

THE SALE OF FOOD AND DRUGS ACTS, AND MARGARINE ACT.

THE Local Government Board in their regulations for the Sanitary Inspector, require that :—

“He shall, when and as directed by the Sanitary Authority, procure and submit samples of food, drink, or drugs suspected to be adulterated, to be analysed by the analyst appointed under ‘The Sale of Food and Drugs Act, 1875,’ and upon receiving a certificate stating that the articles of food, drink, or drugs are adulterated, cause a complaint to be made, and take the other proceedings prescribed by that Act.”

These are exceedingly unpleasant duties and they are surrounded by many difficulties, legal and otherwise. It is absolutely necessary for the officer to act cautiously in the matter of procedure, and he is compelled, from the nature of his duties, to resort to various tactics to ensure success in obtaining samples of food and drugs, such as are sold to the general public. To do this, he has frequently to employ agents to make the purchases, as, after a time, he is easily recognised by the dishonest tradesman, and so has to engage others to assist him in making the purchases. Where agents are appointed to the work, they should by preference be females, or young persons of either sex, and must be reliable and intelligent persons, capable of standing a severe cross-examination in the witness-box, in case legal proceedings are instituted.

It is necessary to change the agent frequently, as they also become known to the vendors, if employed continuously in one district. The practice of exchange-

ing agents with the inspectors of adjoining districts might be encouraged.

In making purchases care should be taken to ask for the specific article wanted, not “please let me have half a pound of one shilling coffee or a pound of ‘that’ pointing to the article required.” Let the vendor or his agent name his own price, from which the officer can take his choice, as all such transactions should be *bona fide*, and with no attempt to deceive respectable and honest business men, and as if the inspector's living depended upon the number of convictions obtained. Unfortunately all tradesmen do not conduct their business on honest principles, and therefore it is necessary to keep a sharp look out for suspicious persons and to adopt such measures as will ensure the suppression of adulteration.

The Acts governing the sale of Food and Drugs and Margarine, are :—Sale of Food and Drugs Acts, 1875, 1879 and 1899, and the Margarine Act, 1887.

The expression “food” shall include every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and shall also include flavouring matters and condiments. (Food and Drugs Act, 1899, Section 26).

The expression “drug” includes medicine for internal or external use.

Section 13 of the Sale of Food and Drugs Act, 1875, provides that :—

“Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and

if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the analyst of the district or place for which he acts."

The order of procedure to be adopted by persons purchasing samples of food or drugs to be analysed, is laid down in Sect. 14, of the Act of 1875, as amended by Sect. 13, of the Food and Drugs Act, 1899, and is as follows:—

"The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the PUBLIC analyst, and shall divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such a manner as its nature will permit, and shall, if required to do so, deliver one of the parts to the seller or his agent.

"He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the analyst."

In the case of *Barnes v. Chipp*, L. R. 3 Ex. D. 176, 47 L. J. 85, it was decided that the notification required to be given by the purchaser to the seller under this section, viz.:—"that the sample had been purchased for the purpose of having it analysed by the public analyst" is a condition precedent to a prosecution under this Act.

The case of *Mason v. Cowdary*, Queen's Bench Division, May 31, 1900, is important as showing the procedure that must be followed when dividing samples purchased for analysis.

An inspector acting under the Sale of Food and

Drugs Acts purchased for the purposes of analysis six bottles of a certain drug. He, without opening any of the bottles, divided the bottles into three lots of two bottles each, delivered one lot of bottles to the seller, retained another lot, and submitted the third lot to the analyst.

It was held that each bottle was a separate article within the meaning of Section 14 of the Sale of Food and Drugs Act, 1875, and consequently that there had been no division of the article purchased into three parts as required by that section.

It is provided by Section 6 of the Food and Drugs Act that "no person shall sell to the *prejudice of the purchaser* any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser."

A considerable conflict of opinion has arisen as to what the words "to the prejudice of the purchaser" really mean. Section 8 of the Act provides that a sale shall not be deemed to be to the prejudice of the purchaser which is a sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its weight, bulk, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

It has been held that a sale is not to the prejudice of the purchaser if the purchaser knows that the article which he buys is not of the nature, substance, and quality demanded by him, even though no label is delivered to him by the vendor pursuant to the provisions of the 8th Section. This was the point raised

in *Sandys v. Small*, 3 Q.B.D. 449. There an information was preferred by Sandys, the inspector under the Sale of Food and Drugs Act, against Small, charging that Small did unlawfully sell to him half a pint of an article purporting to be whisky, which article was not of the nature, substance, and quality of whisky. It appears that Sandys employed one Samuel Slack to go into Small's public house and ask for half a pint of whisky; the whisky was poured into a bottle without observation as to its quality, or any label being put on the bottle. Slack paid for the whisky and went out and handed it to Sandys, who thereupon went into the house and went through the usual formula prior to having the article analysed. A notice was posted in the bar (which notice Sandys had seen) stating that "all spirits sold here are mixed." It was held that under the circumstances the purchaser was not prejudiced. Lord Chief Justice Cockburn said:—"This appeal must be dismissed. I should be very sorry to diminish by any decision of this Court the effect of so useful an Act of Parliament as that which we are now considering. It is an Act which is of the greatest advantage and assistance to small consumers in humble station, who may be subject to imposition and who may be defrauded. We must, however, be careful not to interfere with the relation of vendor and purchaser, and must not limit the freedom of contract and dealing which mutually exists between parties to a bargain. Section 6 of the Sale of Food and Drugs Act provides in effect that, when a vendor who proposes to sell a particular article, sells it in a state altered in some way or other from that in which it originally existed, and from the quality of the article demanded by the purchaser, it is to be assumed he has done this to the pre-

judice of the purchaser unless he duly and sufficiently makes known the fact of such alteration to the purchaser; but if the alteration of substance demanded is known to the purchaser, and if the customer purchases the article on that footing, then it cannot be intended that such a dealing should be interfered with. If a vendor sells a mixed article of food he must prove that the purchaser was aware that the article was mixed. The statute shows clearly how the vendor can secure himself against the presumption of his having acted fraudulently, and if he gives the notices required by the Act he thus gets rid of all chance of having any information prepared against him. If, however, he does not follow the provisions of Section 8 with regard to the giving of notices, he must then prove in some other and satisfactory way that the transaction was good and free from fraud, and if he can show that he told the purchaser, or brought in any way to the knowledge of the purchaser, that the article sold had mixed with it some matter which is not injurious to the health, and which is not intended fraudulently to increase its bulk, weight, or measure, then I am of opinion that no offence has been committed within the provisions of the statute, inasmuch as there has been no such sale to the prejudice of the purchaser. There may be cases therefore in which it is sufficient for the vendor to rely upon a notice hung up in the bar as was done here, even though, as in this case, a notice was not actually delivered to the purchaser nor was there any label on the bottle. We have nothing before us to show that the purchaser was in any way deceived; only we do not think it necessary to send the case back on this ground, because both from the statements in the case, and from the fact that the publican had affixed notices in conspicuous places, I

think it is clear that the purchaser was well aware of what he was buying." See also case of *Spiers and Pond v. Bennett* (*Times Law Report*, May 6, 1896).

