

Approved for Reprint 14th April, 1975.

WESTERN AUSTRALIA.

MARGARINE.

4° Geo. VI., No. XXXVI.

No. 36 of 1940.

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 9 of 1952, assented to 30th October, 1952;

No. 28 of 1973,¹ assented to 6th June, 1973;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to regulate the manufacture and sale of Margarine; to repeal the Butterine Act, 1887; to amended the Dairy Industry Act, 1922-1939, so as to provide that it shall not apply to Margarine, and for other purposes.

[Assented to 10th December, 1940.]

Be it enacted—

1. This Act may be cited as the *Margarine Act, 1940-1973*.

Short title.
Amended by
No. 28 of
1973, s. 1.

2. This Act is divided into Parts, as follows:—

Act divided
into Parts.

PART I.—Ss. 3 to 6: PRELIMINARY.

PART II.—Ss. 7 to 13: ADMINISTRATION.

PART III.—Ss. 14 to 24: LICENSING OF MARGARINE MANUFACTURERS.

PART IV.—Ss. 25 to 32: REGULATION OF MANUFACTURE AND SALE OF MARGARINE.

PART V.—Ss. 33 to 38: MISCELLANEOUS.

¹ Sections 14 and 15 to operate from 10th August, 1973; balance except sections 4, 8 and 9 to operate from 15th November, 1973; see G.G. 10/8/73, p. 3008. Section 4 to operate from 11th March, 1974; sections 8 and 9 to operate from 14th August, 1974; see G.G. 7th March, 1974, p. 734.

PART I.—PRELIMINARY.

Construction
of Act.
Ibid. s. 3 (2).

3. This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that, if any provision hereof would, apart from this section, be construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Saving
provisions.

4. Neither this Act, nor any provision of this Act, shall be deemed to repeal the Agricultural Products Act, 1929, or the Dairy Products Marketing Regulation Act, 1934-1937,¹ or the Health Act, 1911-1937,² or any provisions thereof respectively; but, where this Act or any provision of this Act is inconsistent with or repugnant to any of the said Acts, or to any of the provisions thereof respectively, this Act and its provisions shall prevail, and the other Acts aforesaid and the provisions thereof respectively shall be read and construed as subject to this Act.

Repeal of
Butterine
Act and
amendment
of Dairy
Industry
Act.
Amended by
Act No. 113
of 1965, s. 8.

5. (1) The Butterine Act, 1887, is hereby repealed.

(2) The Dairy Industry Act, 1922-1939¹ (No. 37 of 1922 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1936 and amended by the Act No. 27 of 1939) is amended as follows:—

- (a) The definition of "Dairy produce" in section two is amended by deleting the words "and also margarine" at the end of such definition.
- (b) The definition of "margarine" in section two is deleted from the said section.
- (c) The definition of "store" in section two is amended by deleting the words "or margarine" in line two of the said definition.

¹ Repealed by Dairy Industry Act, 1973.

² Now Health Act, 1911-1973.

- (d) Section four is repealed and a section is inserted in lieu thereof as follows:—

Penalties 4.—Any person who uses any premises as a dairy produce factory, store, or depot shall, unless he proves that such premises are duly registered under this Act, or that he comes within the proviso to the last preceding section, be guilty of an offence.

Penalty—forty dollars, and, in addition, a daily penalty of four dollars for every day or part of a day during which the offence is continued.

- (e) Section nine is amended by deleting from paragraph (c) thereof the words “or margarine” in line four of the said paragraph.
- (f) Sections seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two are all repealed.
- (g) Section twenty-five is amended by deleting paragraph (p) from such section.

6. In this Act, unless the context otherwise requires or some other meaning is clearly intended—

“Australia” means the States of the Commonwealth of Australia, the Northern Territory, and the Federal Capital Territory.

“Butterfat” means the pure fat of milk.

“Colouring substance” means any substance which is capable of being used for the purposes of colouring, whether the substance is used by itself or in combination with any other substance or substances.

“Cooking margarine” means margarine which contains beef fat or mutton fat or beef fat and mutton fat in a quantity of not less than ninety per centum by weight of the total quantity of fat and oil contained in such margarine and does not resemble butter in colour.

Interpretation.

