeting of the Board the Chairman shall have a deliberative vote and if the voting is equal shall have a second or casting vote.

Quorum.

*Ibid.*

(7) Save as is otherwise prescribed, the Board may meet at such times and places and may conduct its business in such manner as it thinks fit.

Conduct of  
business,  
etc.

*Ibid.*

(8) The appointed member of the Board shall be entitled to be paid a fee of two guineas for each meeting of the Board which he attends.

13. (1) Every wholesale dealer in any stock medicine shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing

Application  
for registra-  
tion of stock  
medicine.

*Ibid.* s. 5.

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*Stock Foods and Medicines.*

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commencing in business or trade as such (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for  
5 registration of such stock medicine in writing in or to the effect of the prescribed form setting out—

- (a) his name and place of business;
- (b) the distinctive name of such stock medicine;
- 10 (c) the place of manufacture thereof and the name of the manufacturer;
- (d) (i) in the case of a stock medicine other than a biological product—the prescription thereof, that is to say, the actual prescription to which such stock medicine is made, stating  
15 all the constituent parts and their respective proportions and the constituents thereof which are claimed to be active constituents; and
- 20 (ii) in the case of a stock medicine which is a biological product—the composition thereof, that is to say, the specific organism or product or ingredient claimed to be the active principal of such biological product and the concentration of such organism, product or  
25 ingredient;
- 30 (e) full directions for the use and application of such stock medicine and a statement of the injuries which it is intended or claimed to cure or alleviate or of the disease which it is intended or claimed to diagnose, cure, alleviate or prevent or of the parasite or pest affecting stock which it is intended or claimed to destroy or of the improvement in condition or increase in capacity  
35 of stock which it is intended or claimed to effect (as the case may be); and
- (f) such other matters as are prescribed.

*Stock Foods and Medicines.*

(2) Every such application shall be accompanied  
by—

(a) a statutory declaration by such wholesale dealer  
verifying the statements and particulars con-  
tained in such application; and

(b) the prescribed fee.

(3) If after the thirtieth day of June in any year  
any wholesale dealer in any stock medicine—

(a) proposes to sell any stock medicine in addition  
to those registered under this Part, or

(b) alters in any way the prescription or composi-  
tion of any stock medicine registered under this  
Part,

such wholesale dealer shall before commencing to sell  
such additional stock medicine or such stock medicine as  
so altered make with respect to the same a like applica-  
tion for registration as hereinbefore prescribed.

(4) If after registration of any stock medicine the  
wholesale dealer in such stock medicine proposes to vary  
the directions for use and application of the stock medi-  
cine as contained in his application for registration he  
shall before commencing to sell such stock medicine  
notify in writing the Under Secretary of the Department  
of Agriculture of such proposed variation.

(5) The registration of any stock medicine shall,  
subject to this Act, continue in force until the thirtieth day  
of June next following the date of registration.

**14.** The information as to the prescription or com-  
position of any stock medicine contained in any applica-  
tion for registration of such stock medicine shall be  
deemed confidential and shall not be disclosed by any  
member of the Board or any officer of the Department  
of Agriculture to any other person without the authority  
in writing of the wholesale dealer in such stock medicine  
except in pursuance of this Act or so far as is necessary  
in respect of any proceedings for an offence instituted  
or proposed to be instituted under this Act.

Statutory  
declaration  
and fee to  
accompany  
application.  
cf. Viet. Act  
No. 4488  
(1937), s. 5.

Application  
for registra-  
tion of  
additional  
or altered  
stock  
medicine.  
cf. *Ibid.*

Information  
as to  
prescription  
or composi-  
tion of stock  
medicine to  
be deemed  
confidential.  
*Ibid.* s. 6.

*Stock Foods and Medicines.*

**15.** (1) Every application for registration of any stock medicine shall be submitted by the Under Secretary of the Department of Agriculture to the Board for its report and recommendation thereon.

Applications  
for registration  
to be submitted  
to Board.  
cf. Vict. Act  
No. 4488  
(1937), s. 7.

5 (2) No stock medicine shall be registered by the said Under Secretary unless the Board recommends that the registration should be made.

10 (3) Where the Board recommends that an application for registration of a stock medicine should be refused the recommendation shall be accompanied by a statement of the grounds upon which such recommendation is based.

15 **16.** (1) Where an application for registration of a stock medicine is refused the Under Secretary of the Department of Agriculture shall within seven days after the receipt by him of the recommendation of the Board send by post to the applicant a notice in writing setting out that the application has been refused and the grounds of such refusal.

Appeal  
against  
refusal of  
registration.

20 (2) The applicant may within the time prescribed appeal against such refusal to a District Court judge having jurisdiction in the district within which the applicant's place of business is situated.

25 (3) Such judge may summon witnesses, hear evidence and determine the matter having regard to this Part of this Act, the regulations, the circumstances of the case and the public interest.

30 (4) The decision of such judge upon any such appeal shall be final, and shall be binding upon the Under Secretary of the Department of Agriculture and the appellant, and shall be carried into effect accordingly.

(5) If in any decision under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the District Court.

(6)

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*Stock Foods and Medicines.*

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(6) A District Court judge determining any matter upon appeal under this section shall be assisted by two assessors, who may advise such judge, but shall not be entitled to take any other part in determining the  
5 matter.

(7) One of such assessors shall be the Dean of the Faculty of Veterinary Science of the University of Sydney or the person for the time being acting in his place or where neither of those persons is available or willing  
10 to act as assessor a veterinary surgeon appointed by the Minister, and the other of such assessors shall be a veterinary surgeon appointed by the Minister.

(8) Each assessor shall for every day or portion of a day during which he is engaged as such upon an  
15 appeal under this section be entitled to be paid a fee of five guineas.

**17.** (1) Every package of a registered stock medicine shall bear thereon or on a label securely and conspicuously affixed to the package the words "Registered  
20 under the Stock Foods and Medicines Act, 1940."

References to this Act, etc., upon packages and in advertisements of registered stock medicines. cf. Vict. Act No. 4488 (1937), s. 9.

(2) No such package or label shall bear thereon and no written or printed matter relating to any registered stock medicine shall contain any reference to this Act other than the words "Registered under the Stock  
25 Foods and Medicines Act, 1940."

(3) Any person who—

(a) sells any package of a registered stock medicine in respect of which any of the provisions of subsection one or subsection two are contra-  
30 vened; or

(b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter which contains any reference in contravention of subsection two of  
35 this section,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.



*Stock Foods and Medicines.*

**18.** Any person who after the expiration of a period of six months after the commencement of this Act—

- (a) sells any stock medicine which is not registered under this Part;
- 5 (b) sells under the name of a registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine; or
- 10 (c) sells any registered stock medicine in respect of which any claim or statement as to its efficacy for use for any purpose other than those stated in the application for registration of such stock medicine has been made by him or with his consent either verbally or in any written or printed matter relating thereto,
- 15

Offences in relation to sale and advertisement of stock medicines.

cf. Viet. Act No. 4488 (1937), s. 10.

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for any subsequent offence: Provided that no person other than

20 the wholesale dealer in any registered stock medicine shall be deemed guilty of any offence against the provisions of paragraph (b) of this section unless it is proved that he knew that the stock medicine sold did not conform with the registered prescription or composition.

**25 19.** (1) Any wholesale dealer in any registered stock medicine who—

- (a) sells under the name of such registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine;
- 30 (b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement as to the efficacy of such registered stock medicine for use for any purpose other than those stated in the application for registration of such stock medicine;
- 35

Offences by wholesale dealer and cancellation of registration.

cf. *Ibid.* s. 11.

(c)

*Stock Foods and Medicines.*

- (c) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement with respect to such registered stock medicine which is false or misleading in any material particular,
- 5 shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for
- 10 any subsequent offence.

- (2) If any wholesale dealer in any registered stock medicine is convicted of an offence against any of the provisions of subsection one of this section in respect of such stock medicine, the Under Secretary of the Department of Agriculture may on the recommendation of the Stock Medicines Board cancel the registration of such stock medicine.
- 15
- Cancellation of registration.

## PART IV.

## GENERAL PROVISIONS.

- 20 20. (1) The Governor may, subject to the provisions of the Public Service Act, 1902, appoint such inspectors, analysts, bacteriologists and other persons as may be deemed necessary for the purposes of this Act.
- 25 (2) The Minister may by writing under his hand authorise any officer of the Public Service or member of the police force to exercise, either generally or in any particular case or class of cases or for any specified place, all or any of the powers, authorities, duties and functions conferred or imposed on an inspector by this
- 30 Act.
- Any person so authorised shall, when acting within the scope of his authority, be deemed to be an inspector for the purposes of this Act.

Appoint-  
ment of  
inspectors  
and  
analysts.

*Stock Foods and Medicines.*

**21.** (1) Any inspector or any person duly authorised in that behalf under subsection two of section twenty of this Act may—

Powers of inspectors and officers.  
Q'ld. Act No. 18 of 1935, s. 5.

- 5 (a) enter and search any land, building, premises or place which he has reasonable grounds for believing is used for the making, manufacture, sale, storage, delivery or preparation for sale of any stock food or stock medicine;
- 10 (b) enter and search any vehicle, ship, vessel, aeroplane or other means of transport which he has reasonable grounds for believing is used for the conveyance of any stock food or stock medicine in the course of trade, sale or delivery;
- 15 (c) examine any stock food or stock medicine found upon such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and open any package containing any such stock food or stock medicine;
- 20 (d) take for analysis or examination samples of any such stock food or stock medicine without payment. The quantity and nature of samples and the proportion of the bulk from which such samples are to be taken shall be as prescribed;
- 25 (e) seize any such stock food which is or appears to him to be unfit for use as a stock food;
- (f) weigh, count, measure, gauge or mark any such stock food or any package containing the same so seized, and fasten, secure or seal the same and any door or opening giving access to the same.