Morris v. Johnson, 54 J. P., is a case on the same point. There Morris, the inspector under the Sale of Food and Drugs Acts, sent his assistant into Johnson's public-house, and without going into the bar or kitchen he went into a club-room and asked for whisky, and that supplied was 37 degrees under proof. A notice that "all spirits are diluted," was stuck up in the bar and kitchen, but not in the club room, and nothing was said to the assistant on delivery. The case was remitted to the justices to enquire whether the assistant knew that the practice was at Johnson's house to sell only diluted spirits. Justice Matthew said: "In this case it appears that this publican was carrying on his ordinary business in his own way, and that there was no intention whatever to defraud anybody. It was at least odd that these customers on this occasion did not go into the ordinary rooms where the notice was put up, and which might have informed them if they were in doubt, but found their way at once into the club-room where they sat down and called for some whisky. Under these circumstances I think we must be critical in looking at the evidence, as it was incumbent on the respondent to satisfy the justices that the appellant did know that the spirits sold in the house were sold in a diluted state. The purchaser's complaint is that they did not see the notice, but then there was no finding in the case whether they did not know well enough of the diluting of all spirits before being sold at the respondent's house. That point is not at all made clear, and therefore I think we must remit the case to the justices to have this point found. If the justices find that the men did

not know that the spirits were sold diluted, then there should have been a conviction; but if they did know then there should be no conviction.

As to what may be considered a proper notice, see Section 12 of the Food and Drugs Act, 1899.

Gage v. Elsey, 48 L. T., N. S. 226, was a similar case, in which the publican on handing the spirits to the inspector said, "That is what we sell to the public, and there is our notice," pointing to a notice to the usual effect; it was held that the purchaser was not prejudiced.

In deciding therefore whether a purchaser is prejudiced, the question is:—Was the purchaser actually deceived? Did he know that the article sold to him was diluted or mixed, as the case may be? If he did know, then there can be no conviction under the 6th section.

Absence of knowledge of adulteration on the part of the purchaser is a necessary condition precedent to a conviction. But what of absence of knowledge of the adulteration on the part of the vendor? Is it a good defence to prove that the vendor had no knowledge that the article which he sold was adulterated? This point was discussed in the case of *Betts v. Armstead*, 58 L. T., N. S. 811. There the inspector of nuisances at Nottingham bought at Armstead's shop a loaf of bread, which on analysis was found to contain alum in the proportion of 48 grains to the four-pound loaf. Armstead and two of his men gave evidence that there was not, and had never been any alum on the respondent's premises; that no alum had been used in the manufacture of the bread; that they were not aware that there was any alum in the flour from which the bread had been made; and that if any alum was in the bread, it must

have been in the flour when purchased by the respondent. He could not take advantage of section 25 of the Act, as apparently he had no express written warranty. Still the justices considered that he was innocent, and dismissed the case. On appeal it was held that the absence of knowledge was no defence, because, to decide otherwise, would be to decide that section 6 must be construed as if it read, "no one shall *knowingly* sell to the prejudice of a purchaser." That was not the intention of the Legislature, as section 5 provides that no one shall be liable to be convicted under the 3rd and 4th sections if he can prove absence of knowledge, so that section 6 was purposely omitted.

The case of *Lane v. Collins*, 14 Q. B. D. 193, is interesting, as showing the great care which must be taken to ensure that the proceedings are commenced under the proper section. In that case Collins, in answer to a request of Lane, who was the inspector under the Food and Drugs Act for the County of Surrey, gave him skim-milk, which was found by the analyst to be deficient in butter-fat to the extent of 60 per cent. An information was laid under the 6th section, alleging that Collins had sold the milk to the prejudice of the purchaser, which was not of the nature, substance, and quality demanded. One of the Metropolitan police magistrates, before whom the case came, refused to convict on the ground that Collins had committed no offence within the 6th section, inasmuch as Lane had asked for milk and got milk, but milk which had been skimmed, and this decision was upheld on appeal. Clearly the proceedings should have been taken under section 9, which provides that "no person shall, with intent that the same may be sold in its altered state without notice, extract from any article

of food any part of it, so as to effect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration."

The case of *Pain v. Boughtwood*, 24 Q. B. D. 354, is worthy of mention as a decision that a person selling the altered article can be convicted under this section, although at the time that he sold it he did not know of the alteration. In that case (also a milk case) no evidence was given that the person selling the milk had knowledge of the alteration. The respondent, and his daughter who had sold the milk, gave evidence that they had no knowledge of the alteration in the milk. The magistrate was of opinion, that as section 9 contemplated disclosure by the seller of the alteration of any article of food, it was necessary to prove knowledge by the defendant or his agent of such alteration, and he therefore dismissed the summons. But on appeal the case was remitted. Justice Charles said: "I think that this case is concluded by *Betts v. Armstead*, though but for that decision I should have entertained some doubt on the case before us." Justice Grantham in the course of his judgment, said section 9 "is aimed, first, at any person who, with intent that the same may be sold in its altered state, without notice abstracts from any article of food or any part of it, so as to affect injuriously its quality, substance or nature; and secondly, at the person who sells the article so altered without making disclosure of the alteration. But for the provisions of the second part of the section the first part would be useless as a protection to the public. The Legislature, however, saw that the provisions of the second part might have serious consequences to the person who sold the article so altered, and by section 25 the seller is

given the power of protecting and exonerating himself by obtaining a written warranty from the person who has supplied the article to him. In the present case the respondent ought to have provided himself with a written warranty, and then he could have handed it to the inspector, who could have thereupon proceeded against the person who had actually committed the fraud. If that course is not taken the Legislature assumes that the seller has been a party to what has been done. Every precaution is taken in the statute to enable a person honestly selling an article without knowledge of the alteration to defend himself against a charge made under section 9."

Where a person therefore has innocently sold an article in an altered state within the 9th section, he is nevertheless guilty of an offence, and liable to conviction unless he has a written warranty within the meaning of the 25th section. A difficulty often arises as to what document amounts to a written warranty. In *Rook v. Hopley*, 3 Ex. D. 209, the warranty by means of which the defendant sought to discharge himself from the prosecution was an invoice containing a mere description of the article as lard No. 1, and it held that a note or invoice was insufficient, and did not amount to a warranty, but was merely a description. (See Section 20, Sale of Food and Drugs Act, 1899).

