

To be construed with Ch. 30 of 1929

CHAPTER 102.

SALE OF FOOD AND DRUGS (CONSOLIDATION).

[No. XXXVIII of 1918.]

[16th November, 1918.]

Short title.

1. This Ordinance may be cited as the Sale of Food and Drugs (Consolidation) Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“ food ” includes every article used for food or drink by man, other than drugs or water, not being aerated or artificial mineral water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments;

“ butter ” means the substance usually known as butter made from milk or cream, or from both milk and cream, with or without salt or other preservative, and with or without the addition of colouring matter;

“ ghi ” means clarified butter fat made from milk or cream or from both milk and cream;

“ phalkaghi ” means vegetable fats, whether mixed with ghi or not, prepared in imitation of ghi;

“ margarine ” includes butterine and oleomargarine, and means all substances other than phalkaghi, whether compounds or otherwise, prepared in imitation of butter or of ghi, and whether mixed with butter or with ghi or not; and none of those substances shall be lawfully sold, except under the name of margarine or oleomargarine, and under the conditions set forth in this Ordinance;

“ drug ” includes medicine for internal or external use;

“ analyst ” includes the government analyst or any assistant analyst appointed under this Ordinance;

- “ analysis ” includes examination by means of a microscope or other instrument;
 “ the court ” means a magistrate acting in the exercise of his summary jurisdiction under the Summary Jurisdiction Ordinances.

ADULTERATION OF FOOD AND DRUGS.

3. No one shall mix, colour, stain, or powder, or order or permit another to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that it may be sold in that state; and no one shall sell any article so mixed, coloured, stained, or powdered.

Mixing food with injurious ingredient, and selling it, prohibited.

4. No one shall, except for the purpose of compounding as hereinafter described, mix, colour, stain or powder, or order or permit another to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of the drug, with intent that it may be sold in that state, and no one shall sell any drug so mixed, coloured, stained, or powdered.

Mixing drug with injurious ingredient and selling it prohibited.

5. Everyone who contravenes either of the last two preceding sections shall be guilty of an offence and on conviction thereof shall be liable for a first offence to a penalty not exceeding two hundred and fifty dollars, and for a second or any subsequent offence to that penalty or to imprisonment with or without hard labour, for any term not exceeding six months :

Contravention of last two sections :

Penalty :

Provided that no person shall be liable to be convicted under this section in respect of the sale of any article of food or of any drug if he shows to the satisfaction of the Court that he did not know that the article of food or the drug sold by him was mixed, coloured, stained, or powdered, contrary to this Ordinance, and that he could not with reasonable diligence have obtained the knowledge.

Proviso.

6.—(1) No one shall sell, to the prejudice of the purchaser, any article of food or drug not of the nature, substance and quality demanded by the purchaser :

Selling food or drug not of proper nature, substance or quality prohibited :

Provided that an offence shall not be deemed to be committed under this section where the standard of purity does not fall below that of the cases set forth in the first schedule hereto.

Proviso.

(2) The Governor in Council may by order published in the Gazette alter the standard of purity in any of the cases set out in the first schedule hereto, and may in like manner prescribe the standard of purity of any other food or drug by adding it to that schedule.

Penalty. (3) Everyone who contravenes this section shall be liable to a penalty not exceeding fifty dollars and, in the case of a sale of milk, on a second or subsequent conviction to a penalty not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for any term not exceeding six months.

(4) In a prosecution under this section it shall be no defence to allege or prove that the purchaser, having bought the food or drug only for analysis, was not prejudiced by the sale, or that the food or drug in question, though defective in nature, or in substance, or in quality, was not defective in all three respects.

Sale of compounded article of food, or drug.

7.—(1) No one shall sell any compounded article of food or compounded drug not composed of ingredients in accordance with the demand of the purchaser.

Penalty.

(2) Everyone who contravenes this section shall be liable to a penalty not exceeding fifty dollars.

Protection from contravention by giving of label.