(2) Where any stock food or stock medicine is taken for analysis or examination—

Procedure for sampling.

- 35 (a) the inspector or person duly authorised shall forthwith divide the sample into approximately three equal parts: Provided that when any such stock food or stock medicine is made up in packages, three of such packages may be taken and dealt with as if they were the three parts obtained by dividing the sample;
- 40 (b) seal or fasten each such part in such manner as its nature permits;

341—B

(c)

*Stock Foods and Medicines.*

- 5 (c) place or affix to each part a label stating the name so far as is known to him of the occupier of or person apparently in occupation of the place or of the person apparently having possession, custody or control of the lot from which such sample was taken and the time and place of taking;
- 10 (d) sign the label on each part and submit it for signature by the person mentioned in paragraph (c) of this subsection who may, if he so desires, sign it;
- 15 (e) deliver one of such parts to the person mentioned in paragraph (c) of this subsection, retain one of such parts, and deliver the remaining part to an analyst for analysis or in the case of a stock medicine which is a biological product to a bacteriologist for examination. Such delivery to an analyst or bacteriologist may be effected either personally or in such other manner as may
- 20 be prescribed.
22. (1) Where any stock food has been seized in pursuance of section twenty-one of this Act any justice may thereupon grant a summons calling upon the owner of the stock food or the person in whose possession  
 25 it has been found to appear before any police or stipendiary magistrate or any two justices in petty sessions to show cause why the stock food should not be forfeited and destroyed.
- (2) Upon the said owner or person so appearing  
 30 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 that the stock food is unfit for use as a stock food, adjudge such stock food to be forfeited and the same shall be destroyed.
- 35 23. Any person who improperly tampers with any sample or part of a sample taken under this Act shall be guilty of an offence against this Act.

Destruction  
of seized  
stock foods.

Tampering  
with samples.  
Qld. Act  
No. 33 of  
1937, s. 12.

*Stock Foods and Medicines.*

24. (1) Any inspector or other person duly authorised in that behalf under subsection two of section twenty of this Act may at any time require the buyer, whether by wholesale or retail, of any stock food or stock medicine to state the name and address of the person from whom he purchased such stock food or stock medicine and to furnish any other information in connection with the purchase which such inspector or person may require and also to produce for inspection any invoice, agreement, circular or advertisement given to him by the vendor.

Officer may demand information.

(2) Any person who withholds any such information or who fails without lawful excuse to produce such invoice, agreement, circular or advertisement shall be guilty of an offence against this Act.

25. (1) Any analyst who analyses any stock food or stock medicine submitted to him in pursuance of this Act for analysis or any bacteriologist who examines any biological product submitted to him in pursuance of this Act for examination may give a certificate in or to the effect of the form prescribed as to the result of the analysis or examination.

Certificate of analyst or bacteriologist to be evidence.

(2) In any legal proceedings under this Act or the regulations the production of a certificate purporting to be signed by an analyst or a bacteriologist shall be prima facie evidence of the identity of the stock food or stock medicine analysed or examined and of the result of the analysis or examination without proof of the signature of the person appearing to have signed the same.

cf. Act No. 31, 1908, s. 29.

26. (1) In the case of any conviction under this Act for any of the following offences, namely—

(a) an offence against the provisions of paragraph (a) of section eleven of this Act;

(b) against any of the provisions of section eighteen or section nineteen of this Act,

Forfeiture of stock foods and stock medicines. cf. *Ibid.* s. 39.

any stock food or stock medicine to which the conviction relates may by order of the court become and be forfeited to His Majesty. Such forfeiture may extend to the whole of the stock food or stock medicine as the case may be and

*Stock Foods and Medicines.*

and to the whole of any similar article and to all packages containing any similar stock food or stock medicine belonging to the defendant or in his possession at the time of committing the offence.

5 (2) All stock foods and stock medicines forfeited under this Act shall be disposed of as the Minister may direct.

10 **27.** In the case of any conviction under this Act in respect of any stock food or stock medicine which has been analysed by an analyst or examined by a bacteriologist under this Act the Court may award the reasonable expenses of and attending such analysis or examination against the defendant as part of the costs of the prosecution. Costs of analysis.

15 **28.** Any person who prevents, delays, obstructs or hinders any inspector or person duly authorised under subsection two of section twenty of this Act from or in the execution of his powers and duties under this Act shall be guilty of an offence against this Act. Penalty for obstructing inspectors, etc.

20 **29.** If any person, who is not authorised so to do, removes, erases, alters, breaks or opens any mark, seal or fastening placed by an inspector or authorised person upon any stock food or stock medicine or upon any door or opening affording access to the same, he shall Interference with official marks or seals.  
25 be guilty of an offence against this Act.

**30.** Any person who retakes or attempts to retake any article seized under this Act or ordered to be forfeited under this Act shall be guilty of an offence against this Act. Retaking of seized stock foods, etc.

30 **31.** Any person who is guilty of an offence against this Act or the regulations thereunder shall where no other penalty is expressly provided therefor be liable to a penalty not exceeding fifty pounds. Penalty for offences.

35 **32.** Penalties imposed by this Act or the regulations shall be recoverable in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions. Recovery of penalties.

**33.**

*Stock Foods and Medicines.*

**33.** (1) Where a copy of a certificate given by an analyst or bacteriologist under this Act has been served upon a defendant who is charged with the commission of an offence against the provisions of this Act or  
 5 the regulations it shall not be competent for the defendant upon the hearing of the charge to dispute the accuracy of any statement contained in the certificate unless within seven clear days after service upon him of the copy of the certificate he has notified the Under Sec-  
 10 tary of the Department of Agriculture by letter forwarded by registered post that the accuracy of the certificate will be disputed at the hearing of the charge.

Certificate not to be disputed unless notice given.

(2) Service of the copy of a certificate may be proved in the same manner as service of the summons.

**34.** In any legal proceedings under this Act the production of a certificate purporting to be signed by the Under Secretary of the Department of Agriculture that any stock food or stock medicine is or is not registered under this Act shall be prima facie evidence of the  
 20 fact so certified without proof of the signature of the said Under Secretary.

Certificate of registration or non-registration.

**35.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or  
 25 which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection one of this section the Governor  
 30 may make regulations in respect of the following matters:—

- 35
- (a) prescribing the weight or size of battens which may be used on bales of hay;
  - (b) prescribing standard qualities for stock foods specified in the regulations;
  - (c) prescribing the manner in which the particulars relating to a manufactured stock food or by-product or a stock medicine shall be written on the package containing it or on a label affixed

*Stock Foods and Medicines.*

- affixed to the package and the manner in which  
a label containing the particulars shall be  
affixed to a package;
- 5 (d) prescribing the size and type of labels to be  
affixed to a manufactured stock food or by-  
product or stock medicine;
- (e) prescribing forms for the purposes of this Act;
- (f) prescribing the fees to be paid under this Act;
- 10 (g) prescribing methods of analysis or examination  
for any stock food or stock medicine.

(3) The regulations may prescribe a penalty not  
exceeding fifty pounds for any breach thereof.

- (4) The regulations shall—
- (a) be published in the Gazette;
- 15 (b) take effect from the date of publication or from  
a later date to be specified in such regulations;
- (c) be laid before both Houses of Parliament within  
fourteen sitting days after publication if Parlia-  
ment is in session and, if not, then within  
20 fourteen sitting days after the commencement of  
the next session.

If either House of Parliament passes a resolution of  
which notice has been given at any time within fifteen  
sitting days after such regulations have been laid before  
25 such House, disallowing any such regulation or part  
thereof, such regulation or part shall thereupon cease  
to have effect.



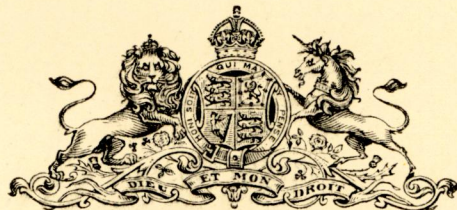




*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 14 May, 1940.*

## New South Wales.



ANNO QUARTO

# GEORGII VI REGIS.

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Act No. , 1940.

An Act to regulate in certain respects the sale of foods and medicines for animals and birds; to provide for the constitution of a Stock Medicines Board and to define its powers, authorities, duties and functions; and for purposes connected therewith.

**B**E 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  
5 the same, as follows :—

### PART I.

#### PRELIMINARY.

**1.** (1) This Act may be cited as the "Stock Foods and Medicines Act, 1940."

Short title  
and com-  
mencement.

28851 341—A

(2)

*Stock Foods and Medicines.*

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

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

Division  
into Parts.

- 5 PART I.—PRELIMINARY.  
PART II.—STOCK FOODS.  
PART III.—STOCK MEDICINES.  
PART IV.—GENERAL PROVISIONS.

3. In this Act, unless the context otherwise indicates  
10 or requires— Interpretation.

“Analyst” means analyst appointed under this Act.

“Bacteriologist” means bacteriologist appointed under this Act.

15 “Biological product” includes any vaccine serum or virus, whether living or dead, aggressins, gland extracts and diagnostic agents or any other product of bacterial growth. cf. Viet. Act No. 4488 (1937), s. 2.

“Board” means the Stock Medicines Board constituted under this Act. *Ibid.*

20 “By-products” includes husks, bran, pollard, brewer’s grains and materials produced from any kind of grain in any process of treatment or manufacture not being the primary object of such process and also includes any other commodity, substance, material or matter which may be declared by the regulations to be a by-product for the purposes of this Act. cf. Viet. Act No. 3780 (1928), s. 3.