In *Harris v. May*, 12 Q. B. D. 97, the defendant produced an agreement which he contended was a written warranty within the meaning of the section. The agreement purported to be a contract for the supply of milk between a farmer and the defendant, under which the farmer agreed to sell the defendant 86 imperial gallons of new and pure milk each and every day. No separate invoice or warranty was given with each lot of

milk as it was delivered, and the magistrate before whom the case came decided, that the agreement was a contract for the sale of milk, but not a warranty within the meaning of section 25, and convicted the defendant. On the appeal the conviction was affirmed. Lord Chief Justice Coleridge in giving judgment said, "the enacting part here is plain; if a written warranty can be produced and the article identified this will be a defence. But I think this means that if a seller wishes to be safe he must be able to get a written warranty in respect of the "specific" article sold. Here then was nothing of the kind. All that appeared was that a contract had been made, and no doubt there was a general obligation to send new and pure milk every day, but that is not a written warranty and no defence under the statute."

The case of the *Farmers Company v. Stevenson* (54 J. P. 708) shows how such a contract for the supply of milk can be utilized so as to amount to a warranty. There was in this case a contract for the daily supply of genuine new milk of the best quality with all its cream on, by which the vendor warranted each supply of milk to be pure, genuine and unadulterated, and attached to the churn which contained the milk, part of which was taken for analysis, was a label bearing the words, "warranted genuine new milk with all its cream on." It was held that the contract and the label together constituted a written warranty within the meaning of the section.

Under Section 6 of the principal Act, it has been held, that an inspector purchasing samples of a food or drug for the purpose of analysis could "not" be prejudiced by the sale. Section 3 of the Amendment Act, 1879, provides that such a plea is no defence, and the

words nature, substance and quality are made disjunctive.

An inspector may, under Section 3 of the Amendment Act, take samples of milk at the PLACE OF DELIVERY, for the purpose of submitting it to the analyst in all respects as if he had purchased it from the seller as provided under Section 13 of the principal Act. By Section 14 of the Sale of Food and Drugs Act, 1899, samples of *every* article of food may be taken in course of delivery, but, except as regards milk, only upon the request or with the consent of the purchaser or consignee.

In procuring samples of milk in the street, the officer should obtain the sample when the dealer is stopping at any house for the purpose of delivering the milk to a customer, or while the milk is in course of delivery at a railway station or terminus to which the consignor has contracted to deliver the same, but not while the milk is in course of transit.

Section 10 of the Act of 1899, provides that in the case of a sample of milk taken, or margarine, or margarine cheese forwarded by public conveyance, the person taking the sample shall forward by registered parcel or otherwise, a portion of the sample marked and sealed or fastened up, to the consignor, if his name and address appear on the can or package containing the article sampled.

The question as to place of delivery, has been decided in the case of *Filshie v. Evington* (1892) 2 Q. B. 200. There the appellant, who lived at Castle Dorrington, contracted with a Dairy Co. for the sale to them of the milk from his dairy, to be delivered at London, or at such other station as the purchasers should from time to time appoint, the carriage of the milk from Castle

Dorrington to be paid by the purchasers. The purchasers appointed Hull as a station for delivery of the milk under the contract. Immediately on its arrival at Hull—and before possession was taken of it by the purchasers—a sample was taken by an inspector, which, on analysis, was found to be adulterated by the addition of water. It was held that, notwithstanding the provision for payment of the carriage by the purchasers, Hull was the place of delivery of the milk to the purchasers within the meaning of the section.

As to what shall be done with the sample when taken, the case of *Rouch v. Hall*, 44 L. T., N. S. 183, decided that, when proceeding under section 3 of the Amending Act, it is not necessary to notify the seller that the article is taken for analysis or to deliver any portion to the seller or his agent; and *Rolfe v. Thompson* (1892) 2 Q. B., 196, decided the words, "shall submit the same to be analysed," did not mean that he was bound to submit the whole of the sample taken by him. And it was also decided that section 15 of the Act of 1875 is so dependent on section 14 that it does not apply. Part of what the inspector took is a sample of the milk just as much as the whole of what he took is a sample. Then again, *Fecitt v. Walsh* (1891) 2 Q. B., 304, decides that if samples are taken from several cans proceedings can be taken in respect of each sample which turns out to be adulterated.

Section 19 of the Sale of Food and Drugs Act, 1899, amends section 10 of the Act of 1879, by requiring all prosecutions in respect of any article of food or drug purchased for test purposes, to be instituted before the expiration of twenty-eight days from the time of purchase, whilst the summons shall not be made returnable under fourteen days from the day on which it is *served*.

The summons must be accompanied by a copy of the Public Analyst's Certificate.

When the officer has obtained the sample, and divided it into three parts, as required by the principal Act, he must despatch one part to the Public Analyst for analysis, and in due course he will receive his certificate. If the certificate is in the form set forth in the schedule to the Act (see p. 349), it will, in proceeding against the offender, be *prima facie* evidence of the facts therein stated; and, if it discloses an offence, an information should be laid against the vendor of the article. But, in the light of some recent decisions, it is very important that he should carefully examine the certificate to see if it is in the form set forth in the schedule. For instance, the inspector must see that the certificate shows whether any change has taken place in the constitution of the article which would interfere with analysis. If this statement is absent the certificate is informal and there can be no conviction.

It is also desirable that the Analyst should not make any observation which is not absolutely required by the form—although if it is a mere matter of opinion, it will not invalidate the certificate. (*Bakewell v. Davis*, L. T., 69, N. S., 832). If the analysis shows that there has been adulteration, it is essential that it should set out the constituent parts of the sample, but this is not necessary except in cases of adulteration.

Again, in an analysis of spirits it is essential that the certificate should state how many degrees the sample is under proof. For instance, in the case of a sample of whisky, it is not sufficient to say that it is adulterated with an excess of water of 13 per cent. over and above what is allowed by Act of Parliament. The certificate is too vague, as it does not show that the Analyst knows

that, by Section 6 of the Act of 1879, whisky may be 25 per cent. under proof—*Newby v. Sims*, 58 J. P., 263. These cases show that every attempt at originality in the drafting of the certificate should be discouraged, and that the form in the schedule should be followed most carefully and closely (see *Fortune v. Anson* (1896) 1 Q. B., 202).

FORM OF ANALYST'S CERTIFICATE.