8. No one shall be guilty of any contravention aforesaid in respect of the sale of an article of food or of a drug mixed with any ingredient or material not injurious to health and not intended fraudulently to increase its bulk, weight, or measure, or to conceal its inferior quality, if, at the time of delivering that article or drug, he supplies to the person receiving it a notice, by a label distinctly and legibly written, printed, or stamped on or with it, to the effect that it is mixed.

Abstraction of part of article of food and, selling without notice, prohibited.

9.—(1) No one shall, with intent that an article of food may be sold without notice in its altered state, abstract from it any part of it so as to affect injuriously its nature, substance, or quality; and no one shall sell any article so altered without making disclosure of the alteration.

Penalty.

(2) Everyone who contravenes this section shall be liable to a penalty not exceeding fifty dollars.

Contravention of provisions of the Ordinance relating to margarine.

10. Everyone dealing in margarine or in phalkaghi, whether by wholesale or retail, or as a manufacturer or importer, or as a consignor or consignee, or as a commission agent or otherwise, who is guilty of any contravention of

the provisions relating to margarine or to phalkaghi hereafter in this Ordinance contained, shall be liable for the first offence to a penalty not exceeding fifty dollars, and for the second offence to a penalty not exceeding one hundred dollars, and for the third or any subsequent offence, to a penalty not exceeding two hundred and fifty dollars.

Penalty.

11.—(1) Everyone dealing in margarine in the manner mentioned in the last preceding section shall conform to the following regulations, that is to say, every package, whether open or closed, which contains margarine, shall be branded or durably marked “margarine” or “oleomargarine” on the top or sides, in printed capital letters not less than half an inch square; and, if the margarine is exposed for sale by retail, there shall be attached to each parcel thereof so exposed, and in such manner as to be clearly visible to the purchaser, a label marked, in printed capital letters not less than half an inch square, “margarine” or “oleomargarine.”

Marking of margarine packages as “Margarine” or “Oleomargarine.”

(2) Everyone dealing in phalkaghi in the manner mentioned in the last preceding section shall conform to the following regulations, that is to say, every package, whether open or closed, which contains phalkaghi shall be branded or durably marked “phalkaghi” on the top or sides, in printed capital letters not less than half an inch square; and if the phalkaghi is exposed for sale by retail, there shall be attached to each parcel thereof so exposed, and in such manner as to be clearly visible to the purchaser, a label marked in printed capital letters, not less than half an inch square, “phalkaghi.”

Marking of phalkaghi packages as “phalkagi.”

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12.—(1) Every manufactory of margarine or of phalkaghi, or of any kind of flour or product thereof, or of aerated or artificial mineral waters in the colony, shall be registered by the owner or manager thereof, at the ~~department of science and agriculture~~ in the manner, and subject to the conditions as to working and otherwise, prescribed by the Governor in Council.

Registering of manufactories.

Govt. Analyst's Dept.

(2) Every owner and every manager of the manufactory shall permit any officer of the ~~department of science and agriculture~~ or of the Local Government Board to enter and inspect at all reasonable times the manufactory, or any process or treatment used therein, and to take samples for analysis of any article capable of being used in the manufacture, process, or treatment, or in any adulteration.

Govt. Analyst's Dept.

(3) Every owner and every manager of that manufactory who makes default in complying with the requirements of this section shall be liable to a penalty not exceeding twenty dollars for every day during which the default continues.

Penalty.

Mode of consigning margarine or phalkaghi.

13.—(1) All margarine or phalkaghi imported into the colony, and all margarine or phalkaghi, whether imported into or manufactured in the colony, shall, whenever sent by any public conveyance, be duly consigned as margarine or phalkaghi, as the case may be.

(2) Any officer of customs and any officer hereinafter mentioned, if he has reason to believe that the provisions of this section are being contravened, may examine and take samples from any package, and ascertain, if necessary, by submitting them to be analysed, whether the contravention has been committed.

Taking sample of butter or ghee exposed for sale.

