



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 151 of 1972

An Act to amend the Food and Drugs Act, 1908-1967.

[Assented to 7th December, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Food and Drugs Act Amendment Act, 1972". Short titles.
- (2) The Food and Drugs Act, 1908-1967, as amended by this Act, may be cited as the "Food and Drugs Act, 1908-1972".
- (3) The Food and Drugs Act, 1908-1967, is hereinafter referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. The long title to the principal Act is amended by striking out the passage "the sale of food and drugs" and inserting in lieu thereof the passage "food and drugs, and for other purposes". Amendment of long title of principal Act.
4. Section 5 of the principal Act is amended— Amendment of principal Act, s. 5—
 - (a) by inserting after the definition of "Central Board of Health" the following definition:— Interpretation.

“controlled therapeutic device” means a device which, pursuant to a proclamation in force under this Act, is for the time being a controlled therapeutic device:;

and

(b) by inserting after the definition of “poisons” the following definitions:—

“premises” includes a motor vehicle, a mobile unit and any temporary structure:

“sell”, in relation to food, includes the supplying or provision of food as part of, or incidental to, the performance of a service, whether that service is free of charge or otherwise, and “sale” and “sold” have corresponding meanings:.

Amendment of principal Act, s. 5b—

5. Section 5b of the principal Act is amended by inserting after paragraph (a) the following paragraph:—

Declaration of controlled therapeutic substances and devices.

(ab) declare that any device specified in the proclamation shall be a controlled therapeutic device within the meaning of this Act:.

Amendment of principal Act, s. 6a—
Administration of certain provisions.

6. Section 6a of the principal Act is amended by inserting after the passage “controlled therapeutic substances” the passage “and controlled therapeutic devices”.

Amendment of principal Act, s. 9—
Appointment of analysts.

7. Section 9 of the principal Act is amended by striking out from subsection (2) the passage “residence or place of abode” and inserting in lieu thereof the passage “business address”.

Amendment of principal Act, s. 17—
Advisory committee.

8. Section 17 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “seven members” and inserting in lieu thereof the passage “nine members”;

(b) by inserting in subsection (1) after the passage “The officer of health for the City of Adelaide;” the passage—
“The Director of Agriculture;”;

(c) by striking out from subsection (1) the passage “and three other persons” and inserting in lieu thereof the passage “and a person who is qualified, and has had experience, in microbiology, and three persons”;

and

(d) by striking out from subsection (6) the word “four” and inserting in lieu thereof the word “five”.

9. Section 18 of the principal Act is amended by striking out the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars".
- Amendment of principal Act, s. 18—
Prohibition of the mixing of ingredients rendering food injurious.
10. Section 19 of the principal Act is amended by striking out the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars".
- Amendment of principal Act, s. 19—
Prohibition of the mixing of ingredients rendering drugs injurious.
11. Section 21 of the principal Act is amended by striking out the passage "ten dollars" and inserting in lieu thereof the passage "one hundred dollars".
- Amendment of principal Act, s. 21—
Mixed articles for sale or in stock to be labelled.
12. Section 22 of the principal Act is amended—
- (a) by striking out the passage "ten dollars and not exceeding forty dollars" and inserting in lieu thereof the passage " , twenty dollars and not exceeding two hundred dollars";
- and
- (b) by striking out paragraph (5) and inserting in lieu thereof the following paragraph:—
- (5) Where spirits are diluted with water and the alcoholic strength after dilution is not less than the prescribed alcoholic strength.
- Amendment of principal Act, s. 22—
Prohibition of the sale of articles of food and drugs not of the proper nature, substance and quality.
13. Section 22a of the principal Act is amended by striking out the passage "ten dollars" twice occurring and inserting in lieu thereof in each case the passage " , not exceeding two hundred dollars".
- Amendment of principal Act, s. 22a—
Offences in connection with the sale of food and drugs.
14. Section 23 of the principal Act is amended by striking out the passage "ten dollars and not exceeding forty dollars" and inserting in lieu thereof the passage " , twenty dollars and not exceeding two hundred dollars".
- Amendment of principal Act, s. 23—
Provision for the sale of compound articles of food and compounded drugs.
15. Section 25a of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 25a—
Dispatch on sale of adulterated food or drugs.
16. Section 26 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 26—
Prohibition of the abstraction of any part of an article of food before sale and selling without notice.

Amendment of
principal Act,
s. 26a—

Sale of drugs
by automatic
machines.

17. Section 26a of the principal Act is amended by inserting after subsection (1) the passage—

“Penalty, not exceeding two hundred dollars.”.

Amendment of
principal Act,
s. 27—

Licensing of
milk vendors.

18. Section 27 of the principal Act is amended by striking out the passage “forty dollars” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of
principal Act,
s. 28—

Managers of
factories may
not sell milk.

19. Section 28 of the principal Act is amended by striking out the passage “forty dollars” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of
principal Act,
s. 29—

Provision as to
name and
address of
person selling
milk or cream
in a public
place.

20. Section 29 of the principal Act is amended by striking out from subsection (1) the passage “four dollars” and inserting in lieu thereof the passage “fifty dollars”.

Amendment of
principal Act,
s. 30—

Provisions as
to condensed,
separated or
skimmed milk.

21. Section 30 of the principal Act is amended by striking out the passage “four dollars” and inserting in lieu thereof the passage “fifty dollars”.