“Chaff” means hay or straw cut into short lengths. *Ibid.*

30 “Foreign ingredient” includes any substance, plant, part of a plant, or the seeds of any plant which may be declared by the regulations to be a foreign ingredient. *Ibid.*

“Hay” means any cereal, legume or grass cut before complete ripeness and dried and from which the grain or seed has not been removed.

35 “Hay chaff” means chaff consisting only of hay. *Ibid.*  
“Inspector”

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*Stock Foods and Medicines.*

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“Inspector” means inspector appointed under this Act.

“Manufactured stock food” includes—

- 5 (a) all kinds of meals and foods for stock prepared whether in whole or in part from one or more kinds of grain, nut, or oils or juices or meats or other substances of a like nature; and
- 10 (b) any condimental, patented or proprietary stock foods claimed to possess nutritive properties or nutritive as well as medicinal properties; and
- (c) stock licks.

15 “Package” includes anything in or by which any stock food or stock medicine is cased, covered, enclosed, contained or packed.

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

20 “Regulations” means regulations made under this Act.

25 “Sell” includes barter or exchange and also includes agreeing to sell or offering or exposing for sale or having in possession for sale or sending, forwarding or delivering for or on sale or causing, suffering or attempting any of such acts or things; and derivatives from “sell” have a corresponding meaning.

*cf. Viet. Act No. 4488 (1937), s. 2.*

30 “Stock” means any animal or bird of the following kinds or species, namely:—Horse, cow, sheep, goat, pig, dog, domestic fowl, duck, goose, turkey or pigeon.

*cf. Ibid.*

35 “Stock food” includes hay, straw, chaff, grain, manufactured stock food and by-products and also includes any other substance declared by the regulations to be a stock food.

“Stock

*Stock Foods and Medicines.*

- 5 "Stock lick" means any preparation consisting of or containing any mineral, inorganic substance, bone or mineral salt or salts and claimed to supply or primarily intended for supplying mineral matter to stock; and includes any prescribed preparation consisting of or containing any mineral salt or salts. cf. Vict. Act No. 4382 (1936), s. 2.
- 10 "Stock medicine" means any substance, or mixture or compound of substances, or biological product which is intended to be administered or applied to stock by any means for the purpose of— cf. Vict. Act (1937) No. 4488, s. 3.  
Qld. Act No. 33 of 1933, s. 2.
- 15 (a) curing or alleviating any injury to stock;
- (b) diagnosing, curing, alleviating or preventing any disease of any stock;
- 20 (c) destroying any parasite or pest affecting stock; or
- (d) improving the condition of any stock or increasing the capacity of any stock for work or for production or for reproduction of progeny,
- but does not include—
- 25 (i) any such substance, mixture, compound or product bona fide prescribed by a veterinary surgeon in the course of the practice of his profession as such or supplied by him for any stock for the time being under his professional care or charge; or
- 30 (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.
- 35 "Straw" means any dried cereal, legume or grass from which the seed or grain has been removed in any way.

"Veterinary

*Stock Foods and Medicines.*

“Veterinary surgeon” means a veterinary surgeon registered under the provisions of the Veterinary Surgeons Act, 1923.

5 “Wholesale dealer” in respect of any stock food or stock medicine means the manufacturer, importer or other person primarily responsible for placing such stock food or stock medicine on the market in New South Wales. cf. Vict. Act No. 4488, s. 2.

## PART II.

## 10 STOCK FOODS.

4. (1) In any sale, contract or agreement for the sale or delivery of chaff such chaff in the absence of a written agreement to the contrary shall be presumed to be hay chaff. Sales of chaff to be deemed sales of hay chaff unless otherwise stated.
- 15 (2) Any person who sells or contracts or agrees to sell or deliver chaff shall, in the absence of such a written agreement to the contrary, be guilty of an offence against this Act if the chaff so sold or contracted or agreed for is not hay chaff. cf. Vict. Act No. 3780 (1928), s. 5.
- 20 5. (1) Every wholesale dealer in any manufactured stock food or in any by-product shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade as a wholesale dealer in such stock food or by-product
- 25 (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for registration of such stock food or by-product in writing in or to the effect of the prescribed form setting
- 30 out the following particulars:—
- (a) his name and place of business;
  - (b) all marks, figures, words or letters (in this Act referred to as “the distinguishing name”) used or intended to be used in connection with every such
- Registration of manufactured stock foods and by-products. cf. Vict. Act No. 4382 (1936), s. 3.

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*Stock Foods and Medicines.*

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- such stock food or by-product which he then sells or which he then proposes to sell during the period ending on the next following thirtieth day of June;
- 5 (e) the place of manufacture thereof;
- (d) the names of the grains, salts or other materials from which such stock food or by-product is or is to be prepared;
- 10 (e) a chemical analysis of such stock food or by-product stating—
- (i) in the case of a stock food (other than a stock lick) or a by-product—
- 15 the minimum percentage of crude protein;
- the minimum percentage of crude fat;
- the maximum percentage of crude fibre,
- 20 contained in such stock food or by-product, and
- (ii) in the case of a stock lick—
- 25 the maximum percentage of salt (sodium chloride);
- the minimum percentage of phosphoric acid ( $P_2O_5$ ), lime, magnesia, iron, sulphur and iodine and of any other prescribed constituent,
- 30 contained in such stock lick;
- (f) such further particulars as may be prescribed.
- (2) Every such application shall be accompanied by—
- 35 (a) a statutory declaration by such wholesale dealer verifying the statements and particulars contained in such application; and
- (b) the prescribed fee.

(3)



*Stock Foods and Medicines.*

(3) If after the thirtieth day of June in any year any wholesale dealer in any manufactured stock food or in any by-product proposes to sell any manufactured stock food or by-product in addition to those already registered pursuant to this Part such wholesale dealer shall before commencing to sell such additional stock food or by-product make with respect to the same a like application for registration as hereinbefore prescribed.

(4) The registration of any manufactured stock food or by-product shall subject to this Act continue in force until the thirtieth day of June next following the date of registration.

**6.** (1) Every vendor of any manufactured stock food or of any by-product shall securely and conspicuously affix a label in accordance with this section to every package containing the stock food or by-product.

Labels to be affixed to packages.  
cf. Viet. Act No. 4382 (1936), s. 6.

(2) On every such label there shall be set out—

(a) the name and place of business of the wholesale dealer who manufactured or imported the stock food or by-product or who was primarily responsible for placing the same on the market in New South Wales;

(b) the distinguishing name of the stock food or by-product;

(c) the net weight of the contents of the package;

(d) the chemical analysis required by this Act to be set out in the application for registration of such stock food or by-product, and

(e) such further particulars as may be prescribed.

(3) The particulars required by this section to be set out on such label shall, notwithstanding any agreement to the contrary, have effect as a warranty by the vendor of the accuracy of such particulars.

Particulars required to be set out on labels to constitute a warranty.  
*Ibid.*

(4) The provisions of subsections one and two of this section shall not apply in any case where a retailer breaks a package labelled as herein provided of any such stock

Non-application of subsections (1) and (2).  
*Ibid.*

*Stock Foods and Medicines.*

stock food or any by-product in order to sell portion of the stock food or by-product contained in the package without altering or adding to the stock food or by-product.

(5) This section shall extend so as to apply to any  
5 block, cake or slab of manufactured stock food or by-product which is not contained in a package; and for the purposes of such application a reference to the package containing the stock food shall be construed as a reference to the surface of the block, cake or slab.

10 7. The proportion or amount of foreign ingredients which may be contained in any kind of stock food and the character of such foreign ingredients may be prescribed by regulation.

Foreign ingredients.  
cf. Vict. Act  
No. 3780  
(1928), s. 6.

15 8. (1) Every invoice, agreement, circular or advertisement relating to stock food shall state specifically the materials of which such stock food consists.

Invoice, &c.,  
to constitute  
a warranty.  
*Ibid.* s. 7.

In this subsection the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board or sign-plate prior to the first day of  
20 May, one thousand nine hundred and forty.

(2) Such statement in any invoice, agreement, circular or advertisement as aforesaid shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor that such stock food consists  
25 solely of the materials so specified and contains no greater proportion or amount of foreign ingredients than is prescribed.

30 9. Every invoice, agreement, circular, or advertisement relating to any manufactured stock food or to by-products—

Invoices,  
&c., as to  
mixed foods.  
*Ibid.* s. 8.

(a) shall state specifically the original grain or materials from which such food or by-products were prepared; and

35 (b) shall constitute a warranty by the vendor that such food or by-products are prepared only from the specified original grain or materials and also that such food or by-products are suitable as food for stock and in the case of any agreement,

*Stock Foods and Medicines.*

agreement, circular or advertisement for the particular kind of stock (if any) specified therein.

In this section the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board or sign-plate prior to the first day of May, one thousand nine hundred and forty.

**10.** Except in such cases or in such circumstances as may be prescribed, the vendor, upon the sale of any stock food (whether paid for at the time of sale or not) shall at the time of sale or within seven days after delivery of the stock food or any part thereof give to the purchaser an invoice containing the statements required by this Act.

Invoice to be given by vendor.  
cf. Viet. Act No. 3780 (1928) s. 9.

**15** **11.** Any person who—

Offences and penalties.  
*Ibid.* s. 10.

- (a) sells any stock food which contains a greater proportion or amount of foreign ingredients than is prescribed;
- (b) sells any stock food which does not consist solely of the materials or has not been prepared solely from the original grain or materials specified in any invoice, agreement, circular or advertisement relating thereto;
- (c) sells any manufactured stock food or by-product which—
- (i) does not consist solely of the materials set out in the application for registration of such stock food or by-product; or
- (ii) is not registered in accordance with the provisions of this Act and the regulations thereunder; or
- (iii) is not in accordance with the chemical analysis set out on the label; or
- (iv) is not in accordance with the standard prescribed therefor; or
- (d) contravenes or fails to comply with any provision of this Part of this Act, shall be guilty of an offence against this Act.

