

Zinc Chloride and liquid preparations of zinc chloride, except preparations intended for soldering, or other purely industrial purpose, provided that they are contained in closed vessels labelled with the word "Poisonous" and bearing the name and address of the seller and a notice of the special purpose for which the preparations are intended.

Tobacco, any preparations or admixtures of (other than tobacco prepared for smoking and snuff) containing the poisonous alkaloids of tobacco.

Barium, Salts of, except Barium Sulphate.

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of the 16th April, 1926.*

22 OF 1926.

Repealed by Law 18/1938

TO AMEND THE LAW RELATING TO THE ADULTERATION OF FOOD, AND TO MAKE BETTER PROVISION FOR THE SALE OF FOOD AND DRUGS IN PURE STATE. A.D. 1926.
22 of 1926.

MALCOLM STEVENSON.]

[May 17, 1926.]

BE it enacted:—

1. This Law may be cited as the Sale of Food and Drugs Law, 1926. Short title

2.—(1) In this Law:— Definitions

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

"Drugs" includes medicine for internal or for external use;

"Analyst" means any person authorised by the Governor in writing under his hand to make analyses for the purposes of this Law;

"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;

"Margarine" means any article of food, whether mixed with butter or not, which resembles butter and is not milk-blended butter, and no such substance shall be lawfully sold, except under the name of margarine and under the conditions set forth in this Law.

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

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

“Importer” shall include any person who, whether as owner, consignor, or consignee, agent, or broker, is in possession of, or is anywise entitled to the custody or control of, the article.

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 quality, substance, or nature.

Provided always 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.

(2) Drugs shall be compounded in accordance with the standard of nature, substance or quality contained in the British Pharmacopœia or such other Pharmacopœias as are permitted by Order of the Governor in Council.

Offences.

3. Any person shall, in each of the cases following, be deemed guilty of an offence, and on conviction thereof, shall be liable to a fine not exceeding ten pounds, or to imprisonment for any term not exceeding six months, or to both such punishments; that is to say who—

(1) (a) mixes, colours, stains or powders, or orders or permits any other person to mix, colour, stain or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that it may be sold in that state; or

(b) sells or exposes for sale, or orders or permits any other person to sell or expose for sale any article of food so mixed, coloured, stained or powdered; or

(c) mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of the drug with intent that it may be sold in that state; or

(d) sells or exposes for sale, or orders or permits any other person to sell or expose for sale any drug so mixed, coloured, stained or powdered.

Provided that no person shall be liable to be convicted under this sub-section of this Law 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 of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in this sub-section mentioned, and that he could not with reasonable diligence have obtained that knowledge.

(2) Sells 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.

Provided that an offence shall not be deemed to be committed under this sub-section in the following cases, that is to say:—

(a) Where any matter or ingredient not injurious to health has been added to the food or drug because the same 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 food or drug, or conceal the inferior quality thereof. Provided always that the proportion of such matter or ingredient is not in excess of the amount permitted by virtue of any Regulations made under the provisions of this Law.

(b) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent.

(c) Where the food or drug is compounded as in this Law mentioned.

(d) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation provided always that the proportion of such extraneous matter is not in excess of the amount permitted by virtue of any Regulation made under the provisions of this Law.

(3) Sells any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Provided that no person shall be deemed to have committed an offence in respect of the 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 bulk, weight, 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 a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

(4) Abstracts from an article of food, with the intent that the same may be sold in its altered state, any part of it so as to affect injuriously its quality, substance, or nature, or sells any article so altered without making disclosure of the alteration.

(5) Imports into Cyprus, sells or exposes for sale, or has in his possession for the purpose of sale any of the following articles, namely:—

(a) margarine or margarine cheese, except in packages conspicuously marked "Margarine" or "Margarine cheese," as the case may require; or

(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; or

(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; or

(d) butter containing more than sixteen per cent. of water; or

(e) margarine containing more than sixteen per cent. of water, or more than ten per cent. of butter fat; or

(f) milk-blended butter containing more than twenty-four per cent. of water; or

(g) milk-blended butter, except in packages conspicuously marked with such name as may be approved by the Governor in Council for the purpose; or

(h) butter, margarine, milk-blended butter or any article of food 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; or

(j) any adulterated or impoverished article of food to which the Governor in Council may direct that this

sub-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.

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 when such packages are exposed for sale the names of such substances as aforesaid shall be written or printed in English, Turkish, and Greek characters.

(6) Commits a breach of any Regulation made under the provisions of this Law.

4. In any prosecution under the provisions of this Law for selling 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, it shall be no defence to any such prosecution—

In sale of adulterated articles no defence to allege purchase for analysis.