Amended by
No. 28 of
1973, s. 3.
S.A. No. 37 of
1939, s. 3 (1).

Margarine.

“Cooking margarine license” means a license to manufacture only cooking margarine issued under this Act and for the time being in force, and includes both an original license and a license issued by way of renewal of a prior license.

“Dealer” means a person who, on his own account or as the servant, agent or representative in this State of a person carrying on business at a principal place of business outside the State, purchases or receives margarine for the purposes of resale wholesale or sale wholesale.

“Edible fats and oils” means fats and oils which—

(a) are free from rancidity, from decomposition and from offensive odour and taste; and

(b) if derived from animal origins, are derived from animals which were at the time of slaughter in good health and fit for human consumption.

“Flavouring substance” means any substance which is capable of being used for the purposes of flavouring whether the substance is used by itself or in combination with any other substance or substances.

“Inspector” means a person who is by this Act declared to be an inspector under this Act or who is appointed as an inspector under this Act.

“Manufacturing margarine” means margarine which contains beef fat or mutton fat or beef fat and mutton fat in a quantity between seventy-five and ninety per centum by weight of the total quantity of fat and oil contained in such margarine and does not resemble butter in colour.

“Manufacturing margarine license” means a license to manufacture only manufacturing margarine issued under this Act and for the

time being in force and includes both an original license and a license issued by way of renewal of a prior license.

“Margarine” means any solid or semi-solid substance which—

- (a) is capable of being used as a substitute for butter, whether for cooking or for eating purposes, or for both cooking and eating purposes; and
- (b) is manufactured wholly or mainly from one or more fats or oils or a combination of one or more fats and oils;

but does not include dripping or lard or any single fat sold as fat.

“Package” means cask, keg, crate, box, case, wrapper, tin, and any other receptable or covering.

“Place” includes any land, building, premises, ship, boat, barge or vehicle, whether owned by the Crown or any other person.

“To sell” includes to barter and to offer or agree to sell or barter, and all parts of the verb “to sell” shall have a corresponding meaning.

“Sale” includes barter and any offer or agreement to sell or to barter.

“Table margarine” means margarine which is not cooking margarine or manufacturing margarine.

“Table margarine license” means a license to manufacture only table margarine issued under this Act and for the time being in force, and includes both an original license and a license issued by way of renewal of a prior license.

PART II.—ADMINISTRATION.

7. This Act shall be administered by the Minister for Agriculture.

Adminis-
tration of
Act.
Ibid. s. 4.

Inspectors
and
Analysts.
Amended by
No. 28 of
1973, s. 4.
Ibid. s. 5.

8. (1) Every inspector under the Dairy Industry Act, 1973, shall, by virtue of his office as such inspector, be an inspector under this Act.

(2) The Governor may appoint any other persons to be inspectors under this Act.

(3) The Governor, by notice in the *Government Gazette*—

(a) may declare that any person shall be an approved analyst for the purposes of this Act; and

(b) may, if he is of opinion that just cause exists for doing so, declare that any person who has been so declared to be an approved analyst shall cease to be an approved analyst for the purposes of this Act.

Powers of
inspectors.
Cf. W.A.
No. 37 of
1922, s. 8 (2);
S.A. No. 37 of
1939, s. 6.

9. Subject to this Act an inspector may—

(a) exercise, in relation to premises in which margarine is manufactured, all the powers of an inspector of factories under the Factories and Shops Act, 1920-1937,¹ and all the powers of an inspector under the Inspection of Machinery Act, 1921,² other than such powers specified in the last-mentioned Act as relate to the registration and inspection of boilers;

(b) at any reasonable time enter, for the purposes of this Act, any premises in which margarine, or any fats, oils, or other substances of any kind commonly used in the manufacture of margarine is or are manufactured, stored, packed, or sold, to ascertain whether or not the provisions of this Act and the regulations have been or are being complied with, and examine any scales, measures, or apparatus, and any churns, vats, or other utensils therein used in connection with the business carried on in such premises;

¹ Now Factories and Shops Act, 1963.

² See Machinery Safety Act, 1974.

