

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 April, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith.

BE

Dairy Industry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Dairy Industry (Amendment) Act, 1973".

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act. Commencement.

10 (2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

15 3. The Dairy Industry Act, 1915, is amended by omitting from section 22A (6) (c) the words "nine thousand" and by inserting instead the figures "10,800". Amendment of Act No. 45, 1915.

Sec. 22A. (Manufacturers of margarine to be licensed.)

4. The Dairy Industry Act, 1915, is further amended— Further amendment of Act No. 45, 1915.

20 (a) (i) by inserting next after the definition of "Prescribed" in section 2 (1) the following new definition :— Sec. 2. (Definitions.)

"Sell" includes—

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- 25 (d) send, forward or deliver for or on sale or for barter or exchange;
- (e)

(d)

Dairy Industry (Amendment).

- 5 (e) have in possession for sale, barter or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- 10 (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

15 (1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

20 21A. (1) This section does not apply to or in respect of margarine that—

Labelling
of package
containing
table
margarine.

(a) is sold for export beyond the Commonwealth; or

(b) is manufactured, packed and sold as permitted by section 22B.

25 (2) A person shall not sell table margarine unless—

(a) the margarine is made up in lumps of one pound or half a pound;

(b)

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
 - 5 (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - 10 (iii) any registered mark of the manufacturer of the margarine; and

- (c) each such package or other container is marked, in such manner as may be prescribed—
 - 15 (i) with the words “Table Margarine”; and
 - (ii) where a standard for poly-unsaturated margarine has been prescribed by or under the Pure Food Act, 1908, and the margarine does not comply with that standard—with the words “Not poly-unsaturated”.
 - 20

25 21B. (1) This section does not apply to or in respect of margarine that—

Labelling of package containing cooking margarine.

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

30 (2) A person shall not sell cooking margarine unless—

- (a) the margarine is made up in lumps of one pound, half a pound or twelve ounces;

(b)

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
 - (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - (iii) any registered mark of the manufacturer of the margarine; and

- (c) each such package or other container is marked, in such manner as may be prescribed—
 - (i) with the words “Cooking Margarine”; and
 - (ii) with such other words or matter, or words and matter, as may be prescribed.

Penalty : On summary conviction—
\$500.

- (c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”;

- (d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :—
 - (iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked

Sec. 22A.
Manufacturers of margarine to be licensed.)

Sec. 22B.
Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)

with

Dairy Industry (Amendment).

with such other words or matter, or words and matter, as may be prescribed;

5 (ii) by omitting from section 22B (2) the word “two” and by inserting instead the word “five”;

(e) by inserting next after section 22D the following new section :— New sec. 22E.

22E. (1) In this section—

Advertising of cooking margarine.

“advertisement” includes notice or circular;

10 “publish” means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

15 (2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of cooking margarine if—

20 (a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

25 (i) is, or resembles, dairy produce that is not margarine;

(ii) contains any solids derived from the milk of the cow; or

(iii) is an equivalent substitute for dairy produce that is not margarine;

30 (b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein.

Penalty : On summary conviction—\$500.

(f)

Dairy Industry (Amendment).

- (f) (i) by inserting in section 25 (1A) (a) after the word "packages" where firstly occurring the words "or other containers"; Sec. 25.
(Regulations.)
- 5 (ii) by omitting from section 25 (1A) (a) the words "section 21A of this Act" and by inserting instead the words "section 21A, 21B or 22B";
- 10 (iii) by omitting from section 25 (1A) (a) the words "such packages by that section" and by inserting instead the words "those packages or other containers";
- (iv) by omitting from section 25 (2) the word "forty" and by inserting instead the words "four hundred";
- 15 (v) by omitting from section 25 (2) the word "four" and by inserting instead the word "twenty";
- (vi) by omitting section 25 (3) and by inserting instead the following subsection :—
- 20 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

F. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[10c]

The Public Bill introduced in the Legislative Assembly and
having this day passed is now ready for presentation to the Legislative
Council for its concurrence.

Bill No. 1973
I. E. K. VIDLER
Chief of the Legislative Assembly

Legislative Assembly Chamber

Section 14 of the Bill...

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No. , 1973.

A BILL

To permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith.

[Mr CRAWFORD—4 April, 1973.]

BE

Dairy Industry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Dairy Industry Short title. (Amendment) Act, 1973".

2. (1) This section and sections 1 and 3 commence on Commence- the date of assent to this Act. ment.

