

---

## FEEDING STUFFS.

19° Geo. V., No. XV.

---

No. 15 of 1928.

[As amended by Acts:

No. 20 of 1933, assented to 13th November, 1933;  
No. 20 of 1940, assented to 29th November, 1940;  
No. 2 of 1942, assented to 2nd October, 1942;  
No. 3 of 1946, assented to 23rd October, 1946;  
No. 64 of 1948, assented to 21st January, 1949;  
No. 11 of 1951, assented to 20th November, 1951;  
and reprinted pursuant to the Amendments Incorporation Act, 1938.]

---

### AN ACT relating to the Sale of Feeding Stuffs for Stock.

[Assented to 10th December, 1928].

**BE** it enacted by the King'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:—

1. This Act may be cited as the *Feeding Stuffs Act, 1928-1951*.

Short title.  
Amended by  
No. 11 of 1951  
s. 2.

2. The Acts mentioned in the First Schedule are hereby repealed so far as they relate to feeding stuffs.

Repeal.

3. In this Act, unless the context otherwise indicates or requires—

Interpre-  
tation.  
Amended by  
No. 20 of  
1933, s. 2,  
No. 20 of 1940,  
s. 2.;  
No. 2 of 1942,  
s. 2.

“Analyst” means an analyst attached to the staff of the Government Mineralogist and Analyst or an analyst attached to the Department of Agriculture.

*Feeding Stuffs.*

“Dealer” means any person who carries on business as a manufacturer, importer, vendor, or dealer in food for stock for purposes of trade, and whether such person carries on any other business or trade or not.

“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.

“Inspector” means an inspector appointed under this Act.

“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.

“Minister” means the Minister for Agriculture.

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

“Sell” or “to sell” includes—

- (i) to barter or exchange;
- (ii) to agree to sell, barter or exchange;
- (iii) to offer, expose, store, have in possession, send or deliver for, or, on sale;

- (iv) to receive for sale;
- (v) to cause or suffer to be sold, bartered or exchanged, or to be agreed to be sold, bartered or exchanged;
- (vi) to cause or suffer to be offered, exposed, stored, had in possession, sent or delivered for, or on sale;
- (vii) to cause or suffer to be received for sale; and
- (viii) to attempt to do any of such acts or things; and all derivations of the word "to sell," including the noun "sale," have corresponding connotations.

"Stock" includes horses, camels, asses, mules, bulls, cows, oxen, heifers, calves, sheep, lambs, goats, swine, poultry, and dogs.

"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.

4. (1) Any person who sells any bran or pollard which is not in accordance with the standard prescribed therefor in the Second Schedule to this Act shall be guilty of an offence against this Act.

Bran, pollard, and other stock foods. Amended by No. 20 of 1940, s. 3. Cf. Vic. No. 3482 (1926) s. 2; and No. 8 of 1919, and regulations in Gazette, Vol. cxxi, No. 237.

Provided that the Governor may by regulation amend the said Schedule by altering any standard provided for therein, and the Schedule as so amended shall have the same force and effect as if such amendment had been enacted by this subsection, but no such regulation shall have effect until it is laid before both Houses of Parliament.

(2) The Governor may, by regulations—

- (a) require impurities to be removed from bran, pollard and other food for stock by cleaning, scouring or other process; and
- (b) prescribe substances which shall be deemed foreign ingredients relative to any food for stock, and that the proportion or amount of such foreign ingredients that may be contained therein shall not exceed the proportion or amount prescribed; and
- (c) prescribe physical and chemical standards for any food for stock and methods for determining the same; and
- (d) provide that no person shall sell, expose for sale, or have in his possession for sale, any bran, pollard or other food for stock unless such regulations are duly observed.

(3) Any person who acts in contravention of any regulation made under this section, or fails to comply therewith, shall be guilty of an offence against this Act.

(4) [*Deleted by Act No. 20 of 1940, s. 3.*]

Manufacturers and importers to apply for registration of manufactured food for stock and by-products. Substituted by No. 20 of 1940, s. 4. Amended by No. 3 of 1946, s. 2; No. 11 of 1951, s. 3.

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—

- (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 purposes 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 manufactured food for stock when such food is of animal origin) 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 ( $P_2O_5$ ), lime, magnesia, iron, sulphur and iodine and of any other prescribed constituentcontained in such stock lick;
  - (iii) in the case of manufactured food for stock when such food is of animal origin—
    - the minimum percentage of crude protein;
    - the maximum percentage of crude fat;
    - the maximum percentage of crude fibrecontained in such manufactured food for stock;

(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.

(3a) If—

(i) there is any error in the record of registration referred to in this section; or

(ii) since that record was made there has been a change in any of the matters referred to in paragraphs (a) to (e), both inclusive, of subsection (1) of this section;

the Director of Agriculture may, from time to time, on application for amendment and payment of any prescribed fee, amend, subject to this Act, the record so that it shall accord with the true facts.