- (c) at any reasonable time enter and search any place in which margarine or any fats, oils, or other substances of any kind commonly used in the manufacture of margarine is or are manufactured, stored, packed or sold or are suspected by the inspector to be manufactured, stored, packed, or sold;
- (d) at any time and in any place detain and open any package which contains or which he has reasonable grounds to believe contains margarine, fats, oils, or other substances as mentioned in paragraph (c) hereof, and examine and take samples of such margarine, fats, oils, or other substances for the purpose of ascertaining the composition or condition thereof;
- (e) at any reasonable time enter any place in which there are, or in which he suspects there are, kept any accounts, books, or documents relating to margarine or to any fats, oils or other substances of any kind commonly used in the manufacture of margarine, and inspect, make copies of, or take extract from, any such accounts, books or documents;
- (f) seize and retain, pending the decision of a court, any margarine which he has reason to believe does not comply with, or has been manufactured or packed in contravention of, this Act or the regulations, or in respect of which he has reason to believe an offence against this Act or the regulations has been committed;
- (g) exercise such other powers as are prescribed by the regulations.

10. When an inspector takes a sample of any substance for the purpose of having it analysed he shall—

Procedure in
taking
sample.
Ibid. s. 7.

- (a) divide the sample into three approximately equal parts;

Margarine.

- (b) place each such part in a separate package and seal or fasten each such package;
- (c) place on each such package a label stating, so far as known to him, the name of the occupier of the place where the sample was taken;
- (d) deliver one of the parts to the person in charge or apparently in charge of the said place;
- (e) retain one of the parts for future comparison; and
- (f) forward the other part for analysis by an approved analyst.

Inspector may order remedial measures.

Amended by No. 28 of 1973, s. 5.
 Cf. W.A. No. 37 of 1922, s. 10.

11. (1) Where, as the result of any examination by an inspector in the exercise of his powers under this Act, the inspector is of the opinion—

- (a) that any scales, measures, or apparatus are not up to standard or are incorrect, or are otherwise unfit for the purposes for which they are intended to be used; or
- (b) that any churns, vats, or other utensils used in connection with the manufacture of margarine are not fit for such use; or
- (c) that any place in which margarine or any fats, oils, or other substances of any kind commonly used in the manufacture of margarine, is or are manufactured, stored, or packed, is unfit for such purpose—

he may order—

- (i) such scales, measures, or apparatus to be replaced or corrected, or
- (ii) such churns, vats, or other utensils to be replaced or made fit for use for the purposes for which they are intended to be used; or
- (iii) such place to be made fit for such purposes to his satisfaction—

and it shall be the duty of the owner of the articles, or the owner or occupier of the place to which the order relates, to comply with such order.

(2) Any person who fails in his duty to comply with an order made by an inspector under this section shall be guilty of an offence.

Penalty: Two hundred dollars, and also a daily penalty of twenty dollars for every day during which the offence shall continue, after a complaint of such offence has been made before a court of summary jurisdiction.

(3) If any person fails in his duty to comply with an order made by an inspector under this section, the inspector may cause the order to be complied with at the expense of such person, and in such event (notwithstanding the penal liability of such person, under the preceding subsection) any court of summary jurisdiction, on complaint made by the inspector, shall order the payment by the person aforesaid of the amount incurred and any incidental expenses.

12. If any person prevents or attempts to prevent any inspector from exercising any power conferred upon him by or under this Act, or hinders or attempts to hinder any inspector whilst exercising any such power, he shall be guilty of an offence.

Hindering
inspector
an offence.
Amended by
No. 28 of
1973, s. 6.
Ibid. s. 9.

Penalty: Two hundred dollars.

13. (1) The Minister may by notice in writing require any person to furnish to him, to the best of the knowledge and ability of such person, and within a time specified in the notice, any information as to any margarine, or any fat, oil, or other substance of a kind commonly used in the manufacture of margarine which is or has at any time been in the possession, custody or control of that person.

Returns as to
margarine.
Amended by
No. 28 of
1973, s. 7.
Ibid. s. 10.

(2) If any person—

- (a) fails to comply with any such notice in any particular; or
- (b) wilfully furnishes in response to any such notice any information which is false or misleading,

he shall be guilty of an offence.

Penalty—Five hundred dollars.

PART III.—LICENSING OF MARGARINE
MANUFACTURERS.

Margarine
manufac-
turers and
dealers to be
licensed.
Repealed
and
re-enacted
by No. 28 of
1973, s. 8.