PART

*Stock Foods and Medicines.*

## PART III.

## STOCK MEDICINES.

**12.** (1) For the purposes of this Part there shall be constituted a Board to be called the "Stock Medicines Board."

Constitution  
of Stock  
Medicines  
Board.  
cf. Vic. Act  
No. 4488  
(1937), s. 3.

(2) The Board shall consist of—

Membership  
of Board.

(a) the persons holding for the time being under the Public Service Act, 1902, the office of the Chief Veterinary Surgeon of the Department of Agriculture who shall be Chairman of the Board, the office of the Chief Chemist of the Department of Agriculture, and the office of the Director of Veterinary Research of the Department of Agriculture respectively;

*Ibid.*

10

**15** (b) a veterinary surgeon appointed by the Minister.

(3) Subject to this Act the appointed member of the Board shall hold office for a period of not more than two years, but shall be eligible for re-appointment if then qualified.

Term of  
office of  
appointed  
member.  
*Ibid.*

**20** (4) The Minister may at any time remove the appointed member of the Board.

Removal of  
appointed  
member.  
*Ibid.*

(5) Any vacancy in the office of the appointed member of the Board shall be filled by the appointment of a qualified person thereto.

Filling  
vacancy in  
office of  
appointed  
member.  
*Ibid.*

**25** (6) A quorum of the Board shall consist of not less than two of the members thereof. At any meeting of the Board the Chairman shall have a deliberative vote and if the voting is equal shall have a second or casting vote.

Quorum.  
*Ibid.*

**30** (7) Save as is otherwise prescribed, the Board may meet at such times and places and may conduct its business in such manner as it thinks fit.

Conduct of  
business,  
etc.  
*Ibid.*

**35** (8) The appointed member of the Board shall be entitled to be paid a fee of two guineas for each meeting of the Board which he attends.

**13.** (1) Every wholesale dealer in any stock medicine shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing

Application  
for registra-  
tion of stock  
medicine.  
*Ibid.* s. 5.

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*Stock Foods and Medicines.*

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commencing in business or trade as such (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for  
5 registration of such stock medicine in writing in or to the effect of the prescribed form setting out—

- (a) his name and place of business;
- (b) the distinctive name of such stock medicine;
- 10 (c) the place of manufacture thereof and the name of the manufacturer;
- (d) (i) in the case of a stock medicine other than a biological product—the prescription thereof, that is to say, the actual prescription to which such stock medicine is made, stating  
15 all the constituent parts and their respective proportions and the constituents thereof which are claimed to be active constituents; and  
(ii) in the case of a stock medicine which is a  
20 biological product—the composition thereof, that is to say, the specific organism or product or ingredient claimed to be the active principal of such biological product and the concentration of such organism, product or  
25 ingredient;
- (e) full directions for the use and application of such stock medicine and a statement of the injuries which it is intended or claimed to cure or alleviate or of the disease which it is intended  
30 or claimed to diagnose, cure, alleviate or prevent or of the parasite or pest affecting stock which it is intended or claimed to destroy or of the improvement in condition or increase in capacity of stock which it is intended or claimed to effect  
35 (as the case may be); and
- (f) such other matters as are prescribed.

*Stock Foods and Medicines.*

- (2) Every such application shall be accompanied by—
- (a) a statutory declaration by such wholesale dealer verifying the statements and particulars contained in such application; and
  - (b) the prescribed fee.
- (3) If after the thirtieth day of June in any year any wholesale dealer in any stock medicine—
- (a) proposes to sell any stock medicine in addition to those registered under this Part, or
  - (b) alters in any way the prescription or composition of any stock medicine registered under this Part,
- such wholesale dealer shall before commencing to sell such additional stock medicine or such stock medicine as so altered make with respect to the same a like application for registration as hereinbefore prescribed.
- (4) If after registration of any stock medicine the wholesale dealer in such stock medicine proposes to vary the directions for use and application of the stock medicine as contained in his application for registration he shall before commencing to sell such stock medicine notify in writing the Under Secretary of the Department of Agriculture of such proposed variation.
- (5) The registration of any stock medicine shall, subject to this Act, continue in force until the thirtieth day of June next following the date of registration.
- 14.** The information as to the prescription or composition of any stock medicine contained in any application for registration of such stock medicine shall be deemed confidential and shall not be disclosed by any member of the Board or any officer of the Department of Agriculture to any other person without the authority in writing of the wholesale dealer in such stock medicine except in pursuance of this Act or so far as is necessary in respect of any proceedings for an offence instituted or proposed to be instituted under this Act.

Statutory declaration and fee to accompany application. cf. Vict. Act No. 4488 (1937), s. 5.

Application for registration of additional or altered stock medicine. cf. *Ibid.*

Information as to prescription or composition of stock medicine to be deemed confidential. *Ibid.* s. 6.

*Stock Foods and Medicines.*

15. (1) Every application for registration of any stock medicine shall be submitted by the Under Secretary of the Department of Agriculture to the Board for its report and recommendation thereon.

Applications for registration to be submitted to Board.  
cf. Vict. Act No. 4488 (1937), s. 7.

5 (2) No stock medicine shall be registered by the said Under Secretary unless the Board recommends that the registration should be made.

10 (3) Where the Board recommends that an application for registration of a stock medicine should be refused the recommendation shall be accompanied by a statement of the grounds upon which such recommendation is based.

15 16. (1) Where an application for registration of a stock medicine is refused the Under Secretary of the Department of Agriculture shall within seven days after the receipt by him of the recommendation of the Board send by post to the applicant a notice in writing setting out that the application has been refused and the grounds of such refusal.

Appeal against refusal of registration.

20 (2) The applicant may within the time prescribed appeal against such refusal to a District Court judge having jurisdiction in the district within which the applicant's place of business is situated.

25 (3) Such judge may summon witnesses, hear evidence and determine the matter having regard to this Part of this Act, the regulations, the circumstances of the case and the public interest.

30 (4) The decision of such judge upon any such appeal shall be final, and shall be binding upon the Under Secretary of the Department of Agriculture and the appellant, and shall be carried into effect accordingly.

(5) If in any decision under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the District Court.

(6)

*Stock Foods and Medicines.*

(6) A District Court judge determining any matter upon appeal under this section shall be assisted by two assessors, who may advise such judge, but shall not be entitled to take any other part in determining the  
5 matter.

(7) One of such assessors shall be the Dean of the Faculty of Veterinary Science of the University of Sydney or the person for the time being acting in his place or where neither of those persons is available or willing  
10 to act as assessor a veterinary surgeon appointed by the Minister, and the other of such assessors shall be a veterinary surgeon appointed by the Minister.

(8) Each assessor shall for every day or portion of a day during which he is engaged as such upon an  
15 appeal under this section be entitled to be paid a fee of five guineas.

17. (1) Every package of a registered stock medicine shall bear thereon or on a label securely and conspicuously affixed to the package the words "Registered  
20 under the Stock Foods and Medicines Act, 1940."

References to this Act, etc., upon packages and in advertisements of registered stock medicines. cf. Vict. Act No. 4488 (1937), s. 9.

(2) No such package or label shall bear thereon and no written or printed matter relating to any registered stock medicine shall contain any reference to this Act other than the words "Registered under the Stock  
25 Foods and Medicines Act, 1940."

(3) Any person who—

(a) sells any package of a registered stock medicine in respect of which any of the provisions of subsection one or subsection two are contra-  
30 vened; or

(b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter which contains any reference in contravention of subsection two of  
35 this section,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.



*Stock Foods and Medicines.*

**18.** Any person who after the expiration of a period of six months after the commencement of this Act—

- (a) sells any stock medicine which is not registered under this Part;
- 5 (b) sells under the name of a registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine; or
- 10 (c) sells any registered stock medicine in respect of which any claim or statement as to its efficacy for use for any purpose other than those stated in the application for registration of such stock medicine has been made by him or with his consent either verbally or in any written or
- 15 printed matter relating thereto,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for any subsequent offence: Provided that no person other than

20 the wholesale dealer in any registered stock medicine shall be deemed guilty of any offence against the provisions of paragraph (b) of this section unless it is proved that he knew that the stock medicine sold did not conform with the registered prescription or composition.

**25 19.** (1) Any wholesale dealer in any registered stock medicine who—

- (a) sells under the name of such registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine;
- 30 (b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement as to the efficacy of such registered
- 35 stock medicine for use for any purpose other than those stated in the application for registration of such stock medicine;

(c)

Offences in relation to sale and advertisement of stock medicines.

cf. Vict. Act No. 4488 (1937), s. 10.

Offences by wholesale dealer and cancellation of registration.

cf. *Ibid.* s. 11.

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*Stock Foods and Medicines.*

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- (c) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement with respect to such registered stock medicine which is false or misleading in any material particular,
- 5 shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for any subsequent offence.
- 10 (2) If any wholesale dealer in any registered stock medicine is convicted of an offence against any of the provisions of subsection one of this section in respect of such stock medicine, the Under Secretary of the Department of Agriculture may on the recommendation of the Stock Medicines Board cancel the registration of such stock medicine.
- Cancellation  
of registra  
tion.
- 15

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PART IV.

GENERAL PROVISIONS.

