

9 GEO. VI. No. 1, 1944. *Trade Descriptions (Textile Products) Act.*

HEALTH.

- (1) *Trade Descriptions (Textile Products) Act of 1944* 9 *Geo. VI. No. 1*
 (2) *Health Acts Amendment Act of 1945* .. 9 *Geo. VI. No. 9*

An Act Relating to Trade Descriptions of Textile Products, and other incidental purposes.

9 GEO. VI.
NO. 1.
THE
TRADE
DESCRIPTIONS
(TEXTILE
PRODUCTS)
ACT OF
1944.

[ASSENTED TO 14TH DECEMBER, 1944.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Trade Descriptions (Textile Products) Act of 1944*," and shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act. Short title and commencement of Act.

(2.) This Act shall be read and construed with and as an amendment of *"*The Health Acts, 1937 to 1944*," (or any Act amending or in substitution thereof) herein referred to as the Principal Act and where necessary shall be read and construed with †"*The Sale of Goods Act of 1896*." Construction of Act.

2. (1.) In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpretation.

"Trade description" (in relation to textile products)—Any description, statement, indication, or suggestion direct or indirect as to— Trade description.

(a) The nature, number, quantity, quality, purity, class, grade, measure, gauge, size, or weight of the textile products; or

(b) The country or place where the textile products or any portions or constituents thereof were made or produced; or

* 1 G. 6 No. 31 and amending Acts, v. 3, p. 891 *et seq.*

† 60 V. No. 6, v. 6, p. 338.

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- (c) The manufacturer or producer of the textile products or the person by whom they were selected, packed, or in any way prepared for the market ; or
- (d) The mode of manufacturing, producing, selecting, packing, or otherwise preparing the textile products ; or
- (e) The material or ingredients of which the textile products are composed or from which they are derived ;

the term includes—

- (i.) A newspaper advertisement relating to textile products ; and
- (ii.) The use of any figure, word, initials, or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters ;

False trade description.

“ False trade description ” — Means a trade description which by reason of anything contained therein or omitted therefrom is false or likely to mislead in a material respect as regards the goods to which it is applied or in connection with which it is used, and includes every alteration of a trade description whether by way of addition, effacement or otherwise which makes the description false or likely to mislead in a material respect ;

Wool.

“ Wool ” — Means the natural fibre of any variety of domestic sheep or lamb ;

Re-processed wool.

“ Re-processed wool ” — Means the resulting fibre when wool as defined has been woven or felted into a wool product which, without ever having been utilised in any way, has again been made or spun into a fibrous state.

Re-used wool.

“ Re-used wool ” — Means the resulting fibre when wool or re-processed wool as defined has been spun, woven, knitted or felted into a wool product which, after having been used in any way, has again been made or spun into a fibrous state.

Virgin wool.

“ Virgin wool ” — Means wool other than re-processed wool or re-used wool.

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(2.) The definitions in the Principal Act wherever necessary are, *mutatis mutandis*, applied in respect of this Act and without limiting the generality of this provision the definition of "Article" in the Principal Act includes a textile product and the expression "falsely described" in respect of an article, in the Principal Act, includes "a false trade description" in respect of a textile product in this Act.

Application of definitions in the Principal Act.

3. (1.) Subject to this section, no person shall sell any goods to which this section applies unless there is applied to such goods a trade description printed on or woven into or securely attached to such goods in legible characters conspicuously placed so as to be clearly visible containing particulars of the proportion per centum by weight of the respective fibres or other materials of which such goods are composed.

Textile products not to be sold unless particulars of composition attached thereto.

(2.) (i.) No person shall apply a false trade description to any goods to which this section applies or sell any such goods to which a false trade description is applied.

Applying false trade description.

(ii.) For the purposes of this subsection a false trade description shall be deemed to be applied to any such goods if—

- (a) It is applied to, woven into, impressed on or otherwise worked into or annexed or affixed to the goods or any covering label, reel or thing used in connection therewith;
- (b) It is used in any manner likely to lead to the belief that it describes or designates the goods; or
- (c) It is used whether in an advertisement or catalogue or otherwise in any manner in connection with or for the purposes of the sale of the goods.