10 (2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

3. The Dairy Industry Act, 1915, is amended by omitting Amendment of Act No. 45, 1915. from section 22A (6) (c) the words "nine thousand" and by inserting instead the figures "10,800".

Sec. 22A. (Manufacturers of margarine to be licensed.)

4. The Dairy Industry Act, 1915, is further amended— Further amendment of Act No. 45, 1915.

(a) (i) by inserting next after the definition of Sec. 2. "Prescribed" in section 2 (1) the following (Definitions.) new definition :—

20

"Sell" includes—

25

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- (d) send, forward or deliver for or on sale or for barter or exchange;
- (e)

Dairy Industry (Amendment).

- 5 (e) have in possession for sale, barter or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- 10 (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

15 (1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

20 21A. (1) This section does not apply to or in respect of margarine that—

Labelling
of package
containing
table
margarine.

(a) is sold for export beyond the Commonwealth; or

(b) is manufactured, packed and sold as permitted by section 22B.

25 (2) A person shall not sell table margarine unless—

(a) the margarine is made up in lumps of one pound or half a pound;

(b)

Dairy Industry (Amendment).

- 5
- 10
- 15
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- (b) each such lump is packed in a package or other container on which is marked—
- (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - (iii) any registered mark of the manufacturer of the margarine; and
- (c) each such package or other container is marked, in such manner as may be prescribed—
- (i) with the words “Table Margarine”; and
 - (ii) where a standard for poly-unsaturated margarine has been prescribed by or under the Pure Food Act, 1908, and the margarine does not comply with that standard—with the words “Not poly-unsaturated”.

- 25
- 21B. (1) This section does not apply to or in respect of margarine that—
- (a) is sold for export beyond the Commonwealth; or
 - (b) is manufactured, packed and sold as permitted by section 22B.

- 30
- (2) A person shall not sell cooking margarine unless—
- (a) the margarine is made up in lumps of one pound or half a pound;
 - (b)

Labelling
of package
containing
cooking
margarine.

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
 - 5 (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - 10 (iii) any registered mark of the manufacturer of the margarine; and

- (c) each such package or other container is marked, in such manner as may be prescribed—
 - 15 (i) with the words “Cooking Margarine”; and
 - (ii) with such other words or matter, or words and matter, as may be prescribed.

Penalty : On summary conviction—\$500.

- 25 (c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”;

Sec. 22A. (Manufacturers of margarine to be licensed.)

- 30 (d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :—
 - persons; or
 - (iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked

Sec. 22B. (Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)

with

Dairy Industry (Amendment).

with such other words or matter, or words and matter, as may be prescribed,;

5 (ii) by omitting from section 22B (2) the word "two" and by inserting instead the word "five";

(e) by inserting next after section 22D the following new ^{New} section :— ^{sec. 22E.}

22E. (1) In this section—

"advertisement" includes notice or circular ;

Advertising
of cooking
margarine.

10 "publish" means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

15 (2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote or is intended to promote, the sale of cooking margarine unless the advertisement relates only to
20 cooking margarine.

(3) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of
25 cooking margarine if—

(a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

30 (i) is, or resembles, dairy produce that is not margarine ;

(ii)

Dairy Industry (Amendment).

- (ii) contains any solids derived from the milk of the cow; or
 - (iii) is an equivalent substitute for dairy produce that is not margarine;
- 5 (b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein; or
- (c) where the advertisement is published audibly, such uninterrupted statement as
10 may be prescribed is made, equally audibly, at the end of the advertisement.

Penalty : On summary conviction—\$500.

- 15 (f) (i) by inserting in section 25 (1A) (a) after the word "packages" where firstly occurring the words "or other containers"; Sec. 25. (Regulations.)
- (ii) by omitting from section 25 (1A) (a) the words "section 21A of this Act" and by inserting instead the words "section 21A, 21B or 22B";
- 20 (iii) by omitting from section 25 (1A) (a) the words "such packages by that section" and by inserting instead the words "those packages or other containers";
- 25 (iv) by omitting from section 25 (2) the word "forty" and by inserting instead the words "four hundred";
- (v) by omitting from section 25 (2) the word "four" and by inserting instead the word "twenty";

(vi)

Dairy Industry (Amendment).

(vi) by omitting section 25 (3) and by inserting instead the following subsection :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

5

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[10c]

No. , 1973.

A BILL

To permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith.

[Mr CRAWFORD—4 April, 1973.]

BE

Dairy Industry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Dairy Industry Short title. (Amendment) Act, 1973".

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act. Commencement.