14. (1) A person shall not engage in the manu-
facture of any type of margarine—

- (a) unless he holds a license under this Act authorising him to manufacture margarine of that type;
- (b) on any premises other than those specified in the license by which he is authorised to manufacture that type of margarine;
- (c) in contravention of any term or condition of the license by which he is authorised to manufacture that type of margarine.

(2) A person shall not act or carry on business as a dealer unless he holds a margarine dealer's license issued under this Act.

(3) Any person who in any respect contravenes this section shall be guilty of an offence.

Penalty—Five hundred dollars and in addition, where the offence is of a continuing nature, a daily penalty of fifty dollars per day for every day or part of a day on which the offence is committed.

Application
for license.
Amended by
No. 28 of
1973, s. 9.
Ibid. s. 12.

15. (1) Every application for a license shall be made to the Minister, in the prescribed form, and shall, in the case of an application for a license to manufacture margarine, be accompanied by a statement of the type of margarine which it is proposed to manufacture, and of such other particulars as are prescribed.

(2) Subject as hereinafter provided, the Minister may grant or refuse any application for a license.

Provided that—

- (a) the Minister shall not refuse an application for a margarine dealer's license made by a person who is at the time of applying for a margarine dealer's license or has been within twelve months of that time, the

holder of a license under the Dairy Products Marketing Regulation Act, 1934¹ authorising him to deal in margarine; and

- (b) where a license is applied for by way of renewal of a prior license which has not been cancelled, the Minister shall not refuse a license by way of renewal, unless the applicant has been convicted of an offence against this Act committed during the period of operation of the prior license, or has contravened or failed to observe any term or condition of the prior license.

16. Subject to this Act, every license shall be applied for annually on or before the first day of January in each and every year, and shall have effect for one year.

Duration of license.
Ibid. s. 13.

Provided that, where a license is applied for within fifteen days after the first day of January, such license shall be deemed to have been applied for as from such first day of January, and where such license is applied for on a day more than fifteen days after the first day of January in any year, such license shall take effect as from the day when the license is actually granted, and shall continue in force until the thirtieth day of December next ensuing and no longer.

17. Every license shall be in the form fixed by the Minister and shall contain such terms and conditions (if any) as are prescribed.

Form and conditions of license.
Ibid. s. 14.

18. The Minister may grant the following classes of licenses authorising the manufacture of margarine, namely—

Classes of manufacturing licenses.
Substituted No. 28 of 1973, s. 10.

- (a) cooking margarine licenses;
(b) manufacturing margarine licenses; and
(c) table margarine licenses,

and any license so granted authorizes the person to whom it is granted to manufacture margarine of the type for which it is granted, subject to this Act and to any terms and conditions specified therein.

¹ Repealed by Dairy Industry Act, 1973.

Fee for
license.
Amended by
No. 28 of
1973, s. 11.
Ibid. s. 15.

19. Subject as hereinafter provided, for every license there shall be payable such annual fee, not exceeding five hundred dollars as is prescribed, and no license shall be issued until the fee payable has been paid therefor.

Provided that, where application for a license is made after the thirty-first day of July in any year, one half only of the prescribed annual fee for the license shall be payable for the license issued pursuant to such application.

20. [*Repealed by No. 28 of 1973, s. 12.*]

Change of
premises.
Ibid. s. 17.

21. Where the holder of a license has acquired any margarine factory, either in addition to or in substitution for that margarine factory mentioned in his license, the Minister may, on the application of that holder, indorse a declaration on the license that it shall apply to the said factory, either in addition to or, as the case may be, in substitution for, the factory mentioned in the license; and upon such an indorsement being made, the license and all its terms and conditions shall apply accordingly.

Death of
holder of
license.
Ibid. s. 18.

22. If the holder of a license dies, his personal representatives, for the purposes of carrying out their duties as such—

- (a) shall, subject to this Act, be entitled to continue to manufacture margarine, under and in accordance with the license, until the expiration thereof, as if the license had been granted to them;
- (b) shall, subject to this Act, be entitled to renewals of the license from time to time;
- (c) shall be entitled to transfer the license and all their rights in respect thereof to any other person.