(3.) This section applies to textile products, that is to say :—

- (a) Woven, knitted, felted or other materials manufactured from fibre, and articles of wearing apparel (other than hats) manufactured in whole or in part out of such materials but not including linings, interlinings or trimmings forming part of such articles;

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(b) Blankets and rugs ; and

(c) Tops and yarns,

but does not apply to textile products which the Governor in Council by Regulation from time to time declares to be exempt from the provisions of this section.

(4.) In such trade description separate particulars shall be given of the proportions of—

(a) Virgin wool ;

(b) Re-processed or re-used wool ;

(c) Each fibre other than wool if the percentage by weight of such fibre is five per centum or more ;

(d) All other fibres ;

(e) Any non-fibrous loading, filling or adulterating material,

in such goods :

Provided that where any goods contain at least ninety-five per centum by weight of virgin wool it shall be sufficient if such goods are described as “woollen goods” or “all wool” or “pure wool.”

(5.) The trade description of an article of wearing apparel shall state that such description does not refer to linings, interlinings or trimmings.

(6.) No trade description shall contain the words “artificial wool,” “imitation wool,” “synthetic wool,” “substitute wool” or (save as otherwise provided) any other expression which includes the word “wool” in relation to any substance which is not wool.

(7.) Any person contravening or failing to comply with the provisions of this section shall be guilty of an offence.

(8.) In any prosecution for contravening or failing to comply with any of the provisions of this section if the defendant proves that the goods with respect to which the offence was committed were manufactured in or imported into Queensland before the commencement of this Act and that such goods were held by him *bona fide* and without any fraudulent intention he shall be discharged from the prosecution but shall be liable to pay the costs incurred on behalf of the prosecution unless he has given due notice to the complainant that he will rely on the above defence.

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4. (1.) Every person guilty of an offence against this Act shall be liable on conviction before a stipendiary magistrate sitting alone, upon complaint in a summary way—

Punishment
of offences.

(a) To a penalty not exceeding fifty pounds for a first offence and, in the case of a second or subsequent conviction, to a penalty of not less than fifty pounds and not exceeding two hundred pounds; and,

(b) In the case of a second or subsequent offence to forfeit to His Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(2.) The court before which any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

5. (1.) This Act shall not exempt any person from any action, suit, or other proceeding which might but for the provisions of this Act be brought against him.

Savings.

(2.) Nothing in this Act shall entitle any person to refuse to make a complete discovery or to refuse to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

(3.) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any employee of an employer resident in Queensland who *bona fide* acts in obedience to the instructions of such employer and on demand made by or on behalf of the complainant or person aggrieved has given full information as to his employer.

6. The provisions of sections thirteen and one hundred and fifty-two of the Principal Act shall extend and apply—

Regulations.

(a) To the making of regulations—

(i.) With respect to any goods to which this Act applies, prescribing that the trade description shall be applied to such goods (or, if prescribed, to any covering label, reel or thing used in connection therewith) in the manner prescribed and containing

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such particulars as are prescribed relating to the quality, purity or weight of the goods or the materials of which the goods are composed ; and

(ii.) Declaring textile products which are to be exempt from the provisions of this Act.

(b) To such regulations when made.

Act to be read in aid of the Principal Act.

7. This Act shall be read in aid of and not in derogation from the Principal Act, and the powers and authorities of the Director-General, an inspector and of a member of the Police Force as provided in the Principal Act are *mutatis mutandis* applied in respect of the carrying out the provisions of this Act.

Moreover the provisions of Parts IV. and V. of the Principal Act shall as far as may be necessary in respect of such carrying out shall, save as is expressly provided in this Act, have full force and effect and apply herein accordingly.

9 GEO. VI.
No. 9.
THE
HEALTH ACTS
AMENDMENT
ACT OF 1945.

An Act to Amend "The Health Acts, 1937 to 1943,"
by providing for the constitution of the Queensland Health Education Council, to make provision in respect of the Queensland Radium Institute, and for other purposes

[ASSENTED TO 5TH APRIL, 1945.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and construction.

1. (1.) This Act may be cited as "*The Health Acts Amendment Act of 1945*," and shall be read as one with *"*The Health Acts, 1937 to 1943*," herein collectively referred to as the Principal Act.

Collective title.

(2.) The Principal Act and this Act may collectively be cited as "*The Health Acts, 1937 to 1945*."

* 1 G. 6 No. 31 and amending Acts, v. 3, pp. 891 *et seq.*