

NO. 18 OF 1938.

A LAW TO MAKE BETTER PROVISION FOR THE SALE OF
FOOD AND DRUGS.H. R. PALMER,
Governor.

[22nd June, 1938.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Sale of Food and Drugs Short title.
Law, 1938.

2.—(1) In this Law, unless the context otherwise Inter-
requires,— pretation.

“butter” means 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 ;

“cheese” means the substance usually known as
cheese, containing no fat derived otherwise than from
milk ;

“drug” includes medicine for internal or external
use ;

“food” includes 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 also includes flavouring
matters and condiments ;

“importer” includes any person who, whether as
owner, consignor or consignee, agent or broker, is in
possession of, or in anywise entitled to the custody
or control of, the article ;

“margarine” means any article of food, whether
mixed with butter or not, which resembles butter and
is not milk-blended butter ;

“margarine-cheese” means any substance, whether
compound or otherwise, which is prepared in imitation
of cheese, and which contains fat not derived from milk ;

“milk-blended butter” means any mixture produced by mixing or blending butter with milk or cream other than condensed milk or cream.

22 of 1925
7 of 1927
53 of 1932.

(2) Drugs to which Part II of the Dangerous Drugs Laws, 1925 to 1932, applies shall be compounded in accordance with the provisions of any regulations made thereunder. Other drugs shall be compounded in accordance with the provisions of the Pharmacy Laws, 1900 and 1926, relating to the dispensing of medicines.

13 of 1900
21 of 1926.

Restrictions
on mixing
food and
drugs with
other
ingredients.

3.—(1) No person shall mix, colour, stain or powder, or order or permit any other person to mix, colour, stain or powder—

(a) any article of food with any ingredient or material so as to render the article injurious to health ;

(b) any drug with any ingredient or material so as to affect injuriously the quality or potency of the drug ;

with the intent that the article of food or drug may be sold in that state.

(2) No person shall sell any article of food or drug so mixed, coloured, stained or powdered as aforesaid.

(3) If any person contravenes any of the provisions of this section he shall be guilty of an offence and shall—

(a) in the case of a first offence in relation to an article of food or a drug, be liable to a fine of fifty pounds ;

(b) in the case of any offence in relation to an article of food after conviction for a first offence in relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both :

Provided that a person shall not be liable to be convicted under this section in respect of the sale of any article of food or of any drug if he shows to the satisfaction of the court before whom he is charged that he did not know, and could not with reasonable diligence have ascertained, that the article of food or drug sold by him was so mixed, coloured, stained or powdered as aforesaid.

(4) Where any regulations made under this Law prohibit or restrict the addition of any preservative or other ingredient or material to an article of food, the addition of any such ingredient or material—

(a) if made in contravention of the regulations, shall for the purposes of this Law be deemed to render the article injurious to health ;

(b) if made to an amount not exceeding the limit (if any) specified by the regulations, shall not, for the purposes of this Law, be deemed to render the article injurious to health.

4.—(1) No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, or not of the substance, or not of the quality, of the article demanded by the purchaser.

Prohibition against sale of food and drugs not of the nature, substance or quality demanded.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence and shall—

(a) in the case of a first offence in relation to an article of food or drug, be liable to a fine of fifty pounds ;

(b) in the case of any offence in relation to an article of food after conviction for a first offence in relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both :

Provided that an offence under this section shall not be deemed to have been committed—

(i) where any ingredient or material not injurious to health has been added to the article of food or drug because it is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article of food or drug, or to conceal the inferior quality thereof ;

(ii) where the food or drug is the subject of a patent in force, and is supplied in the state required by the specification of the patent, or is a proprietary medicine ;

(iii) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) In any prosecution under this section, it shall be no defence to allege that the purchaser, having bought only for analysis, is not prejudiced.

(4) Where any regulations made under this Law prescribe the composition of any article of food intended for sale, or prohibit or restrict the addition of any preservative or other ingredient or material to any such article, the purchaser of such article shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded an article complying with the provisions of the regulations as regards the presence or amount of any constituent ingredient or material specified in the regulations.