14.—(1) Where any butter, or ghi, or any substance purporting to be butter or ghi, is exposed for sale and is not marked "margarine," or "oleomargarine" or "phalkaghi" as provided by this Ordinance, any officer hereinafter mentioned may take, for the purpose of analysis, in the manner hereinafter mentioned, a sample of the butter, ghi, or substance.

(2) Any substance so exposed for sale and not so marked shall be presumed to be exposed for sale as butter.

ANALYSIS OF FOOD AND DRUGS.

Duty of the government analyst.

15. The analyst shall be charged with the general conduct of all analyses made for the purposes of this Ordinance.

Appointment of assistant analysts:

16.—(1) The Governor may appoint any fit and proper person or persons to be an assistant analyst or assistant analysts for the purposes of this Ordinance, and may at any time cancel an appointment:

Proviso.

Provided that no person shall be so appointed who is directly or indirectly engaged or interested in any trade or business connected with the manufacture of articles of food or drugs or their sale in, or importation into, or exportation from, the colony.

(2) Every assistant analyst shall be under the general direction and control of the analyst, and shall receive the salary assigned to him by the Legislative Council.

17.—(1) Subject to the provisions contained in the next succeeding section, any purchaser of an article of food or of a drug shall be entitled, on payment to an analyst of a fee, according to a scale of fees, but not exceeding in any case the sum of two dollars, to be approved by the Governor in Council and published in the Gazette to have that article or drug analysed by the analyst.

Right of purchaser to have food or drug analysed.

(2) If the analyst does not reside within two miles of the residence of the person requiring the article to be analysed, the article may be transmitted to the analyst through the post office as a registered parcel, subject to any postal regulations for the time being in force with reference to the carrying and delivery of that article, and the charges for the postage and registration of the article shall be deemed part of the charges of the said Ordinance or of the prosecution, as the case may be.

18.—(1) Any government medical officer, any commissary of taxation, the inspector of villages, any officer of the Mayor and Town Council of Georgetown or of New Amsterdam, any officer of a town or village, any sanitary inspector, any police constable, and any other officer or person so authorised by the Governor in Council, may procure for examination a sample or samples of any article of food or of any drug, or may procure for examination, at any time or place before it is delivered to the consumer, a sample or samples of milk and, if he suspects that sample to have been sold to him, or to be about to be sold or delivered, contrary to any provision of this Ordinance, may, after following the procedure hereafter prescribed, submit the sample or samples to be analysed by an analyst, subject to any conditions as to the payment of fees or otherwise prescribed by the Governor in Council.

Certain persons may take samples for analysis.

(2) In the exercise, at any railway station, railway premises, or public stelling, of the powers conferred upon him by this section the medical officer or other person authorised as in the last preceding sub-section shall conform to any reasonable requirements of the railway company or other authority owning or using the station or premises or stelling necessary to prevent the traffic thereat being obstructed or interfered with.

(3) Where any article of food other than milk is exposed for sale in an unopened tin or packet duly labelled, no one shall be required to sell it except in the unopened tin or packet in which it is contained.

(4) The provisions of this section relating to the taking of samples of milk at any time or place shall apply to every other article of food or drug, but samples other than those of milk shall not be taken except upon the request or with the consent of the purchaser or consignee.

Refusal to
sell sample
to officer :

19.—(1) If, on any officer aforesaid applying to purchase any article of food or drug exposed or offered for sale by retail in any shop, or store, or other premises, railway station, railway premises, or public stelling, or in any street or open place of public resort, or any sample of any milk in course of delivery as aforesaid, and tendering a reasonable price for the quantity which he requires for the purpose of analysis, the person exposing or offering for sale, or having power to sell, or having the charge of the food, drug, or milk as aforesaid, refuses to sell the quantity required to the officer, that person shall be liable to a penalty not exceeding fifty dollars :

Penalty :
Proviso.

Provided that on a second or subsequent conviction under this section, or on a conviction after a previous conviction under any section of this Ordinance, that person shall be liable to a penalty not exceeding two hundred and fifty dollars, or to imprisonment with or without hard labour for any term not exceeding six months.

