

T A S M A N I A .



1896.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ,

No. 30.

AN ACT to regulate the Sale of Bread. A.D. 1896.
[30 October, 1896.]

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 Sale of Bread Act, 1896,” and shall come into operation on the First day of *Januury*, One thousand eight hundred and ninety-seven. Short title and commencement.

2 The Act of the Parliament 5 *William* 4, No. 5, intituled “An Act to regulate the Sale of Bread,” is hereby repealed. Repeal.

3 All Bread made for sale, or sold or exposed for sale, in *Tasmania*, shall be made of pure and sound flour or meal of wheat, barley, rye, oats, buck-wheat, *Indian* corn, peas, beans, rice, or potatoes, or any of them, with any common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, and mixed in such proportions as may be thought fit, and with no other ingredient or matter whatsoever. Bread for sale to be made of certain ingredients only.

4 The several sorts of bread which shall be made for sale or sold or exposed for sale shall always be well made, and in their several and respective degrees according to quality of the meal or flour whereof the same ought to be made; and no alum or mixture in which alum shall be an ingredient, or any other mixture or ingredient whatsoever other than and except as hereinbefore mentioned, shall be put into or in anywise used in making bread for sale under any colour or pretence whatsoever; and every person who shall knowingly offend in the premises shall, on conviction of every such offence, forfeit and pay any sum not exceeding Ten Pounds nor less than Forty Shillings. Bread to be well made.

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"Standard
wheaten bread."

5 All bread made of the flour of wheat, which flour without any mixture or division shall be the whole produce of the grain, the bran or the hull thereof only excepted, and which shall weigh two-third parts of the weight of the wheat whereof it shall be made, shall be called and understood to be standard wheaten bread.

Bread, except
rolls, to be sold
by weight.

6 All bread, not being rolls or fancy bread, shall be sold by all bakers and sellers of bread respectively in loaves of One pound, Two pounds, or Four pounds' weight, and not otherwise.

"Fancy bread."

7 "Fancy bread" shall mean and include all loaves baked separately and crusted all over, and such bread shall be sold by all bakers or sellers of bread in loaves of Fourteen and Thirty and Sixty ounces' weight, and not otherwise.

"Rolls bread"
exempt from
weight.

8 All bread weighing Eight ounces or less shall be called and be deemed to be rolls, and may be made of such size or weight as the several bakers or sellers of bread may deem fit.

Appointment of
Inspectors to
carry out pro-
visions of this
Act.

9—(1.) The Council of any Municipality and the Board of any Town may appoint persons to be Inspectors, whose duty shall be to insure that the provisions of this Act are carried out, and to prosecute persons for offending against any of such provisions; and such Council may at any time remove any Inspector so appointed: Provided, that such appointments shall not involve any salary, allowance, or other additional expenditure.

(2.) Every person so appointed to be an Inspector shall have and may exercise all or any of the powers and authorities conferred on any Officer of the Central Board of Health or of a Local Board of Health by "The Public Health Act, 1885," and may also without any warrant exercise all or any of the powers and authorities conferred by Section Sixteen of this Act on any Justice or Constable.

(3.) Any person who shall have purchased bread under weight or sold contrary to the provisions of this Act, shall be at liberty and is hereby authorised to take proceedings against the baker or seller of bread offending against this Act.

Inspectors to
enter shops, stop
carts, &c., and
weigh bread.

10—(1.) Every Inspector may, without warrant, at all seasonable times in the day-time, enter any shop, stall, bakehouse, warehouse, outhouse, or premises of any baker or seller of bread, and may stop and search or examine any cart or other means used for the transit or delivery of bread by or for any baker or seller of bread, and may weigh and try all bread wherever found which appears to such Inspector to have been baked within Twenty-four hours next preceding the time of search.

Restriction as to
testing weight.

(2.) Such weight shall be taken as to not less than Six loaves (if there be that number) of the same denomination or size, or as to such larger number as may be found convenient.