- 20 **20.** (1) The Governor may, subject to the provisions of the Public Service Act, 1902, appoint such inspectors, analysts, bacteriologists and other persons as may be deemed necessary for the purposes of this Act.
- Appoint-  
ment of  
inspectors  
and  
analysts.
- 25 (2) The Minister may by writing under his hand authorise any officer of the Public Service or member of the police force to exercise, either generally or in any particular case or class of cases or for any specified place, all or any of the powers, authorities, duties and functions conferred or imposed on an inspector by this
- 30 Act.
- Any person so authorised shall, when acting within the scope of his authority, be deemed to be an inspector for the purposes of this Act.

*Stock Foods and Medicines.*

**21.** (1) Any inspector or any person duly authorised in that behalf under subsection two of section twenty of this Act may—

Powers of inspectors and officers.

Q'ld. Act No. 18 of 1935, s. 5.

- 5 (a) enter and search any land, building, premises or place which he has reasonable grounds for believing is used for the making, manufacture, sale, storage, delivery or preparation for sale of any stock food or stock medicine;
- 10 (b) enter and search any vehicle, ship, vessel, aeroplane or other means of transport which he has reasonable grounds for believing is used for the conveyance of any stock food or stock medicine in the course of trade, sale or delivery;
- 15 (c) examine any stock food or stock medicine found upon such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and open any package containing any such stock food or stock medicine;
- 20 (d) take for analysis or examination samples of any such stock food or stock medicine without payment. The quantity and nature of samples and the proportion of the bulk from which such samples are to be taken shall be as prescribed;
- 25 (e) seize any such stock food which is or appears to him to be unfit for use as a stock food;
- (f) weigh, count, measure, gauge or mark any such stock food or any package containing the same so seized, and fasten, secure or seal the same and any door or opening giving access to the same.

30 (2) Where any stock food or stock medicine is taken for analysis or examination—

Procedure for sampling.

- 35 (a) the inspector or person duly authorised shall forthwith divide the sample into approximately three equal parts: Provided that when any such stock food or stock medicine is made up in packages, three of such packages may be taken and dealt with as if they were the three parts obtained by dividing the sample;
- 40 (b) seal or fasten each such part in such manner as its nature permits;

341—B

(c)

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*Stock Foods and Medicines.*

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- 5 (c) place or affix to each part a label stating the name so far as is known to him of the occupier of or person apparently in occupation of the place or of the person apparently having possession, custody or control of the lot from which such sample was taken and the time and place of taking;
- 10 (d) sign the label on each part and submit it for signature by the person mentioned in paragraph (c) of this subsection who may, if he so desires, sign it;
- 15 (e) deliver one of such parts to the person mentioned in paragraph (c) of this subsection, retain one of such parts, and deliver the remaining part to an analyst for analysis or in the case of a stock medicine which is a biological product to a bacteriologist for examination. Such delivery to an analyst or bacteriologist may be effected either personally or in such other manner as may
- 20 be prescribed.

22. (1) Where any stock food has been seized in pursuance of section twenty-one of this Act any justice may thereupon grant a summons calling upon the owner of the stock food or the person in whose possession it has been found to appear before any police or stipendiary magistrate or any two justices in petty sessions to show cause why the stock food should not be forfeited and destroyed.

Destruction of seized stock foods.

30 (2) 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 that the stock food is unfit for use as a stock food, adjudge such stock food to be forfeited and the same shall be destroyed.

35 23. Any person who improperly tampers with any sample or part of a sample taken under this Act shall be guilty of an offence against this Act.

Tampering with samples. Q'ld. Act No. 33 of 1937, s. 12.

24.

*Stock Foods and Medicines.*

24. (1) Any inspector or other person duly authorised in that behalf under subsection two of section twenty of this Act may at any time require the buyer, whether by wholesale or retail, of any stock food or stock medicine  
 5 to state the name and address of the person from whom he purchased such stock food or stock medicine and to furnish any other information in connection with the purchase which such inspector or person may require and also to produce for inspection any invoice, agreement,  
 10 circular or advertisement given to him by the vendor.

Officer may demand information.

(2) Any person who withholds any such information or who fails without lawful excuse to produce such invoice, agreement, circular or advertisement shall be guilty of an offence against this Act.

15 25. (1) Any analyst who analyses any stock food or stock medicine submitted to him in pursuance of this Act for analysis or any bacteriologist who examines any biological product submitted to him in pursuance of this Act for examination may give a certificate in or to the  
 20 effect of the form prescribed as to the result of the analysis or examination.

Certificate of analyst or bacteriologist to be evidence.

(2) In any legal proceedings under this Act or the regulations the production of a certificate purporting to be signed by an analyst or a bacteriologist  
 25 shall be prima facie evidence of the identity of the stock food or stock medicine analysed or examined and of the result of the analysis or examination without proof of the signature of the person appearing to have signed the same.

cf. Act No. 31, 1908, s. 29.

30 26. (1) In the case of any conviction under this Act for any of the following offences, namely—  
 (a) an offence against the provisions of paragraph  
 (a) of section eleven of this Act;  
 (b) against any of the provisions of section eighteen  
 35 or section nineteen of this Act,

Forfeiture of stock foods and stock medicines.  
 cf. *Ibid.* s. 39.

any stock food or stock medicine to which the conviction relates may by order of the court become and be forfeited to His Majesty. Such forfeiture may extend to the whole of the stock food or stock medicine as the case may be  
 and

*Stock Foods and Medicines.*

and to the whole of any similar article and to all packages containing any similar stock food or stock medicine belonging to the defendant or in his possession at the time of committing the offence.

- 5 (2) All stock foods and stock medicines forfeited under this Act shall be disposed of as the Minister may direct.

27. In the case of any conviction under this Act in respect of any stock food or stock medicine which has  
10 been analysed by an analyst or examined by a bacteriologist under this Act the Court may award the reasonable expenses of and attending such analysis or examination against the defendant as part of the costs of the prosecution.

Costs of analysis.

- 15 28. Any person who prevents, delays, obstructs or hinders any inspector or person duly authorised under subsection two of section twenty of this Act from or in the execution of his powers and duties under this Act shall be guilty of an offence against this Act.

Penalty for obstructing inspectors, etc.

- 20 29. If any person, who is not authorised so to do, removes, erases, alters, breaks or opens any mark, seal or fastening placed by an inspector or authorised person upon any stock food or stock medicine or upon any door or opening affording access to the same, he shall  
25 be guilty of an offence against this Act.

Interference with official marks or seals.

30. Any person who retakes or attempts to retake any article seized under this Act or ordered to be forfeited under this Act shall be guilty of an offence against this Act.

Retaking of seized stock foods, etc.

- 30 31. Any person who is guilty of an offence against this Act or the regulations thereunder shall where no other penalty is expressly provided therefor be liable to a penalty not exceeding fifty pounds.

Penalty for offences.

- 35 32. Penalties imposed by this Act or the regulations shall be recoverable in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery of penalties.

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*Stock Foods and Medicines.*

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**33.** (1) Where a copy of a certificate given by an analyst or bacteriologist under this Act has been served upon a defendant who is charged with the commission of an offence against the provisions of this Act or the regulations it shall not be competent for the defendant upon the hearing of the charge to dispute the accuracy of any statement contained in the certificate unless within seven clear days after service upon him of the copy of the certificate he has notified the Under Secretary of the Department of Agriculture by letter forwarded by registered post that the accuracy of the certificate will be disputed at the hearing of the charge.

Certificate not to be disputed unless notice given.

(2) Service of the copy of a certificate may be proved in the same manner as service of the summons.

**34.** In any legal proceedings under this Act the production of a certificate purporting to be signed by the Under Secretary of the Department of Agriculture that any stock food or stock medicine is or is not registered under this Act shall be prima facie evidence of the fact so certified without proof of the signature of the said Under Secretary.

Certificate of registration or non-registration.

**35.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection one of this section the Governor may make regulations in respect of the following matters:—

- (a) prescribing the weight or size of battens which may be used on bales of hay;
- (b) prescribing standard qualities for stock foods specified in the regulations;
- (c) prescribing the manner in which the particulars relating to a manufactured stock food or by-product or a stock medicine shall be written on the package containing it or on a label affixed

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*Stock Foods and Medicines.*

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- affixed to the package and the manner in which a label containing the particulars shall be affixed to a package;
- 5 (d) prescribing the size and type of labels to be affixed to a manufactured stock food or by-product or stock medicine;
- (e) prescribing forms for the purposes of this Act;
- (f) prescribing the fees to be paid under this Act;
- 10 (g) prescribing methods of analysis or examination for any stock food or stock medicine.

(3) The regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
- 15 (b) take effect from the date of publication or from a later date to be specified in such regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within
- 20 fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before

25 such House, disallowing any such regulation or part thereof, such regulation or part shall thereupon cease to have effect.





The first thing I noticed when I stepped out  
and found the day had been a very successful one  
I was very happy to see the results.

I was very happy to see the results of the  
the day was very successful and I was  
I was very happy to see the results of the  
the day was very successful and I was

Very happy to see the results of the day

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100  
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It was very successful and I was very happy  
to see the results of the day. I was very  
happy to see the results of the day. I was  
very happy to see the results of the day.

I was very happy to see the results of the day  
and I was very happy to see the results of the day.  
I was very happy to see the results of the day  
and I was very happy to see the results of the day.

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 23 May, 1940.*

## New South Wales.



ANNO QUARTO

# GEORGII VI REGIS.

\*\*\*\*\*

## Act No. 19, 1940.

An Act to regulate in certain respects the sale of foods and medicines for animals and birds; to provide for the constitution of a Stock Medicines Board and to define its powers, authorities, duties and functions; and for purposes connected therewith. [Assented to, 30th May, 1940.]

**B**E 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. (1) This Act may be cited as the "Stock Foods and Medicines Act, 1940." Short title and commencement.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*

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*Stock Foods and Medicines.*

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

Division  
into Parts.