(2) In exercising the powers given by this section a police constable shall comply with the directions of the officer of police under whose immediate command he is, but the absence of or non-compliance with any of those directions shall not affect the validity of any act or afford any defence to proceedings under this section.

(3) Anyone selling or carrying milk who removes, throws away, or destroys, or causes to be removed, thrown away, or destroyed, any milk in order to prevent or impede the tender or purchase by any officer under sub-section (1) of this section shall be liable to a penalty not exceeding fifty dollars, and on a second or subsequent conviction shall be liable to the penalty set out in the proviso to that sub-section.

Obtaining
sample of
milk for
analysis from
seller or
consignor.

20.—(1) Where a sample of milk is procured the person who is in custody or control of the milk shall, on being required to do so by the person by whom or on whose behalf the sample was taken, state the name and address of the seller or consignor (if any) from whom he received the milk.

(2) Any of the following authorities, that is to say, the Local Government Board, the Mayor and Town Council of Georgetown and of New Amsterdam, the Surgeon General, or the Inspector General of Police, who caused the samples to be procured, may take or cause to be taken one or more samples of milk in course of transit or delivery from the seller or consignor.

(3) Any sample of milk so taken in the course of transit or delivery shall be submitted for analysis to the analyst to whom the first sample is or was submitted.

(4) If proceedings are taken against the person who had custody or control of the milk, a copy of the certificate of the result of the analysis of every sample so taken in the course of transit or delivery shall be furnished to him, and the certificate shall be sufficient evidence of the facts stated therein, and shall be admissible as evidence on any question whether the milk was in the same state as he purchased it.

(5) Any of the authorities aforesaid may take proceedings against the seller or consignor of the milk instead of or in addition to the person in custody or control thereof.

21.—(1) The purchaser of any article of food or drug with the intention of submitting it to analysis shall, after the purchase is completed, forthwith notify to the seller or his agent selling the article his intention to have it analysed, and shall offer then and there to divide it, in the presence of the seller or agent, into three parts, each part to be marked and sealed or fastened up in the manner its nature will permit, and, if the offer is accepted, shall proceed accordingly and deliver one of the parts to the seller or his agent.

Mode of
dealing with
sample when
purchased :

(2) He shall afterwards retain one of the parts for future comparison, and shall forthwith take or send the third part, if he deems it right to have the article analysed, to an analyst.

(3) If the offer is not accepted, the analyst receiving the article for analysis shall divide it into two parts, and shall seal or fasten up one of those parts and cause it to be delivered, either on receipt of the sample or when he gives his certificate, to the purchaser, who shall retain it for production in case proceedings are afterwards taken in the matter :

Provided that in the case of milk it shall not be necessary to produce any part of the sample so taken. Proviso.

Certificate of
analysis ;
second
schedule.

22. An analyst, after completing any analysis under this Ordinance, shall give a certificate of the result thereof ; and the certificate shall be in the form contained in the second schedule hereto, with any variations the circumstances of the particular case require, and a copy of the certificate shall be served together with the summons in any prosecution.

PROCEEDINGS AGAINST OFFENDERS.

Proceedings
on hearing of
complaint for
offence :

23.—(1) On the hearing of a complaint or information for an offence against this Ordinance, the production of a certificate signed by an analyst shall be sufficient evidence of the facts therein stated, unless the defendant requires that the analyst be called as a witness, and no proof need be given of the signature or official character of the analyst :

Proviso.

Provided that—

(a) the court shall, on the request of the defendant and on his depositing the amount of the costs occasioned thereby, refer the certificate, if it has not been given by the Government analyst, to the analyst, together with the part of the article of food or drug retained by the purchaser for his opinion and certificate ; and the provisions of this section shall apply to that certificate and to the calling of the analyst as a witness ; and

(b) the certificate of the analyst may be supplemented by the personal evidence of the analyst and by that of experts or other witnesses.

(2) If the analyst is called as a witness by any party, that party shall, unless the court otherwise expressly orders, be liable to pay all costs occasioned by his having been so called.

(3) The part of the article of food, not being milk obtained under section nineteen of this Ordinance, or drug retained by the purchaser shall be produced.