(4) The registration or amended 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 or amended registration.

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

Provided that where the manufactured food for stock or by-product is laying mash for poultry, in respect of which laying mash coupons for meatmeal are required to be surrendered, the Minister shall

Approval of Minister required for registration. Added by No. 20 of 1933, s. 3; substituted by No. 20 of 1940, s. 4. Amended by No. 64 of 1948, s. 3.

not approve of the registration thereof unless the percentage of protein contained in such laying mash be not less than sixteen per centum, of which at least twenty-five per centum shall be of animal origin.

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—

Minister shall have compiled a list of manufactured food for stock and by-products. Added by No. 20 of 1940, s. 4.

- (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.

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.

Labels to be affixed to packages. Added by No. 20 of 1940, s. 4. Amended by No. 11 of 1951, s. 4.

(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; and
- (c) the chemical analysis, referred to in section five, subsection (1), paragraph (e) of this Act, 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.

Invoice to be given by vendor.  
Added by No. 20 of 1940, s. 4.

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.

(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.

6. No action on any such warranty as is mentioned in the last preceding section shall lie for any mis-statement therein as to the particulars of the nature, substance or quality of the article, or as to the amount of any ingredient, where the mis-statement does not exceed the limits of variation (if any) prescribed under this Act in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the right of the purchaser under the warranty shall not be affected by such limits.

Limits of variation.  
16 and 17  
Geo. V. c. 45,  
s. 2 (5).

7. If any person who sells any article for use as food for stock—

Penalties for breach of duty by seller.

Amended by No. 20 of 1940, s. 5.

See *Ibid.*, s. 12 (4).  
Cf., Edw. VII, c. 27, s. 6 (Imp.)

16 and 17  
Geo. V.,  
c. 45, s.s. 7, 8.

- (a) fails without reasonable excuse to give, on or before or within seven days after the delivery of the article, the invoice certificate required by subsection (1) of section 5D of this Act, or an invoice in lieu thereof under subsection (6), if applicable; or
- (b) causes or permits any such invoice certificate or description of the article sold by him to be false in any material particular to the prejudice of the purchaser; or
- (c) sells for use as food for stock any article which contains any ingredient deleterious to stock, or to which has been added any ingredient worthless for feeding purposes and not disclosed in writing to the purchaser at the time of sale;

*Feeding Stuffs.*

(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,

he shall be guilty of an offence against this Act.

Provided that a person shall not be convicted of an offence under paragraph (b) of this section if he proves either—

(i) that he did not know, and could not with reasonable care have ascertained, that the invoice certificate or description was false; or

(ii) that he purchased the article sold with a written warranty or invoice certificate from a person in this State, and that that warranty or invoice certificate contained the false statement in question, and that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the state in which it was when he purchased it.

Minister may  
appoint  
inspectors.  
Added by  
No. 20 of 1940,  
s. 6.

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.

(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.

8. (1) Any inspector may, at any time in the daytime, enter upon any land or into any warehouse, store, shop, building, or place where any food for stock is kept, or exposed for sale, and demand and take without payment samples thereof.

Powers of inspectors. Amended by No. 20 of 1933, s. 4. *Ibid.*, s. 14.

(2) An inspector may at any time take samples of any food for stock from any railway truck, car, cart, lorry, van or other vehicle in which the same may be in course of transit to a purchaser.

(3) Three samples shall be taken by the inspector in each case and marked, sealed, and fastened by the inspector in the presence of the dealer or his representative, or, if the samples are taken under subsection (2) of this section in the presence of a justice of the peace or a member of the police force, and shall be disposed of as follows:—

Samples. 1904, No. 7, s. 15.

- (a) one sample shall be delivered to the person in charge of, or left upon, the premises (if any) from which it was taken or if taken in course of transit as aforesaid, shall be delivered to the vendor or any agent of the vendor in this State, or left at the principal place of business in this State of such vendor or agent;
- (b) one may be utilised for analysis by an analyst; and
- (c) one shall be retained by the inspector for future comparison.

9. The result of the analysis of any sample of food for stock taken by an inspector, together with the name and address of the dealer from whom the sample was obtained, or of the vendor, may be published in the *Gazette* and in such other manner as the Minister may think fit, and a statement of the result of any analysis shall be sent forthwith to the

Publication of result of analysis. *Ibid.*, s. 16. 1911, No. 21, s. 5.

dealer from whom the sample was taken, or if taken in transit, to the vendor or an agent of the vendor in this State.

Penalty for refusing to permit inspector to take samples. See 1904, No. 7, s. 17.

10. Any person who refuses—

- (a) to permit an inspector to take samples of any food for stock; or
- (b) to deliver to the inspector, if required so to do, an invoice certificate in respect of any sample taken; or
- (c) obstructs or interferes with an inspector in the discharge of his duties under this Act,

shall be guilty of an offence against this Act.