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

PART I.—PRELIMINARY.

PART II.—STOCK FOODS.

PART III.—STOCK MEDICINES.

PART IV.—GENERAL PROVISIONS.

Interpreta-  
tion.

**3.** In this Act, unless the context otherwise indicates or requires—

“Analyst” means analyst appointed under this Act.

“Bacteriologist” means bacteriologist appointed under this Act.

cf. Vict. Act  
No. 4488  
(1937), s. 2.

“Biological product” includes any vaccine serum or virus, whether living or dead, aggressins, gland extracts and diagnostic agents or any other product of bacterial growth.

*Ibid.*

“Board” means the Stock Medicines Board constituted under this Act.

cf. Vict. Act  
No. 3780  
(1928), s. 3.

“By-products” includes husks, bran, pollard, brewer’s grains and materials produced from any kind of grain in any process of treatment or manufacture not being the primary object of such process and also includes any other commodity, substance, material or matter which may be declared by the regulations to be a by-product for the purposes of this Act.

*Ibid.*

“Chaff” means hay or straw cut into short lengths.

*Ibid.*

“Foreign ingredient” includes any substance, plant, part of a plant, or the seeds of any plant which may be declared by the regulations to be a foreign ingredient.

“Hay” means any cereal, legume or grass cut before complete ripeness and dried and from which the grain or seed has not been removed.

*Ibid.*

“Hay chaff” means chaff consisting only of hay.

“Inspector”

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*Stock Foods and Medicines.*

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“Inspector” means inspector appointed under this Act.

“Manufactured stock food” includes—

- (a) all kinds of meals and foods for stock prepared whether in whole or in part from one or more kinds of grain, nut, or oils or juices or meats or other substances of a like nature; and
- (b) any condimental, patented or proprietary stock foods claimed to possess nutritive properties or nutritive as well as medicinal properties; and
- (c) stock licks.

“Package” includes anything in or by which any stock food or stock medicine is cased, covered, enclosed, contained or packed.

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

“Regulations” means regulations made under this Act.

“Sell” includes barter or exchange and also includes agreeing to sell or offering or exposing for sale or having in possession for sale or sending, forwarding or delivering for or on sale or causing, suffering or attempting any of such acts or things; and derivatives from “sell” have a corresponding meaning. cf. Vict. Act No. 4488 (1937), s. 2.

“Stock” means any animal or bird of the following kinds or species, namely:—Horse, cow, sheep, goat, pig, dog, domestic fowl, duck, goose, turkey or pigeon. cf. *Ibid.*

“Stock food” includes hay, straw, chaff, grain, manufactured stock food and by-products and also includes any other substance declared by the regulations to be a stock food.

“Stock

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*Stock Foods and Medicines.*


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cf. Vict. Act  
No. 4382  
(1936), s. 2.

“Stock lick” means any preparation consisting of or containing any mineral, inorganic substance, bone or mineral salt or salts and claimed to supply or primarily intended for supplying mineral matter to stock; and includes any prescribed preparation consisting of or containing any mineral salt or salts.

cf. Vict.  
Act (1937)  
No. 4488,  
s. 3.  
Qld. Act  
No. 33 of  
1933, s. 2.

“Stock medicine” means any substance, or mixture or compound of substances, or biological product which is intended to be administered or applied to stock by any means for the purpose of—

- (a) curing or alleviating any injury to stock;
- (b) diagnosing, curing, alleviating or preventing any disease of any stock;
- (c) destroying any parasite or pest affecting stock; or
- (d) improving the condition of any stock or increasing the capacity of any stock for work or for production or for reproduction of progeny,

but does not include—

- (i) any such substance, mixture, compound or product bona fide prescribed by a veterinary surgeon in the course of the practice of his profession as such or supplied by him for any stock for the time being under his professional care or charge; or
- (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.

“Straw” means any dried cereal, legume or grass from which the seed or grain has been removed in any way.

“Veterinary

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*Stock Foods and Medicines.*

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“Veterinary surgeon” means a veterinary surgeon registered under the provisions of the Veterinary Surgeons Act, 1923.

“Wholesale dealer” in respect of any stock food or stock medicine means the manufacturer, importer or other person primarily responsible for placing such stock food or stock medicine on the market in New South Wales.

cf. Viet.  
Act No.  
4488, s. 2.

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PART II.

STOCK FOODS.

4. (1) In any sale, contract or agreement for the sale or delivery of chaff such chaff in the absence of a written agreement to the contrary shall be presumed to be hay chaff.

Sales of  
chaff to be  
deemed  
sales of hay  
chaff unless  
otherwise  
stated.

(2) Any person who sells or contracts or agrees to sell or deliver chaff shall, in the absence of such a written agreement to the contrary, be guilty of an offence against this Act if the chaff so sold or contracted or agreed for is not hay chaff.

cf. Viet. Act  
No. 3780  
(1928), s. 5.

5. (1) Every wholesale dealer in any manufactured stock food or in any by-product shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade as a wholesale dealer in such stock food or by-product (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for registration of such stock food or by-product in writing in or to the effect of the prescribed form setting out the following particulars:—

Registration  
of manufac-  
tured stock  
foods and  
by-products.  
cf. Viet. Act  
No. 4382  
(1936), s. 3.

- (a) his name and place of business;
- (b) all marks, figures, words or letters (in this Act referred to as “the distinguishing name”) used or intended to be used in connection with every such

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*Stock Foods and Medicines.*

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such stock food or by-product which he then sells or which he then proposes to sell during the period ending on the next following thirtieth day of June;

- (c) the place of manufacture thereof;
- (d) the names of the grains, salts or other materials from which such stock food or by-product is or is to be prepared;
- (e) a chemical analysis of such stock food or by-product stating—
  - (i) in the case of a stock food (other than a stock lick) or a by-product—
    - the minimum percentage of crude protein;
    - the minimum percentage of crude fat;
    - the maximum percentage of crude fibre,contained in such stock food or by-product, and
  - (ii) in the case of a stock lick—
    - the maximum percentage of salt (sodium chloride);
    - the minimum percentage of phosphoric acid ( $P_2O_5$ ), lime, magnesia, iron, sulphur and iodine and of any other prescribed constituent,contained in such stock lick;
- (f) such further particulars as may be prescribed.

(2) Every such application shall be accompanied by—

- (a) a statutory declaration by such wholesale dealer verifying the statements and particulars contained in such application; and
- (b) the prescribed fee.

(3)



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*Stock Foods and Medicines.*

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(3) If after the thirtieth day of June in any year any wholesale dealer in any manufactured stock food or in any by-product proposes to sell any manufactured stock food or by-product in addition to those already registered pursuant to this Part such wholesale dealer shall before commencing to sell such additional stock food or by-product make with respect to the same a like application for registration as hereinbefore prescribed.

(4) The registration of any manufactured stock food or by-product shall subject to this Act continue in force until the thirtieth day of June next following the date of registration.

**6.** (1) Every vendor of any manufactured stock food or of any by-product shall securely and conspicuously affix a label in accordance with this section to every package containing the stock food or by-product.

Labels to be affixed to packages.  
cf. Vict. Act No. 4382 (1936), s. 6.

(2) On every such label there shall be set out—

- (a) the name and place of business of the wholesale dealer who manufactured or imported the stock food or by-product or who was primarily responsible for placing the same on the market in New South Wales;
- (b) the distinguishing name of the stock food or by-product;
- (c) the net weight of the contents of the package;
- (d) the chemical analysis required by this Act to be set out in the application for registration of such stock food or by-product, and
- (e) such further particulars as may be prescribed.

(3) The particulars required by this section to be set out on such label shall, notwithstanding any agreement to the contrary, have effect as a warranty by the vendor of the accuracy of such particulars.

Particulars required to be set out on labels to constitute a warranty.  
*Ibid.*

(4) The provisions of subsections one and two of this section shall not apply in any case where a retailer breaks a package labelled as herein provided of any such stock

Non-application of subsections (1) and (2).  
*Ibid.*

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*Stock Foods and Medicines.*

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stock food or any by-product in order to sell portion of the stock food or by-product contained in the package without altering or adding to the stock food or by-product.

(5) This section shall extend so as to apply to any block, cake or slab of manufactured stock food or by-product which is not contained in a package; and for the purposes of such application a reference to the package containing the stock food shall be construed as a reference to the surface of the block, cake or slab.

Foreign ingredients.  
cf. Vict. Act  
No. 3780  
(1928), s. 6.

**7.** The proportion or amount of foreign ingredients which may be contained in any kind of stock food and the character of such foreign ingredients may be prescribed by regulation.

Invoice, &c.,  
to constitute  
a warranty.  
*Ibid.* s. 7.

**8.** (1) Every invoice, agreement, circular or advertisement relating to stock food shall state specifically the materials of which such stock food consists.

In this subsection the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board, sign-plate or illuminated sign.

(2) Such statement in any invoice, agreement, circular or advertisement as aforesaid shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor that such stock food consists solely of the materials so specified and contains no greater proportion or amount of foreign ingredients than is prescribed.

Invoices,  
&c., as to  
mixed foods.  
*Ibid.* s. 8.

**9.** Every invoice, agreement, circular, or advertisement relating to any manufactured stock food or to by-products—

(a) shall state specifically the original grain or materials from which such food or by-products were prepared; and

(b) shall constitute a warranty by the vendor that such food or by-products are prepared only from the specified original grain or materials and also that such food or by-products are suitable as food for stock and in the case of any agreement,

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*Stock Foods and Medicines.*

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agreement, circular or advertisement for the particular kind of stock (if any) specified therein.

In this section the expression "advertisement" does not include an advertisement displayed on a hoarding, poster, sign-board, sign-plate or illuminated sign.

