



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

# VICTORIÆ REGINÆ.

A.D. 1891.

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No. 530.

*And see Amendment Act N<sup>o</sup> 570 of 1893 and Further Amendment Act, N<sup>o</sup> 950 of 1908.*

An Act to regulate the Making and Sale of Bread in South Australia.

[Assented to, December 19th, 1891.]

**W**HEREAS it is expedient to prevent frauds in the making and sale of bread in South Australia—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be called "The Bread Act, 1891."

Title of Act.

2. An Ordinance No. 10 of 1845, intituled "An Ordinance to regulate the Sale of Bread in South Australia," is hereby repealed.

Repeal.

3. The expression "Standard Weight," when used in this Act in reference to bread, shall mean a loaf of the full weight of one pound or two pounds, avoirdupois weight.

Interpretation.

4. All bread made for sale, or sold, or exposed for sale, shall be made of pure and sound flour or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or potatoes, or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, and mixed in such proportions as may be thought fit, and with no other ingredient or matter whatsoever.

Bread for sale to be made of certain ingredients only.

5. The several sorts of bread which shall be made for sale, or sold, or exposed for sale, shall be well made and in their several and respective degrees according to the quality of the meal or flour whereof

Bread to be well made.

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whereof the same ought to be made; and no alum, or mixture in which alum shall be an ingredient, or any other mixture or ingredient whatsoever, other than and except as hereinbefore mentioned, shall be put into or in anywise used in making bread for sale, under any color or pretence whatsoever; and every person who shall offend in the premises shall, on conviction of every such offence, forfeit and pay any sum not exceeding Ten Pounds.

Standard wheaten bread.

**6.** All bread made for sale of the flour of wheat, which flour without any mixture or division shall be the whole produce of the grain, the bran or hull thereof only excepted, and which shall weigh two-third parts of the weight of the wheat whereof it shall be made, shall be called standard wheaten bread.

Household wheaten bread.

**7.** All wheaten bread made for sale of any meal or flour of an inferior quality to the flour used for standard wheaten bread as hereinbefore directed, shall be called household wheaten bread; and every loaf of such bread shall be marked with a large Roman H.

Mixed bread.

**8.** All bread made for sale wholly or partially of the meal or flour of any corn or grain other than wheat, or of the meal or flour of any peas, beans, or potatoes, shall be called mixed bread; and every loaf of such bread shall be marked with a large Roman M.

Penalty for not marking household or mixed bread.

**9.** Every person who shall make for sale, or sell or expose for sale, any household wheaten bread or any mixed bread without being respectively marked as hereinbefore is directed, shall on conviction forfeit and pay a sum not exceeding Forty Shillings.

Bread to be sold by weight.

**10.** All bread (other than rolls or French rolls under the weight of four ounces) shall be of standard weight, and in case any seller shall sell or cause to be sold any such bread other than of standard weight, he shall for every such offence forfeit and pay any sum not exceeding Forty Shillings.

Penalty on bakers using any other than the avoirdupois weight.

**11.** Every seller of bread shall use the avoirdupois weight of sixteen ounces to the pound. If any such seller shall at any time use any other than the avoirdupois weight and the several gradations of the same, he shall for every such offence forfeit and pay any sum not exceeding Five Pounds nor less than Five Shillings.

Bakers to provide in their shops beams, scales, and weights, &c.

**12.** Every seller of bread shall cause to be fixed in some conspicuous part of his shop on or near the counter a beam and scales with proper weights, or other sufficient balance, in order that all bread there sold may from time to time be weighed in the presence of the buyer thereof, except as aforesaid. And in case any such seller shall neglect to fix such beam and scales or other sufficient balance in manner aforesaid, or shall have or use any incorrect or false beam, scales, balance, or weight, then and in every such case he shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

**13.** Every

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**13.** Every seller of bread, and every journeyman, driver, servant, or other person employed by such seller of bread, who shall carry out bread for sale or delivery, shall constantly carry a correct beam and scales with proper weights or other sufficient balance in order that all bread sold or delivered by every such seller, journeyman, driver, servant, or other person may from time to time and when thereunto required by the buyer or his servant be weighed in his presence. And if any such seller, journeyman, driver, servant, or other person shall at any time carry out and deliver any bread without being provided with such beam and scales with proper weights or other sufficient balance, or shall carry any incorrect or false beam, scales, balance, or weight, or shall at any time refuse to weigh any bread purchased or delivered in the presence of the person buying or receiving the same, then and in every such case every such seller, journeyman, driver, servant, or other person shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

Persons delivering by cart, &c., to have beams, scales, and weights, &c.

**14.** Any person who shall sell or suffer to be sold to any baker or confectioner impure, unsound, or unwholesome flour, and any baker or confectioner who shall wilfully or knowingly have upon the premises used by him as such baker or confectioner any such flour, or who shall sell or offer to sell any bread or dough for bread or biscuit, or confectionery containing any such flour, shall on conviction forfeit and pay any sum not exceeding Twenty Pounds; and, upon conviction, such bread, dough, biscuit, confectionery, or flour shall be liable to be seized, confiscated, and destroyed.