Transfer of
license.
Ibid. s. 19.

23. (1) A license may, with the consent of the Minister, be transferred.

(2) The Minister shall not capriciously withhold his consent to the transfer of any license.

(3) No transfer of a license shall be valid unless and until the Minister has indorsed a memorandum thereof on the license.

24. (1) The Minister may cancel any license held by any person who is guilty of an offence against section fourteen of this Act.

Cancellation of license. Amended by No. 28 of 1973, s. 13.

(2) If a table margarine license is so cancelled the Minister may, subject to this Act—

- (a) grant a new table margarine license for the unexpired term of the cancelled license; or
- (b) vary the conditions of the current table margarine licenses by increasing proportionately the respective maximum amounts specified therein.

PART IV.—REGULATION OF THE MANUFACTURE AND SALE OF MARGARINE.

25. (1) The Minister—

- (a) shall by notice published in the *Government Gazette* not later than the first day of December in any year, declare the maximum quantity of table margarine which holders of table margarine licenses, taken in the aggregate, may manufacture in the period of twelve months commencing on the next succeeding first day of January;
- (b) may by further notice so published in the *Government Gazette* at any time amend any previous notice published under this subsection declaring the maximum quantity of table margarine which holders of table margarine licenses, taken in the aggregate, may manufacture, but not so as to reduce that maximum quantity.

Control of amount of table margarine to be manufactured. Substituted by No. 28 of 1973, s. 14.

(2) The Minister shall by endorsement made on each table margarine license specify the maximum quantity of table margarine which that holder is authorised to manufacture during the currency of

the license and may by subsequent endorsement vary that quantity but not so as to reduce that quantity.

(3) Any endorsement under subsection (2) of this section may, in addition to specifying the maximum quantity which the holder of a table margarine license may manufacture during the currency of that license, also specify the maximum amounts of table margarine which the holder of the license is authorised to manufacture monthly or quarterly during the currency of the license.

(4) It is a condition of any table margarine license issued under this Act that the holder does not in any period manufacture a quantity of table margarine exceeding the quantity specified under subsection (2) or subsection (3) of this section in relation to that period.

25A. Notwithstanding the provisions of section twenty-five of this Act—

- (a) the maximum quantity of table margarine which holders of table margarine licenses, taken in the aggregate, may manufacture in the period of twelve months commencing on the first day of January, 1973, is 1 423 tonnes;
- (b) the Minister shall, as soon as practicable after the coming into operation of section fifteen of the Margarine Act Amendment Act, 1973, by notice in writing served on each holder of a table margarine license, specify the maximum quantity of table margarine which that manufacturer may manufacture during the period of twelve months commencing on the first day of January, 1973; and
- (c) it is a condition of each table margarine license in force under this Act during the period of twelve months commencing on the first day of January, 1973, that the

Special provisions relating to maximum quantities of table margarine to be manufactured during 1973. Substituted by No. 28 of 1973, s. 15.

holder does not manufacture a quantity of table margarine exceeding the quantity specified in the notice served on him pursuant to paragraph (b) of this section.

26. Any person who—

- (a) packs any manufacturing margarine in lumps of less than six kilograms; or
- (b) sells any manufacturing margarine—
 - (i) in lumps of less than six kilograms; or
 - (ii) to a person who is not a prescribed person for the purposes of this section or a person within a prescribed class of persons for the purposes of this section,

Special provisions relating to manufacturing margarine. Substituted by No. 28 of 1973, s. 16.

shall be guilty of an offence.

Penalty: Five hundred dollars and, in the case of a continuing offence, an additional penalty of fifty dollars for each day on which the offence is continued after a conviction or order of any court in relation to the offence.

27. (1) Notwithstanding any other provision of this Act, the Minister may grant a special permit to any person authorising him to manufacture for export beyond Australia such quantity of table margarine as is specified in the permit.

Margarine for export. Amended by No. 28 of 1973, s. 17. Ibid. s. 21.

(2) Every such special permit—

- (a) shall contain such conditions as the Minister thinks proper to ensure that none of the margarine manufactured thereunder shall be sold or distributed within Australia, and also any other terms and conditions which are prescribed;
- (b) may be cancelled by the Minister upon breach of any condition thereof.

