

DAIRY INDUSTRY (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 23, 1973.

An Act to permit an increase in the quantity of table margarine produced; to regulate the labelling of packages containing margarine; to regulate the advertising of cooking margarine; for these and other purposes to amend the Dairy Industry Act, 1915; and for purposes connected therewith. [Assented to, 2nd May, 1973.]

BE

Dairy Industry (Amendment).

No. 23, 1973 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the "Dairy Industry (Amendment) Act, 1973".

Commencement. 2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

(2) Subject to subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be published in the Gazette.

Amendment of Act No. 45, 1915. 3. The Dairy Industry Act, 1915, is amended by omitting from section 22A (6) (c) the words "nine thousand" and by inserting instead the figures "10,800".

Sec. 22A. (Manufacturers of margarine to be licensed.)

Further amendment of Act No. 45, 1915. 4. The Dairy Industry Act, 1915, is further amended—

Sec. 2. (Definitions.) (a) (i) by inserting next after the definition of "Prescribed" in section 2 (1) the following new definition :—

"Sell" includes—

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- (d) send, forward or deliver for or on sale or for barter or exchange;
- (e)

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- (e) have in possession for sale, barter No. 23, 1973 or exchange;
- (f) cause or suffer to be sold, bartered, exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.

(ii) by inserting next after section 2 (1) the following new subsection :—

(1A) In this Act, a reference to “this Act” includes a reference to the regulations made under this Act.

(b) by omitting section 21A and by inserting instead the following sections :—

Subst.
sec. 21A
and new
sec. 21B.

21A. (1) This section does not apply to or in respect of margarine that—

Labelling
of package
containing
table
margarine.

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

(2) A person shall not sell table margarine unless—

- (a) the margarine is made up in lumps of one pound or half a pound;

(b)

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(b) each such lump is packed in a package or other container on which is marked—

- (i) the name and address of the manufacturer of the margarine;
- (ii) the net weight of the margarine in the package or other container; and
- (iii) any registered mark of the manufacturer of the margarine; and

(c) each such package or other container is marked, in such manner as may be prescribed—

- (i) with the words “Table Margarine”; and
- (ii) where a standard for poly-unsaturated margarine has been prescribed by or under the Pure Food Act, 1908, and the margarine does not comply with that standard—with the words “Not poly-unsaturated”.

Labelling
of package
containing
cooking
margarine.

21B. (1) This section does not apply to or in respect of margarine that—

- (a) is sold for export beyond the Commonwealth; or
- (b) is manufactured, packed and sold as permitted by section 22B.

(2) A person shall not sell cooking margarine unless—

- (a) the margarine is made up in lumps of one pound, half a pound or twelve ounces;

(b)

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(b) each such lump is packed in a package No. 23, 1973 or other container on which is marked—

(i) the name and address of the manufacturer of the margarine;

(ii) the net weight of the margarine in the package or other container; and

(iii) any registered mark of the manufacturer of the margarine; and

(c) each such package or other container is marked, in such manner as may be prescribed—

(i) with the words “Cooking Margarine”; and

(ii) with such other words or matter, or words and matter, as may be prescribed.

Penalty : On summary conviction—
\$500.

(c) by omitting from section 22A (7) (a) the words “section nine, 21A or 22D of this Act” and by inserting instead the words “section 9, 21A, 21B, 22B, 22D or 22E or, in respect of margarine or the packaging thereof, under the Pure Food Act, 1908, or the regulations made thereunder”; Sec. 22A. (Manufacturers of margarine to be licensed.)

(d) (i) by omitting from section 22B (2) (b) (ii) the word “persons—” and by inserting instead the following words and new subparagraph :— Sec. 22B. (Manufacture by cooking margarine licensees of certain type of margarine for sale to prescribed classes of persons.)

persons; or

(iii) otherwise than in a package or other container marked in such manner as may be prescribed, with the words “Cooking Margarine” and so marked with

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with such other words or matter, or words and matter, as may be prescribed;

(ii) by omitting from section 22B (2) the word "two" and by inserting instead the word "five";

New sec. 22E.

(e) by inserting next after section 22D the following new section :—

Advertising of cooking margarine.

22E. (1) In this section—

"advertisement" includes notice or circular;

"publish" means publish, issue, circulate, disseminate or distribute by newspaper, radio, television or cinematograph or by any other means, whether of the same or of a different kind or nature.

(2) A person in New South Wales shall not publish, or cause or permit to be published, an advertisement that promotes, or attempts to promote, or is intended to promote, the sale of cooking margarine if—

(a) in the advertisement or in connection with its publication there is used a word, brand, descriptive name or pictorial device that indicates or suggests that the margarine—

(i) is, or resembles, dairy produce that is not margarine;

(ii) contains any solids derived from the milk of the cow; or

(iii) is an equivalent substitute for dairy produce that is not margarine;

(b) the advertisement does not include such words or matter, or words and matter, as may be prescribed for inclusion therein.

Penalty : On summary conviction—\$500.

(f)

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- (f) (i) by inserting in section 25 (1A) (a) after the word "packages" where firstly occurring the words "or other containers";
- (ii) by omitting from section 25 (1A) (a) the words "section 21A of this Act" and by inserting instead the words "section 21A, 21B or 22B";
- (iii) by omitting from section 25 (1A) (a) the words "such packages by that section" and by inserting instead the words "those packages or other containers";
- (iv) by omitting from section 25 (2) the word "forty" and by inserting instead the words "four hundred";
- (v) by omitting from section 25 (2) the word "four" and by inserting instead the word "twenty";
- (vi) by omitting section 25 (3) and by inserting instead the following subsection :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
