

BREAD ACT, 1936.

No. 2308 of 1936.

An Act to consolidate certain Acts regulating the making and sale of bread.

[Assented to 19th November, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title and commencement.

1. This Act may be cited as the "Bread Act, 1936", and shall come into operation on a day to be fixed by proclamation.

Consolidation and repeal.

2. This Act is a consolidation of the Acts mentioned in the schedule, and the said Acts are hereby repealed.

Interpretation.
750, 1893, s. 3,
2293, 1936, s. 4.

3. In this Act the expression "standard weight" when used in reference to bread means a loaf of the weight of one pound avoirdupois weight, or of any weight being a multiple of one pound avoirdupois weight.

Bread to be sold by weight.
530, 1841,
s. 10.
570, 1893, s. 4,
2293, 1936, s. 4.

4. (1) All bread (other than rolls or French rolls under the weight of four ounces or bread of any kind prescribed by proclamation) shall be of standard weight.

Cf. U.K.,
16 & 17,
Geo. 5, c. 63,
s. 6.

(2) Any seller who sells or causes to be sold any such bread other than of standard weight, shall be guilty of an offence against this Act and liable for a first offence to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not exceeding ten pounds.

Penalty on bakers using any other than avoirdupois weight.
530, 1841,
s. 11.
Cf. U.K.,
6 & 7,
Will. 4, c. 37,
s. 5.

5. (1) Every seller of bread shall use the avoirdupois weight of sixteen ounces to the pound.

(2) Any such seller who at any time uses any other than the avoirdupois weight and the several gradations of the same, shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds nor less than five shillings.

s. 1. This Act was proclaimed to commence on 1st April, 1937: *Gazette* 11th February, 1937, p. 286.

6. When any person carries any bread (other than rolls or French rolls under the weight of four ounces or bread of any kind prescribed by proclamation) of less than the standard weight for sale or delivery, the owner of the bread and any person employing the first mentioned person so to carry the bread, or any or either of them, shall be guilty of an offence against this Act and liable for the first offence to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not exceeding ten pounds.

Bread to be of standard weight.

950, 1908, ss. 2 and 3. 2293, 1936, s. 4. Cf. U.K., 16 & 17, Geo. 5, c. 63, s. 6.

7. Any person convicted of an offence under the next preceding section may recover, in any court of competent jurisdiction, from any person (hereafter in this section called "the defendant") who supplied the bread which was the subject-matter of the prosecution to him, the amount of any penalty in which he has been so convicted, together with the costs paid or to be paid by him upon the conviction, and those incurred by him in and about his defence, upon satisfying the court that—

Power to recover from person who supplied bread. 950, 1908, s. 4.

- (a) he was not the maker, or the master of the maker, of the bread ; and
- (b) having exercised such care as was reasonable in the circumstances, he did not know that the bread was less than the standard weight at the time when the offence was committed ; and
- (c) the defendant supplied the bread to him within twenty-four hours before the time when the offence was committed :

Provided, without prejudice to any other rights or remedies of the parties, that if the court is satisfied that it was through no act or default of the defendant that the bread was under standard weight at the time when the offence was committed, nothing shall be recovered against the defendant under this section.

8. (1) Every person who himself or by his servant in any street, road, or public place carries for sale or delivery any bread (other than rolls or French rolls under the weight of four ounces or bread of any kind prescribed by proclamation) in any vehicle shall have conspicuously inscribed on that vehicle his true name and place of residence. Any person who commits any contravention of this section shall be guilty of an offence against this Act and liable for the first offence to a penalty not exceeding two pounds and for any subsequent offence to a penalty not exceeding ten pounds.

Vehicle in which bread carried to bear owner's name.

950, 1908, ss. 2 and 5. 2293, 1936, s. 4.

(2) When in a prosecution with respect to bread (other than rolls or French rolls under the weight of four ounces) of less than the standard weight carried for sale or delivery it is proved that bread was carried in a vehicle having the name of the person charged inscribed thereon it shall, until the contrary is proved, be presumed (as the case may require) that that person was the owner of the bread, or the employer of the carrier of the bread.

Power to stop persons carrying bread for sale or delivery and purchase bread.

950, 1908, ss. 2 and 6.
2293, 1936, s. 4.

9. (1) Any inspector of any municipal council or district council may stop any person carrying bread (other than rolls or French rolls under the weight of four ounces or bread of any kind prescribed by proclamation) for sale or delivery for the purpose of purchasing any of such bread.

(2) Any such person who—

- (a) fails to stop when required by the inspector so to do ; or
- (b) after tender of the ordinary or market price thereof refuses to sell and deliver to the inspector such of the bread so carried for sale or delivery as he demands to purchase ; or
- (c) in any manner impedes the inspector in the execution of his duty,

shall be guilty of an offence against this Act and liable for the first offence to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not exceeding ten pounds.

Evidence.

950, 1908, ss. 2 and 7.
2293, 1936, s. 4.

10. In any prosecution under section 6, 7, 8, or 9, if it is proved that bread (other than rolls or French rolls under the weight of four ounces or bread of any kind prescribed by proclamation) of less than the standard weight was carried, it shall be *prima facie* evidence—

- (a) that the bread was carried for sale or delivery ; and
- (b) that the person carrying the bread was the owner of the bread, or that his master or employer was the owner, as the case may require.

Exemptions.

2293, 1936, s. 4.