(3) Any person who contravenes any condition of any such special permit, whether by act or omission, shall be guilty of an offence.

Penalty: Five hundred dollars.

Margarine
not to
contain
butter fat.
Amended by
No. 28 of
1973, s. 18.
Ibid. s. 22.

28. (1) No person shall manufacture or sell or have in his possession for sale any margarine which contains any butter fat.

Provided that it shall be permissible to manufacture, sell, or have in possession for sale, margarine containing butter fat derived from skim milk which contained not more than one-twentieth of one per centum of butter fat and was used as an emulsifying agent in the manufacture of the said margarine.

(2) Notwithstanding any provision of subsection (1) of this section, the Minister may grant a special permit to any person authorising him to manufacture for export beyond Australia such quantity of margarine which contains butter fat as is specified in the permit.

(3) Every special permit granted under subsection (2) of this section—

(a) shall contain such conditions as the Minister thinks proper to ensure that none of the margarine manufactured thereunder shall be sold or distributed within Australia, and such further conditions, including conditions relating to the composition of the products which may be manufactured, as may be prescribed; and

(b) may be cancelled by the Minister upon breach of any condition thereof.

(4) No person shall manufacture or sell or have in his possession for sale, any margarine manufactured from fats and oils which are not edible fats and oils.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Penalty: Five hundred dollars and, in the case of a continuing offence, an additional penalty of fifty dollars for each day on which the offence is continued, after a conviction or order of any court in relation to the offence.

29. (1) No person shall manufacture, sell, or have in his possession for sale any margarine, unless one-tenth of one per centum by weight of such margarine consists of dry starch or Queensland or other approved Australian arrowroot intimately mixed with the other constituents of the margarine.

Substances to be included in margarine. Amended by No. 28 of 1973, s. 19. Ibid. s. 23.

(2) Any person who contravenes this section shall be guilty of an offence.

Penalty: Two hundred dollars.

30. (1) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any table margarine unless—

Packing and labelling of table margarine. Amended by No. 28 of 1973, s. 20.

- (a) such margarine is made up in cube form and in lumps of not more than five hundred grams in weight; and
- (b) such margarine is packed in a package on which is written or printed legibly and conspicuously—
 - (i) the words “table margarine”; and
 - (ii) the name and address of the manufacturer of the margarine.

(2) Any table margarine in which the proportion of cis-methylene interrupted polyunsaturated fatty acids present in the margarine is at least 40 parts per centum, and the proportion of saturated fatty acids does not exceed 20 parts per centum, of the total fatty acids and the ratio of polyunsaturated to saturated fatty acids is at least 2:1, may be labelled “Polyunsaturated Table Margarine” in the prescribed manner;

(3) No person shall pack, hold, sell or offer for sale any margarine contained in a package on which the term “polyunsaturated” appears unless the margarine complies with the requirements of subsection (2) of this section.

(4) No person shall use or make any reference to the term "polyunsaturated", or imply that any margarine is "polyunsaturated", in connection with margarine which does not comply with the requirements of subsection (2) of this section.

(5) No person shall manufacture or sell any table margarine which contains fats or oils of animal origin or derived from animal fats or oils.

(6) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Penalty: Five hundred dollars, and in the case of a continuing offence, an additional penalty of fifty dollars for each day on which the offence is continued after a conviction or order of any court in relation to the offence.

Special provisions relating to cooking and manufacturing margarine. Substituted by No. 28 of 1973, s. 21.

31. (1) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any cooking margarine unless such margarine is packed in a package on which appear in the prescribed manner the following words or expressions—

- (a) the brand of the margarine;
- (b) the name and address of the manufacturer of the margarine;
- (c) the quantity of margarine in the package;
- (d) the words "cooking margarine"; and
- (e) the expression "Beef fat and/or mutton fat form at least 90% of all fats and oils in this product",

and on which no other words or expressions appear.

(2) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any manufacturing margarine unless such margarine is packed in a package on which appear in the prescribed manner the following words or expressions—

- (a) the brand of the margarine;

- (b) the name and address of the manufacturer of the margarine;
- (c) the quantity of margarine in the package;
- (d) the words "manufacturing margarine"; and
- (e) the expression "Beef fat and/or mutton fat form between 75 and 90% of all fats and oils in this product",

and on which no other words or expressions appear.