To

I, the undersigned, public analyst for the
do hereby certify that I received on the day of
19 from a sample of
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 contained the parts as under,
or the percentages of foreign ingredients as under

Observations

As witness my hand this day of
A. B.,
at

As the inspector is often in want of information as to the proper quantities to purchase in emergency of such articles, in order to comply with Section 13 of the Act, I have appended a list of articles, with the quantities required for analysis in each case.

FOOD.

Butter	$\frac{1}{2}$ lb.
Bread	2 „
Flour	1 „
Oatmeal	1 „
Coffee	$\frac{1}{2}$ „
Tea	$\frac{1}{2}$ „
Cocoa	$\frac{1}{4}$ „
Lard	1 „
Mustard	$\frac{1}{4}$ „
Chicory	$\frac{1}{2}$ „
Pepper	2 oz.
Vinegar	1 pint.
Spirits	1 „
Beer	1 quart.
Milk	1 pint.
Aerated Waters	3 bottles or syphon.

DRUGS.

Sweet Spirits of Nitre	4 oz.
Precipitated Sulphur	2 „
Citric Acid	4 „
Cream of Tartar	2 „
Tinctures	4 „
Medicines according to prescriptions.	

The Local Government Board in a circular dated February 26, 1894, give the following directions as to the taking of samples under the Sale of Food and Drugs Acts:—

SIR,

I am directed by the Local Government Board to state that they have received from the Commissioners of the Inland Revenue a communication with reference to the portions of samples forwarded

to the chemical officers of their department under the 22nd Section of the Sale of Food and Drugs Act, 1875, from which it appears that in some instances the quantities have been so small as to cause difficulties in the operations of analysis; that in others the packing has been defective, and that in certain instances, in the case of perishable articles, there has been what has seemed an unnecessarily long interval between the original purchase and the receipt of the sample at Somerset House.

The insufficiency referred to is doubtless generally due to the smallness of the sample purchased under Section 13 of the Act, but also occasionally to the fact that the parts into which, under Section 14, the sample is divided, are not made equal.

The chemical officers of the Inland Revenue suggest that the following rules should be observed in this matter:—

1. The quantities of the samples purchased under Section 13 should not be less, in the case of milk, than 1 pint, butter, $\frac{3}{4}$ lb., lard, $\frac{3}{4}$ lb., coffee, $\frac{3}{4}$ lb., spirits, $\frac{3}{4}$ pint.

2. The division under Section 14 should be made as nearly equal as possible, so that the portion reserved may be not less than one-third of the whole.

3. The reserved portion of such samples as butter and lard, should, as soon after purchase as possible, be placed without paper (since paper acts as an absorbent), in a dry, wide-mouthed stoppered bottle or in an earthenware jar, securely corked so as to exclude the air.

4. The bottle used for the reserved portion of milk should be of such capacity that the milk may nearly fill it. (The use of bottles much too large for the quantity is apt to result in such a churning, if the samples are sent by railway, as to cause the separation of the fat).

5. The corks should be new and sound.

The Board requests that the officers by whom samples are obtained for analysis may be instructed to have regard to these rules.

I am also to suggest that the officers referred to should be impressed with the importance of securing the utmost promptitude, both as regards the transmission of samples to the public analyst immediately after purchase, and as regards the subsequent stages of the case where legal proceedings are taken.

I am, Sir, your obedient servant,

HUGH OWEN,

Secretary.

By Section 16 of the Food and Drugs Act, 1899, "Any person who wilfully obstructs or impedes any inspector or other officer in the course of his duties under the Sale of Food and Drugs Acts, or by any gratuity, bribe, promise, or other inducement prevents, or attempts to prevent, the due execution by such inspector or officer of his duty under those Acts, shall be liable, on summary conviction, for the first offence to a fine not exceeding twenty pounds, for the second

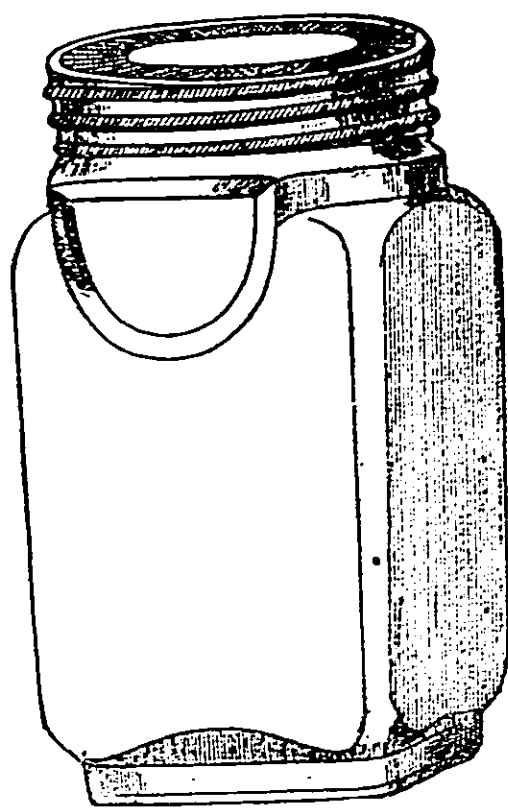


FIG. 67.—Toogood's food sample jar.

offence to a fine not exceeding fifty pounds, and for any subsequent offence to a fine not exceeding one hundred pounds."

Officers employed under the Sale of Food and Drugs Acts should, in addition to a private seal, be supplied with proper vessels for the division of articles.

Wide neck glass jars (square jars by preference should be used, as round jars are a source of much trouble to the officer during the process of sealing up),

of varying capacities (2 to 7 oz.) fitted with metal caps, will be found convenient for holding butter, lard, pepper, and like substances, while strong 7 oz. bottles, properly corked, may be used for milk or other fluids. Toogood's food sample jars (fig. 67) have been specially designed to meet the requirements and suggestions of the Local Government Board in the circular previously referred to. It is absolutely essential that the vessel used should be scrupulously clean and the same vessel should not be used again for such a purpose, or its condition may be afterwards questioned. Tin is a material which should be avoided, unless wrapped in paper, as gummed labels will not safely adhere to this metal, and these if lost would lead to confusion.

Printed labels properly gummed and numbered are necessary for work of this kind, but there should be nothing on the label by which the vendor may be recognised:—

FORM OF LABEL.

Borough of

No. of sample

Description of article

Date of purchase

(Inspector).

The inspector should enter all particulars, for his *own* information, in his pocket book, after the purchase has been completed, the division of the sample made, sealed and marked or numbered.

FORM OF POCKET BOOK.

No. of sample
 Name of vendor
 Address
 Date of purchase
 Date delivered to analyst
 Description of article
 Price paid
 Quantity purchased

(Inspector).

