

No. 2983.

An Act to amend Part V. of the *Goods Act 1915.*

[31st December, 1918.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title
construction
and citation.
No. 2063.

1. This Act may be cited as the *Goods Act 1918* and shall be read and construed as one with Part V. of the *Goods Act 1915* (hereinafter called the Principal Act) which Act and this Act may be cited together as the Goods Acts.

Interpretation.

2. In this Act unless inconsistent with the context or subject-matter—

“Covering.”
Comp. No. 2003
s. 89.
“Label.”
Ib.
“Prescribed.”

“Covering” includes stopper glass cask bottle vessel box cover container capsule case frame or wrapper.

“Label” includes band or ticket.

“Prescribed” means prescribed by the regulations under this Act.

“Sell.”

“Sell” includes expose or have in possession for sale or any purpose of trade or manufacture.

Certain
proclaimed
goods not to be
sold &c. unless
country of
origin indicated
on goods or
covering in
accordance with
regulations.

3. (1) No person shall sell any goods to which this section applies (hereinafter called “specified goods”) unless there is applied to them (or, if so prescribed, to any covering label reel or thing used in connexion therewith)

in

in the manner prescribed a trade description of such character as is prescribed indicating the country or place in or at which the said goods or such portions or constituents thereof as are prescribed were made or produced.

(2) This section applies to any goods specified for the purposes of this Act in a proclamation of the Governor in Council published in the *Government Gazette*.

Application to specified goods.

4. (1) No manufacturer dealer or trader shall, except as prescribed, alter whether by addition effacement or otherwise any trade description which has been applied under or in compliance with any law of Victoria or the Commonwealth of Australia to any goods or to any covering label reel or thing used in connexion therewith and which indicates the country or place in or at which the said goods or such portions or constituents thereof as are prescribed were made or produced and no person shall sell any goods the trade description applied as aforesaid to which or to any covering label reel or thing used in connexion therewith is so altered.

Trade descriptions as to country of origin of goods &c. not to be effaced &c.

Goods &c. so altered not to be sold.

(2) For the purposes of this section a trade description shall be deemed to be applied to goods if—

When trade description deemed to be applied to goods.

(a) it is applied to the goods themselves ;

(b) it is applied to any covering label reel or thing used in connexion with the goods ; or

Comp. (Comm.) No. 16 of 1905 s. 4.

(c) it is used in any manner likely to lead to the belief that it describes or designates the goods.

5. (1) Any person who commits a contravention of this Act or the regulations thereunder shall, unless he proves that he acted without intent to deceive or to defraud, be guilty of an offence against Part V. of the Principal Act.

Offences.

No. 2603, Part V.

(2) Any person who aids abets counsels or procures or by act or omission is in any way, directly or indirectly, knowingly concerned in the commission of any contravention of this Act or the regulations thereunder shall be deemed to have committed that contravention and shall be punishable accordingly.

Aiding or abetting offences.

Comp. (Comm.) No. 16 of 1905 s. 18.

6. (1) All specified goods to which the prescribed trade description is not applied as provided by this Act which are offered for sale and all goods in respect of which or the covering label reel or thing used in connexion therewith any trade description has been altered in contravention of

Forfeiture of goods.

of the provisions of this Act and which are offered for sale, may by direction of the Minister be seized and forfeited to His Majesty.

Remission by
Minister.

(2) Subject to the regulations, the Minister may in any case, and, if in his opinion the omission alteration or other contravention has not occurred either knowingly or negligently, shall permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner upon security to the satisfaction of the Minister that the goods will not be sold in contravention of the regulations.

Amendment of
No. 2663 s. 86.

7. (1) Section eighty-six of the Principal Act is hereby amended as follows:—

“Trade
description.”
Comp. (Comm.)
No. 16 of 1905
s. 3.

(a) In sub-section (1), in the interpretation of “trade description,” for the words “or other indication” there shall be substituted the words “indication or suggestion”; and for the words “place or country in which” there shall be substituted the words “country or place in or at which”; and before the words “the use of any figure” there shall be inserted the words “includes a newspaper advertisement relating to goods; and”;

(b) In the said sub-section (1), for the interpretation of “false trade description” there shall be substituted the following interpretation:—

“False trade
description.”
Ib.

“‘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, 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.”

Amendment of
No. 2663 ss. 93,
101.

(2) In sections ninety-three and one hundred and one of the Principal Act, for the words “place or country in which” there shall be substituted the words “country or place in or at which”; and in the said section one hundred and one for the words “in that place or country” there shall be substituted the words “in or at that country or place.”

(3). The

(3) The provisions of Part V. of the Principal Act respecting the application of a false trade description to goods or respecting goods to which a false trade description is applied shall extend—

Extension of No. 2663 Part V. (as to application of false trade description to goods) to the application to goods of words &c. calculated to mislead persons as to country of origin of the goods. Comp. No. 2663 s. 86 (2).

(a) to the application to goods of any such figures words or marks or arrangement or combination thereof as are reasonably calculated to lead persons to believe that the goods were made or produced in or at a country or place other than the country or place in or at which they were actually made or produced ; and

(b) to any goods with any such figures words or marks or arrangement or combination thereof as afore-said applied thereto.

8. The Minister of Public Health shall be charged with the execution of Part V. of the Principal Act and this Act so far as they relate to specified goods which are, or to trade descriptions in relation to—

Minister of Public Health to administer No. 2663, Part V. and this Act in respect of certain articles &c.

(a) articles used for food or drink by man, or used in the manufacture or preparation of articles used for food or drink by man ; or

(b) medicines or medicinal preparations for internal or external use.

9. The provisions of this Act shall be read and construed as in aid and not in derogation of the provisions of Part V. of the Principal Act.

Saving as to No. 2663, Part V.

10. (1) The Governor in Council may make regulations prescribing all matters and things required or permitted by this Act to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations of the Governor in Council.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.