

1875-6.

Legislative Council.

ADULTERATION OF FOOD PREVENTION BILL.

(*New Clauses to be proposed in Committee of the Whole
by MR. DALLEY.*)

1. Every person who shall for purposes of sale mix or cause or permit to be mixed any ingredient or material with any article of food or drink or shall colour any such article or cause or permit the same to be coloured so as in any such case to render such article injurious to health—or who shall for purposes of sale mix or cause or permit to be mixed any ingredient or material with any drug or shall colour any such drug or cause or permit the same to be coloured so as to affect injuriously the quality or potency of such drug—shall for the first offence be liable to a penalty not exceeding *fifty* pounds and in case of any subsequent offence shall be guilty of a misdemeanour and be liable to imprisonment with or without hard labour for a term not exceeding *six* months.

Mixing drugs or articles with ingredients injurious to health.

2. Every person who shall sell any drug or article of food or drink mixed with any such ingredient or material or so coloured as aforesaid whereby such drug or article has been rendered injurious to health shall be liable for each offence to the like penalties as are in the first section provided in respect of the mixing or colouring of any such drug or article.

Selling any such drug or article.

3. Provided that no person shall be convicted under the last preceding section who shall show to the satisfaction of the Justices (or in case of indictment to the satisfaction of the Jury) that he did not know the drug or article in question to have been so mixed or injuriously coloured as aforesaid and that he could not with reasonable diligence have obtained that knowledge.

Exemption from last-mentioned penalties.

4. Every person who shall for purposes of sale mix or cause or permit to be mixed any ingredient or material with any drug or article of food or drink in order thereby fraudulently to increase its weight bulk or measure or to conceal its inferior quality—or who shall to the prejudice of the purchaser sell any drug or article of food or drink mixed with any ingredient or material whereby the weight bulk or measure of such drug or article has been increased or its inferior quality concealed—shall be liable to a penalty not exceeding *twenty* pounds and for any subsequent offence to a penalty not exceeding *fifty* pounds.

Mixing or selling drugs or articles to increase bulk &c.

5. Every person who shall to the prejudice of the purchaser sell any drug or article of food or drink which is not of the nature substance or quality of the drug or article demanded by such purchaser—or any compounded drug or compound article of food which is not composed of ingredients in accordance with the demand of the purchaser—shall be liable to a penalty not exceeding *twenty* pounds and for any subsequent offence to a penalty not exceeding *fifty* pounds.

Selling drugs or articles not of the nature demanded.

6. Provided that no person shall be convicted under either of the two last preceding sections if he shall show to the satisfaction of the Justices that he did not know the drug or article in question to have been mixed so that thereby its weight or bulk or measure was increased or its inferior quality concealed and that he could not with reasonable diligence have obtained that knowledge or if he shall show

Exemption from penalties under last preceding sections.

that at the time of selling such drug or article he distinctly apprised the purchaser that it was mixed or shall show that the added ingredient or material (not being injurious to health) was added not for any fraudulent purpose but solely for the production or necessary preparation of the drug or article as an article of commerce or was unavoidably mixed with it in the process of preparation or that such drug or article was a patented or proprietary medicine and sold as such.

The terms ingredient or material.

7. The term ingredient and the term material as used in this Act shall include liquids as well as solid substances.

Recovery of penalties.

8. Every pecuniary penalty under this Act may be imposed and recovered in a summary way by and before any two Justices and where the penalty awarded exceeds *five* pounds the defendant may appeal from the conviction in the manner by law in that behalf provided.

Expense of analyzing articles.

9. Where the prosecutor in any case under this Act shall have caused the drug or article forming the subject of prosecution to be analysed by any competent analyst the reasonable expense of and attending such analysis (to be assessed by the Justices) may in case of a conviction be awarded against the defendant as part of the costs of the prosecution if the convicting Justices shall think fit.