10 (2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

3. The Dairy Industry Act, 1915, is amended by omitting 15 from section 22A (6) (c) the words "nine thousand" and by inserting instead the figures "10,800". Amendment of Act No. 45, 1915.

Sec. 22A. (Manufacturers of margarine to be licensed.)

4. The Dairy Industry Act, 1915, is further amended— Further amendment of Act No. 45, 1915.

20 (a) (i) by inserting next after the definition of "Prescribed" in section 2 (1) the following new definition :— Sec. 2. (Definitions.)

"Sell" includes—

- (a) barter or exchange ;
- (b) agree to sell, barter or exchange ;
- (c) offer or expose for sale, barter or exchange ;
- 25 (d) send, forward or deliver for or on sale or for barter or exchange ;
- (e)

Dairy Industry (Amendment).

- 5
- (e) have in possession for sale, barter or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- 10
- (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

15

(1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

20

21A. (1) This section does not apply to or in respect of margarine that—

(a) is sold for export beyond the Commonwealth; or

(b) is manufactured, packed and sold as permitted by section 22B.

Labelling
of package
containing
table
margarine.

25

(2) A person shall not sell table margarine unless—

(a) the margarine is made up in lumps of one pound or half a pound;

(b)

Dairy Industry (Amendment).

- 5 (b) each such lump is packed in a package
or other container on which is
marked—
- (i) the name and address of the
manufacturer of the margarine;
- (ii) the net weight of the
margarine in the package or
other container; and
- 10 (iii) any registered mark of the
manufacturer of the margarine;
and
- (c) each such package or other container
is marked, in such manner as may be
prescribed—
- 15 (i) with the words “Table
Margarine”; and
- (ii) where a standard for poly-
unsaturated margarine has
been prescribed by or under
20 **the Pure Food Act, 1908**, and
the margarine does not comply
with that standard—with the
words “Not poly-unsaturated”.

- 25 21B. (1) This section does not apply to or Labelling
of package
containing
cooking
margarine.
in respect of margarine that—
- (a) is sold for export beyond the
Commonwealth; or
- (b) is manufactured, packed and sold as
permitted by section 22B.

- 30 (2) A person shall not sell cooking
margarine unless—
- (a) the margarine is made up in lumps of
one pound or half a pound;
- (b)

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
 - 5 (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - 10 (iii) any registered mark of the manufacturer of the margarine; and
- (c) each such package or other container is marked, in such manner as may be prescribed—
 - 15 (i) with the words “Cooking Margarine”; and
 - (ii) with such other words or matter, or words and matter, as may be prescribed.
 - 20

Penalty : On summary conviction—
\$500.

- 25 (c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”; Sec. 22A. (Manufacturers of margarine to be licensed.)
- 30 (d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :— Sec. 22B. (Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)
 - persons; or
 - (iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked
- 35 with

Dairy Industry (Amendment).

with such other words or matter, or words and matter, as may be prescribed;

5 (ii) by omitting from section 22B (2) the word "two" and by inserting instead the word "five";

(e) by inserting next after section 22D the following new section :— New sec. 22E.

22E. (1) In this section—

"advertisement" includes notice or circular;

Advertising of cooking margarine.

10 "publish" means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

15 (2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote or is intended to promote, the sale of cooking margarine unless the advertisement relates only to
20 cooking margarine.

(3) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of
25 cooking margarine if—

(a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

30 (i) is, or resembles, dairy produce that is not margarine;

(ii)

Dairy Industry (Amendment).

- (ii) contains any solids derived from the milk of the cow; or
 - (iii) is an equivalent substitute for dairy produce that is not margarine;
- 5 (b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein; or
- (c) where the advertisement is published audibly, such uninterrupted statement as may be prescribed is made, equally audibly, at the end of the advertisement.
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Penalty : On summary conviction—\$500.

- 15 (f) (i) by inserting in section 25 (1A) (a) after the word "packages" where firstly occurring the words "or other containers"; Sec. 25. (Regulations.)
- (ii) by omitting from section 25 (1A) (a) the words "section 21A of this Act" and by inserting instead the words "section 21A, 21B or 22B";
- 20 (iii) by omitting from section 25 (1A) (a) the words "such packages by that section" and by inserting instead the words "those packages or other containers";
- 25 (iv) by omitting from section 25 (2) the word "forty" and by inserting instead the words "four hundred";
- (v) by omitting from section 25 (2) the word "four" and by inserting instead the word "twenty";

(vi)

Dairy Industry (Amendment).

