

FOOD AND DRUGS.

7 OF 1905.

TO MAKE BETTER PROVISION WITH REGARD TO THE SALE OF FOOD AND DRUGS.

C. A. KING-HARMAN.] [June 9, 1905.

Short title.

1. This Law may be cited as the Food and Drugs Law, 1905.

Definitions.

2.—(1.) In this Law :—

“ Food ” includes every article used for food or drink by man, other than wines and spirits and other than drugs and water ;

“ Drug ” includes medicine for internal or for external use ;

“ Analyst ” means any person authorized by the High Commissioner by writing under his hand to make analyses for the purposes of this Law ;

“ Butter ” means the substance usually known as butter made exclusively from milk or cream, or both, with or without salt or other preservative and with or without the addition of colouring matter ;

“ Margarine ” means all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.

*repealed
see Law 22
of 1926*

Standard for drugs.

(2.) The standard of nature, substance or quality of drugs contained in the British Pharmacopœia, 1914, shall be as stated therein.

41. 1923, 2.

Offences.

3. It shall be unlawful for any person :—

(1.) To mix, colour, stain or powder, or order or permit any other person to mix, colour, stain or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that it may be sold in that state ; or

(2.) To sell or expose for sale, or order or permit any other person to sell or expose for sale, any article of food so mixed, coloured, stained or powdered ; or

(3.) To mix, colour, stain or powder, or order or permit any other person to mix, colour, stain or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of the drug with intent that it may be sold in that state ; or

(4.) To sell or expose for sale, or order or permit any other person to sell or expose for sale, any drug so mixed, coloured, stained or powdered ; or

- (5.) To sell, prepare for sale, or expose for sale any article of food containing any matter or ingredient by which the bulk, weight or measure of the article is fraudulently increased or its true quantity concealed; or
- (6.) To sell any food or any drug which is not of the nature or substance or quality of the article demanded by the purchaser; or
- (7.) To sell any compound article of food, or compounded drug, which is not composed of ingredients in accordance with the demand of the purchaser; or
- (8.) To offer or expose margarine for sale, or to order or permit any other person to offer or expose it for sale, without having the word " margarine " written or printed in English, Turkish, and Greek characters, in such manner as to be clearly visible to any purchaser, on, or on a label attached to, each article or package, whether open or closed, containing the margarine.

Any person who contravenes any of the foregoing provisions shall be guilty of an offence and shall be liable to a fine not exceeding five pounds, or to imprisonment for any term not exceeding one month, or to both such punishments. Provided that an offence shall not be deemed to have been committed under this section if the person charged establishes to the satisfaction of a Court that he acted in good faith, in the ordinary course of legitimate business, and with reasonable diligence.

Penalties.

4. Any purchaser of an article of food, or of a drug or medicine shall be entitled, on payment to an Analyst of the sum of five shillings, to have it analysed by him and to receive from the Analyst a certificate of the result of his analysis.

Purchaser may obtain analysis by analyst.

5.—(1.) Any Peace Officer, or other person appointed in that behalf by the Chief Medical Officer or by the Commissioner of the District, may at the cost of the Government, or any person appointed by a Municipality in that behalf may within the limits of the Municipality, at the cost of the Municipality, purchase any article of food, or any drug or medicine; and if he suspects it to have been sold to him contrary to any provision in this Law he shall submit it to be analysed by an Analyst; and the Analyst shall, with all convenient speed, analyse it and give a certificate to the purchaser wherein he shall specify the result of the analysis.

Purchase by Peace Officer or authorized person at cost of Government or Municipality for analysis.

(2.) Any person purchasing anything under the provisions of this section with the intention of submitting it to analysis shall, after the purchase is completed, forthwith notify to the seller, or to the agent selling it, his intention to have it analysed, and shall forthwith, and if possible in the presence of the seller or agent, seal it and fasten it up in such manner as its nature will permit.

Notification to vendor of purpose of purchase.

Refusal to sell to and obstruction of Peace Officer or authorized person.

6. Any person who refuses to sell any food, drug, or medicine to any Peace Officer or other person acting under the provisions of the last preceding section, and any person who hinders any Peace Officer or other person in the execution of any duty imposed upon him by this Law, shall be guilty of an offence and shall be liable to a fine not exceeding five pounds, or to imprisonment for a term not exceeding one month, or to both such punishments.

Form of certificate of analysis.

7. The Analyst's certificate of analysis shall be in the form set forth in the Schedule hereto, or to the like effect.

Analyst's certificate *prima facie* evidence.

8. At the hearing of any charge of an offence under section 3 the production of the certificate of the Analyst shall be sufficient evidence of the facts therein stated, unless the person charged shall require that the Analyst shall be called as a witness.

Power of Court to order destruction of subject matter of charge.

9. Upon the conviction of any person of any charge under section 3 the Court before whom the charge has been heard may make any order that the Court may think fit in regard to the disposal of any article of food, drug, or medicine which is the subject matter of the charge, and may order the confiscation or destruction of the food, drug, or medicine.

SCHEDULE.

FORM OF CERTIFICATE.

To
undersigned,
I received on the _____ day of _____, 19____,
from _____, a sample of _____,
for analysis (which then weighed _____), and have analysed
the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine _____

or,

I am of opinion that the said sample contained the part as under, or the percentages of foreign ingredients as under.

OBSERVATIONS.

As witness my hand this

day of _____
at _____