

AMENDED AND REPRINTED UNDER
AMENDMENTS TO CORPORATION ACT 1906.

Act No. 35, 1901.

An Act to consolidate the enactments relating to the regulation of the making and sale of bread and the prevention of the adulteration thereof and of meal and flour. [1st November, 1901.]

BREAD.

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

1. This Act may be cited as the "Bread Act, 1901."

Short title.

2. The Act sixth William the Fourth number one is hereby repealed.

Repeal.

3. All bread made for sale or sold or exposed for sale within New South Wales shall be made of flour or meal of wheat, barley, rye, oats, buck-wheat, Indian corn, pease, 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.

Bread for sale to be made of certain ingredients only.
6 Wm. IV No. 1, s. 1.

4. (1) The several sorts of bread which are made for sale or sold or exposed for sale shall always be well made and in their several and respective degrees according to the quality of the meal or flour whereof the same ought to be made, and no alum or mixture in which alum is 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 colour or pretence whatsoever.

Bread to be well made.
Ibid. s. 2.

(2) Every person who knowingly offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds nor less than forty shillings.

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Bread to be made in loaves of certain weights.
6 Wm. IV No 1, s. 3.

5. (1) All bread made for sale within New South Wales, save as hereinafter excepted, shall be made into loaves weighing not less than one pound, two pounds, and four pounds respectively, according to the standard weight by law established, and such loaves shall be called and understood to be the "one pound loaf," "two pounds loaf," and "four pounds loaf" respectively.

Penalty for making, &c., bread short of weight.

(2) Every person who makes for sale or sells or offers for sale bread of any other denomination or size, or sells or offers for sale any loaf which is found deficient of its due weight when weighed in the shop at the time it is sold or offered for sale, shall for every such offence be liable to a penalty not exceeding five pounds nor less than forty shillings :

Provided that no such person shall be liable to a penalty for selling or offering for sale any loaf which is found deficient of its due weight as aforesaid if he proves that such bread was not baked within the period of twenty-four hours next preceding the time of its being so sold or offered for sale.

French or any fancy bread or rolls excepted.

(3) Notwithstanding anything herein contained any baker or seller of bread may make or sell bread usually sold under the denomination of French or fancy bread or rolls of such weight or size as he thinks fit and without previously weighing the same.

"Standard wheaten bread."
Ibid. s. 4.

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

"Household wheaten bread."
Ibid. s. 5.

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 mentioned shall be called "household wheaten bread," and every loaf of such bread shall be marked with a large Roman II.

"Mixed bread."
Ibid. s. 6.

8. All bread made for sale wholly or partially of the meal or flour of corn or of any other sort of grain than wheat, or of the meal or flour of any pease, 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.
Ibid. s. 7.

9. Every person who makes for sale or sells or exposes for sale any such "household wheaten bread" or any such "mixed bread" without being respectively marked as hereinbefore directed shall be liable to a penalty of ten shillings for every pound weight of such bread made for sale or sold or exposed for sale without being so marked as aforesaid.

Limitation as to baking, &c., on Sundays.
Ibid. s. 8.

10. (1) No person exercising or employed in the trade or calling of a baker shall—

- (a) on Sunday make or bake any bread, rolls, or cakes of any sort or kind, or
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- (b) on the said day, excepting before ten in the forenoon and between one and two in the afternoon, on any pretence whatsoever, sell or expose for sale any bread, rolls, or cakes of any sort or kind, or
- (c) bake or deliver or permit or suffer to be baked or delivered any meat, pudding, pie, tart, or victuals at any time after two of the clock in the afternoon of that day, or
- (d) in any other manner exercise on Sunday the trade of a baker, or be engaged or employed in the business or occupation thereof, save and except so far as may be necessary in setting and superintending the sponge to prepare the bread or dough for the following day's baking.

(2) No meat, pudding, pie, tart, or victuals shall be brought to or taken from any bakehouse during the time of Divine Service on Sunday.