(vi) by omitting section 25 (3) and by inserting instead the following subsection :—

5

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[10c]

PROOF

DAIRY INDUSTRY (AMENDMENT) BILL, 1973

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase the total permissible production of table margarine from 9,000 tons to 10,800 tons;
- (b) to regulate the packaging of table margarine and cooking margarine;
- (c) to regulate the advertising for sale of cooking margarine;
- (d) to increase certain penalties;
- (e) to make provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1973.

A BILL

To permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith.

[Mr CRAWFORD—4 *April*, 1973.]

BE

Dairy Industry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Dairy Industry (Amendment) Act, 1973". Short title.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act. Commencement.

10 (2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

3. The Dairy Industry Act, 1915, is amended by omitting from section 22A (6) (c) the words "nine thousand" and by inserting instead the figures "10,800". Amendment of Act No. 45, 1915.

Sec. 22A.
(Manufacturers of margarine to be licensed.)

4. The Dairy Industry Act, 1915, is further amended— Further amendment of Act No. 45, 1915.

20 (a) (i) by inserting next after the definition of "Prescribed" in section 2 (1) the following new definition :— Sec. 2. (Definitions.)

"Sell" includes—

- 25
- (a) barter or exchange ;
 - (b) agree to sell, barter or exchange ;
 - (c) offer or expose for sale, barter or exchange ;
 - (d) send, forward or deliver for or on sale or for barter or exchange ;
 - (e)

Dairy Industry (Amendment).

- 5 (e) have in possession for sale, barter or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- 10 (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

15 (1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

20 21A. (1) This section does not apply to or in respect of margarine that—

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

25 (2) A person shall not sell table margarine unless—

- (a) the margarine is made up in lumps of one pound or half a pound;

(b)

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
- 5 (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - 10 (iii) any registered mark of the manufacturer of the margarine; and
- (c) each such package or other container is marked, in such manner as may be prescribed—
- 15 (i) with the words “Table Margarine”; and
 - 20 (ii) where a standard for poly-unsaturated margarine has been prescribed by or under the Pure Food Act, 1908, and the margarine does not comply with that standard—with the words “Not poly-unsaturated”.

- 25 21B. (1) This section does not apply to or in respect of margarine that—
- (a) is sold for export beyond the Commonwealth; or
 - (b) is manufactured, packed and sold as permitted by section 22B.

- 30 (2) A person shall not sell cooking margarine unless—
- (a) the margarine is made up in lumps of one pound or half a pound;
 - (b)

Dairy Industry (Amendment).

(b) each such lump is packed in a package or other container on which is marked—

5

(i) the name and address of the manufacturer of the margarine;

(ii) the net weight of the margarine in the package or other container; and

10

(iii) any registered mark of the manufacturer of the margarine; and

(c) each such package or other container is marked, in such manner as may be prescribed—

15

(i) with the words “Cooking Margarine”; and

(ii) with such other words or matter, or words and matter, as may be prescribed.

20

Penalty : On summary conviction—
\$500.

(c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”;

25

Sec. 22A.
(Manufacturers of margarine to be licensed.)

(d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :—

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persons; or

(iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked

35

Sec. 22B.
(Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)

with

Dairy Industry (Amendment).

with such other words or matter, or words and matter, as may be prescribed ;

5 (ii) by omitting from section 22B (2) the word "two" and by inserting instead the word "five";

(e) by inserting next after section 22D the following new section :— New sec. 22E.

22E. (1) In this section—

"advertisement" includes notice or circular ;

Advertising of cooking margarine.

10 "publish" means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

15 (2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote or is intended to promote, the sale of cooking margarine unless the advertisement relates only to cooking margarine.

20 (3) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of cooking margarine if—

25 (a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

30 (i) is, or resembles, dairy produce that is not margarine ;

(ii)

Dairy Industry (Amendment).

(ii) contains any solids derived from the milk of the cow; or

(iii) is an equivalent substitute for dairy produce that is not margarine;

5 (b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein; or

10 (c) where the advertisement is published audibly, such uninterrupted statement as may be prescribed is made, equally audibly, at the end of the advertisement.

Penalty : On summary conviction—\$500.

15 (f) (i) by inserting in section 25 (1A) (a) after the word “packages” where firstly occurring the words “or other containers”; Sec. 25. (Regulations.)

(ii) by omitting from section 25 (1A) (a) the words “section 21A of this Act” and by inserting instead the words “section 21A, 21B or 22B”;

20 (iii) by omitting from section 25 (1A) (a) the words “such packages by that section” and by inserting instead the words “those packages or other containers”;

25 (iv) by omitting from section 25 (2) the word “forty” and by inserting instead the words “four hundred”;

(v) by omitting from section 25 (2) the word “four” and by inserting instead the word “twenty”;

(vi)

Dairy Industry (Amendment).