Provision as to sale of compounds.

5. If any person sells any compound article of food, or any compound drug, which is not composed of ingredients in accordance with the demand of the purchaser, he shall be guilty of an offence and shall—

(a) in the case of a first offence in relation to an article of food or a drug, be liable to a fine of fifty pounds ;

(b) in the case of any offence in relation to an article of food after conviction for a first offence in relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both.

Protection from liability where article properly labelled and notice thereof given.

6.—(1) No person shall be guilty of any offence under section 4 or 5 in respect of the sale of an article of food or a drug mixed with any ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight or measure or to conceal its inferior quality, if—

(a) at the time of the sale a notice by a label distinctly and legibly written or printed in English, Greek and Turkish to the effect that it is mixed with foreign ingredients or materials as specified therein is affixed to such article or drug or to the receptacle containing it; and

- (b) at the time of delivery of the article of food or drug he supplies to the person receiving it a notice by a label distinctly and legibly written or printed in English, Greek and Turkish on or with the article or drug, to the effect that it is mixed with foreign ingredients or materials as specified in the label; and
- (c) at the time of delivery of the article of food or drug he calls the attention of the person receiving it to the label by word of mouth.

(2) For the purposes of this section, a label shall not be deemed to be distinctly and legibly written or printed if the notice of mixture given by the label is obscured by other matter on the label; but nothing in this sub-section shall hinder or affect the use of any registered trade mark.

7. If any person abstracts from any article of food any part of it so as to affect injuriously its nature, substance or quality with the intent that it may be sold in its altered state without notice, or if any person sells any article so altered without making disclosure of the alteration, he shall be guilty of an offence.

Abstraction from articles of food of parts thereof.

8. If any person sells, or exposes or offers for sale, or orders or permits any other person to sell or expose or offer for sale, or has in his possession for the purpose of sale, any article of food or drug, which for any reason has deteriorated, or become decomposed, whether in whole or in part, so as to be unfit for human consumption, he shall be guilty of an offence.

Sale of decomposed food and drugs prohibited.

9.—(1) If there is imported into or sold or exposed for sale in the Colony any of the following articles, namely—

Restrictions on importation, etc., of agricultural and other produce.

- (a) margarine or margarine-cheese, except in packages conspicuously marked "margarine" or "margarine-cheese" as the case may require;
- (b) adulterated or impoverished milk or cream, except in packages or cans conspicuously marked with a name or description indicating that the milk or cream has been so treated;
- (c) condensed separated or skimmed milk, except in tins or other receptacles which bear a label whereon the words "Machine-Skimmed Milk" or "Skimmed Milk" as the case may require, are printed in large and legible type;

- (d) any adulterated or impoverished article of food to which the Governor may by Order in Council direct that this section shall be applied, unless the same be imported in packages or receptacles conspicuously marked with a name or description indicating that the article has been so treated ;
 - (e) butter containing more than sixteen per cent. of water ;
 - (f) margarine containing more than sixteen per cent. of water, or more than ten per cent. of fat derived from milk ;
 - (g) milk-blended butter containing more than twenty-four per cent. of water ;
 - (h) milk-blended butter, except in packages conspicuously marked with such name as may be approved by the Director of Medical Services for the purpose ;
 - (i) butter, margarine or milk-blended butter which contains a preservative prohibited by any regulation made under this Law, or an amount of a preservative in excess of the limit allowed by any such regulation ;
- the importer or the person who sells or exposes for sale such article, as the case may be, shall be guilty of an offence :

Provided always that the packages mentioned in this sub-section shall not be deemed to be conspicuously marked unless the names of the substances contained therein are written or printed in large and legible type and unless when such packages are exposed for sale the names of such substances as aforesaid are written or printed in English, Greek and Turkish.

