

In the construction of butchers' premises also many improvements can be seen, and the old fly-ridden, grease-smeared butchers' shops are disappearing.

Action under these regulations has been taken to close or alter several insanitary premises wherein foodstuffs were stored or prepared. Thus in Rotorua alterations have been made in two restaurants and a general store. In Cambridge a fish-shop was partially pulled down, and in many other districts minor improvements have been secured.

The routine campaign as regards adulteration of milk has been carried on systematically, and the result of the increased penalties inflicted by the Magistrates has been most satisfactory.

A large number of observations of loaves, as regards weight, have been made, and a good many prosecutions have resulted. The higher price of flour, due to the war, and the resulting cost of bread has had a tendency to induce some of the more unscrupulous bakers to reduce the weight of the loaf.

The District Health Officer, Wellington, reports:—

*Milk-adulteration.*—The Department has been more successful during the last year in obtaining convictions and penalties more in accordance with the crime than previously. It is evident, though, that heavier penalties will have to be inflicted to put a stop to the large amount of adulteration that is being carried out. The good effect of heavy penalties is shown by the fact that in one town where two milk-vendors were fined £20 and £30 respectively numerous samples taken in that town since have all proved to be unadulterated. In two cases the decision of the Magistrate was appealed against, and the case was taken to the Supreme Court. In Palmerston North the Magistrate's judgment in favour of the Department was appealed against by the defendant on the ground that the letter of the law in regard to the taking of samples had not been observed. The facts were that the Inspector handed the vendor three bottles which contained approximately one pint. The vendor filled the three bottles from the can, and in so doing had to take more than one dip. The contention was that the Inspector had purchased not one sample of milk but three separate samples. His Honour Mr. Justice Edwards dismissed the appeal on the grounds that the statute neither directly nor by necessary implication required the Inspector to divide the sample with his own hands. There was nothing to prevent him from procuring division to be made by another person in his presence and under his superintendence. His act in so making the division through the agency of the appellant's servant was rather to the benefit of the appellant than otherwise. By no possibility could she be thereby prejudiced. The case of *Smith v. Savage* showed that minute technical objections devoid of merit were not to be favoured in the administration of this Act, and was indeed a much more doubtful case than the present.

In the other case the Department appealed against the decision of the Magistrate. The Magistrate's decision was to the effect that it was no offence under the Sale of Food and Drugs Act for adulterated milk to be sold to a member of the public, but only to an officer under the Act. His Honour the Chief Justice upheld the Department's contention that the value of the Act would be greatly impaired if this judgment was correct. In the course of his judgment His Honour expressed the opinion that "any common informer might prosecute, and that, in cases where an officer or person was not proceeding under the special provisions of sections 4, 5, 7, and 8, it was not necessary to comply with the provisions of those sections. It would impair the influence of the Act and make it of little value if no one could be prosecuted unless a sample was taken, and the proceeding under section 7 followed. In cases like the present, if the contention of the respondent were correct, adulterated food might be sold wholesale, and a conviction of the seller be impossible, however guilty he might be. The appeal would therefore be allowed, and the case remitted to the Magistrate with the Court's decision."

The history of this case is an interesting one as showing the difficulties the Department has to contend with in administering the Act. The following copy of my letter to the City Council gives the chief features of this case:—

(1.) On the 24th February, 1914, a sample of milk was obtained from J——. The Analyst's certificate shows it contained annatto and 29 per cent. of water. On the 17th April J—— was convicted and fined £1 10s. costs. She swore in Court that she had obtained the milk from I——, and had not tampered with it.

(2.) On the 13th March a sample of milk was taken from A——. The Analyst's certificate shows it contained annatto and 23·6 per cent. of water. On the 8th May A—— was convicted and fined £1 and costs. A—— swore in Court that he had obtained the milk from I——, and had not tampered with it.

(3.) On the 20th March a sample of milk was obtained from a private customer, M——, which had just been left by I——, employee. This employee refused to give the Inspector a sample from the milk on the cart. This man was prosecuted for obstruction, but the case was dismissed. M——'s milk contained 20 per cent. of water and annatto. On the 15th May I—— was prosecuted for selling this adulterated milk to M——. The case was dismissed.

(4.) The Department then decided to prosecute I—— for selling adulterated milk to A—— on the 13th March. The case was heard in April, and was dismissed. The Department then appealed to the Supreme Court, where His Honour Chief Justice Stout upheld the contention of the Department that I—— should have been convicted. The case was therefore referred back to the Magistrate, and on the 12th March, 1915, I—— was fined £20 and costs. At the hearing of this case I—— admitted adding annatto, but denied having added water. There was no direct evidence to prove that I—— had added water. At the time these samples were taken in 1914 the amount of milk that I—— was dealing with and the amount of water he added gave him a clear illicit profit of £2 per day, and after he ceased adulterating he was obtaining 105 gallons per day from the farmers instead of 70 gallons. During the last few months since I—— was aware he was going to be prosecuted several samples have been taken and found to comply with the standard. The S.M. in giving judgment appears to have paid undue importance to his complying with the law since he had been found out. It is obvious that the fine, apart from I——'s legal expenses, can be paid several times over out of the profits made if the adulteration had been continuing for some time, as would appear had been the case.