

BREAD ORDINANCE, 1912.⁽¹⁾

No. 41 of 1912.

An Ordinance to regulate the Making and Sale of Bread and to prevent the Adulteration thereof and of Meal and Flour.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Bread Ordinance, 1912.*⁽¹⁾ Short title.
- It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*⁽¹⁾ Commencement.
2. The enactment mentioned in the Schedule hereto is repealed. Repeal.
3. All bread made for sale or sold or exposed for sale shall be made of pure and sound flour or meal of wheat barley rye oats buckwheat Indian corn peas 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 and with no other ingredient or matter whatsoever. Bread for sale to be made of certain ingredients only.
Q. 6 Wm. IV. No. 1, s. 1.
Q. 64 Vic. No. 9, s. 106.
4. The several sorts of bread 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. Bread to be well made.
Q. 6 Wm. IV. No. 1, s. 2.
Q. 64 Vic. No. 9, s. 107.
- No alum or mixture in which alum is an ingredient or any other mixture or ingredient whatsoever except as hereinbefore mentioned shall be put into or in any wise used in making bread for sale.
- Every person who offends against the provisions of this section shall be liable to a penalty not exceeding ten pounds. Penalty for adulteration.

5. All bread made for sale except as hereinafter excepted shall be made into loaves weighing not less than one pound two pounds or four pounds according to the standard weight by law established Bread to be sold in loaves of certain weights.
Q. 6 Wm. IV. No. 1, s. 3.
Q. 64 Vic. No. 9, s. 108.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.7.1912	(a)	23.12.1912 (Papua Govt. Gaz. of 23.12.1912)

(a) No notice of non-disallowance has been published in Papua Govt. Gaz.

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and such loaves shall be called the one-pound loaf two-pound loaf and four-pound loaf respectively.

Any baker who—

- (1) Makes for sale or sells or exposes for sale bread of any other denomination or size; or
- (2) Sells or exposes for sale any loaf found to be deficient of its due weight and which has been baked within eighteen hours next preceding the time of its being sold or offered for sale the proof of which shall be on the baker;

shall be liable to a penalty not exceeding five pounds:

Provided that all bread weighing eight ounces or less shall be called and deemed to be rolls and may be made and sold of such size and weight as the baker thinks fit.

Rolls excepted.

Shops may be searched for bread short of weight within eighteen hours after baking.
Q. 6 Wm. IV. No. 1, s. 11.
Q. 64 Vic. No. 9, s. 109.

6.—(1.) Any justice of the peace European member of the police force or other person authorized by warrant under the hand of a justice may enter into any house or premises belonging to or in the occupation of any baker and search for examine and may in the presence of the baker or of any servant or agent of the baker or any person apparently in charge of the premises weigh any bread therein which has been baked within eighteen hours next preceding the time of search and may search for examine and weigh any such bread in or on any vehicle or other means used for the transit or delivery of bread in any place.

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.

In case of dispute the proof of the bread not having been baked within eighteen hours shall lie upon the baker.

Penalty for deficiency.

(2.) 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 weighed such justice European member of the police force or person authorized weighing the bread shall give to the baker or his servant or agent or any person apparently in charge of the premises who may be present at the weighing a certificate in writing and signed by him showing the correct particulars of such weighing and the person offending shall be liable to a penalty not exceeding five shillings for every ounce of bread so found deficient unless it is proved that the deficiency arose wholly from some unavoidable accident in baking or otherwise or was occasioned by or through some contrivance or confederacy to injure the accused person.

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(3.) Any such justice European member of the police force or person authorized may seize all loaves so found deficient and the justices before whom proceedings are taken may dispose thereof as they think fit.

Deficient loaves may be seized.

7. Every baker 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.

Bakers to provide in their shops scales and weights.

Q. 6 Wm. IV. No. 1, s. 9.

Q. 64 Vic. No. 9, s. 110.

Any person who purchases any loaf of bread from any baker may require the same to be immediately weighed in his presence.

Any baker who neglects to fix such beams and scales or to provide and keep for use such weights or balance or who refuses to weigh any loaf purchased in his shop in the presence of the purchaser shall be liable to a penalty not exceeding five pounds.

8. Every baker and every servant of a baker who conveys and carries out bread for sale or delivery in any vehicle shall be provided with and constantly carry in such vehicle a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread.

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

Q. 6 Wm. IV. No. 1, s. 10.

Q. 64 Vic. No. 9, s. 111.

Any person who purchases any loaf of bread may require the same to be weighed in his presence.

Any baker or servant of the same who carries out or delivers any bread as aforesaid without being provided with such weights or balance or refuses to weigh any bread purchased of or delivered by him in the presence of the purchaser or person receiving the same shall be liable to a penalty not exceeding five pounds.