Right of buyer to analysis. *Ibid.*, s. 18.

11. Every buyer of any food for stock shall, on complying with the regulations, be entitled to submit a sample thereof to an analyst for analysis, and to receive from him a certificate, in the prescribed form, of the result of his analysis, on payment of such fee, if any, as may be prescribed.

Certificate evidence. *Ibid.*, s. 19.

12. At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this Act, the production of a certificate of the result of an analysis purporting to be signed by an analyst under this Act, shall be *prima facie* evidence of the facts therein stated, unless the defendant or person charged gives notice to the plaintiff or prosecutor, at least three clear days previous to the day fixed for the hearing, that he requires that the analyst shall be called as a witness.

Cost of analysis. *Ibid.*, s. 20.

13. The costs of and incidental to the obtaining of any analysis under this Act shall be a debt due from the seller to the purchaser, if the result of the analysis is against the seller.

Tampering with samples. *Ibid.*, s. 21.

14. Any person who—

- (a) tampers with any parcel of food for stock so as to procure that any sample of it taken in pursuance of this Act does not correctly represent the contents of the parcel; or

(b) tampers with any sample taken under this Act,

shall be guilty of an offence against this Act.

15. In any proceeding for an offence under this Act it shall be no defence to allege that the buyer, having bought only for analysis, was not prejudiced by the sale, or that the food for stock though deficient in one or more constituents, was not deficient in other constituents.

Defence.  
*Ibid.*, s. 22.

16. A prosecution for an offence under this Act may be instituted either by the person aggrieved, by an inspector, or by any person authorised by the Director of Agriculture.

Who may prosecute.  
*Ibid.*, s. 24.

17. In any proceedings under this Act the signature of an analyst shall be judicially noticed, and the appointment of any person as an analyst or as an inspector, and the authority of any person to prosecute for any offence shall be presumed, unless the defendant shall prove the contrary.

Evidence.  
*Ibid.*, s. 25.

18. Any person guilty of an offence against this Act shall be liable to a penalty which, if he has not been previously convicted of any offence against this Act, shall not exceed twenty pounds and, if he has been previously so convicted, shall not exceed one hundred pounds.

Penalty.  
*Ibid.*, s. 26.

19. Any offence under this Act shall be summarily punishable upon conviction before any two or more justices of the peace in petty sessions.

Summary procedure.  
*Ibid.*, s. 27.

20. Every person convicted of an offence against this Act shall be liable, in addition to any penalty imposed, to any expenses incurred by the prosecution in obtaining an analysis as part of the costs of the proceedings.

Cost of proceedings.  
*Ibid.*, s. 28.

21. No proceedings taken under this Act against any person shall in any way interfere with or lessen any right or remedy by civil process of any party aggrieved by any offence against this Act.

Saving of civil remedy.  
*Ibid.*, s. 29.

Regulations.  
*Ibid.*, s. 30.

22. The Governor may, from time to time, make such regulations that may be necessary to give effect to this Act.

Sec. 2.

FIRST SCHEDULE.

Short Title.	Year and Number.
The Fertilisers and Feeding Stuffs Act, 1904	No. 7 of 1904
The Fertilisers and Feeding Stuffs Amendment Act, 1905	No. 10 of 1905
The Fertilisers and Feeding Stuffs Amendment Act, 1911	No. 21 of 1911

Sec. 4.

SECOND SCHEDULE.

Standard for Bran and Pollard.

*Bran.*

Bran shall consist of the outer skin or coating of the wheat grain or berry obtained in the usual commercial milling process from wheat. There shall not be more than 1 per cent. of foreign ingredients. It shall contain (subject to the undermentioned limits of variation) not more than 10.5 per cent. of moisture, nor more than 9 per cent. of fibre, nor more than 4 per cent. of ash, calculated on a moisture content equal to 10.5 per cent.

*Limits of Variation.*

Moisture and fibre	1 per cent.
Ash	$\frac{1}{2}$ per cent.

*Pollard.*

Pollard shall be a by-product of milling wheat, other than flour and bran, in which there shall not be more than 1 per cent. of foreign ingredients. It shall contain (subject to the undermentioned limits of variation) not more than 10.5 per cent. of moisture, nor more than 5 per cent. of fibre, nor more than 2 per cent. of ash, calculated on a moisture content equal to 10.5 per cent.

Pollard shall be of such fineness as to permit of 50 per cent. passing through a silk-cloth or grit gauze sieve with 36 meshes to the lineal inch, and of the whole of it passing through a silk-cloth or grit gauze sieve with 24 meshes to the lineal inch.

*Limits of Variation.*

Moisture and fibre	.....	1 per cent.
Ash	.....	$\frac{1}{2}$ per cent.