

## 23 OF 1926.

A.D. 1926. TO PREVENT THE ADULTERATION OF CYPRUS PRODUCE.

23 of 1926.

MALCOLM STEVENSON.]

[May 17, 1926.

BE it enacted:—

Short title.

1. This Law may be cited as the Adulteration of Produce Law, 1926.

Definitions.

2. In this Law:—

“Produce” includes all produce of Cyprus, whether raw or partly or wholly manufactured.

To “adulterate produce” means to falsify, deteriorate or increase the apparent bulk or weight, or conceal the quality of produce by the combination, admixture, or addition therewith or thereto of some foreign, superfluous, or inferior substance, matter or thing, whether deleterious or not, or by the addition of water, or by the use of artificial means, and it includes abstracting from produce part of it so as injuriously to affect its nature, substance or quality.

Produce shall be deemed adulterated whether with or without any positive act on the part of the seller or exporter, as the case may be, if it contains some foreign superfluous or inferior substance matter or thing, whether deleterious or not, in excess of the maximum quantity of such foreign ingredient or extraneous matter laid down by the regulations made by the Governor in Council as hereinafter provided.

“Analyst” means any person authorised by the Governor in writing under his hand to make analyses for the purposes of this Law.

Offences.

3.—(1) Any person who—

(a) adulterates or causes or orders to be adulterated any produce;

(b) sells, exposes for sale or orders or permits any other person to sell or expose for sale any adulterated produce;

(c) exports, or has in his possession for purposes of export or orders, permits, procures, attempts, aids or abets the exportation of any adulterated produce;

shall be guilty of an offence and on conviction thereof be liable to a fine not exceeding ten pounds or to imprisonment for any term not exceeding six months or to both such punishments.

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(2) No person shall be liable to be convicted under this section of this Law if he proves to the satisfaction of the Court before which he is charged that he did not know of the produce in respect of which the prosecution has been brought being so adulterated and that he could not with reasonable diligence have obtained that knowledge.

4. Where an employer is charged with an offence against this Law he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Law, and that the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of such offence and the employer shall be exempt from penalty.

Exemption  
from  
penalty.

5.—(1) Any officer acting on behalf of the Chief Collector of Customs may examine any produce intended for export if such officer suspects that such produce has been adulterated contrary to the provisions of this Law. If upon examination such officer is of opinion that the produce has been adulterated he may call upon the owner or person in charge of such produce to have any foreign, superfluous or inferior substance, matter or thing removed therefrom and may detain such produce in the custody of the Customs authorities until such foreign, superfluous or inferior substance has to his satisfaction been removed.

Power to  
Officer acting  
on behalf of  
Chief  
Collector of  
Customs to  
examine and  
take sample  
of produce  
for analysis.

(2) If the owner or other person in charge of such produce fails or refuses to remove such foreign substance when called upon so to do, such officer shall take a sample of such produce and divide the sample so taken into three parts each of which he shall mark and seal or fasten up in such manner as its nature will permit, and deliver one of such parts to the owner or such other person in charge of the produce. He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the produce analysed, to the Analyst provided always that no produce of which a sample for analysis has been taken under the provisions of this sub-section shall be exported without the permission of the Chief Collector of Customs or a person acting on his behalf.

(3) The Chief Collector of Customs or any person acting on his behalf shall not be liable in damages for any action taken by him in pursuance of his powers under the provisions of this section.

(4) Any action taken by the Chief Collector of Customs or any person acting on his behalf shall be without prejudice to any prosecution under the provisions of section 3 hereof.

Purchase by  
Peace Officer  
at cost of  
Government  
for analysis.

6. Any Peace Officer who suspects any produce to have been adulterated contrary to the provisions of this Law may at the cost of the Government purchase a sample thereof with the intention of submitting the same for analysis, and shall divide the said sample into three portions and proceed in accordance with the procedure with regard to submission for analysis in section 5 (2) hereof mentioned.

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

7. Any person who refuses to sell a sample of any produce to any Peace Officer acting under the provisions of section 6 hereof 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 on conviction thereof shall be liable to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding six months or to both such punishments.

Form of  
Certificate of  
analysis.

8. 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.

9. At the hearing of any charge of an offence under section 3 hereof 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 to  
make Regu-  
lations.

10. The Governor in Council may make regulations:—

(1) Determining what proportion of foreign ingredients or extraneous matters (if any), whether such ingredients or extraneous matters are in the nature of preservative or not, shall be permitted in the manufacture, sale or preparation for sale, export or preparation for export of produce.

(2) Generally for the carrying out of the provisions of this Law.

S. L. 831/40 No. 399  
S. L. 594/1 No. 61.

Law 19 of 1930

## SCHEDULE.

### FORM OF CERTIFICATE.

To <sup>(1)</sup>

I, the undersigned,  
do hereby certify that I received on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_, from <sup>(2)</sup>  
a sample of \_\_\_\_\_ for analysis (which  
then weighed <sup>(3)</sup> \_\_\_\_\_), 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  
parts as under, or the percentages of foreign ingredients  
as under.

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Observations. <sup>(4)</sup>

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As witness my hand this \_\_\_\_\_ day of  
A. B.  
At

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<sup>(1)</sup> Here insert the name of the person submitting the substance for analysis.

<sup>(2)</sup> Here insert the name of the person delivering the sample.

<sup>(3)</sup> When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

<sup>(4)</sup> Here the Analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the substance portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health

In the case of a certificate regarding any article liable to decomposition, the Analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

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of the 21st May, 1926.*