Remarks:—

This information is all that the officer requires, should legal proceedings be afterwards taken against any person in respect of a sample of food or drug.

REGISTER OF PERSONS FROM WHOM SAMPLES MAY BE PURCHASED.

No.	Name and Address of Vendor.	Nature of sample, and date when purchased.	Nature of sample, and date when purchased.	Nature of sample, and date when purchased.	Nature of sample, and date when purchased.	Nature of sample, and date when purchased.	Nature of sample, and date when purchased.

FORM OF REGISTER.

No.	Description of article.	Vendor's Name and Address.	Date of Purchase.	Date when sample was delivered to Analyst.	Result of Analysis.

The following information will be found sufficient for the solicitor or other person authorised to appear in any legal proceedings under these Acts:—

SALE OF FOOD AND DRUGS ACTS.

Borough of

19

INSTRUCTIONS FOR SOLICITOR.

Description of article purchased
 Quantity purchased
 Price paid
 Date of purchase
 Name of purchaser
 By whom served
 Name of vendor
 Address
 Number of sample
 Date sample was delivered to analyst
 Remarks:—

Signed
 (Inspector under Sale of Food and Drugs Acts).

THE FOLLOWING IS A SUMMARY OF THE MARGARINE ACT, 1887.

By this Act, which came into force on January 1, 1888, provision has been made for protecting the public against the sale of Margarine as Butter, and all substances, whether compounds or otherwise, prepared in imitation of Butter, and whether mixed with Butter or not. It is not lawful to sell any such substance except under the name of Margarine, and under the conditions set forth in the Act. Butter is defined by the Act as meaning "the substance usually known as Butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter."

These conditions are that every package, whether open or closed, containing Margarine shall be branded or durably marked "Mar-

garine" on the bottom, top, and sides in printed capital letters, not less than three-quarters of an inch square; that if Margarine is exposed for sale by retail, there shall be attached to every parcel of it so exposed, and in such a manner as to be clearly visible to the purchaser, a label marked "Margarine" in printed capital letters not less than one and a half inches square; and that every person selling margarine by retail, except in a package duly branded and marked in accordance with the above directions, shall in every case deliver the same to the purchaser in or with a paper wrapper on which "Margarine" is printed in capital letters not less than a quarter of an inch square.

All imported margarine, and all margarine, whether imported or manufactured in this country, whenever forwarded by any public conveyance, is required by the Act to be duly consigned as margarine; and any Medical Officer of Health, Inspector of Nuisances, or police constable authorised under Sect. 15 of the Sale of Food and Drugs Act, 1875, to procure samples for analysis, may, if he has any reason to believe that the provisions of the Act are infringed in this behalf, examine and take samples from any package, and ascertain, if necessary, by submitting the same to be analysed, whether an offence has been committed against the Act.

Any officer authorised to take samples under the Sale of Food and Drugs Act, may, without going through the form of purchase provided by that Act, but otherwise acting in all respects in accordance with the provisions of that Act as to dealing with samples, take for the purposes of analysis samples of any butter, or substances purporting to be butter, which are exposed for sale, and are not marked "Margarine" as provided by the Act, and any such substance not being so marked will be presumed to be exposed for sale as butter.

Every person dealing in margarine who is found guilty of an offence under the Act will be liable on summary conviction for the first offence, to a fine not exceeding £20; for the second offence, to a fine not exceeding £50; and for the third, or any subsequent offence, to a fine not exceeding £100.

Where an employer is charged with an offence against the Act, he shall be entitled upon information duly 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 has used due diligence to enforce the execution of the Act, and that the other person whom he

charges had committed the offence in question without his knowledge, consent, or connivance, such other person is to be summarily convicted of the offence, and the employer is to be exempt from any penalty.

Every person dealing with, selling, or exposing or offering for sale, or having in his possession for the purpose of sale, any quantity of margarine contrary to the provisions of the Act, shall be liable to conviction for an offence under the Act, unless he shows to the satisfaction of the Court before whom he is charged that he purchased the article in question as butter, and with a written warranty or invoice to that effect, that he had no reason to believe at the time when he sold it that the article was other than butter, and that he sold it in the same state as when he purchased it; and in such case he is to be discharged from the prosecution, but to be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

The above summary must be read in conjunction with the Sale of Food and Drugs Act, 1899, but the following Circulars, issued by the Board of Agriculture, fully explain its most important provisions.

SIR,

I am directed by the Board of Agriculture to draw your attention to the provisions of sections 2 and 3 of the Sale of Food and Drugs Act, 1899 (62 & 63 Vict. ch. 51), which will come into operation on January 1, 1900.

This Act should be read in connexion with the existing statutes which it amends and supplements, viz., the Sale of Food and Drugs Act, 1875, (38 & 39 Vict. ch. 63), the Sale of Food and Drugs Act (Amendment) Act, 1879, (42 & 43 Vict. ch. 30), and the Margarine Act, 1887, (50 & 51 Vict. ch. 29). These three statutes, together with the new Act itself, are in the new Act and in this circular referred to as the Sale of Food and Drugs Acts.

Under Section 2 (1) of the new Act the Board of Agriculture may, in relation to any matter appearing to the Board to affect the general interests of agriculture in the United Kingdom, direct an officer of the Board to procure for analysis samples of any article of food, and thereupon the powers and provisions of the Sale of Food and Drugs Acts with respect to the procuring of samples will be applicable, subject to certain modifications. The Act provides (Section 26) that,

for the purposes of the Sale of Food and Drugs Acts, the expression "food" shall include every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and shall also include flavouring matters and condiments.

One part of any sample procured by an officer of the Board is, in accordance with Section 14 of the Sale of Food and Drugs Act, 1875, as amended by Section 13 of the new Act, to be submitted by him for analysis to the public analyst [Section 2 (1) (a)]; but the fee for the analysis is payable to the analyst by the local authority of the place where the sample is procured [Section 2 (1) (b)]. The Act [Section 2 (2)] provides that the Board are to communicate the result of the analysis of any such sample to the local authority, and that thereupon there shall be the like duty and power on the part of the local authority to cause proceedings to be taken as if the local authority had caused the analysis to be made.

It is important to observe that the Act [Section 3 (1)] makes it the duty of every local authority entrusted with the execution of the laws relating to the sale of food and drugs to appoint a public analyst, and to put in force from time to time, as occasion may arise, the powers with which they are invested, so as to provide proper securities for the sale of food and drugs in a pure and genuine condition, and in particular to direct their officers to take samples for analysis. This provision is followed by an enactment [Section 3 (2)] under which, if the Board, after communication with a local authority, are of opinion that the local authority have failed to execute or enforce any of the provisions of the Sale of Food and Drugs Acts in relation to any article of food, and that their failure affects the general interests of agriculture in the United Kingdom, the Board may, by order, empower one of their officers to execute and enforce those provisions, or to procure the execution and enforcement thereof, in relation to any article of food mentioned in the order.