(3) Every person offending against any one of the foregoing provisions, or making any sale or delivery hereby allowed between the hours aforesaid otherwise than in their bakehouse or shop, shall on conviction of every such offence within two days from the commission thereof be liable to a penalty not exceeding three pounds nor less than twenty shillings.

11. (1) Every baker or seller of bread shall cause to be fixed in some conspicuous part of his shop on or near the counter a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of one pound, two pounds, and four pounds respectively.

Bakers to provide in their shops scales and weights.
G Wm. IV No. 1, s. 9.

(2) Any person who purchases any such loaf of bread from any such baker or seller of bread may if he thinks proper require the same to be immediately weighed in his presence.

(3) Every such baker or seller of bread who neglects to fix such beam and scales or to provide and keep for use such regulated weights or other sufficient balance, or who refuses to weigh any loaf or loaves purchased in his shop in the presence of the party requiring the same, shall for every such offence be liable to a penalty not exceeding five pounds nor less than one pound.

12. (1) Every baker or seller of bread and every journeyman servant or other person employed by such baker or seller of bread who conveys and carries out bread for sale in any cart or other carriage drawn by a horse or other animal shall be provided with and constantly carry in such cart or other carriage a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of one pound, two pounds, and four pounds respectively.

Bakers delivering by cart to be provided with scales and weights.
1747. s. 10.

(2) Any person who purchases any such loaf of bread may if he thinks proper require the same to be weighed in his presence.

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(3) If any such baker or seller of bread or his journeyman servant or other person at any time carries out or delivers any bread in any such cart or other carriage as aforesaid without being provided with such beam and scales with proper weights or other sufficient balance, or at any time refuses to weigh any bread in the presence of the person purchasing or receiving the same, then and in every such case every such baker or seller of bread shall for every such offence be liable to a penalty not exceeding five pounds nor less than one pound.

Bakers' shops may be searched for bread short of weight.

6 Wm. IV No. 1, s. 11.

13. (1) Any justice of the peace may whenever he sees fit, and any inspector of weights and measures duly appointed under the provisions of the Weights and Measures Act 1898 when directed by any such justice, and any constable authorised by warrant under the hand of any such justice may, at reasonable times in the daytime, enter into any house, shop, stall, bakehouse, pastry-warehouse, or out-house belonging to any baker or seller of bread to search for, view, weigh, and try all such bread as may be then and there found, and has been baked within twenty-four hours next preceding the time of being so searched for and tried.

Onus of proof.

(2) In case of dispute the proof that such bread was not baked within such period of twenty-four hours shall be upon such baker or seller of bread.

Method of weighing.

(3) Such bread shall be weighed in sets of four loaves of the same denomination or size or in any larger or smaller quantity as may be found most convenient.

Bread to be weighed within twenty-four hours after baking.

(4) If on the weighing of such bread any deficiency is found in its due weight on the average of the whole weight of all the loaves of bread of the same denomination or size which are then and there found, and which have been baked within such period of twenty-four hours, and which deficiency appears upon the view of any such justice or is proved before any such justice upon the oath of the party weighing the same, then the person so offending shall be liable to a penalty of five shillings for every ounce of bread which is so found deficient, unless it is proved on behalf of the parties against whom such information is made by the oath of any respectable housekeeper that such deficiency wholly arose from some unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy to injure the party accused.

Loaves found deficient may be seized.

Any such justice, inspector, or constable may seize all such loaves as are so found deficient, and such justice may dispose thereof as in his discretion he thinks fit.

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

Ibid. s. 12.

14. (1) Whosoever—

(a) puts into any corn meal or flour which is ground, dressed, bolted, or manufactured for sale, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time

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time any ingredient or mixture whatever not being the real and genuine produce of the corn or grain which is so ground;
or

- (b) knowingly sells or offers 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,

shall for every such offence be liable to a penalty not exceeding twenty pounds nor less than five pounds.

(2) 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 if every such ingredient, article, or material so employed or used is carefully and effectually removed from such corn or grain before the same is ground.