9. Any person who knowingly sells or causes to be sold to any baker or confectioner impure unsound or unwholesome flour and any baker or confectioner who knowingly has upon his premises any such flour or who knowingly sells or keeps or exposes for sale any bread or dough for bread or biscuit or confectionery containing any such flour shall be liable to a penalty not exceeding twenty pounds.

Selling bread made of unwholesome flour.

Q. 64 Vic. No. 9, s. 112.

Any justice or any European member of the police force authorized by warrant under the hand of a justice may seize all such bread dough biscuit confectionery or flour and the justices before whom proceedings are taken may dispose thereof as they think fit.

10. Any person who—

- (1) Puts into any cornmeal or flour which has been prepared or manufactured for sale either at the time of preparation or manufacture or at any other time any ingredient or mixture whatever not being the real and genuine produce of the corn or grain; or

Adulterating meal or flour or selling flour of one sort of corn as the flour of another.

Q. 6 Wm. IV. No. 1, s. 12.

Q. 64 Vic. No. 9, s. 113.

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- (2) Knowingly sells or exposes 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 exposed for sale;

shall be liable to a penalty not exceeding twenty pounds:

Provided that nothing herein contained shall apply to any ingredient or material employed or used for cleansing or preserving such corn or grain from smut, weevil or other disease insect or impurity if every such ingredient or material so employed or used is carefully and effectually removed from such corn or grain before the same is prepared or manufactured for sale.

11. Any justice or any European member of the police force authorized by warrant under the hand of a justice may enter into any house or premises belonging to or in the occupation of any miller mealman or baker and search and examine—

- (1) Whether any mixture or ingredient not the genuine produce of the grain as such meal or flour ought to be has been mixed up with or put into any meal or flour in the possession of such miller mealman or baker whereby the purity of the meal or flour is adulterated; or

(2) Whether any mixture or ingredient other than is allowed by this Ordinance has been mixed up with or put into any dough or bread in the possession of any baker whereby such dough or bread is adulterated; and also may search for any mixture or ingredient which may be used for the purposes of adulteration.

If any such meal flour dough or bread is suspected of being adulterated or any mixture or ingredient is found which seems to have been deposited there in order to be used for the purposes of adulteration the justice or such European member of the police force may seize and take away the same and the justices before whom the proceedings are taken may dispose thereof as they think fit.

12. Every miller mealman or baker in whose house premises or possession any ingredient or mixture is found which is adjudged by any two justices to have been deposited there for the purposes of being used in adulteration of any meal flour dough or bread shall 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 justices that such ingredient or mixture was so deposited without his knowledge or consent.

Search for adulterated flour or bread or ingredients for adulterating.

Q. 6 Wm. IV. No. 1, s. 13.

Q. 64 Vic. No. 9, s. 114.

And any found seized.

Possession of ingredients for the adulteration of bread.

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

Q. 64 Vic. No. 9, s. 115.

13. When any person is charged with any offence against the provisions of this Ordinance he shall be entitled upon complaint duly made to him to have any other person whom he alleges to be the actual offender brought before the Court at the time appointed for hearing the charge against him and if after the Court is satisfied that an offence has been committed the defendant proves to the Court that he used due diligence to ensure the observance of the provisions of this Ordinance and that the said other person committed the offence without his knowledge consent or connivance he shall be acquitted of the charge and the said other person shall be convicted of the offence of which he has been guilty and shall be punished accordingly.

Person charged with an offence may bring the actual offender to justice.

Q. 64 Vic. No. 9, s. 116.

14. If any person shall wilfully obstruct or hinder any such search as hereinbefore is authorised to be made or the seizure of any meal flour dough or bread or of any ingredient or mixture which shall be found on any such search and shall be deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal flour dough or bread or shall wilfully oppose or resist any such search being made or the carrying away any such ingredient or mixture as aforesaid or any meal flour dough or bread which shall be seized as being adulterated or as not being made pursuant to this Ordinance he shall be liable to a penalty not exceeding ten pounds.

Penalty for obstructing any search authorized by this Ordinance.

Q. 6 Wm. IV. No. 1, s. 15.

15. An action shall not be brought against any person for anything done or intended or omitted to be done under the provisions of this Ordinance or any order made thereunder until the expiration of one month after notice in writing has been served on such person stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent.

Notice of action.

Q. 64 Vic. No. 9, s. 160.

On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Every such action shall be commenced within six months next after the accruing of the cause of action and not afterwards.

Any person to whom any such notice of action is given may tender amends to the plaintiff his solicitor or agent at any time within one month after service of the notice and in case the same is not accepted may plead such tender.

16. No person shall be convicted of any offence under this Ordinance unless the complaint be made within forty-eight hours next after the time of the commission of the offence.

Limitation of time for complaint.

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

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SCHEDULE.

Enactment referred to.	Title.	Extent of Repeal.
6 Wm. IV. No. 1 (Queensland adopted)	An Act to Regulate the Making and Sale of Bread and to pre- vent the Adulteration thereof and of Meal and Flour.	The whole.