Customer may
weigh bread.

(3.) Where bread has been sold or delivered to any customer, such customer may weigh and try the same.

Penalty.

(4.) If on weighing any such bread as aforesaid any deficiency be found in its weight, then the baker or seller of such bread shall on conviction be liable to a penalty not exceeding Two Shillings and Sixpence for every ounce of bread which is so found to be deficient, unless it is proved to the satisfaction of the Justices that the deficiency arose wholly from some unavoidable accident in baking, or was

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occasioned by or through some contrivance or confederacy to injure the accused person. A.D. 1896.

11 The several bakers or sellers of bread respectively in the sale of bread shall use the avoirdupois weight of Sixteen ounces to the pound according to the legal standard in *Tasmania*, and the several gradations of the same for any less quantity than a pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight and the several gradations of the same, he shall for every such offence forfeit and pay any sum not exceeding Five Pounds nor less than Five Shillings.

Penalty on bakers using any other than the avoirdupois weight.

12 In case any baker or seller of bread shall sell or deliver in his, her, or their shop or premises any bread except as aforesaid which shall not have been previously weighed in the presence of the party purchasing the same, if the purchaser shall have required such bread to be weighed, then, and in every such case, every such baker or seller of bread so offending shall upon conviction forfeit and pay for every such offence any sum not exceeding Five Pounds.

Selling bread not weighed if required.

13 Every baker or seller of bread shall cause to be fixed in some conspicuous part of his shop on or near the counter a beam and scales with proper weights or other sufficient balance in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, or any Inspector, Justice of the Peace, or Constable; and in case any such baker or seller of bread shall neglect to fix such beam and scales or other sufficient balance in manner aforesaid, or to provide and keep for use such proper beams and scales and proper weights or balance, or shall have or use any incorrect or false beam or scales or balance or any false weight not being of the weight it purports to be according to the said standard, then and in every such case he shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

Bakers to provide in their shops beams, scales, and weights, &c.

14 Any person who shall wilfully or knowingly sell or cause to be sold to any baker or confectioner impure, unsound, or unwholesome flour, and any baker or confectioner who shall wilfully or knowingly have upon his premises used by him as such baker or confectioner any such flour, or who shall sell or offer to sell any bread or dough for bread or biscuit or confectionery containing such flour, shall, on conviction before two or more Justices, forfeit and pay any sum not exceeding Twenty Pounds, and such bread, dough, biscuit, confectionery, or flour shall be liable to be seized and confiscated as unwholesome and adulterated, and shall be disposed of by the said Justices as they in their discretion shall think proper.

Selling bread made of unwholesome flour.

15 If any person shall put into any corn, meal, or flour which shall be ground, dressed, bolted, or manufactured for sale either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatever not being the real and genuine produce of the corn or grain which shall be so ground, or if any person shall knowingly sell or offer for sale either separately or mixed any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever, mixed with the meal or flour so sold or offered or exposed for sale, then, and in every such case, every person so offending shall on conviction

Penalty for adulterating meal or flour, or selling flour of one sort of corn as the flour of another.

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forfeit and pay for every such offence any sum not exceeding Twenty Pounds nor less than Five Pounds: Provided that nothing herein contained shall apply to any ingredient, article, or material employed or used for cleansing or preserving such corn or grain from smut or other disease, weevil or other insect or impurity, so as that every such ingredient, article, or material so employed or used be carefully and effectually removed from such corn and grain before the same shall be ground.

Bakers' shops, &c.
may be searched.