The expenses incurred by the Board or their officer under any such order are to be treated as expenses incurred by the local authority in the execution of the said Acts, and are to be paid by the local authority to the Board on demand, or in default the Board may recover the amount of the expenses with costs from the local authority [Section 3 (3)].

The Board would be glad if you would take steps to bring under the notice of your local authority the foregoing summary of sections 2 and 3 of the new Act, and they will be glad to furnish copies of this

circular for distribution amongst the members of your local authority and the officers concerned, upon being informed of the number you require. The Board will, in a subsequent letter, explain their views as to the lines upon which they would propose to exercise the very important powers and duties conferred and imposed upon them by the sections in question.

I am, Sir,

Your obedient servant,

T. H. ELLIOTT,

Secretary.

SIR,

I am directed by the Board of Agriculture to draw your attention to certain provisions contained in Sections 5, 6, 7, and 8, of the Sale of Food and Drugs Act, 1899 (62 & 63 Vict. ch. 51), which extends and amends the provisions of the Margarine Act, 1887 (50 & 51 Vict. ch. 29), and which will come into operation on the 1st January, 1900.

By Section 5 of the new Act, the provisions of the Margarine Act, 1887, as amended by the new Act, are extended to "margarine-cheese," which expression is defined by Section 25 of the Act as meaning "any substance, whether compound or otherwise, which is prepared in imitation of cheese, and which contains fat not derived from milk." The effect of Section 5 is that no such substance can be lawfully dealt in, exposed for sale, or sold, except under the name of "margarine-cheese," and under the conditions set forth in Section 6 of the Margarine Act, 1887, with respect to margarine, *mutatis mutandis*; and the Section further requires that all margarine-cheese sold or dealt in otherwise than by retail, shall either be enclosed in packages marked in accordance with the Margarine Act, 1887 (as amended by Section 6 of the new Act), or shall be itself conspicuously branded with the words "margarine-cheese."

By Section 6 of the new Act, the brand or mark required under the Margarine Act, 1887, or the new Act, to be placed on any package containing margarine or margarine-cheese must be on the package itself and not solely on a label, ticket, or other thing attached thereto.

The same Section also amends the provisions of Section 6 of the Margarine Act, 1887, so as in effect to require that every person selling margarine or margarine-cheese by retail, save in a package

marked as aforesaid, shall in every case deliver the same to the purchaser "in" a paper wrapper (the words "or with" in Section 6 of the Margarine Act, 1887, having been repealed); it also requires that the words "margarine" or "margarine-cheese," as the case may be, shall be printed on the wrapper in capital block letters not less than half an inch long and distinctly legible, and that no other printed matter shall appear on the wrapper.

Section 7 of the new Act requires every occupier of a manufactory of margarine or margarine-cheese, and every wholesale dealer in such substances, to keep a register of consignments sent out therefrom, and empowers officers of the Board to inspect the register, and to enter manufactories of margarine and margarine-cheese and inspect the process of manufacture and take samples for analysis. It also extends the provisions of Section 9 of the Margarine Act, 1887, relating to registration of manufactories of margarine, to any premises wherein the business of a wholesale dealer in margarine or margarine-cheese is carried on, and the registration of a manufactory or other premises must be forthwith notified by the local authority to the Board.

Section 8 of the Act provides that it shall be unlawful to manufacture, sell, expose for sale, or import any margarine, *the fat of which* contains more than ten per cent. of butter fat; that every person who manufactures, sells, exposes for sale, or imports any margarine which contains more than that percentage, shall be guilty of an offence under the Margarine Act, 1887, and that any defence which would be a defence under Section 7 of that Act shall be a defence under Section 8 of the new Act, and the provisions of the former section shall apply accordingly.

Section 8, however, is not to apply to any margarine manufactured or imported in fulfilment of any contract made before the 20th day of July, 1899.

The Board would be glad if you would take steps to bring before your local authority the foregoing summary of the provisions of Sections 5, 6, 7, and 8 of the new Act, and they will be glad to forward you additional copies of this circular for distribution amongst the members of your local authority and the officers concerned, upon being informed of the number you require.

I am, Sir,

Your obedient Servant,

T. H. ELLIOTT,

Secretary.

SIR,

I am directed by the Board of Agriculture to draw your attention to the following provisions of the Sale of Food and Drugs Act, 1899 (62 & 63 Vict. ch. 51), which will come into operation on the 1st January, 1900.

This Act should be read in connection with the existing statutes which it amends and supplements, viz., the Sale of Food and Drugs Act, 1875 (38 & 39 Vict., ch. 63) the Sale of Food and Drugs Act Amendment Act, 1879 (42 and 43 Vict., ch. 30), and the Margarine Act, 1887 (50 & 51 Vict., ch. 29). These three statutes, together with the new Act itself, are in the new Act and in this circular referred to as the Sale of Food and Drugs Acts.

Sale of Milk in a Public Place.

Section 9 of the new Act requires every person who, himself or by his servant, in any highway or place of public resort sells milk or cream from a vehicle or from a can or other receptacle to have his name and address conspicuously inscribed on the vehicle or receptacle, under a penalty not exceeding two pounds.

Labelling of Condensed, Separated, or Skimmed Milk.

Section 11 of the new Act provides that every tin or other receptacle containing condensed, separated, or skimmed milk shall bear a label clearly visible to the purchaser on which the words "machine-skimmed milk," or "skimmed milk," as the case may require, are printed in large and legible type, and that if any person sells or exposes or offers for sale condensed, separated, or skimmed milk in contravention of the section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Notice of Mixtures.

With regard to notice of mixtures, it is provided by Section 12 of the new Act that the label referred to in Section 8 of the Sale of Food and Drugs Act, 1875, shall not be deemed to be distinctly and legibly written or printed within the meaning of that Section unless it is so written or printed that the notice of mixture given by the label is not obscured by other matter on the label; but this provision does not apply to the use of any registered trade mark, or of any label which has been continuously in use for at least seven years before the commencement of the new Act.

Articles sold in Tins or Packets.

Section 18 of the new Act provides that notwithstanding anything in Section 17 of the Sale of Food and Drugs Act, 1875, where any article of food or drug is exposed for sale in an unopened tin or packet duly labelled, no person shall be required to sell it except in the unopened tin or packet in which it is contained.

Division of Samples.

