

**TRADE DESCRIPTIONS AND FALSE
ADVERTISEMENTS.**

2° Elizabeth II., No. LX.

No. 60 of 1953.

**AN ACT to amend the Trade Descriptions and False
Advertisements Act, 1936-1944.**

[Assented to 9th January, 1954.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Trade Descriptions and False Advertisements Act Amendment Act, 1953*.

(2) In this Act the Trade Descriptions and False Advertisements Act, 1936-1944,

Act No. 42 of 1936 as amended by Act No. 46 of 1944,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Trade Descriptions and False Advertisements Act, 1936-1953.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section two of the principal Act is amended by— S. 2
amended.
Deletion of
certain inter-
pretations
added by
No. 46 of 1944.

- (a) deleting the interpretations—
- (i) “Reprocessed wool”;
 - (ii) “Re-used wool”; and
 - (iii) “Woollen goods” or “all wool” or “pure wool”;

(b) substituting for the interpretation, “Fibre” the following interpretation:—

“Fibre” means wool, hair, silk, cotton, linen, and any other fibrous material, whether natural or artificial’; Cf. C’th
S.R. 1949,
No. 46, 3 (a)
as amended
by C’th S.R.
1953, 2 (a).

(c) substituting for the words, “includes any textile products and also” appearing after the word, “Goods” in the interpretation, “Goods”, the word, “means”;

(d) substituting for the interpretation, “Sell” the following interpretation:—

“To sell” means to sell by wholesale or retail and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, and the disposal or offer for disposal under hire purchase agreement; and inflections and derivatives of the verb, “to sell” have correlative meanings;

(e) substituting for the interpretation, “Textile products” the following interpretation:—

“Textile products”—

(a) means

- (i) woven, knitted or felted materials manufactured from fibre,

Cf. C’th
S.R. 1953,
No. 54, 2 (c).

(ii) threads and lace;
whether in the piece or roll or
in apparel, and

(iii) tops and yarns;

but

(b) does not include anything
which by the regulations is
excluded from this interpreta-
tion; and

(f) deleting from the interpretation, "Wool"
the words after the word, "lamb" in line
two to the end of the interpretation.

Amendment
of interpre-
tation,
"Wool,"
added by
No. 46 of 1944,
s. 4.
Cf. C'th S.R.
1949, No. 46,
3 (c) as
amended by
C'th S.R. 1953
No. 54, 2 (d).

S. 4A
amended.
Added by
No. 46 of 1944,
s. 5.

4. Section four A of the principal Act is amended
by—

(a) substituting for subsection (1) the follow-
ing subsection:—

(1) Subject to this Act no person shall
sell any textile products unless there is
applied thereto, or where so required by
the regulations, to the several appropri-
ate portions of such textile products, a
trade description in the English language
printed or stamped on or woven into or
securely attached to such textile product
or portions thereof in legible characters
conspicuously placed so as to be clearly
visible containing particulars as pre-
scribed.;

(b) substituting for subsection (2) the follow-
ing subsection:—

(2) The trade description applied to
textile products which contain ninety-
five per centum or more by weight of wool
shall include the words, "Pure Wool". ;

(c) adding after subsection (2) the following subsections:—

(2a) The trade description applied to textile products which contain less than ninety-five per centum by weight of wool shall not include the words, "Pure Wool".

(2b) The trade description applied to textile products which contain less than ninety-five per centum but not less than five per centum by weight of wool shall include a statement specifying—

(a) the percentage by weight of wool which is contained in the products; and

(b) the other fibres contained in the products in order of dominance by weight.

(2c) The trade description applied to textile products which contain less than five per centum by weight of wool shall state the fibres other than wool, in order of dominance by weight followed by the words, "less than five per centum wool".

(2d) The trade description applied to textile products which contain no wool shall include a statement specifying the fibre contained in the products, or, if the products contain more than one fibre, the fibres in order of dominance by weight.

5. Section four B of the principal Act is amended by repealing subsection (2). S. 4B amended. Added by No. 46 of 1944, s. 5.

6. Section four C of the principal Act is amended by adding after the word, "pounds" being the last word in the section, the words, "for a first offence and two hundred pounds for a subsequent offence". S. 4C amended. Added by No. 46 of 1944, s. 5.

7. Section four D of the principal Act is amended by adding after the word, "pounds" being the last word in the section, the words, "for a first offence and two hundred pounds for a subsequent offence". S. 4D amended. Added by No. 46 of 1944, s. 5.