16 It shall be lawful for any Justice, and also for any Constable authorised by any warrant under the hand of a Justice, at reasonable times in the daytime to enter into any house, mill, shop, stall, bakehouse, bolting-house, pastry warehouse, outhouse, or ground of or belonging to any miller, mealman, or baker, or other person who shall grind grain or dress or bolt meal or flour or make bread for reward or sale, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman, or baker, either in the grinding of any grain at the mill or in the dressing, bolting, or manufacturing thereof whereby the purity of any meal or flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act shall have been mixed up with or put into any dough or bread in the possession of any baker or other person whereby any such dough or bread is or shall be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration and mixture: and if upon any such search and examination it shall appear that any such meal, flour, dough, or bread so found shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal, flour, or bread, then and in every such case it shall be lawful for every such Justice or Constable authorised as aforesaid to seize and take any meal, flour, dough, or bread which shall be found in any such search and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used or intended to be used in or for any such adulteration as aforesaid, and such part thereof as shall be seized by any constable authorised as aforesaid shall with all convenient speed after seizure be carried to the nearest resident Justice; and if any Justice who shall make any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act shall be brought, shall adjudge upon the evidence of any competent person or persons taken upon oath that any such meal, flour, dough, or bread so seized shall have been adulterated by any mixture or ingredient put therein other than is allowed by this Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal, flour, or bread, then and in every such case every such Justice is required to dispose of the same as he in his discretion shall from time to time think proper.

Power of Health
Officers to search
bakers' shops, &c.

17 It shall be lawful for any Officer of a Board of Health or of a Municipal Council to do all acts, matters, and things that may be lawfully done under the provisions of this Act by a constable, authorised by a warrant under the hand of a Justice, and also at reasonable times to enter into any house, shop, stall, bakehouse, pastry warehouse, outhouse, or ground of or belonging to any baker or other person who shall

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make bread for reward or sale, and to search and examine whether the provisions of this Act are being duly carried out; and it shall be the duty of the said Officers or other persons authorised as aforesaid to prosecute any persons guilty of any infringement of this Act. A.D. 1896.

18 If any person shall wilfully obstruct or hinder any such search as by this Act is authorised to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which shall be found on any such search, and shall be deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough, or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any such ingredient or mixture as aforesaid, or any meal, flour, dough, or bread which shall be seized as being adulterated, or as not being made pursuant to this Act, the person so offending shall on conviction of every such offence forfeit and pay any sum not exceeding Ten Pounds. Penalty for obstructing search.

19 Every miller, mealman, or baker in whose house, mill, shop, stall, bakehouse, bolting-house, pastry-warehouse, outhouse, ground or possession any ingredient or mixture shall be found which shall after due examination be adjudged by any Justice to have been deposited there for the purpose of being used in adulterating the purity or wholesomeness of any meal, flour, dough, or bread, shall on conviction forfeit and pay for every such offence any sum not exceeding Forty Shillings for the first offence, Five Pounds for the second offence, and Ten Pounds for every subsequent offence, unless it shall be made to appear to the satisfaction of any such Justice that such ingredient or mixture was so deposited without the knowledge or privity of the party accused. Penalty for having ingredients for the adulteration of bread.

20 If any action or suit shall be commenced against any Justice or any Officer of a Board of Health or of a Municipal Council, Constable, or other person for any matter or thing done in pursuance of this Act, the defendant in any such action or suit may plead the general issue and give this Act and the special matter in evidence at any trial thereupon, and that the same was done in pursuance and by authority of this Act. General issue.

Provided that no action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action and of the cause thereof is given to the defendant one calendar month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued.

21 All offences against this Act (not hereinbefore directed to be heard and determined by one Justice) shall be heard and determined in the manner provided by *The Magistrates Summary Procedure Act* by any Two or more Justices; and all fines and penalties awarded and imposed shall be paid into the Consolidated Revenue and shall form part thereof: Provided always, that no person shall be convicted for any offence under this Act unless the complaint be made within Forty-eight hours next after the offence shall have been committed, and that no conviction under this Act shall be removed by writ of *Certiorari* or otherwise in the Supreme Court: Provided also, that any person who deems himself aggrieved by any penalty imposed under the authority of this Act may appeal again the same in the manner provided by *The Appeals Regulation Act*. Jurisdiction as to offences. Application of fines. Limit of time.

19 Vict. No. 8.