(4) Where the fact of an article of food or drug having been sold in a mixed state is proved, if the defendant desires to rely upon any exception or provision contained in this Ordinance, it shall be incumbent upon him to prove it.

Discharge of
defendant on
proof that he
purchased
the article or
drug as sold :

24. If, on the hearing of any complaint or information for an offence against this Ordinance, the defendant proves to the satisfaction of the court that he—

(a) purchased the article of food or the drug in question as the same in nature, substance, and

quality as that demanded of him by the purchaser, and with a written warranty or invoice to that effect;

- (b) had no reason to believe, at the time when he sold it, that the article or drug was otherwise; and
- (c) sold the article or drug in the same state in which he purchased it,

he shall be discharged from the proceedings, but shall be liable to pay the costs incurred by the complainant or informant, unless he has given reasonable notice to the complainant or informant that he will rely upon the above defence :

Provided as follows :—

Proviso:

- (a) a warranty or invoice shall not be available as a defence to any proceeding under this Ordinance unless the defendant has, within seven days after service of the summons, sent to the purchaser a copy of the warranty or invoice, with a written notice stating that he intends to rely thereon and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person;
- (b) the person by whom the warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so;
- (c) a warranty or invoice given by a person resident outside the colony shall not be available as a defence to any proceeding under this Ordinance unless the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty or invoice;
- (d) where the defendant is a servant of the person who purchased the article under a warranty or invoice, he shall, subject to the provisions of this section, be entitled to rely on the next succeeding section in the same way as his employer or master would have been entitled to do if his employer or master had been the defendant, provided he further proves that he had no reason to believe that the article was otherwise than that demanded by the prosecutor;

(e) where the defendant in a prosecution under this Ordinance has been discharged under the provisions of the next succeeding section for giving the warranty relied on by the defendant in that prosecution, any proceedings may be taken, as well before a court having jurisdiction in the place where the articles of food or drug to which the warranty relates was purchased for analysis, as before a court having jurisdiction in the place where the warranty was given.

Exemption of employer from liability on proof of guilt of another without his knowledge.

25. An employer charged with an offence against this Ordinance shall be entitled, on a complaint or information duly made or laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if after the commission of the offence has been proved the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this Ordinance, and that the other person committed the offence in question without his knowledge, consent, or connivance, the other person shall be convicted of the offence and the employer shall be exempt from any penalty or other punishment.

Forgery of certificate or warranty.

26. Everyone who forges, or utters knowing it to be forged, any certificate of the result of an analysis under this Ordinance, or any written warranty, with intent that it may be used for the purposes of this Ordinance, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

Wilful mis-application of certificate, or warranty.

Penalty.

27. Everyone who wilfully applies to an article of food or to a drug, in any proceeding under this Ordinance, a certificate or warranty given in relation to any other article of food or drug, shall be liable to a penalty not exceeding one hundred dollars.

Giving false warranty.

Penalty.

28. Everyone who gives a false warranty in writing to a purchaser as to the nature, substance, or quality of any article of food or of any drug sold by him, whether as principal or agent, shall be liable to a penalty not exceeding one hundred dollars.

Giving false label.

29. Everyone who wilfully gives a label with any article of food or any drug sold by him which falsely describes the article or drug sold, shall be liable to a penalty not exceeding one hundred dollars.

30. All fees received by an analyst under this Ordinance shall be paid by him into the Treasury in the manner and at the times directed by the Governor.

Accounting
for fees
received.

31. Subject to a resolution of the Legislative Council, the Governor in Council may from time to time authorise the payment of not more than fifty per centum of any fine or fines inflicted by a magistrate for breaches of this Ordinance in all cases where the prosecutions have been by the direction of the Mayor and Town Council of Georgetown or of New Amsterdam, or of any district council, to that Council in aid of any expenditure incurred by them in taking samples for analysis and prosecuting cases in magistrates' courts.

Procedure
and appeal.

32. Any penalty or punishment imposed by this Ordinance may be recovered or enforced under the Summary Jurisdiction Ordinances.