(3) Any person who in any respect contravenes any of the provisions of this section shall be guilty of an offence.

Penalty: Five hundred dollars.

32. (1) No person shall in any way in the packaging, labelling or advertisement for sale, or for any purpose connected therewith, of any margarine indicate or suggest, or use any matter which indicates or suggests, or which contains in relation to the margarine any word, brand, description, name or pictorial device which indicates or suggests—

Restriction
on adver-
tisements.
Substituted
by No. 28 of
1973, s. 22.

- (a) that the margarine is a dairy product or contains any solids derived from the milk of the cow or is an equivalent of or substitute for butter or any other dairy product;
- (b) that any cooking or manufacturing margarine is an equivalent of or substitute for table margarine; or
- (c) that cooking margarine or manufacturing margarine are suitable for any purpose other than for cooking or manufacturing as the case may be.

(2) Without limiting the generality of subsection (1) of this section, any person who uses any of the words "milk", "cream", "butter" or any of their derivatives in relation to the advertisement for sale, or for any purpose of or connected with the advertisement for sale, of any margarine, commits an offence.

(3) For the purposes of this section—

“advertisement” includes any method of advertising or conveying information or making any claim with respect to margarine, whether orally or by writing or pictorially or otherwise including any circular, catalogue, leaflet, pamphlet or other document, and any public announcement made orally or by writing or by means of producing or transmitting light or sound; and

“advertising matter” includes any advertisement and any matter whatsoever containing or in the nature of an advertisement.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Penalty: Five hundred dollars and in the case of a continuing offence, an additional penalty of fifty dollars for each day on which the offence is continued after a conviction or order of any court in relation to the offence.

PART V.—MISCELLANEOUS.

Offences.
Ibid. s. 27.

33. Any contravention of this Act, whether by act or omission, shall be an offence.

General
penalty.
Amended by
No. 28 of
1973, s. 23.
Ibid s. 26.

34. The penalty for any offence against this Act for which no penalty is expressly provided, shall be a fine not exceeding two hundred and fifty dollars.

Procedure
for offences.
Ibid. s. 28.

35. Proceedings for offences against this Act shall be taken and disposed of summarily under the provisions of the Justices Act, 1902-1936.¹

Court may
make order
as to
margarine
seized by an
inspector.

36. Whenever, in accordance with his powers under this Act an inspector has seized and retained any margarine pending the decision of the court in proceedings before the court in relation to such

¹ Now Justices Act, 1902-1973.

margarine, the court may order that such margarine shall be forfeited to the Crown, or make such other order as it thinks proper as to the disposal of such margarine.

37. Any moneys required to defray the cost of the administration of this Act shall be paid out of money appropriated by the Parliament for that purpose.

Financial provision.
Ibid. s. 29.

38. The Governor may make regulations, not inconsistent with this Act, for or with respect to—

Regulations.
Amended by
No. 28 of
1973, s. 24.

- (a) the labelling of or the writing or printing of particulars on packages of margarine;
- (b) securing information as to the manufacture, ingredients, sale stocks, and prices of margarine;
- (c) the situation, construction, operation, maintenance and cleanliness of premises where margarine is manufactured;
- (d) the packing of margarine;
- (da) prohibiting or regulating the addition of prescribed colouring substances or prescribed flavouring substances in the manufacture of cooking or manufacturing margarine;
- (db) prohibiting the sale of cooking or manufacturing margarine to or in which any prescribed colouring substance or prescribed flavouring substance has been added or was an ingredient;
- (e) the methods of analysis of any margarine for the purposes of this Act;
- (f) prescribing chemical and physical criteria for the fatty portion of any type of margarine which may constitute the basis of proof for the purposes of this Act that any margarine is or is not of such type;
- (g) licenses, applications for licenses, the granting of licenses and transfer of licenses;

- (h) prescribing fees to be paid and forms to be used under this Act;
- (i) penalties not exceeding two hundred dollars for the breach of any regulation and in the case of a continuing offence imposing an additional penalty of not more than twenty dollars for each day on which the breach continues after conviction; and
- (j) prescribing any matter which by this Act is required or permitted to be prescribed, or which is necessary or expedient to be prescribed to give effect to this Act.
