

## FEEDING STUFFS.

4 GEO. VI., No. XX.

No. 20 of 1940.

### AN ACT to amend the Feeding Stuffs Act, 1928-1933.

[Assented to 29th November, 1940.]

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

1. This Act may be cited as the *Feeding Stuffs Act Amendment Act*, 1940, and shall be read as one with the Feeding Stuffs Act, 1928-1933 (No. 15 of 1928 as amended by the Act No. 20 of 1933), hereinafter referred to as the principal Act.

Short title.

2. Section three of the principal Act is amended—

Amendment  
of s. 3 of the  
principal Act.

(a) by inserting after the definition of "Dealer" a definition as follows:—

"Food for stock" shall mean manufactured food for stock and by-products, and also includes any other substance declared by the regulations to be food for stock.

- (b) by deleting the definition of "Inspector" as it now stands and inserting in lieu thereof a new definition as follows:—

"Inspector" means an inspector appointed under this Act.

- (c) by inserting after the definition of "Inspector" a definition as follows:—

"Manufactured food for stock" includes—

(a) all kinds of meals and foods for stock (other than bran or pollard), prepared, whether in whole or in part, from one or more kinds of grain, nut, or oils or juices or meats or other substances of a like nature; and

(b) any condimented, patented, or proprietary foods for stock claimed to possess nutritive properties or nutritive as well as medicinal properties; and

(c) stock licks.

- (d) by inserting after the definition of "Minister" a definition as follows:—

"Package" includes anything in or by which any food for stock is cased, covered, enclosed, contained, or packed.

- (e) by inserting after the definition of "stock" a definition as follows:—

"Stock lick" means any preparation consisting of or containing any mineral, inorganic substance, bone, or mineral salt or salts and claimed to supply or primarily intended for supplying mineral matter to stock; and includes any prescribed preparation consisting of or containing any mineral salt or salts.

Amendment  
of s. 4 of the  
principal Act.

3. Section four of the principal Act is amended—

- (a) by deleting from subsection (2) the word "prescribed" in lines six, twelve, and sixteen of the said subsection;
- (b) by deleting subsection (4).

4. Sections five and five A of the principal Act are hereby repealed and the following new sections are inserted:—

Amendment of ss. 5 and 5A of the principal Act.

5. (1) Every manufacturer or importer of any manufactured food for stock and any by-product shall, within thirty days after the commencement of this Act, or within sixty days after the date of his commencing in business or trade as a manufacturer or importer of such food for stock or by-product (whichever is the later date) and thereafter in each year on or before the thirtieth day of June in that year, make to the Department of Agriculture an application for registration of such food for stock or by-product in writing in the prescribed form setting out—

Manufacturers and importers to apply for registration of manufactured food for stock and by-products.

- (a) his name or place of business.
- (b) all marks, figures, words or letters (in this Act referred to as "the distinguishing name") used or intended to be used in connection with every such food for stock or by-product which he then sells or proposes to sell during the period ending on the next following thirtieth day of June.
- (c) the place of manufacture thereof.
- (d) the name of the grains, salts or other materials from which such food for stock or by-product is or is to be prepared.
- (e) a chemical analysis of such food for stock or by-product stating—
  - (i) in the case of any food for stock (other than a stock lick) or a by-product—
    - the minimum percentage of crude protein;
    - the minimum percentage of crude fat;
    - the maximum percentage of crude fibre;
 contained in such food for stock or by-product; and
  - (ii) in the case of a stock lick—
    - the maximum percentage of salt (sodium chloride);
    - the minimum percentage of phosphoric acid (P<sub>2</sub>O<sub>5</sub>), lime, magnesia, iron, sulphur and iodine and of any other prescribed constituent
 contained in such stock lick;

(f) such further particulars as may be prescribed.

(2) Every such application shall be accompanied by the prescribed fee.

(3) If after the thirtieth day of June in any year any manufacturer or importer of any manufactured food for stock or of any by-product proposes to sell any manufactured food for stock or by-product in addition to those already registered pursuant to this Act, such manufacturer or importer shall, before commencing to sell such additional food for stock or by-product, make with respect to the same a like application for registration as hereinbefore prescribed.

(4) The registration of any manufactured food for stock or by-product shall, subject to this Act, continue in force until the thirtieth day of June next following the date of registration.

Approval of  
Minister re-  
quired for  
registration.