Amendment of
principal Act,
s. 30a—

Employment of
diseased
persons in
handling food
and drugs.

22. Section 30a of the principal Act is amended by striking out the passage “ten dollars” twice occurring and inserting in lieu thereof in each case the passage “not exceeding one hundred dollars”.

Amendment of
principal Act,
s. 31—

Prohibition of
sale of milk of
diseased cows.

23. Section 31 of the principal Act is amended by striking out the passage “forty dollars” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of
principal Act,
s. 32—

Regulation of
sale of spurious
butter.

24. Section 32 of the principal Act is amended by striking out the passage “forty dollars” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of
principal Act,
s. 33—

Inspector to
be furnished
with list of
vendors.

25. Section 33 of the principal Act is amended by striking out the passage “ten dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of
principal Act,
s. 35—

Diseased or
unsound food
or drugs may
be seized and
destroyed.

26. Section 35 of the principal Act is amended by striking out the passage “forty dollars” and inserting in lieu thereof the passage “two hundred dollars”.

27. Section 36 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 36—
Search warrant may be granted by a justice.
28. Section 37 of the principal Act is amended by striking out the passage "ten dollars" and inserting in lieu thereof the passage "one hundred dollars".
- Amendment of principal Act, s. 37—
Lead pipe for drawing beer.
29. Section 37a of the principal Act is amended—
- Amendment of principal Act, s. 37a—
Prohibition of dealing in absinthe.
- (a) by striking out from subsection (1) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";
- and
- (b) by striking out from subsection (1) the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars".
30. Section 38 of the principal Act is amended by striking out the passage "ten dollars nor more than forty dollars" and inserting in lieu thereof the passage "twenty dollars nor more than two hundred dollars".
- Amendment of principal Act, s. 38—
Testing of spirits.
31. Section 40 of the principal Act is amended by striking out from subsection (2) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 40—
Sampling and analysis of food or drugs in transit.
32. Section 41 of the principal Act is amended by striking out from subsection (2) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 41—
Inspection and sampling of food and drugs.
33. Section 42 of the principal Act is amended—
- Amendment of principal Act, s. 42—
Provision for dealing with sample when purchased.
- (a) by striking out from subsection (1) the word "The" and inserting in lieu thereof the passage "Subject to subsection (4) of this section, the";
- and
- (b) by striking out subsection (4) and inserting in lieu thereof the following subsection:—
- (4) If the division of any article of food or drug into three parts as required by subsection (1) of this section—

(a) would so affect or impair the composition or quality of the article as to render the divided parts unsuitable for accurate analysis;

(b) would furnish parts insufficient for accurate analysis;

or

(c) would render the article unsuitable for analysis in accordance with any other provision of this Act,

such additional number of articles of that food or drug shall be purchased as may be prescribed and the total number of articles purchased shall be divided and dealt with in the prescribed manner.

Amendment of
principal Act,
s. 45—
Obstruction of
officer in
discharge of
his duties.

34. Section 45 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of
principal Act,
s. 47—
Penalties for
offences

35. Section 47 of the principal Act is amended—

(a) by striking out from subsection (3) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";

(b) by striking out from subsection (3) the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars";

(c) by striking out from subsection (3) the passage "two hundred dollars" and inserting in lieu thereof the passage "one thousand dollars";

and

(d) by striking out from subsection (4) the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars".

Enactment of
s. 50a of
principal Act—

36. The following section is enacted and inserted in the principal Act immediately after section 50 thereof:—

Recovery of
costs of
analysis.

50a. The costs of any analysis that is conducted for the purposes of any proceedings under this Act and of which evidence is tendered may, if the defendant in those proceedings is convicted of an offence, be recovered from that defendant and all costs so recovered shall be paid into the general revenue.

37. Section 57 of the principal Act is amended by striking out from subsection (2) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 57—
Warranty upon purchase of food or drugs.

38. Section 58 of the principal Act is amended by striking out from subsection (6) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act s. 58—
Use of warranty as defence, and proceedings against the warrantor.

39. Section 59 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "one hundred dollars nor more than four hundred dollars" and inserting in lieu thereof the passage "five hundred dollars nor more than two thousand dollars";
 - (b) by striking out from subsection (2) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";
 - (c) by striking out from subsection (3) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";
 - (d) by striking out from subsection (4) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";
- and
- (e) by striking out from subsection (5) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 59—
Punishment for forging certificate or warranty.

40. Section 61 of the principal Act is amended—

- (a) by inserting after paragraph (2) the following paragraph:—

(2a) Prescribing the alcoholic strength for spirits or any class or kind of spirits and the method by which that strength shall be determined;;

Amendment of principal Act, s. 61—
Power to make regulations.

- (b) by inserting in paragraph (7) after the passage "controlled therapeutic substances" the passage "and controlled therapeutic devices";

- (c) by inserting after paragraph (8) the following paragraph:—

(8a) Prescribing the number of articles of food or a drug to be purchased as a sample for the purposes of section 42 of this Act and the manner in which those articles must be divided and dealt with;;

and

(d) by striking out from paragraph (10) the passage "one hundred dollars" and inserting in lieu thereof the passage "four hundred dollars".

Amendment of
principal Act,
s. 65—
Licence
required for
manufacture of
ice cream and
aerated waters.

41. Section 65 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars";

and

(b) by striking out from subsection (2) the passage "four dollars" and inserting in lieu thereof the passage "ten dollars".

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

M. L. OLIPHANT, Governor