S. 4E
amended.
Added by
No. 46 of 1944,
s. 5.

8. Section four E of the principal Act is amended by adding after the word, "pounds" being the last word in the section, the words, "for a first offence and two hundred pounds for a subsequent offence".

S. 4F
added.

9. The principal Act is amended by adding after section four E the following section:—

4F. Where at the hearing of a charge on complaint of an offence against the provisions of subsection (1) of section four of this Act or the regulations relating to the application of trade descriptions to textile products the defendant proves—

(a) that the textile products were manufactured in, or imported into, the State before the coming into operation of the Trade Descriptions and False Advertisements Act Amendment Act, 1953; and

(b) that at the time of the complaint he held the textile products *bona fide* and without fraudulent intention;

the court shall not convict the defendant of the charge but unless the defendant has given to the complainant what is, in the opinion of the court, reasonable notice of the matters mentioned in paragraphs (a) and (b) of this section, the court shall order the defendant to pay the costs and expenses of the complainant of and incidental to the complaint and the hearing of the charge.

S. 5
amended.

10. Section five of the principal Act is amended by adding the following subsection:—

(3) In this section "goods" does not include textile products.

S. 6
amended.

11. Section six of the principal Act is amended by—

(a) adding after the section designation the figure "1" in brackets thus—(1); and

(b) adding the following subsection:—

(2) In this section "goods" includes textile products.

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12. Section seven of the principal Act is amended S. 7
by— amended.

- (a) adding after the section designation the figure "1" in brackets thus—(1); and
- (b) adding the following subsection:—
 - (2) In this section "goods" includes textile products.

13. Paragraph (b) of section seven A of the S. 7A
principal Act is amended by omitting the brackets amended.
and the words between the brackets in lines one to four both inclusive.

14. Paragraph (a) of subsection (1) of section S. 8
eight of the principal Act is amended by— amended.

- (a) adding after the word, "including" in line four the words, "without limiting the generality of this section"; and
- (b) adding after the word, "securities" in line five the words, "and goods and textile products".

15. Subsection (1) of section nine of the principal S. 9
Act is amended by deleting the figures, "-1935" in amended.
line three. Cf. No. 30 of 1918, s. 14.

16. Section ten of the principal Act is amended S. 10
by adding the following subsection:— amended.

- (4) In this section "goods" includes textile products.

17. Section thirteen of the principal Act is S. 13
amended by deleting the words, "or of any regula- amended.
tions under this Act" in lines two and three. Cf. No. 30 of 1918, s. 4, "This Act" includes regulations

18. Section fifteen of the principal Act is amended S. 15
by adding the following subsection:— amended.

- (4) In this section "goods" includes textile products.

19. Section sixteen of the principal Act is S. 16
amended by— amended.

- (a) adding after the section designation the figure "1" in brackets thus—(1);

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Cf. No. 30 of
1918, s. 14.

- (b) deleting the figures, “-1932” in line nine of the proviso to paragraph (b);
- (c) substituting for the words, “law officer” in line eleven of paragraph (e) the words, “Chief Inspector”; and
- (d) adding the following subsection:—
 - (2) In this section “goods” includes textile products.

S. 17
amended.

20. Section seventeen of the principal Act is amended by—

- (a) adding after the section designation the figure “1” in brackets, thus—(1); and
- (b) adding the following subsection:—
 - (2) In this section “goods” includes textile products.

S. 18
amended.
Cf. No. 30 of
1918, s. 14.

21. Section eighteen of the principal Act is amended by deleting the figures, “-1932” in line two.

S. 19
amended.

22. Section nineteen of the principal Act is amended by—

- (a) adding after the section designation the figure “1” in brackets thus—(1); and
- (b) adding the following subsection:—
 - (2) In this section “goods” includes textile products.

S. 23
amended.

23. Section twenty-three of the principal Act is amended by adding after the word, “stated” being the last word in the section the following words:—

and without limiting the generality of the foregoing may make regulations—

- (a) prescribing the form of, and manner in which, trade descriptions shall be applied to textile products, and to the covering label, reel, or thing, used in connection with textile products;
- (b) requiring trade descriptions to be applied to textile products to contain particulars relating to the quality,

purity, or weight, of textile products of the materials of which textile products are composed;

- (c) exempting textile products or a specified class or specified classes of textile products from the operation of this Act;
- (d) prescribing that the whole or any part of the provisions of a regulation made under this Act applies to textile products generally, to specified classes of textile products or to all classes of textile products other than those specified in the regulations.