**10.** Except in such cases or in such circumstances as may be prescribed, the vendor, upon the sale of any stock food (whether paid for at the time of sale or not) shall at the time of sale or within seven days after delivery of the stock food or any part thereof give to the purchaser an invoice containing the statements required by this Act.

Invoice to  
be given by  
vendor.  
cf. Vict. Act  
No. 3780  
(1928) s. 9.

**11.** Any person who—

- (a) sells any stock food which contains a greater proportion or amount of foreign ingredients than is prescribed;
  - (b) sells any stock food which does not consist solely of the materials or has not been prepared solely from the original grain or materials specified in any invoice, agreement, circular or advertisement relating thereto;
  - (c) sells any manufactured stock food or by-product which—
    - (i) does not consist solely of the materials set out in the application for registration of such stock food or by-product; or
    - (ii) is not registered in accordance with the provisions of this Act and the regulations thereunder; or
    - (iii) is not in accordance with the chemical analysis set out on the label; or
    - (iv) is not in accordance with the standard prescribed therefor; or
  - (d) contravenes or fails to comply with any provision of this Part of this Act,
- shall be guilty of an offence against this Act.

Offences and  
penalties.  
*Ibid.* s. 10.

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*Stock Foods and Medicines.*


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## PART III.

## STOCK MEDICINES.

Constitution  
of Stock  
Medicines  
Board.

cf. Vict. Act  
No. 4488  
(1937), s. 3.

Membership  
of Board.  
*Ibid.*

Term of  
office of  
appointed  
member.  
*Ibid.*

Removal of  
appointed  
member.  
*Ibid.*

Filling  
vacancy in  
office of  
appointed  
member.  
*Ibid.*

Quorum.  
*Ibid.*

Conduct of  
business,  
etc.  
*Ibid.*

Application  
for registra-  
tion of stock  
medicine.  
*Ibid.* s. 5.

**12.** (1) For the purposes of this Part there shall be constituted a Board to be called the "Stock Medicines Board."

(2) The Board shall consist of—

- (a) the persons holding for the time being under the Public Service Act, 1902, the office of the Chief Veterinary Surgeon of the Department of Agriculture who shall be Chairman of the Board, the office of the Chief Chemist of the Department of Agriculture, and the office of the Director of Veterinary Research of the Department of Agriculture respectively;
- (b) a veterinary surgeon appointed by the Minister.

(3) Subject to this Act the appointed member of the Board shall hold office for a period of not more than two years, but shall be eligible for re-appointment if then qualified.

(4) The Minister may at any time remove the appointed member of the Board.

(5) Any vacancy in the office of the appointed member of the Board shall be filled by the appointment of a qualified person thereto.

(6) A quorum of the Board shall consist of not less than two of the members thereof. At any meeting of the Board the Chairman shall have a deliberative vote and if the voting is equal shall have a second or casting vote.

(7) Save as is otherwise prescribed, the Board may meet at such times and places and may conduct its business in such manner as it thinks fit.

(8) The appointed member of the Board shall be entitled to be paid a fee of two guineas for each meeting of the Board which he attends.

**13.** (1) Every wholesale dealer in any stock medicine shall within thirty days after the commencement of this Act or within thirty days after the date of his **commencing**

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*Stock Foods and Medicines.*

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commencing in business or trade as such (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture an application for registration of such stock medicine in writing in or to the effect of the prescribed form setting out—

- (a) his name and place of business;
- (b) the distinctive name of such stock medicine;
- (c) the place of manufacture thereof and the name of the manufacturer;
- (d) (i) in the case of a stock medicine other than a biological product—the prescription thereof, that is to say, the actual prescription to which such stock medicine is made, stating all the constituent parts and their respective proportions and the constituents thereof which are claimed to be active constituents; and  
(ii) in the case of a stock medicine which is a biological product—the composition thereof, that is to say, the specific organism or product or ingredient claimed to be the active principal of such biological product and the concentration of such organism, product or ingredient;
- (e) full directions for the use and application of such stock medicine and a statement of the injuries which it is intended or claimed to cure or alleviate or of the disease which it is intended or claimed to diagnose, cure, alleviate or prevent or of the parasite or pest affecting stock which it is intended or claimed to destroy or of the improvement in condition or increase in capacity of stock which it is intended or claimed to effect (as the case may be); and
- (f) such other matters as are prescribed.

(2)

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*Stock Foods and Medicines.*

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Statutory  
declaration  
and fee to  
accompany  
application.  
cf. Viet. Act  
No. 4488  
(1937), s. 5.

(2) Every such application shall be accompanied  
by—

(a) a statutory declaration by such wholesale dealer  
verifying the statements and particulars con-  
tained in such application; and

(b) the prescribed fee.

Application  
for registra-  
tion of  
additional  
or altered  
stock  
medicine.  
cf. *Ibid.*

(3) If after the thirtieth day of June in any year  
any wholesale dealer in any stock medicine—

(a) proposes to sell any stock medicine in addition  
to those registered under this Part, or

(b) alters in any way the prescription or composi-  
tion of any stock medicine registered under this  
Part,

such wholesale dealer shall before commencing to sell  
such additional stock medicine or such stock medicine as  
so altered make with respect to the same a like applica-  
tion for registration as hereinbefore prescribed.

(4) If after registration of any stock medicine the  
wholesale dealer in such stock medicine proposes to vary  
the directions for use and application of the stock medi-  
cine as contained in his application for registration he  
shall before commencing to sell such stock medicine  
notify in writing the Under Secretary of the Department  
of Agriculture of such proposed variation.

(5) The registration of any stock medicine shall,  
subject to this Act, continue in force until the thirtieth day  
of June next following the date of registration.

Information  
as to  
prescription  
or composi-  
tion of stock  
medicine to  
be deemed  
confidential.  
*Ibid.* s. 6.

**14.** The information as to the prescription or com-  
position of any stock medicine contained in any applica-  
tion for registration of such stock medicine shall be  
deemed confidential and shall not be disclosed by any  
member of the Board or any officer of the Department  
of Agriculture to any other person without the authority  
in writing of the wholesale dealer in such stock medicine  
except in pursuance of this Act or so far as is necessary  
in respect of any proceedings for an offence instituted  
or proposed to be instituted under this Act.

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*Stock Foods and Medicines.*

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**15.** (1) Every application for registration of any stock medicine shall be submitted by the Under Secretary of the Department of Agriculture to the Board for its report and recommendation thereon.

Applications  
for registration  
to be submitted  
to Board.  
cf. Vict. Act  
No. 4488  
(1937), s. 7.

(2) No stock medicine shall be registered by the said Under Secretary unless the Board recommends that the registration should be made.

(3) Where the Board recommends that an application for registration of a stock medicine should be refused the recommendation shall be accompanied by a statement of the grounds upon which such recommendation is based.

**16.** (1) Where an application for registration of a stock medicine is refused the Under Secretary of the Department of Agriculture shall within seven days after the receipt by him of the recommendation of the Board send by post to the applicant a notice in writing setting out that the application has been refused and the grounds of such refusal.

Appeal  
against  
refusal of  
registration.

(2) The applicant may within the time prescribed appeal against such refusal to a District Court judge having jurisdiction in the district within which the applicant's place of business is situated.

(3) Such judge may summon witnesses, hear evidence and determine the matter having regard to this Part of this Act, the regulations, the circumstances of the case and the public interest.

(4) The decision of such judge upon any such appeal shall be final, and shall be binding upon the Under Secretary of the Department of Agriculture and the appellant, and shall be carried into effect accordingly.

(5) If in any decision under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the District Court.

(6)

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*Stock Foods and Medicines.*

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(6) A District Court judge determining any matter upon appeal under this section shall be assisted by two assessors, who may advise such judge, but shall not be entitled to take any other part in determining the matter.

(7) One of such assessors shall be the Dean of the Faculty of Veterinary Science of the University of Sydney or the person for the time being acting in his place or where neither of those persons is available or willing to act as assessor a veterinary surgeon appointed by the Minister, and the other of such assessors shall be a veterinary surgeon appointed by the Minister.

(8) Each assessor shall for every day or portion of a day during which he is engaged as such upon an appeal under this section be entitled to be paid a fee of five guineas.

References to this Act, etc., upon packages and in advertisements of registered stock medicines. cf. Vict. Act No. 4488 (1937), s. 9.

**17.** (1) Every package of a registered stock medicine shall bear thereon or on a label securely and conspicuously affixed to the package the words "Registered under the Stock Foods and Medicines Act, 1940."

(2) No such package or label shall bear thereon and no written or printed matter relating to any registered stock medicine shall contain any reference to this Act other than the words "Registered under the Stock Foods and Medicines Act, 1940."

(3) Any person who—

- (a) sells any package of a registered stock medicine in respect of which any of the provisions of subsection one or subsection two are contravened; or
- (b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter which contains any reference in contravention of subsection two of this section,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.



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*Stock Foods and Medicines.*

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- 18.** Any person who after the expiration of a period of six months after the commencement of this Act—
- (a) sells any stock medicine which is not registered under this Part;
  - (b) sells under the name of a registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine; or
  - (c) sells any registered stock medicine in respect of which any claim or statement as to its efficacy for use for any purpose other than those stated in the application for registration of such stock medicine has been made by him or with his consent either verbally or in any written or printed matter relating thereto,

Offences in relation to sale and advertisement of stock medicines.

cf. Viet. Act No. 4488 (1937), s. 10.

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for any subsequent offence: Provided that no person other than the wholesale dealer in any registered stock medicine shall be deemed guilty of any offence against the provisions of paragraph (b) of this section unless it is proved that he knew that the stock medicine sold did not conform with the registered prescription or composition.

