

TEXTILE PRODUCTS LABELLING ACT.

Act No. 13, 1945.

An Act to make provision for the labelling of textile products; and for purposes connected therewith. [Assented to, 3rd April, 1945.]

George VI.
No. 13, 1945.

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. (1) This Act may be cited as the "Textile Products Labelling Act, 1945."

Short title.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Commence-
ment.

2. In this Act, unless the context or subject matter otherwise indicates or requires—

Interpre-
tation.

"Re-processed wool" means wool which, after having been made into a textile product but not used for the purposes for which it was intended, has been reduced again to a fibrous state.

Vict. Act,
No. 5012,
1944, s. 2
(2) (9).

"Re-used wool" means wool which, after having been made into a textile product and used for the purposes for which it was intended, has been reduced again to a fibrous state.

"Sell"

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No. 39,
1912, s. 76.

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

“Textile products” means—

(a) woven knitted felted or other materials manufactured from fibre, and articles of wearing apparel (other than hats) manufactured in whole or in part out of such materials, but not including linings, interlinings or trimmings forming part of such articles;

(b) blankets and rugs; and

(c) tops and yarns,

but does not apply to textile products which the Governor by regulation declares to be exempt from the provisions of this Act.

“Virgin wool” means wool other than re-processed wool or re-used wool.

“Wool” means the natural fibre of any variety of domestic sheep or lamb.

Textile
products
not to be
sold unless
particulars
of composi-
tion
attached
thereto.
Vict. Act
No. 5012,
1944, s. 2
(1) (3)
(4).

3. (1) Subject to this Act no person shall sell or offer for sale any textile products unless there is applied to such textile products a trade description, printed on or woven into or securely attached to such textile products in legible characters conspicuously placed so as to be clearly visible, containing particulars of the proportion per centum by weight of the respective fibres or other materials of which such textile products are composed.

(2) In such trade description separate particulars shall be given of the proportions of—

(a) virgin wool;

(b) re-processed or re-used wool;

(c) each fibre other than wool if the percentage by weight of such fibre is five per centum or more;

(d) all other fibres;

(e) any non-fibrous loading, filling or adulterating material—

in such textile products:

Provided

Provided that where any textile products contain at least ninety-five per centum by weight of virgin wool it shall be sufficient if such goods are described as "woollen goods" or "all wool" or "pure wool."

(3) The trade description required by this Act to be applied to an article of wearing apparel shall state that such description does not refer to linings, interlinings or trimmings.

4. No trade description applied to any textile products shall contain the words "artificial wool," "imitation wool," "synthetic wool," "substitute wool," or (save as otherwise provided) any other expression which includes the word "wool," in relation to any substance which is not wool.

Trade description not to contain certain words.
Vict. Act No. 5012, 1944, s. 2 (6).

5. In any prosecution for contravening or failing to comply with any of the provisions of this Act, if the defendant proves that the textile products with respect to which the offence was committed were manufactured in or imported into New South Wales before the commencement of this Act and that such textile products were held by him bona fide and without any fraudulent intention, he shall be discharged from the prosecution but shall be liable to pay the costs incurred on behalf of the prosecution unless he has given due notice to the informant that he will rely on such defence.

Manufacture or import before commencement of Act.
Ibid. s. 2 (8).

6. Any person who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act and shall be liable in the case of a first offence to a penalty not exceeding fifty pounds and in the case of a second or subsequent offence to a penalty not exceeding two hundred pounds or imprisonment for a term not exceeding six months.

Punishment.

7. All proceedings for offences against this Act or the regulations thereunder shall be disposed of summarily before a court of petty sessions holden before a stipendiary or police magistrate.

Proceedings for offences.

8. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without prejudice

Regulations.

No. 13, 1945. prejudice to the generality of the foregoing power may make regulations for and with respect to—

- (a) the form of and the manner in which the trade description shall be applied to textile products (or, if prescribed, to any covering label, reel or thing used in connection therewith);
- (b) requiring the trade description to be applied to textile products under this Act to contain such particulars as are prescribed relating to the quality, purity or weight of the textile products or the materials of which the textile products are composed;
- (c) declaring textile products which are to be exempt from the provisions of this Act;
- (d) standards and methods of testing and analysing textile products; and
- (e) imposing a penalty of not more than twenty pounds for any breach of such regulations.

(2) Any provision inserted in any regulation made under this Act may apply to textile products generally, to specified classes of textile products or to all classes of textile products other than those specified.

(3) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any such regulation or part thereof, such regulation or part shall thereupon cease to have effect.