(2) For the purposes of this section, an article of food shall be deemed to be adulterated or impoverished if it has been mixed with any other substance, or if any part of it has been abstracted so as in either case to affect injuriously its nature, substance or quality :

Provided that an article of food shall not be deemed to be adulterated by reason only of the addition of any preservative or colouring matter of such nature and in such quantity as not to render the article injurious to health.

Power of
sampling.

10.—(1) Any person appointed in that behalf by the Director of Medical Services, or any Police Officer or any District Inspector may at the cost of the Government, and any person appointed in that behalf by a Municipal

Council within its jurisdiction may at the cost of the Municipal Council, purchase any sample of any food or drug and any such person, officer or inspector as aforesaid is in this Law referred to as a "sampling officer".

(2) A sampling officer may take at the place of delivery any sample of any food in course of delivery to the purchaser or consignee in pursuance of any contract for the sale thereof to the purchaser or consignee :

Provided that no sample of food other than milk shall be taken under this sub-section except upon the request or with the consent of the purchaser or consignee.

(3) A sampling officer may, without going through the form of purchase, take for the purpose of analysis, samples of any butter or cheese or substance purporting to be butter or cheese which are exposed for sale and are not marked in the manner in which margarine, margarine-cheese or milk-blended butter is required to be marked under this Law.

(4) If any sampling officer applies to purchase any article of food or any drug exposed for sale or on sale by retail on any premises (including any street or open space of public resort), and tenders the price for the quantity which he requires for the purpose of analysis not being more than is reasonably requisite, and the person exposing the article or drug for sale, or having it for sale on the premises, refuses to sell to the officer such quantity thereof as aforesaid, or if the seller or consignor or any person entrusted by him for the time being with the charge of any article of food of which a sampling officer is empowered to take a sample in course of delivery refuses to allow the officer to take the quantity which he requires for the purpose of analysis, the person so refusing shall be guilty of an offence and shall be liable to a fine of ten pounds or to imprisonment for six months or to both :

Provided that, where any article of food or drug is exposed for sale in an unopened tin or package duly labelled, no person shall be required to sell it except in the unopened tin or package in which it is contained.

11.—(1) Where any sampling officer procures a sample of food or of a drug, he shall, if he suspects the sample or the article from which the sample is taken to have been sold contrary to any provision of this Law, or that the provisions of this Law have otherwise been infringed with respect to the article, submit it to be analysed by the Government Chemist,

Right to
have samples
analysed.

(2) Any purchaser of an article of food or of a drug shall be entitled, upon payment to the Government Chemist of a sum not exceeding ten shillings, to submit it to him for analysis.

(3) The Government Chemist shall, as soon as practicable, analyse any sample submitted as aforesaid and shall give to the person by whom the sample is sent a certificate specifying the result of the analysis in the form set forth in the Schedule or a form to the like effect.

Division of
and dealing
with
samples.

12.—(1) The sampling officer or other person purchasing a sample of any article with the intention of submitting it to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent who sold the sample his intention to have it analysed by the Government Chemist, and shall then and there divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall—

(a) if required to do so deliver one part to the seller or his agent ;

(b) retain one part for future comparison ;

(c) if he thinks fit to have an analysis made submit one part to the Government Chemist :

Provided that where any article of food or drug is contained in an unopened tin it shall not be necessary to divide it into three parts but the tin shall be marked, and sealed, or fastened up in such manner as its nature will permit.

(2) In the case of a sample taken of milk or of margarine, margarine-cheese or milk-blended butter in course of delivery, the person taking the sample shall, if the name and address of the consignor appear on the can or package containing the article sampled, forward to him by registered parcel or otherwise a portion of the sample marked, and sealed, or fastened up.

Powers to
Customs
officers.

13.—(1) Any officer of Customs may take such samples of consignments of imported articles of food as may be necessary for the enforcement of the provisions of this Law imposing restrictions upon the importation of such articles.

(2) Where an officer of Customs takes a sample of any consignment in pursuance of sub-section (1) he shall divide it into not less than three parts and send one part to the importer and one part to the Government Chemist and retain one part ;

Provided that where any article of food is contained in an unopened tin it shall not be necessary to divide it into three parts but the tin shall be marked and sealed or fastened up in such manner as its nature will permit.

