

Act No. 107, 1902.

An Act to prevent the adulteration of wine; and to regulate the sale of wine and other beverages. [22nd December, 1902.]

WINE
ADULTERATION.

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:—

Preliminary.

1. This Act may be cited as the "Wine Adulteration Act, 1902." Short title.
2. In this Act, unless the context otherwise indicates,— Definitions.
"Minister" means Secretary for Mines.
"Regulations" means regulations under this Act.
"Sparkling wine" means wine surcharged with carbonic acid gas and includes champagne.
"Wine" means the product of the alcoholic fermentation of the juice or must of fresh grapes.
"Wine spirit" means the distillate resulting from the distillation of wine or the by-products of wine-making.

Manufacture and sale of wine.

3. No person shall add or cause to be added to unfermented grape juice or wine, for the purpose of sale, either during or after the making of the same, anything other than a liquid or substance named in the Schedule, or any such liquid or substance in such quantity as will increase the proportion thereof in such grape juice or wine above the proportion thereof contained in a natural wine, or in such quantity as will disturb the relation between any of the constituents of a natural wine, or shall so add or cause to be added any such liquid or substance otherwise than in accordance with the Schedule and regulations: What may not be added to grape juice or wine.

Provided that this section shall not apply to the mixing of wine with any drug, if the mixture is bona fide intended for medicinal purposes only, and is not intended for use, and is not in common use as a beverage, and if such mixture is made and labelled in accordance with the regulations.

Wine Adulteration.

What grape juice
may not be sold.

What wine may not
be sold.

Label to be affixed
to wine bottles.

Carbonated wine to
be labelled.

Person authorised
may enter premises
and inspect wine

and purchase sample,

and submit it
to analysis.

4. No person shall sell or have in his possession for sale or for the purpose of wine making any unfermented grape juice to which anything has been added otherwise than in accordance with this Act.

5. No person shall have in his possession for sale, or sell as wine—

- (a) any liquid which is not wine as defined in this Act; or
- (b) any wine to which anything has been added otherwise than in accordance with this Act; or
- (c) any wine which contains ash in less quantity than 1.3 grammes per litre or 91.14 grains per gallon.
- (d) any wine containing more than 2 grammes per litre or 140 grains per gallon of sulphates calculated as neutral potassium sulphate.

6. No person shall expose or offer for sale, deliver for sale, or sell as wine any bottled liquid, unless each bottle is distinctly labelled with the name and address of the bottler.

7. No person shall expose or offer for sale, deliver for sale, or sell any sparkling wine in which the excess of carbonic acid gas arises from direct addition of such gas, unless the bottle is labelled with the word "Carbonated" in letters as large as the letters on any label on the bottle.

Analysis.

8. (1) Any person having general or other authority in writing from the Minister may, on producing such authority, enter any vineyard, building, vehicle, vessel, or boat which he has reasonable grounds to believe is used for making, storing, exposing for sale, or carrying any liquid being unfermented grape juice or wine or other liquid having the chief characteristics of wine, whether made or in process of making, and inspect such liquid.

(2) Such person may require the owner or any person apparently in charge of any such liquid in or on such vineyard, building, vehicle, vessel, or boat to sell, and such owner or person shall sell, at a reasonable price, and deliver to him so much of the liquid as he may require.

Any such person who purchases any such liquid for analysis shall inform the vendor of the purpose of such purchase.

(3) Where the liquid is in bulk, the purchaser shall, in the presence of the vendor, divide the liquid purchased into three parts and place each part in a separate glass receptacle and secure, seal, and mark for identification each such receptacle, and where the liquid is in bottles he shall in the presence of the vendor seal and mark for identification each bottle purchased.

He shall give one receptacle or one-third of the bottles purchased to the vendor, shall deposit the second with the Department of Agriculture, and may submit the third to an analyst appointed for the purposes of this Act by the Minister.

Wine Adulteration.

9. Where any liquid is submitted to an analyst in pursuance of this Act the analyst shall give a certificate under his hand of his analysis.

Such certificate shall in any proceeding be evidence of the facts therein stated and of the identity of the liquid analysed, without proof of the signature of the analyst.

Beverages designated as wine.

10. No person shall expose or offer for sale, deliver for sale, or sell any beverage made from fruit or from any article other than grapes in any receptacle having thereon a brand or label containing the word "wine" unless such brand or label also contains the name of such fruit or article in letters as large as the letters of the word "wine" on the brand or label.

Offences.

11. (1) Any person who improperly tampers with any mark or seal placed in pursuance of this Act on a receptacle or bottle for identification or with any liquid contained in such receptacle or bottle shall be liable to a penalty not exceeding twenty pounds.

(2) Any person who forges or utters, knowing it to be forged, any certificate of an analyst under this Act, shall be liable on indictment to imprisonment for any term not exceeding three years.

12. Any person who contravenes or fails to comply with any provision of this Act shall, unless some other penalty is in this Act provided, be liable for the first offence to a penalty not exceeding five pounds, and for any subsequent offence in respect of the same provision to a penalty not exceeding twenty pounds or imprisonment for any term not exceeding three months, or both penalty and imprisonment; and in addition, the court may order him to pay to the prosecutor the expenses of the prosecution, including the expenses of any analysis and certificate.

13. The court before which any proceedings for an offence against this Act are taken may direct any liquid to be analysed by an analyst appointed by the Governor for the purposes of this Act.

Regulations.

14. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations provide for any penalty not exceeding fifty pounds to be imposed on any breach thereof.

All such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next session of Parliament.

Loan.

Section 3.

SCHEDULE.

Substances and liquids which may be added to unfermented grape juice or wine.

Yeast or leaven.

For purposes of clarification only—isinglass, gelatines, egg-albumen, fresh blood-albumen, fresh milk, pure Spanish clay, kaolin, tannic acid, or common salt, if on analysis the amount of chlorine calculated as sodium chloride does not exceed half a gramme per litre or 35 grains per gallon.

Tartaric acid, potassium bi-tartrate, neutral potassium tartrate, pure calcium carbonate, and potassium carbonate.

Potassium or calcium sulphite or bi-sulphite, sulphur di-oxide or sulphurous acid, provided that the total amount of sulphurous acid free and combined does not exceed 200 milligrammes per litre or 14 grains per gallon, and the quantity of free sulphurous acid appearing on analysis does not exceed 20 milligrammes per litre or 1·4 grains per gallon.

Pure wine spirit for the purpose of increasing the alcoholic strength may be added to wines intended for export and in the case of sherries, ports, and sweet wines sold in New South Wales to an extent not exceeding 35 per centum of proof spirit or 20·5 per centum of absolute alcohol by volume, measured in each case at the temperature of sixty degrees of Farenheit's thermometer: Provided that sherries, ports, and sweet wines imported and sold or delivered for sale in New South Wales from any place beyond the Australian Commonwealth shall be exempt from the aforesaid limitation of alcoholic strength.

The juice of fresh grapes, or the condensed juice of fresh grapes, to which wine spirit may, or may not, have been added.

Pure saccharose and pure wine spirit in the making of sparkling wine.

Carbonic acid.

Saccharose, to fresh grape juice only, and in such quantity that the total percentage of sugar so obtained does not exceed eighteen per centum of the grape juice—such percentage to be measured by the saccharometer and at the temperature prescribed by the regulations.