The effect of Section 13 of the new Act is to modify Section 14 of the Sale of Food and Drugs Act, 1875, so that the person purchasing any article with the intention of submitting the same to analysis must divide the article into three parts and must, if required, deliver one of the parts to the seller or his agent. The division of the sample is therefore obligatory, whether the seller requires it or not, and, on the other hand, the delivery of a part to the seller is not obligatory, unless he requires it.

Samples taken in Course of Delivery.

By Section 10 of the new Act, the person who takes a sample of milk in course of delivery (see Section 3 of the Sale of Food and Drugs Act Amendment Act, 1879), or of margarine or margarine-cheese forwarded by a public conveyance (see Section 8 of the Margarine Act, 1887, and Section 5 of the new Act), is required to forward a portion of the sample marked, and sealed, or fastened up, to the consignor, if his name and address appear on the can or package containing the article sampled.

Section 14 of the new Act extends the provisions of Sections 3 and 4 of the Sale of Food and Drugs Act Amendment Act, 1879, which relate to the taking of samples of milk in course of delivery, to every other article of food; but no samples are to be taken under the Section except upon the request or with the consent of the purchaser or consignee.

Obstruction of Officer.

Section 16 of the new Act imposes fines not exceeding £20, £50, and £100 respectively for first, second, and subsequent offences on

any person who wilfully obstructs or impedes any inspector or other officer in the course of his duties under the Sale of Food and Drugs Acts, or by any gratuity, bribe, promise, or other inducement prevents, or attempts to prevent, the due execution by such inspector or officer of his duty under those Acts.

Penalties.

Section 17 of the new Act deals with penalties and is important. It is as follows:—

“17.—(1) Where, under any provision of the Sale of Food and Drugs Act, 1875, a person guilty of an offence is liable to a fine which may extend to twenty pounds as a maximum, he shall be liable for a second offence under the same provision to a fine not exceeding fifty pounds, and for any subsequent offence to a fine not exceeding one hundred pounds.

“(2) Where, under any provision of the Sale of Food and Drugs Acts, a person guilty of an offence is liable to a fine exceeding fifty pounds, and the offence, in the opinion of the court, was committed by the personal act, default, or culpable negligence of the person accused, that person shall be liable (if the court is of opinion that a fine will not meet the circumstances of the case) to imprisonment, with or without hard labour, for a period not exceeding three months.”

Sub-section (1) of the above Section appears to apply to offences under Sections 6, 7, and 9 of the Act of 1875, and offences under the second and fourth paragraphs of Section 27 of the same Act. (The third paragraph of Section 27 is repealed by the new Act and replaced by Section 20 (6) thereof).

Sub-section (2) appears to apply to third and subsequent offences under the above-mentioned provisions of the Act of 1875 (as amended by Sub-section (1) of Section 17 of the new Act), and also to third and subsequent offences under the Margarine Act, 1887 (as extended by Sections 5 and 6 of the new Act), or under Sections 1, 8, 16, and 20 (6) of the new Act.

Procedure.

Section 19 of the new Act deals with procedure and replaces (with some modifications) Section 10 of the Sale of Food and Drugs Act Amendment Act, 1879, which Section is repealed by the present Act.

It is as follows:—

“19.—(1) When any article of food or drug has been purchased from any person for test purposes, any prosecution under the Sale of Food and Drugs Acts in respect of the sale thereof, notwithstanding anything contained in Section 20 of the Sale of Food and Drugs Act, 1875, shall not be instituted after the expiration of twenty-eight days from the time of the purchase.

“(2) In any prosecution under the Sale of Food and Drugs Acts the summons shall state particulars of the offence or offences alleged, and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.”

It is to be observed that Sub-section (1) of the above Section applies only to prosecutions in respect of sales; it does not apply, *e.g.*, to prosecutions for the giving of a false warranty (see *Cook v. White* (1896) 1 Q. B. 284; 65 L. J. M. C. 46, where this point was decided with reference to Section 10 of the Act of 1879). It is to be noted also that the Sub-section is not limited (as was Section 10 of the Act of 1879) to perishable articles.

In Sub-section (2), which applies to all prosecutions under the Sale of Food and Drugs Acts, the extension to fourteen days of the period of seven days specified in Section 10 of the Act of 1879 for the return of the summons should be noted, and also the provision as to service of a copy of the analyst's certificate.

Use of Warranty or Invoice as a Defence.

The important provisions, embodied in Section 20 of the new Act, relating to the use of a warranty or invoice as a defence, call for particular attention, and should be read in conjunction with Section 25 of the Sale of Food and Drugs Act, 1875, and Section 7 of the Margarine Act, 1887.

Section 20 (1) provides that a warranty or invoice shall not be available as a defence to any proceeding under the Sale of Food and Drugs Acts unless the defendant has, within seven days after service of the summons, sent to the purchaser a copy of such warranty or invoice with a written notice stating that he intends to rely on the warranty or invoice, 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 such person.

The person by whom such warranty or invoice is alleged to have been given is 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. Section 20 (2).

A warranty or invoice given by a person resident outside the United Kingdom will not be available as a defence, 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. Section 20 (3).

Where the defendant is a servant of the person who purchased the article under a warranty or invoice he is, subject to the provisions of Section 20 (1) of the new Act, entitled to rely on Section 25 of the Sale of Food and Drugs Act, 1875, and Section 7 of the Margarine Act, 1887, provided that he further proves that he had no reason to believe that the article was otherwise than that demanded by the prosecutor. Section 20 (4).

It should be noted that the word “invoice” is introduced in these provisions with reference to cases to which Section 7 of the Margarine Act, 1887, applies, and that the new Act does not make a mere invoice available by way of defence in any other case.

Proceedings for False Warranty.

Prosecutions for the giving of false warranties will probably be facilitated by the provision that, where the defendant in a prosecution under the Sale of Food and Drugs Acts has been discharged under the provisions of Section 25 of the Sale of Food and Drugs Act, 1875, as amended by the new Act, any proceedings under the Sale of Food and Drugs Acts for giving the warranty relied on by the defendant in such prosecution, may be taken as well before a court having jurisdiction in the place where the article 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. Section 20 (5).

It is to be observed that this provision applies only where the seller of the article has been prosecuted and been discharged as above mentioned.

Every person who, in respect of an article of food or drug sold by him as principal or agent, gives to the purchaser a false warranty in writing, is liable on summary conviction, for the first, second and subsequent offences, to fines not exceeding twenty pounds, fifty pounds, and one hundred pounds, respectively, unless he proves to the

satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true. Section 20 (6).