15. (1) Any justice of the peace and also any constable authorised by any warrant under the hand of a justice of the peace may at reasonable times in the daytime—

- (a) enter into any house, mill, shop, stall, bake-house, bolting-house, pastry-warehouse, out-house, or ground of or belonging to any miller, mealman, or baker or other person who grinds grain or dresses or bolts meal or flour or makes bread for reward or sale; and
- (b) search or examine whether any mixture or ingredient, not the genuine produce of the grain such meal or flour imports or ought to be, has been mixed up with or put into any meal or flour in the possession of such miller, mealman, or baker either in the grinding of any grain at the mill or in the dressing, bolting, or manufacturing thereof whereby the purity of any meal or flour is in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act has been mixed up with or put into any dough or bread in the possession of any baker or other person whereby any such dough or bread is in anywise adulterated; and
- (c) search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture.

(2) If upon any such search and examination it appears that any such meal, flour, dough, or bread so found has been so adulterated by the person in whose possession it then is, or any mixture or ingredient is found which seems to have been deposited there in order to be used in the adulteration of meal, flour, or bread, then and in every such case every such justice of the peace or constable authorised as aforesaid

Bakers' shops, &c., may be searched for adulterated flour, &c., or ingredients for adulterating the same.
6 Wm. IV No. 1, s. 13.

Adulterated flour, &c., may be seized.

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aforesaid may seize and take any meal, flour, dough, or bread which is found in any such search and deemed to have been adulterated, and all ingredients and mixtures which are found and deemed to have been used or intended to be used in or for any such adulteration as aforesaid.

Disposal of
adulterated flour, &c.

(3) Such part thereof as is seized by any constable authorised as aforesaid shall with all convenient speed after seizure be carried to the nearest resident justice of the peace, and if any justice who makes any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act is brought, adjudges upon the evidence of any competent person taken upon oath that any such meal, flour, dough, or bread so seized has been adulterated by any mixture or ingredient put therein other than is allowed by this Act, or adjudges that any ingredient or mixture so found as aforesaid has been deposited or kept where so found for the purpose of adulterating meal, flour, or bread, then and in any such case every such justice of the peace is hereby required to dispose of the same as he in his discretion thinks proper.

Penalty on persons
in whose possession
ingredients for the
adulteration of bread
are found.

6 Wm. IV No. 1,
s. 14.

16. Every miller, mealman, or baker in whose house, mill, shop, stall, bakehouse, bolting-house, pastry-warehouse, outhouse, ground, or possession any ingredient or mixture is found, which after due examination is adjudged by any justice of the peace to have been deposited there for the purpose of being used in adulterating the purity or wholesomeness of any meal, flour, dough, or bread shall for every such offence be liable to a penalty not exceeding forty shillings for the first offence, five pounds for the second offence, and ten pounds for every subsequent offence, unless it is made to appear to the satisfaction of any such justice that such ingredient or mixture was so deposited without the knowledge or privity of the party accused.

Penalty for
obstructing any
search authorised by
this Act.

Ibid. s. 15.

17. Every person who wilfully obstructs or hinders any such search as is hereinbefore authorised to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which is found on any such search and is deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough, or bread, or who wilfully opposes or resists any such search being made or the carrying away of any such ingredient or mixture as aforesaid, or any meal, flour, dough, or bread which is seized as being adulterated or as not being made pursuant to this Act shall for every such offence be liable to a penalty not exceeding ten pounds.

Limiting the time
information.

Ibid. s. 16.

18. No person shall be convicted for any offence under this Act unless the complaint is made within forty-eight hours next after the time the offence has been committed.

General issue.

Ibid. s. 17.

19. If any action or suit is commenced against any justice of the peace, constable, or other person for any matter or thing done in pursuance of this Act, the defendant in any such action or suit may plead

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plead the general issue and give this Act and the special matter in evidence at any trial thereupon and that the same was done in pursuance and by authority of this Act, and if it appears so to have been done, or if a verdict is recorded for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given upon a verdict or demurrer against the plaintiff, the defendant in every such action shall and may recover treble costs and have the like remedy for the same as any defendant has in other cases by law for the recovery of costs.