Recovery of
penalties.

33. Nothing in this Ordinance shall affect the power of proceeding by indictment, or take away any other remedy against an offender under this Ordinance, or in any way interfere with contracts and bargains between persons or the rights and remedies belonging thereto:

Saving of
proceeding
by indictment
and
contractual
rights:

Provided that in any action brought by anyone for a breach of contract on the sale of any article of food or of any drug, he may recover, either alone or in addition to any other damages recoverable by him, the amount of any penalty which he has been compelled to pay under this Ordinance, together with the costs paid by him in consequence of the conviction and those incurred by him in and about his defence, if he proves that the article or drug which was the subject of the conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in the action being, nevertheless, at liberty to prove that the conviction was wrongful or that the amount of costs claimed or awarded was unreasonable.

Proviso.

FIRST SCHEDULE.

STANDARD OF PURITY.

1. Where any ingredient or material not injurious to health is added to the food or drug because the addition is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug or to conceal the inferior quality thereof.

- Spirits ; 2.—(a) where water only is added to any rum, brandy, whisky, or gin, but not so as to reduce the spirit more than twenty-five degrees under proof :
- brandy : (b) where brandy or cognac is a spirit distilled from the wine of grapes and contains the proportions of volatile acidity, aldehydes, furfural and higher alcohols natural to that spirit with not less than 60 parts of ethers calculated as ethyl acetate in 100,000 parts by volume of the absolute alcohol contained in the spirit, and has the aroma and flavour natural to the spirit ;
- hollands ; (c) where hollands, geneva, or gin is a rectified spirit distilled from a mash of cereal grains, sweetened or unsweetened, and has the aroma and flavour characteristic of such a spirit ;
- whisky ; (d) where whisky is a spirit distilled from a mash of cereal grains and contains not less than 150 parts in 100,000 parts by volume of the absolute alcohol in such spirit of volatile acidity, aldehydes, furfural, ethers, and higher alcohols in the proportions natural to such a spirit, and has the aroma and flavour natural to such a spirit ;
- rum. (e) where rum is a spirit distilled from sugar-cane products and contains the proportions of volatile acidity, aldehydes, furfural, and higher alcohol natural to such a spirit with not less than 50 parts of ethers calculated as ethyl acetate in 100,000 parts by volume of the absolute alcohol contained in such a spirit, and has the aroma and flavour natural to such a spirit.
- Butter. 3. Where water, or salt, or water and salt, is or are added to butter or margarine, but not so as to reduce the proportion of fat below seventy-five per centum.
- Ghi. 4. Where water, or salt, or water and salt, is or are added to ghi or phalkaghi, but not so as to reduce the proportion of fat below ninety-seven per centum.
- Milk ; 5.—(a) where milk (not being sold as skimmed, separated, or condensed milk) contains more than three and a quarter per centum of butter-fat and not less than eight and a half per centum of non-fatty solids ;
- (b) where skimmed or separated milk (not being sold as condensed milk) contains more than nine per centum of milk solids ;
- (c) where milk or cream does not contain formalin, boracic acid, borates or other preservative ;
- (d) where milk does not yield more sediment or extraneous filth than one part by weight in 20,000 parts of the milk ;
- condensed (e) where condensed milk contains more than ten per centum of butter-fat and not less than one and four-tenths per centum of nitrogen ;
- milk. (f) where condensed milk contained in tin cans or other receptacles having the words " skimmed milk," or " separated milk," and the statement " unfit for the use of children and invalids," printed on or affixed to the receptacle in large and legible type in red colour diagonally across the label and the condensed milk contains not less than one half of one per centum of butter-fat and one and three-tenths per centum of nitrogen.
- Cheese. 6. Where cheese contains not less than twenty per centum nor more than sixty-four per centum of water, and not less than fifteen per centum nor more than sixty per centum of fat, and not less than one per centum nor more than nine per centum of ash.
- Coffee. 7. Where roasted coffee yields not less than twenty per centum of its weight as water-extract, and contains not less than three-quarters of one per centum nor more than one and a half per centum of caffeine, and not less than three per centum and not more than five per centum of ash.