5A. No manufactured food for stock or by-product shall be registered, save with the approval of the Minister.

Minister  
shall have  
compiled a  
list of manu-  
factured food  
for stock and  
by-products.

5B. (1) The Minister shall cause to be compiled a complete list of all manufactured food for stock and all by-products registered under this Act, showing—

- (a) the respective distinguishing names of such food for stock and by-products;
- (b) the respective chemical analyses required by this Act to be set out in the applications for registration of the same; and
- (c) such other matters as may be prescribed.

(2) Such list may be published in the *Government Gazette* or the *Journal of the Department of Agriculture of Western Australia*, as soon as practicable after the first day of June in any year.

Labels to be  
affixed to  
packages.

5C. (1) Every person who sells any manufactured food for stock or any by-product shall securely and conspicuously affix a label or brand in accordance with this section to every package containing such food for stock or by-product.

(2) On every such label there shall be set out—

- (a) the name and place of business of the manufacturer or importer;
- (b) the distinguishing name of the stock food or by-product.

(3) The provisions of this section shall not extend or apply to any package when the net weight of the contents does not exceed twenty-eight pounds.

(4) This section shall extend so as to apply to any block, cake, or slab of manufactured food for stock or by-product which is not contained in a package: provided the net weight of such block, cake, or slab exceeds twenty-eight pounds, and for the purposes of such application a reference to the package containing the food for stock shall be construed as a reference to the surface of the block, cake, or slab.

5D. (1) Every person who sells any food for stock (whether paid for at the time of sale or not) shall, at the time of sale, or within seven days after delivery of the food for stock, or any part thereof, give to the purchaser an invoice certificate stating the name under which such food for stock is sold, and the prescribed particulars (if any) of the nature, substance, and quality of the food for stock and the percentages of nutritive or other ingredients contained therein.

Invoice to be  
given by  
vendor.

(2) An invoice certificate given by the seller of any such food for stock as aforesaid shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained therein are correct.

(3) Where any food for stock is sold under a name or description implying that it was prepared from any particular substance, or from two or more particular substances, and without any indication that it is mixed or compounded with any other substance, there shall be an implied warranty by the seller that it is pure, that is to say, is prepared from that substance or those substances only, or is a product of that seed or those seeds only.

(4) On the sale of any food for stock there shall be an implied warranty by the seller that the article is suitable for feeding purposes.

(5) Any statement as to the amount of the nutritive or other ingredients of any food for stock made by the seller in any written document relating thereto given to the purchaser, or in any circular or advertisement descriptive of the article, shall have effect as a warranty by the seller that the facts stated are correct.

(6) Provided that, where any manufactured food for stock is registered with a distinguishing name in accordance with the provisions of section five of this Act, an invoice in writing referring to such food for stock by the distinguishing name shall suffice and be of the same effect as an invoice certificate under subsection (1) of this section and as if the statements and particulars required by this Act or the regulations were stated in the invoice.

Amendment  
of s. 7 of the  
principal Act.

5. Section seven of the principal Act is amended—

(a) (i) by deleting from paragraph (a) the words “as soon as possible” in line two of the said paragraph and inserting in lieu thereof the words “within seven days”;

(ii) by deleting from paragraph (a) the word “five” in line four of the said paragraph and inserting in lieu thereof the word and letter “five D”;

(b) by inserting a new paragraph as follows:—

(d) sells any manufactured food for stock or by-product which—

(i) does not consist solely of the materials set out in the application for registration of such food for stock or by-product; or

(ii) is not registered in accordance with the provisions of this Act and the regulations thereunder; or

- (iii) is not in accordance with the chemical analysis set out in the application for registration of such manufactured food for stock or by-product; or
- (iv) is not in accordance with the standard prescribed therefor.

6. A section is inserted in the principal Act after section seven as follows:— New section.

7A. (1) The Minister may appoint any person to be an inspector under this Act. Every inspector so appointed shall be furnished with the prescribed certificate of his appointment and shall produce such certificate, whenever required so to do by any person, in respect of whom he has exercised or is about to exercise any of his powers under this Act. Minister may appoint inspectors.

(2) Production of the prescribed certificate shall be conclusive proof in any court of the appointment of the inspector and his authority to exercise the powers conferred upon inspectors by the provisions of this Act.

7. The principal Act as amended by this Act may be cited as the Feeding Stuffs Act, 1928-1940. Citation of principal Act as amended.