11. (1) The Governor may by proclamation declare that sections 4, 6, 7, 8, 9, and 10 shall not apply to bread of the kind specified in the proclamation, and may by proclamation revoke any such proclamation.

(2) During such time as any such proclamation remains in force, the said sections shall not apply to bread of the kind specified in the proclamation.

12. (1) Any person who sells or suffers to be sold to any baker or confectioner impure, unsound, or unwholesome flour, and any baker or confectioner who wilfully or knowingly has upon the premises used by him as such baker or confectioner any such flour, or who sells or offers to sell any bread or dough for bread or biscuit, or confectionery containing any such flour, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

Selling bread made of unwholesome flour.
530, 1891,
s. 14.

(2) Upon any such conviction, the bread, dough, biscuit, confectionery, or flour shall be liable to be seized, confiscated and destroyed.

13. (1) Any person who—

(a) puts into any corn, meal, or flour, which is ground, dressed, bolted, or manufactured for sale, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture, whatever, not being the produce of the corn or grain which is so ground ; or

Penalty for adulterating meal or flour, or selling flour of one sort of corn as the flour of another.
530, 1891,
s. 15.
Cf. U.K.,
6 & 7,
Will. 4, c. 37,
ss. 8, 9.

(b) knowingly sells or offers 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 offered or exposed for sale,

shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

(2) Nothing herein contained shall apply to any ingredient, article, or material employed or used for cleansing or preserving the corn or grain from smut or other disease, weevil, or other insect or impurity, if every such ingredient, article, or material so employed or used is carefully and effectually removed from the corn or grain before the same is ground.

14. Any justice and any constable authorised by any warrant under the hand of a justice, and any sanitary or other inspector duly appointed by a municipal council or district council may—

Power to search bakers' shops.

530, 1891,
s. 16.
Cf. U.K.,
6 & 7,
Will. 4, c. 37,
s. 11 (part).

(a) at any time in the daytime enter any house, mill, shop, stall, bakehouse, bolting-house, pastry-warehouse, outhouse, or ground of or belonging to any miller, mealman, baker, confectioner, or other person who grinds grain, or dresses or bolts meal or flour, or makes bread or confectionery for reward or sale ; and

(b) search for any mixture or ingredient, not the genuine produce of the grain, the meal or flour imports or ought to be, which may have been mixed up with or put into any meal or flour in the possession of the miller, mealman, baker, or confectioner, either in the grinding of any grain at the mill or in the dressing, bolting, or manufacturing thereof.

Power to seize adulterated meal, flour, etc.
530, 1891, s. 17.
Cf. U.K., 6 & 7, Will. 4, c. 37, s. 11 (part).

15. If upon any such search and examination it appears that any such meal, flour, dough, or bread so found has been so adulterated, or if any mixture or ingredient is found upon the premises which appears to be kept there in order to be used in the adulteration of meal, flour, or bread, then and in every such case every justice or constable authorised as aforesaid, or any sanitary inspector or other inspector, may seize and take any such meal, flour, dough, bread, ingredients, and mixtures, to be dealt with as hereinafter provided.

Penalty for having ingredients for the adulteration of bread.
530, 1891, s. 18.
Cf. U.K., 6 & 7, Will. 4, c. 37, s. 12.

16. (1) Every miller, mealman, baker, or confectioner, in whose house, mill, shop, stall, bakehouse, bolting-house, pastry-warehouse, outhouse, ground, or possession is found any meal, flour, dough, or bread, adulterated with any mixture or ingredient other than allowed by this Act, or who has upon his premises any ingredient or mixture which is, after due examination adjudged by a court of summary jurisdiction to have been deposited there for the purpose of adulteration, shall be guilty of an offence against this Act and liable to a penalty not exceeding two pounds for the first offence, five pounds for the second offence, and ten pounds for every subsequent offence.

(2) On any such conviction the said meal, flour, dough, bread, mixture, or ingredient, may be ordered to be destroyed, or otherwise dealt with as the court thinks fit.

Penalty for obstructing search.
530, 1891, s. 19.
U.K., 6 & 7, Will. 4, c. 37, s. 13.

17. Any person who wilfully obstructs or hinders 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 is found on any such search and is deemed to have been kept with intent to adulterate any meal, flour, dough, or bread, shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Appropriation of penalties.
530, 1891, s. 20.

18. All moneys received for penalties imposed for offences against this Act shall be paid to the general revenue of the State, except moneys received in respect of any offence against this Act committed within the limits of any municipality or district council district, in which case the same shall be paid over to the municipal council or district council within whose limits the offence was committed, for the use of the said municipal council or district council.

19. The complaint in respect of any offence against this Act shall be made within one month from the time when the matter of the complaint arose.

Time within which proceedings may be commenced.
530, 1891, s. 21.
Cf. U.K., 6 & 7, Will. 4, c. 37, s. 31.

20. (1) All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings.
530, 1891, s. 22.

(2) The court imposing any penalty for any offence against this Act may order the defendant, in default of payment thereof, to be imprisoned for any period not exceeding six months.

THE SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

| Number and Year of Act. | Short Title. |
|-------------------------|---|
| No. 530 of 1891 | The Bread Act, 1891. |
| No. 570 of 1893 | The Bread Act Amendment Act, 1893. |
| No. 950 of 1908 | The Bread Act Further Amendment Act, 1908 |

BREWERS
see Licensing.

BROTHELS
see Police.