Selling bread made of unwholesome flour, &c.

**15.** If any person shall put into any corn, meal, or flour, which shall be ground, dressed, bolted, or manufactured for sale, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatever, not being the produce of the corn or grain which shall be so ground, or if any person shall knowingly sell or offer for sale, either separately or mixed, any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale, then and in every such case every person so offending shall, on conviction, forfeit and pay for every such offence any sum not exceeding Twenty Pounds: Provided that nothing herein contained shall apply to any ingredient, article, or material employed or used for cleansing or preserving such corn or grain from smut or other disease, weevil, or other insect or impurity, so as every such ingredient, article, or material so employed or used be carefully and effectually removed from such corn or grain before the same shall be ground.

Penalty for adulterating meal or flour, or selling flour of one sort of corn as the flour of another.

**16.** It shall be lawful for any Justice of the Peace, and for any constable authorised by any warrant under the hand of a Justice, and for any sanitary or other inspector duly appointed by the mayor and council of any municipality, or the chairman and council of any district council, at any time in the daytime to enter any house, mill, shop, stall, bakehouse, bolting-house, pastry-ware-house

Bakers' shops, &c., may be searched.

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house, outhouse, or ground of or belonging to any miller, mealman, baker, confectioner, or other person who shall grind grain, or dress or bolt meal or flour, or make bread or confectionery for reward or sale; and to search for any mixture or ingredient, not the genuine produce of the grain, such meal or flour shall import or ought to be, which may have been mixed up with or put into any meal or flour in the possession of such miller, mealman, baker, or confectioner, either in the grinding of any grain at the mill or in the dressing, bolting, or manufacturing thereof.

Adulterated meal, flour, &c., may be seized.

**17.** If upon any such search and examination it shall appear that any such meal, flour, dough, or bread so found shall have been so adulterated, or if any mixture or ingredient shall be found upon the premises which shall appear to be kept there in order to be used in the adulteration of meal, flour, or bread, then and in every such case it shall be lawful for every such Justice of the Peace, or constable authorised as aforesaid, or for any sanitary inspector or other inspector, to seize and take any such meal, flour, dough, bread, ingredients, and mixtures, to be dealt with as hereinafter provided.

Penalty for having ingredients for the adulteration of bread.

**18.** Every miller, mealman, baker, or confectioner, in whose house, mill, shop, stall, bakehouse, bolting-house, pastry-warehouse, outhouse, ground, or possession, any meal, flour, dough, or bread, adulterated with any mixture or ingredient other than allowed by this Act, or who shall have upon his premises any ingredient or mixture which shall, after due examination, be adjudged by a Special Magistrate or two or more Justices of the Peace to have been deposited there for the purpose of adulteration, shall, on conviction, forfeit and pay for every such offence any sum not exceeding Forty Shillings for the first offence, Five Pounds for the second offence, and Ten Pounds for every subsequent offence; and on any such conviction such meal, flour, dough, bread, mixture, or ingredient, may be ordered to be destroyed, or otherwise dealt with as such Magistrate or Justices may think fit.

Penalty for obstructing search.

**19.** If any person shall wilfully obstruct or hinder any such search as hereinbefore is authorised to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which shall be found on any such search and shall be deemed to have been kept with intent to adulterate any meal, flour, dough, or bread, the person so offending shall, on conviction of every such offence, forfeit and pay any sum not exceeding Ten Pounds.

Appropriation of penalties.

**20.** All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer on behalf of Her Majesty, Her heirs and successors, for the public uses of the said province, and in support of the Government thereof, except moneys received in respect of any offence or breach of the Act committed within the limits of any Corporation or District Council, in which case the same shall be paid over to the Corporation or District Council within whose limits such offence was committed, for the use of the said Corporation or District Council.

**21.** No

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**21.** No information for the recovery of any penalty, or prosecution for any offence against the provisions of this Act, shall be commenced or prosecuted unless within one month from the date of the happening of the cause of action. Time within which proceedings may be commenced.

**22.** All proceedings for the recovery of any pecuniary penalty by this Act imposed for any omissions, defaults, acts, or offences shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of Act No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided; and the Special Magistrate or Justices of the Peace may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months. Summary procedure.

**23.** There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Full Jurisdiction nearest to the place where such conviction or order was made, and the proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Act, No. 6 of 1850, or any Act for the time being in force regulating such appeals; and the Local Court hearing such appeal may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds. Appeal.

**24.** This Act shall come into force and take effect from a day to be fixed by the Governor by Proclamation in the *Government Gazette*. Commencement.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.

## SCHEDULE.

## Section 2.

Date of Act.	Title of Act.	Extent of Repeal.
No. 10 of 1845.	An Ordinance to regulate the sale of Bread in South Australia.	The whole.