- 19.** (1) Any wholesale dealer in any registered stock medicine who—
- (a) sells under the name of such registered stock medicine any stock medicine which does not conform with the registered prescription or composition of such registered stock medicine;
  - (b) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement as to the efficacy of such registered stock medicine for use for any purpose other than those stated in the application for registration of such stock medicine;

Offences by wholesale dealer and cancellation of registration.

cf. *Ibid.* s. 11.

(c)

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*Stock Foods and Medicines.*

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(c) publishes, circulates or distributes or causes to be published, circulated or distributed any written or printed matter containing any claim or statement with respect to such registered stock medicine which is false or misleading in any material particular,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding fifty pounds for a first offence and not exceeding one hundred pounds for any subsequent offence.

Cancellation  
of registra-  
tion.

(2) If any wholesale dealer in any registered stock medicine is convicted of an offence against any of the provisions of subsection one of this section in respect of such stock medicine, the Under Secretary of the Department of Agriculture may on the recommendation of the Stock Medicines Board cancel the registration of such stock medicine.

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PART IV.

GENERAL PROVISIONS.

Appoint-  
ment of  
inspectors  
and  
analysts.

**20.** (1) The Governor may, subject to the provisions of the Public Service Act, 1902, appoint such inspectors, analysts, bacteriologists and other persons as may be deemed necessary for the purposes of this Act.

(2) The Minister may by writing under his hand authorise any officer of the Public Service or member of the police force to exercise, either generally or in any particular case or class of cases or for any specified place, all or any of the powers, authorities, duties and functions conferred or imposed on an inspector by this Act.

Any person so authorised shall, when acting within the scope of his authority, be deemed to be an inspector for the purposes of this Act.

**21.**

*Stock Foods and Medicines.*

**21.** (1) Any inspector or any person duly authorised in that behalf under subsection two of section twenty of this Act may—

Powers of  
inspectors  
and officers.  
Q'ld. Act  
No. 18 of  
1935, s. 5.

- (a) enter and search any land, building, premises or place which he has reasonable grounds for believing is used for the making, manufacture, sale, storage, delivery or preparation for sale of any stock food or stock medicine;
- (b) enter and search any vehicle, ship, vessel, aeroplane or other means of transport which he has reasonable grounds for believing is used for the conveyance of any stock food or stock medicine in the course of trade, sale or delivery;
- (c) examine any stock food or stock medicine found upon such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and open any package containing any such stock food or stock medicine;
- (d) take for analysis or examination samples of any such stock food or stock medicine without payment. The quantity and nature of samples and the proportion of the bulk from which such samples are to be taken shall be as prescribed;
- (e) seize any such stock food which is or appears to him to be unfit for use as a stock food;
- (f) weigh, count, measure, gauge or mark any such stock food or any package containing the same so seized, and fasten, secure or seal the same and any door or opening giving access to the same.

(2) Where any stock food or stock medicine is taken for analysis or examination—

Procedure  
for  
sampling.

- (a) the inspector or person duly authorised shall forthwith divide the sample into approximately three equal parts: Provided that when any such stock food or stock medicine is made up in packages, three of such packages may be taken and dealt with as if they were the three parts obtained by dividing the sample;
- (b) seal or fasten each such part in such manner as its nature permits;

(c)

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*Stock Foods and Medicines.*

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- (c) place or affix to each part a label stating the name so far as is known to him of the occupier of or person apparently in occupation of the place or of the person apparently having possession, custody or control of the lot from which such sample was taken and the time and place of taking;
- (d) sign the label on each part and submit it for signature by the person mentioned in paragraph (c) of this subsection who may, if he so desires, sign it;
- (e) deliver one of such parts to the person mentioned in paragraph (c) of this subsection, retain one of such parts, and deliver the remaining part to an analyst for analysis or in the case of a stock medicine which is a biological product to a bacteriologist for examination. Such delivery to an analyst or bacteriologist may be effected either personally or in such other manner as may be prescribed.

Destruction  
of seized  
stock foods.

**22.** (1) Where any stock food has been seized in pursuance of section twenty-one of this Act any justice may thereupon grant a summons calling upon the owner of the stock food or the person in whose possession it has been found to appear before any police or stipendiary magistrate or any two justices in petty sessions to show cause why the stock food should not be forfeited and destroyed.

(2) 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 that the stock food is unfit for use as a stock food, adjudge such stock food to be forfeited and the same shall be destroyed.

Tampering  
with samples.  
Q'ld. Act  
No. 33. of  
1937, s. 12.

**23.** Any person who improperly tampers with any sample or part of a sample taken under this Act shall be guilty of an offence against this Act.

**24.**

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*Stock Foods and Medicines.*

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**24.** (1) Any inspector or other person duly authorised in that behalf under subsection two of section twenty of this Act may at any time require the buyer, whether by wholesale or retail, of any stock food or stock medicine to state the name and address of the person from whom he purchased such stock food or stock medicine and to furnish any other information in connection with the purchase which such inspector or person may require and also to produce for inspection any invoice, agreement, circular or advertisement given to him by the vendor.

Officer may demand information.

(2) Any person who withholds any such information or who fails without lawful excuse to produce such invoice, agreement, circular or advertisement shall be guilty of an offence against this Act.

**25.** (1) Any analyst who analyses any stock food or stock medicine submitted to him in pursuance of this Act for analysis or any bacteriologist who examines any biological product submitted to him in pursuance of this Act for examination may give a certificate in or to the effect of the form prescribed as to the result of the analysis or examination.

Certificate of analyst or bacteriologist to be evidence.

(2) In any legal proceedings under this Act or the regulations the production of a certificate purporting to be signed by an analyst or a bacteriologist shall be prima facie evidence of the identity of the stock food or stock medicine analysed or examined and of the result of the analysis or examination without proof of the signature of the person appearing to have signed the same.

cf. Act No. 31, 1908, s. 29.

**26.** (1) In the case of any conviction under this Act for any of the following offences, namely—

Forfeiture of stock foods and stock medicines.

(a) an offence against the provisions of paragraph (a) of section eleven of this Act;

cf. *Ibid.* s. 39.

(b) against any of the provisions of section eighteen or section nineteen of this Act,

any stock food or stock medicine to which the conviction relates may by order of the court become and be forfeited to His Majesty. Such forfeiture may extend to the whole of the stock food or stock medicine as the case may be  
and

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*Stock Foods and Medicines.*

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and to the whole of any similar article and to all packages containing any similar stock food or stock medicine belonging to the defendant or in his possession at the time of committing the offence.

(2) All stock foods and stock medicines forfeited under this Act shall be disposed of as the Minister may direct.

Costs of  
analysis.

**27.** In the case of any conviction under this Act in respect of any stock food or stock medicine which has been analysed by an analyst or examined by a bacteriologist under this Act the Court may award the reasonable expenses of and attending such analysis or examination against the defendant as part of the costs of the prosecution.

Penalty for  
obstructing  
inspectors,  
etc.

**28.** Any person who prevents, delays, obstructs or hinders any inspector or person duly authorised under subsection two of section twenty of this Act from or in the execution of his powers and duties under this Act shall be guilty of an offence against this Act.

Interference  
with official  
marks or  
seals.

**29.** If any person, who is not authorised so to do, removes, erases, alters, breaks or opens any mark, seal or fastening placed by an inspector or authorised person upon any stock food or stock medicine or upon any door or opening affording access to the same, he shall be guilty of an offence against this Act.

Retaking of  
seized stock  
foods, etc.

**30.** Any person who retakes or attempts to retake any article seized under this Act or ordered to be forfeited under this Act shall be guilty of an offence against this Act.

Penalty for  
offences.

**31.** Any person who is guilty of an offence against this Act or the regulations thereunder shall where no other penalty is expressly provided therefor be liable to a penalty not exceeding fifty pounds.

Recovery of  
penalties.

**32.** Penalties imposed by this Act or the regulations shall be recoverable in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

**33.**

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*Stock Foods and Medicines.*

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**33.** (1) Where a copy of a certificate given by an analyst or bacteriologist under this Act has been served upon a defendant who is charged with the commission of an offence against the provisions of this Act or the regulations it shall not be competent for the defendant upon the hearing of the charge to dispute the accuracy of any statement contained in the certificate unless within seven clear days after service upon him of the copy of the certificate he has notified the Under Secretary of the Department of Agriculture by letter forwarded by registered post that the accuracy of the certificate will be disputed at the hearing of the charge.

Certificate not to be disputed unless notice given.

(2) Service of the copy of a certificate may be proved in the same manner as service of the summons.

**34.** In any legal proceedings under this Act the production of a certificate purporting to be signed by the Under Secretary of the Department of Agriculture that any stock food or stock medicine is or is not registered under this Act shall be prima facie evidence of the fact so certified without proof of the signature of the said Under Secretary.

Certificate of registration or non-registration.

**35.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection one of this section the Governor may make regulations in respect of the following matters:—

- (a) prescribing the weight or size of battens which may be used on bales of hay;
- (b) prescribing standard qualities for stock foods specified in the regulations;
- (c) prescribing the manner in which the particulars relating to a manufactured stock food or by-product or a stock medicine shall be written on the package containing it or on a label **affixed**

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*Stock Foods and Medicines.*

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affixed to the package and the manner in which a label containing the particulars shall be affixed to a package;

- (d) prescribing the size and type of labels to be affixed to a manufactured stock food or by-product or stock medicine;
- (e) prescribing forms for the purposes of this Act;
- (f) prescribing the fees to be paid under this Act;
- (g) prescribing methods of analysis or examination for any stock food or stock medicine.

(3) The regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

*In the name and on behalf of His Majesty I assent to this Act.*

WAKEHURST,  
*Governor.*

*Government House,  
Sydney, 30th May, 1940.*