8. Where tea yields not less than thirty per centum of its weight as water-extract and contains not more than eight per centum nor less than four per centum of total ash, of which not less than forty per centum shall be soluble in water, and not more than one per centum insoluble in hydrochloric acid. Tea.
9. Where cocoa yields not less than fifteen per centum of its weight as water-extract, and contains not more than five per centum of ash. Cocoa.
- 10.—(a) Where wheat-flour is not the product of any diseased or unclean wheat, does not contain any flour other than that derived from wheat, contains not less than nine per centum nor more than eighteen per centum of water, not less than one-third of one per centum nor more than two per centum of ash, and yields not less than five per centum of gluten dried at a temperature of one hundred degrees centigrade ; Wheat-flour ;
- (b) where meal or flour consists only of the sort or sorts of corn, grain, or other vegetable product for which it is sold. flour.
- 11.—(a) Where bread is not the product of any diseased or unclean flour, and does not contain more than fifty per centum of water and not less than one-third of one per centum and not more than two per centum of ash ; Bread.
- (b) where wheaten bread is made of flour of wheat with common salt, fresh water, barm, leaven, or other yeast only ;
- (c) where bread is made of mixed materials, the flour or meals of wheat, barley, rye, oats, buckwheat, Indian corn, Guinea corn, cotton seed, coconut, peas, beans, rice, bread-fruit, plantains or bananas, cassava, yams, eddoes, tannias or potato, or of any of them with common salt, fresh water, eggs, milk, sugar, barm, leaven or other yeast and with no other ingredient or matter whatsoever.
12. Where beer does not contain less than two and a half per centum and not more than twenty per centum of proof spirit by volume. Beer.
13. Where vinegar has a total acid value of four per centum calculated as acetic acid, and does not contain any free mineral acid or other ingredient not normally present in the particular variety of vinegar which it purports to be, and does not contain any colouring matter or other substance which makes it appear or tends to make it appear of a different kind or variety from what it really is. Vinegar.
14. Where olive oil consists solely of the expressed product of the fruit of the *olea Europæa*, var. *sativa*, D.C. Olive oil.
- 15.—(a) Where lard sold as pure lard contains only the fat of the hog and does not contain more than one per centum of water ; Lard.
- (b) where compound lard or any lard-substitute contains not less than ninety-nine per centum of fat.
16. Where wine is the product of vinous fermentation and contains not less than thirteen per centum nor more than forty-two per centum of proof spirits by volume, and not more than one-fifth per centum of sulphates calculated as potassium sulphate, and not less than one and two-fifths of total extract dried at a temperature of one hundred degrees centigrade. Wine.
17. Where tobacco contains not more than thirty-eight per centum of water and not more than six per centum of oil or fat. Tobacco.
- 18.—(a) Where the food or drug is a proprietary medicine, or is the subject of a patent in force and is supplied in the state required by the specification of the patent ; Patent food or drugs.

(b) where the food or drug is compounded as in this Ordinance mentioned ;

(c) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation ;

(d) where any drug corresponds in its properties and composition to the standards laid down in the issue of the British pharmacopœia or the United States pharmacopœia in force at the time of its sale.

SECOND SCHEDULE.

FORM OF CERTIFICATE OF ANALYSIS.

To (1)

I the undersigned do hereby
 certify that I received on the _____ day of _____
 1 _____, from (2) _____ a _____ sample of
 (3) _____ for analysis (which then weighed
 _____) and have analysed the
 same, and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of genuine

or

I am of opinion that the said sample is adulterated and contains foreign ingredients as under :—

OBSERVATIONS. (4)

Dated this _____ day of _____, 1 _____.

(Signed)

(1) Here insert the name of the person submitting the article for analysis.

(2) Here insert the name of the person delivering the article.

(3) When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

(4) Here the analyst may insert, at his discretion, his opinion as to whether the mixture, if any, was for the purpose of rendering the article potable, or of preserving it, or of improving its appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.