This modifies the law as laid down in the case of *Derbyshire v. Houliston* (1897) 1 Q. B. 772; 66 L. J. Q. B. 569, where it was held, under Section 27 of the Act of 1875, that it was necessary for the prosecution to prove that the defendant knew or had reason to believe that the warranty was false.

Reference to Government Analyst.

Section 21 of the new Act modifies Section 22 of the Sale of Food and Drugs Act, 1875, by providing that, on the request of either party, the justices or court shall cause an article of food or drug to be sent to the Commissioners of Inland Revenue for analysis, and may, if they think fit, do so without any such request.

Production by Defendant of Analyst's Certificate.

Section 22 of the new Act is an extension of Section 21 of the Sale of Food and Drugs Act, 1875, and makes the production by the defendant of a certificate of analysis by the public analyst in the prescribed form sufficient evidence of the facts therein stated, unless the prosecutor requires that the analyst be called as a witness.

A copy of every such certificate must, however, be sent to the prosecutor at least three clear days before the return day, and if it be not so sent, the court may, if it thinks fit, adjourn the hearing on such terms as may seem proper. Section 22 (2).

Definition of "Food."

The new Act provides (Section 26) that for the purposes of the Sale of Food and Drugs Acts the expression "food" shall include every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and shall also include flavouring matters and condiments.

The Board would be glad if you would take steps to bring before your Local Authority the foregoing summary of the provisions of Section 9 to 22 of the Act, and they will be glad to forward you additional copies of this circular for distribution amongst the

members of your Local Authority and the officers concerned, upon being informed of the number you require.

I am, Sir,

Your obedient Servant,

T. H. ELLIOTT,

Secretary.

SIR,

The Board of Agriculture have already, in their Circular Letters issued in November last, A. $\frac{82-4}{C}$, drawn the attention of Local Authorities to the provisions of the Sale of Food and Drugs Act, 1899, and I am now directed to submit, for the consideration of your Local Authority, the following further observations as to the exercise of the powers and duties conferred and imposed upon Local Authorities and the Board themselves by the Act in question.

Section 3 (1) of the Act specifically imposes upon the Local Authority the duty of appointing a public analyst and of putting in force from time to time, as occasion may arise, the powers with which they are invested, so as to provide proper securities for the sale of food and drugs in a pure and genuine condition, and in particular the duty of directing officers to take samples for analysis, and the Board trust that by the regular and efficient discharge by the Local Authorities of their statutory obligations in these respects any necessity for the exercise by the Board of the powers conferred upon them by Section 3 (2) and (3) of the Act may be reduced to a minimum.

In this connection, the Board would particularly urge upon Local Authorities the necessity of making effective arrangements for the regular and systematic sampling of articles of food. Hitherto the extent of the work done in this direction in many localities, so far as appears from the number of samples examined in the course of a year, has been quite inadequate, and has failed to give effect to the intentions of Parliament in securing a continuous test of their purity and genuineness. According to the Report of the Local Government Board for 1898-99 (C.—9444), there was 42 English boroughs in none of which were more than 20 samples taken for examination in the course of the whole twelve months of the year 1898, and in many other large centres of consumption sampling appears to have been effected on so small a scale that it can have had very little influence in checking adulteration, or in protecting honest traders from unscrupulous competition. Too often, also, the

operations of the Local Authority appear to have been confined to one or two articles of food, while other kinds equally liable to adulteration have been permitted wholly to escape.

In view of the altered position in which the administration of the law in regard to adulteration has now been placed in consequence of the passing of the Act of 1899, the Board would be glad if your Local Authority would consider whether the number and class of inspectors appointed by them is such as to be fully adequate to meet the requirements of their district, and the Board would, in particular, urge upon your Local Authority the advisability of employing, as sampling officers, a sufficient number of persons who have had experience in the class of work they are required to perform. Inexperienced officers are unable to exercise sufficient discrimination, and inconvenience and waste of labour and energy thereby ensue.

So far as imported articles of food are concerned, the Board will continue to acquaint the Local Authorities concerned with the details of any instances of adulteration which may be reported by the Customs, so that proceedings may be promptly taken, if necessary, by the Local Authority of the district to which the adulterated goods are ultimately consigned and in which it may be presumed that they will be offered for sale.

With a view to enable the Board to afford to Local Authorities any assistance in their power, either by correspondence or by personal conference, in the administration of the provisions of the Sale of Food and Drugs Acts, with respect to those articles of food which are brought under the purview of the Board as affecting the general interests of agriculture, the Lords Commissioners of Her Majesty's Treasury have sanctioned the appointment of additional inspectors who will be happy, if so desired, to confer with your Local Authority as to the manner by which the law may be most efficiently enforced in your district, and in the meantime the Board would be pleased to learn at as early date as may be convenient the result of the consideration by your Local Authority of the terms of their Circular Letters on the subject, and the steps which they are taking to give effect to the extended vigilance in the detection of fraudulent practices required by the Act, which as you are aware, comes into force on the 1st proximo.

I am, Sir,
Your obedient Servant,
T. H. ELLIOTT,
Secretary.

MODEL BYE-LAWS OF THE LOCAL GOVERNMENT BOARD UNDER THE PUBLIC HEALTH (LONDON) ACT, 1891.

BYE-LAWS.

For the Prevention of Nuisances arising from any Snow, Ice, Salt, Dust, Ashes, Rubbish, Offal, Carrion, Fish, or Filth, or other Matter or thing in any Street.

1. The occupier of any premises fronting, adjoining, or abutting on any street *not repairable by the inhabitants at large* shall, as soon as conveniently may be after the cessation of any fall of snow, remove or cause to be removed from the footways and pavements adjoining such premises all snow fallen or accumulated on such footways and pavements in such a manner and with such precautions as will prevent any undue accumulation in any channel or carriageway or upon any paved crossing.

In the case of any premises, the person in occupation of or having the charge management, or control of the same, or if there is no such person, then any person in occupation of or having the charge, maintenance or control of any part of the premises, and in the case of any premises the whole of which are let to lodgers, the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person, shall for the purposes of this bye-law be deemed to be the occupier.

2. Every person who shall remove any snow from any premises shall deposit the same in such a manner and with such precautions as to prevent any accumulation thereof in any channel or upon any paved crossing.

If in the process of such removal any snow be deposited upon any footway or pavement, he shall forthwith remove such snow from such footway or pavement.

3. Every person who shall throw any salt upon any snow on the footway of any street shall do so in such quantity and in such manner as effectually to dissolve the whole of such snow, and he shall forthwith effectually remove from the footway the whole of the deposit resulting from the mixture of the salt with the snow. He shall not place any part of such deposit on the carriageway of such street other than any channel at the side of such carriageway, and