

## New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 55.

### ANALYSIS.

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## AN ACT to prevent the Adulteration of Title. Articles of Food or Drink.

[8th October 1866.]

**W**HEREAS it is expedient to repress by more effectual means than Preamble. those which are now in force for that purpose the practice of adulterating articles of food or drink for sale for human consumption in fraud of Her Majesty's subjects and to prevent the selling of or exhibiting for sale adulterated or unwholesome provisions food or drink of any kind

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows that is to say—

I. The Short Title of this Act shall be "The Adulteration of Short Title. Food Act 1866."

II. The Governor may from time to time as occasion may require Governor may appoint Colonial analyst. appoint a person possessing competent knowledge to be the Colonial analyst under this Act and may pay to him such money as salary as may be appropriated for such purpose and shall from time to time give notice in the *New Zealand Gazette* whenever any such appointment shall be made and of the residence or place of abode of the person appointed and such analyst shall hold office during the Governor's pleasure.

III. It shall be lawful for the Superintendent of any Province Superintendents may appoint and remove local analysts. from time to time within his Province to appoint and remove such skilled persons as local analysts under this Act as he shall think fit and from time to time give notice in the *Provincial Government Gazette* whenever any such appointment shall be made and of the residence or place of abode of any person appointed.

IV. Every person who shall make manufacture sell or exhibit or offer for sale any articles of food or drink which are adulterated or not Penalties on persons selling or exhibiting or offering for sale

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adulterated or un-  
wholesome articles of  
food or drink.

pure whether such articles of food or drink shall or shall not by reason of such adulteration or such impurity be rendered deleterious to health and every person who shall make manufacture sell or exhibit or offer for sale any article of food or drink enclosed in or bearing any cover capsule wrapper label seal or enclosure or imprint or mark by which such article is made to represent that which it is not shall for every such offence on a summary conviction of the same before two Justices of the Peace forfeit and pay a penalty not exceeding ten pounds together with such costs attending such conviction as to the said Justices shall seem reasonable or be imprisoned for any period not exceeding one month and every person so convicted shall forfeit the article of food or drink in respect of which such conviction shall have taken place And it shall be lawful for the said Justices to seize or cause to be seized any article of food or drink as to which any such offences shall have been committed Provided it shall be lawful for any maker or manufacturer of articles of food or drink to mix or compound such articles as are innocuous and wholesome and to sell or offer for sale such mixed or compounded articles properly marked and labelled as such but not otherwise Provided also that the seller of any article of food or drink not being the maker or manufacturer of such article nor his accredited agent shall not be liable to any penalty under this Act if he shall prove to the satisfaction of the said Justices that he had no grounds for believing that such article was adulterated or impure and if such article had not been previously notified in the *New Zealand Gazette* and *Gazette* of the Province in which such seller shall reside to be adulterated or impure.

Seizure of article.

Justices may publish  
the names &c. of  
offenders.

V. If any person so convicted shall afterwards commit the like offence it shall be lawful for the Justices before whom the second conviction shall take place to cause such offender's name place of abode offence and the penalty imposed to be published at the expense of such offender in some newspaper published or circulating within the Province in which the offence has been committed and the expenses of such publication shall be recoverable in the same manner as costs are recoverable.

Articles to be for-  
warded to analyst  
through Resident  
Magistrate.

VI. When any Colonial analyst is appointed under the second section of this Act it shall be lawful for any purchaser of any article of food or drink to take the same to the office of the Resident Magistrate of the district in which such article was purchased and on payment of such sum not exceeding five pounds as the Resident Magistrate shall direct he shall be entitled to have such article sent under the seal of the Resident Magistrate's Court to the Colonial analyst to be analyzed by such officer and to receive from him a certificate of the result of his analysis and such certificate duly signed by such officer or by his authority shall in the absence of any evidence to the contrary be sufficient evidence before the Justices or in any Court of Justice of the matters therein certified and the sum so paid for such analysis and certificate in case of conviction may be ordered by the Justice to be repaid to the complainant by the party convicted.

Purchaser on pay-  
ment to analyst may  
obtain analysis.

VII. Any purchaser of any article of food or drink in any part of the Colony of New Zealand shall be entitled on payment to the local analyst of a sum not less than ten shillings and sixpence and not more than forty-two shillings to have any such article analyzed by such officer and to receive from him a certificate of the result of his analysis and such certificate duly signed by such officer or by his authority shall in the absence of any evidence to the contrary be sufficient evidence before the Justices or in any Court of Justice of the matters therein certified and the sum so paid for such analysis and certificate in case

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of conviction may be ordered by the Justices to be repaid to the complainant by the party convicted.

VIII. On the hearing by the Justices of any complaint under this Act the purchaser shall prove to the satisfaction of such Justices that the seller of the article of food or drink alleged to be adulterated or his servants had such notice of the intention of the purchaser to have such article analyzed and also such opportunity of accompanying the purchaser to the office of the local analyst as the Justices shall think reasonable or of knowing that the said article was properly packed and sealed and committed to safe custody for transmission without delay to the Colonial analyst in order to secure such article from being tampered with by the purchaser.

Purchaser to prove that vendor had notice of intention to analyze.

IX. In the construction of this Act the words "article of food or drink" shall include not only all alimentary substances whether solids or liquids but also all eatables and drinkables whatsoever and all medical drugs or articles usually taken or sold as medicines and all condiments and articles of confectionery and the words "adulteration" and "impurity" shall include whatever is added to or mixed with any article of food or drink save and except such mixture or compound as is specially provided for in the fourth section of this Act but these words shall not be construed to apply to accidental or unavoidable impurities and the words "local analyst" shall mean in each case the person appointed under this Act by the Superintendent of the Province in which the adjudicating Justices shall at the time be sitting or in which the article shall have been purchased or in which such analyst usually resides.

Interpretation.

X. Any person who shall feel himself aggrieved by any conviction or order of any Justices under this Act may appeal from any such conviction in manner provided by any Act or Acts in force in the Colony for the Regulation of Appeals from Justices of the Peace acting in their summary jurisdiction.

Appeal.

XI. Nothing in this Act contained shall be held to affect the power of proceeding by indictment or to take away any other remedy against any offender under this Act.

Other proceedings not affected.

XII. This Act shall commence and take effect on and from the first day of January one thousand eight hundred and sixty-seven.

Commencement of Act.

XIII. All appointments and removals of local analysts shall at all times be subject to the approval of the Governor.

Appointments and removals of local analysts subject to Governor's approval.

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