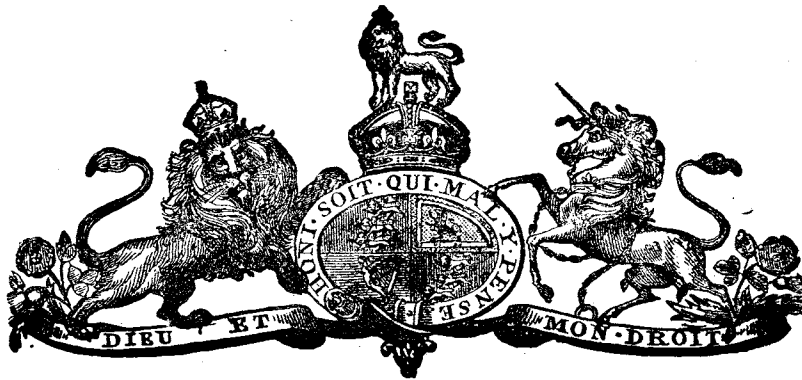


TASMANIA.



1927.

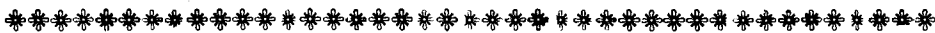
ANNO OCTAVO DECIMO

GEORGII V. REGIS,

No. 59.

ANALYSIS.

- |   |  |
|---|--|
| <p>1. Short title.</p> <p>2. Amendment of 1 Geo. V. No. 22.<br/>                 Section 5.<br/>                 Repeal of Section 13.<br/>                 New Section 13.<br/>                 Adulterated food.<br/>                 Repeal of Section 21.<br/>                 Section 23.<br/>                 Repeal of Section 31 and substitution of new section.</p> | <p>Procedure for analysis.<br/>                 Repeal of Section 52.<br/>                 New Section 52.<br/>                 Registration of premises.<br/>                 Licences.<br/>                 Section 54.<br/>                 New Section 61.<br/>                 Application of fees and penalties.</p> |
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AN ACT to amend the Food and Drugs Act, 1910. [19 December, 1927.]

A.D. 1927.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :-

1 This Act may be cited as "The Food and Drugs Act, 1927." Short title.

4d.]

*Food and Drugs.*

A.D. 1927.

Amend-  
ment of 1  
Geo. V No.  
22.

Section 5

Adulterated  
food.Repeal of  
Section 13.New Sec-  
tion 13.Repeal of  
Section 21.  
Section 23.Repeal of  
Section 31  
and sub-  
stitution of  
new section.  
Procedure  
for analysis.**2** The Food and Drugs Act, 1910, is hereby amended—

I. By inserting after Paragraph XIII. of Section Five thereof the word “or,” and adding thereafter the following new Paragraph XIV.—

“XIV. When, either wholly or in part, it exceeds the prescribed bacteriological content.”

II. By repealing Section Thirteen thereof, and substituting therefor the following new Section Thirteen—

“**13**—(1) No person shall sell any milk which is adulterated.

Penalty: Fifty Pounds.

(2) No person shall sell any article of food, or any drug, which is adulterated or falsely described or which is packed or enclosed for sale in any manner contrary to the provisions of this Act.”

III. By repealing Section Twenty-one thereof.

IV. By inserting at the beginning of Section Twenty-three thereof the figure “(1)” and adding at the end thereof the following new Subsection (2)—

“(2) Any person who sells or offers, or keeps for sale, any food or drug in a closed package shall be deemed to be the agent of a person named on the label on such package as the manufacturer or packer thereof.”

V. By repealing Section Thirty-one thereof, and substituting therefor, the following new Section Thirty-one:—

“**31**—(1) Where any food or drug is procured, as provided by Section Twenty-nine or Section Thirty of this Act for the purpose of analysis, the person procuring such food or drug shall—

- i. Forthwith inform the person from whom he procured such food or drug of the purpose for which the same was so procured:
- ii. Except, where otherwise provided, forthwith divide such food or drug into three portions of equal, or approximately equal quantity, and securely close or fasten up each such portion in a separate vessel, container, or package, as may be appropriate to the nature thereof:
- iii. Clearly and legibly mark each such vessel, container, or package with some distinctive mark of identification:
- iv. Deliver, or, if delivery is not taken, tender to such person as last aforesaid one such portion so marked unless such last mentioned person evades such delivery or tender:
- v. Retain one such portion:

*Food and Drugs.*

A.D. 1927

- vi. Deliver or transmit to an analyst the third such portion as soon as is reasonably practicable; and
- vii. Within sixteen days after procuring such food or drug, transmit a copy of the analyst's report of the analysis of such lastmentioned portion to the person by whom any contravention of this Act has been committed in respect thereof.

(2) Where any food or drug is retailed in bottles, packages, or containers the person so procuring the same as aforesaid may procure three of such bottles, packages, or containers each purporting to contain the same kind of food or drug and bearing the same brand or label, and in such case each bottle, package, or container so procured shall be deemed to be one such portion as is mentioned in Subsection (1) hereof and no division thereof shall be required.

(3) The Governor, from time to time by regulation, may prescribe the procedure to be followed in respect of milk or of any food or drug specified in such regulation, and any such procedure may be in addition to or in substitution for the procedure hereinbefore provided to such extent as such regulation may prescribe.

(4) Subject to the provisions of Subsection (5) hereof in any proceedings under this Act in respect of any food or drug a sample of which has been submitted to an analyst as hereinbefore provided, the court hearing such proceedings shall be satisfied that the provisions of this section have been complied with before the certificate of such analyst thereon shall be received as evidence as provided by Section Thirty-four of this Act.

(5) In any proceedings under this Act in respect of any food or drug purchased in the usual course of business by a person other than an inspector, if it is proved that the sample of such food or drug submitted for analysis was in the same state when received by the analyst as when so purchased as aforesaid, the certificate of such analyst thereon may be received as evidence without proof of compliance with the preceding provisions of this section."

- VI. By deleting the word "Guarantee" at the head of Section Fifty-two thereof, and repealing the said Section Fifty-two, and inserting in place thereof the following new heading and new Section Fifty-two:—

Repeal of  
Section 52.New Sec-  
tion 52.*"Registration and Licences.*

"52—(1) All such premises or classes of premises, as may be prescribed, wherein any food is manufactured or prepared for sale or wherein any food is sold to casual customers for consumption on the premises at the time of sale, shall be registered in such manner and under and subject to such conditions as may be prescribed.

Registra-  
tion of pre-  
mises.

*Food and Drugs.*

A.D. 1927 Licences.

Section 54.

New Section 61.

Applica-  
tion of fees  
and penal-  
ties.

(2) All such persons as may be prescribed, who carry on business in any such premises as aforesaid, may be required to hold licences for that purpose and any such licences may be granted and issued upon such terms and conditions and on payment of such fees as may be prescribed."

VII By deleting the word "owner" in the first line of Section Fifty-four thereof and substituting therefor the word "agent."

VIII. By inserting therein after Section Sixty thereof the following new Section Sixty-one—

"**61**—(1) All licence and other fees received under this Act shall be paid to, and retained by, the local authority.

(2) All penalties under this Act recovered in any proceedings instituted by or on behalf of the Department of Public Health shall be paid into and form part of the Consolidated Revenue and, save as aforesaid, all such penalties shall be paid to the local authority."