(vi) by omitting section 25 (3) and by inserting instead the following subsection :—

5

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 April, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 23, 1973.

An Act to permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith. [Assented to, 2nd May, 1973.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Dairy Industry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Dairy Industry (Amendment) Act, 1973".

Commence- **2.** (1) This section and sections 1 and 3 commence on
ment. the date of assent to this Act.

(2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

Amendment **3.** The Dairy Industry Act, 1915, is amended by omitting
of Act No. from section 22A (6) (c) the words "nine thousand" and by
45, 1915. inserting instead the figures "10,800".
Sec. 22A.
(Manufacturers of
margarine to
be licensed.)

Further **4.** The Dairy Industry Act, 1915, is further amended—
amendment
of Act No.
45, 1915.

Sec. 2.
(Defini-
tions.) (a) (i) by inserting next after the definition of
"Prescribed" in section 2 (1) the following
new definition:—

"Sell" includes—

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- (d) send, forward or deliver for or on sale or for barter or exchange;
- (e)

Dairy Industry (Amendment).

- (e) have in possession for sale, barter or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

(1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

21A. (1) This section does not apply to or in respect of margarine that—

Labelling
of package
containing
table
margarine.

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

(2) A person shall not sell table margarine unless—

- (a) the margarine is made up in lumps of one pound or half a pound;

(d)

(b)

Dairy Industry (Amendment).

- (b) each such lump is packed in a package or other container on which is marked—
 - (i) the name and address of the manufacturer of the margarine;
 - (ii) the net weight of the margarine in the package or other container; and
 - (iii) any registered mark of the manufacturer of the margarine; and

- (c) each such package or other container is marked, in such manner as may be prescribed—
 - (i) with the words “Table Margarine”; and
 - (ii) where a standard for poly-unsaturated margarine has been prescribed by or under the Pure Food Act, 1908, and the margarine does not comply with that standard—with the words “Not poly-unsaturated”.

Labelling
of package
containing
cooking
margarine.

21B. (1) This section does not apply to or in respect of margarine that—

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

(2) A person shall not sell cooking margarine unless—

- (a) the margarine is made up in lumps of one pound, half a pound or twelve ounces;

(b)

Dairy Industry (Amendment).

(b) each such lump is packed in a package or other container on which is marked—

- (i) the name and address of the manufacturer of the margarine;
- (ii) the net weight of the margarine in the package or other container; and
- (iii) any registered mark of the manufacturer of the margarine; and

(c) each such package or other container is marked, in such manner as may be prescribed—

- (i) with the words “Cooking Margarine”; and
- (ii) with such other words or matter, or words and matter, as may be prescribed.

Penalty : On summary conviction—
\$500.

(c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”;

Sec. 22A.
(Manufacturers of margarine to be licensed.)

(d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :—

Sec. 22B.
(Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)

persons; or

(iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked

with

Dairy Industry (Amendment).

with such other words or matter, or words and matter, as may be prescribed, ;

(ii) by omitting from section 22B (2) the word "two" and by inserting instead the word "five";

New
sec. 22E.

(e) by inserting next after section 22D the following new section :—

Advertising
of cooking
margarine.

22E. (1) In this section—

"advertisement" includes notice or circular ;

"publish" means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

(2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of cooking margarine if—

(a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

(i) is, or resembles, dairy produce that is not margarine ;

(ii) contains any solids derived from the milk of the cow ; or

(iii) is an equivalent substitute for dairy produce that is not margarine ;

(b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein.

Penalty : On summary conviction—\$500.

(f)

Dairy Industry (Amendment).

- (f) (i) by inserting in section 25 (1A) (a) after the word "packages" where firstly occurring the words "or other containers"; Sec. 25. (Regulations.)
- (ii) by omitting from section 25 (1A) (a) the words "section 21A of this Act" and by inserting instead the words "section 21A, 21B or 22B";
- (iii) by omitting from section 25 (1A) (a) the words "such packages by that section" and by inserting instead the words "those packages or other containers";
- (iv) by omitting from section 25 (2) the word "forty" and by inserting instead the words "four hundred";
- (v) by omitting from section 25 (2) the word "four" and by inserting instead the word "twenty";
- (vi) by omitting section 25 (3) and by inserting instead the following subsection :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

JOHN R. KERR,

By Deputation from

His Excellency the Lieutenant-Governor.

Government House,

Sydney, 2nd May, 1973.