(3) Where a sample taken under this section is certified by the Government Chemist to be margarine or milk-blended butter, the officer of Customs shall, upon receiving the certificate, forthwith notify the importer thereof.

14. Any person who wilfully obstructs or impedes a sampling officer or any officer of Customs or other officer in the course of his duties under this Law or any regulations made thereunder, or by any gratuity, bribe, promise or other inducement prevents, or attempts to prevent, the due execution by any such officer of his duty under this Law or any regulations made thereunder, shall be guilty of an offence.

Obstruction of officers in discharge of duties.

15. In any prosecution for an offence under the provisions of sections 3, 4, 5, 7, 8 and 9, the production by the prosecuting officer of a certificate of the Government Chemist in the form prescribed by this Law shall be sufficient evidence of the facts stated therein unless the accused requires that the Government Chemist shall be called as a witness.

Certificate of Government Chemist *prima facie* evidence.

16. Upon the conviction of any person of any charge under sections 3, 4, 5, 7, 8 and 9, the court before which the charge has been heard may make any order the court may think fit in regard to—

Power of court to order disposal, confiscation or destruction of subject matter of charge.

(a) the disposal of any article of food or drug which is the subject matter of the charge, or

(b) the confiscation or destruction of such article of food or drug.

17. Any person who acts in contravention of, or fails to comply with, any regulation made under this Law shall be guilty of an offence.

Contravention of regulations.

18. A person found guilty of an offence for which no special penalty is imposed by this Law shall be liable—

General penalty.

(a) in the case of a first offence, to a fine of twenty pounds; and

(b) in the case of a second offence, to imprisonment for three months or to a fine of fifty pounds or to both; and

- (c) in the case of a subsequent offence, to imprisonment for six months or to a fine of one hundred pounds or to both.

Power to
make
regulations.

19. The Governor in Council may make regulations to be published in the *Gazette*—

- (a) determining what deficiency in any of the normal ingredients of any article of food, or what addition of extraneous matter or proportion of water in any article of food, shall for the purposes of this Law constitute proof that such article of food is not genuine or is injurious to health ;
- (b) prohibiting the use as a preservative of any substance specified in such regulations in the manufacture or preparation for sale of any article of food or for limiting the extent to which, either generally or as regards any particular substance or substances, preservative may be used in the manufacture or preparation for sale of such article of food ;
- (c) prescribing the composition of any article of food intended for sale or prohibiting or restricting the addition of any preservative or other ingredient or material to any such articles ;
- (d) providing for—
- (i) the registration or licensing of premises in or upon which any articles of food intended for sale are prepared, produced, made or manufactured,
 - (ii) the registration or licensing of persons owning or controlling such premises,
 - (iii) the control of persons employed in or upon such premises, or engaged in the distribution of any articles of food prepared, produced, made or manufactured in or upon such premises,
 - (iv) the inspection of such premises ;
- (e) providing for the inspection of premises in or upon which articles of food are prepared, produced, made or manufactured for sale or sold or exposed for sale ;
- (f) generally authorizing measures to be taken for the prevention of danger arising to public health from importation, preparation, storage and distribution of articles of food intended for sale.

Repeal of
Law 22 of
1926.

20. The Sale of Food and Drugs Law, 1926, is hereby repealed.

SCHEDULE.

(SECTION 11 (3).)

Form of Certificate.

To⁽¹⁾

I, the undersigned, do hereby certify that I received on the _____ day of _____ 19____, from ⁽²⁾ _____ a sample of _____ for analysis (which then weighed ⁽³⁾ _____) 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 ⁽⁴⁾

As witness my hand this _____ day of _____ 19____.

(Signature)
Government Chemist.

⁽¹⁾ Here insert the name of the person submitting the article for analysis.

⁽²⁾ Here insert the name of the person delivering the sample.

⁽³⁾ When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

⁽⁴⁾ Here the Government Chemist may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the Government Chemist shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.