(1) to allege that the purchaser having bought only for analysis was not prejudiced by such sale ;

(2) to prove that the article of food or drug in question though defective in nature or in substance or in quality, was not defective in all three respects.

5. If the defendant in any prosecution under this Law prove to the satisfaction of the Court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect or invoice containing such warranty, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.

6.—(1) Provided always that a warranty or invoice shall not be available as a defence to any proceedings under this Law 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.

Provisions as to use of warranty or invoice as defence, and proceedings against the warrantor.

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

(3) A warranty or invoice given by a person resident outside Cyprus shall not be available as a defence to any proceeding under this Law, 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.

(4) Where the defendant is a servant of the person who purchased the article under a warranty or invoice he shall be entitled to rely on the provisions of section 5 hereof in the same way as his employer or master would have been entitled to do so if he had been the defendant, provided that the servant further proves that he had no reason to believe that the article was otherwise than that demanded by the prosecutor.

(5) Where the defendant in a prosecution under this Law has been discharged under the provisions of section 5 hereof, any proceedings under this Law 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 was purchased for analysis as before a Court having jurisdiction in the place where the warranty was given.

(6) 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, shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment for any term not exceeding six months, or to both such punishments, 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.

Exemption
from
penalty.

7. Where an employer is charged with an offence against this Law 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 had used due diligence to enforce the execution of this Law, and that

the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of such offence and the employer shall be exempt from penalty.

8. Any purchaser of an article of food, or of a drug or medicine shall be entitled, on payment to an Analyst of the sum of five shillings, to have it analysed by him and to receive from the Analyst a certificate of the result of his analysis. Purchaser may obtain analysis by analyst.

9.—(1) Any Peace Officer, or other person appointed in that behalf by the Chief Medical Officer or by the Commissioner of the District, may at the cost of the Government, or any person appointed by a Municipality in that behalf within the limits of the Municipality, at the cost of the Municipality, purchase any article of food, or any drug or medicine for the purpose of analysis; and if he suspects it to have been sold to him contrary to any provision of this Law he shall submit it to be analysed by an Analyst; and the Analyst shall, with all convenient speed, analyse it and give a certificate to the purchaser wherein he shall specify the result of the analysis. Purchase by Peace Officer or authorised person at cost of Government or Municipality for analysis.

(2) Any person purchasing anything under the provisions of this section with the intention of submitting it to analysis shall, after the purchase is completed, forthwith notify to the seller, or to the agent selling it, his intention to have it analysed, and 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 manner as its nature will permit, and shall, if required to do so, deliver one of the parts to the seller or his agent. Notification to vendor of purpose of purchase.

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.

10. Any person who refuses to sell any food, drug, or medicine to any Peace Officer or other person acting under the provisions of section 9 hereof and any person who hinders any Peace Officer or other person in the execution of any duty imposed upon him by this Law, shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding six months, or to both such punishments. Refusal to sell to and obstruction of Peace Officer or authorised person.

11. The Analyst's certificate of analysis shall be in the form set forth in the Schedule hereto, or to the like effect. Form of Certificate of analysis.

Analyst's
certificate
prima facie
evidence.

12. At the hearing of any charge of an offence under sections 3 and 6 hereof the production of the certificate of the Analyst shall be sufficient evidence of the facts therein stated, unless the person charged shall require that the Analyst shall be called as a witness.

Power of
Court to
order
destruction
of subject
matter of
charge.

13. Upon the conviction of any person of any charge under sections 3 and 6 hereof the Court before whom the charge has been heard may make any order that the Court may think fit in regard to the disposal of any article of food, drug, or medicine which is the subject matter of the charge, and may order the confiscation or destruction of the food, drug, or medicine.

Penalties
payable to
Municipal
fund.

14. All penalties recovered under this Law in respect of offences committed within a Municipal area shall form part of the Municipal fund of the Municipality where the offence was committed.

Power to
make
Regulations.

15. The Governor in Council may make regulations—

(1) Extending the provisions of section 3 (5) to any adulterated or impoverished article of food, unless the same be imported in packages or receptacles conspicuously marked with a name or description indicating that the article has been so treated.

(2) Determining what deficiency in any of the normal constituents of any substance, or what addition of extraneous matter or proportion of water in any substance shall for the purposes of this Law constitute proof that such substance is not genuine or is injurious to health.

(3) 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.

(4) Generally authorising 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 for human consumption.

Repeal.

16. The Food and Drugs Law, 1905, is hereby repealed.

SCHEDULE.

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
A. B.
_____ at

⁽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 Analyst 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 Analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

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