

CYPRUS

SALE OF FOOD AND DRUGS

CHAPTER 261 OF THE LAWS

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1959

CHAPTER 261.

SALE OF FOOD AND DRUGS.

ARRANGEMENT OF SECTIONS.

Section	Page
1 Short title ...	2
2 Interpretation ...	2
3 Restriction on mixing food drug with other ingredients ...	3
4 Prohibition against sale of food and drugs not of the nature, substance or quality demanded ...	4
5 Provision as to sale of compounds ...	5
6 Protection from liability where article properly labelled and notice given ...	5
7 Abstraction from articles of food of parts thereof ...	6
8 Sale of decomposed food and drugs prohibited ...	6
9 Restrictions on importation, etc., of agricultural and other produce	6
10 Power of sampling ...	8
11 Right to have samples analysed ...	9
12 Division of and dealing with samples ...	9
13 Powers to Customs officers ...	10
14 Obstruction of officers in discharge of duties ...	10
15 Certificate of Government Chemist <i>prima facie</i> evidence ...	10
16 Power of Court to order disposal, confiscation or destruction of subject matter of charge ...	11
17 Contravention of Regulations ...	11
18 General penalty ...	11
19 Power to make Regulations ...	11
SCHEDULE	
Form of Certificate ...	12

A LAW TO MAKE BETTER PROVISION FOR THE SALE OF FOOD AND DRUGS.

1949
Cap. 151.
34 of 55.

[24th June, 1938.]

Short title.

1. This Law may be cited as the Sale of Food and Drugs Law.

Interpretation.

2. (1) In this Law—

“butter” means the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter;

“cheese” means the substance usually known as cheese, containing no fat derived otherwise than from milk;

“drug” includes medicine for internal or external use;

“food” includes every article used for food or drink

by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments;

“importer” includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the article;

“margarine” means any article of food, whether mixed with butter or not, which resembles butter and is not milk-blended butter;

“margarine-cheese” means any substance, whether compound or otherwise, which is prepared in imitation of cheese, and which contains fat not derived from milk;

“milk-blended butter” means any mixture produced by mixing or blending butter with milk or cream other than condensed milk or cream.

(2) Drugs to which Part II of the Dangerous Drugs Law applies shall be compounded in accordance with the provisions of any Regulations made thereunder. Other drugs shall be compounded in accordance with the provisions of the Pharmacy and Poisons Law relating to the dispensing of medicines. Cap. 248.
Cap. 254.

3. (1) No person shall mix, colour, stain or powder, or order or permit any other person to mix, colour, stain or powder— Restrictions
on mixing
food and
drugs with
other
ingredients.

(a) any article of food with any ingredient or material so as to render the article injurious to health;

(b) any drug with any ingredient or material so as to affect injuriously the quality or potency of the drug,

with the intent that the article of food or drug may be sold in that state.

(2) No person shall sell any article of food or drug so mixed, coloured, stained or powdered as aforesaid.

(3) If any person contravenes any of the provisions of this section he shall be guilty of any offence and shall—

(a) in the case of a first offence in relation to an article of food or a drug, be liable to a fine of fifty pounds;

(b) in the case of any offence in relation to an article of food after conviction for a first offence in

relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both:

Provided that a person shall not be liable to be convicted under this section in respect of the sale of any article of food or of any drug if he shows to the satisfaction of the Court before whom he is charged that he did not know, and could not with reasonable diligence have ascertained, that the article of food or drug sold by him was so mixed, coloured, stained or powdered as aforesaid.

(4) Where any Regulations made under this Law prohibit or restrict the addition of any preservative or other ingredient or material to an article of food, the addition of any such ingredient or material—

- (a) if made in contravention of the Regulations, shall for the purposes of this Law be deemed to render the article injurious to health;
- (b) if made to an amount not exceeding the limit (if any) specified by the Regulations, shall not, for the purposes of this Law, be deemed to render the article injurious to health.

Prohibition
against sale
of food and
drugs not of
the nature,
substance or
quality
demanded.

4. (1) No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, or not of the substance, or not of the quality, of the article demanded by the purchaser.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence and shall—

- (a) in the case of a first offence in relation to an article of food or drug, be liable to a fine of fifty pounds;
- (b) in the case of any offence in relation to an article of food after conviction for a first offence in relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both:

Provided that an offence under this section shall not be deemed to have been committed—

- (a) where any ingredient or material not injurious to health has been added to the article of food or drug because it is required for the production or

preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article of food or drug, or to conceal the inferior quality thereof;

(b) where the food or drug is the subject of a patent in force, and is supplied in the state required by the specification of the patent, or is a proprietary medicine;

(c) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(3) In any prosecution under this section, it shall be no defence to allege that the purchaser, having bought only for analysis, is not prejudiced.

(4) Where any Regulations made under this Law prescribe the composition of any article of food intended for sale, or prohibit or restrict the addition of any preservative or other ingredient or material to any such article, the purchaser of such article shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded an article complying with the provisions of the Regulations as regards the presence or amount of any constituent ingredient or material specified in the Regulations.

5. If any person sells any compound article of food, or any compound drug, which is not composed of ingredients in accordance with the demand of the purchaser, he shall be guilty of an offence and shall—

Provision as to sale of compounds.

(a) in the case of a first offence in relation to an article of food or a drug, be liable to a fine of fifty pounds;

(b) in the case of any offence in relation to an article of food after conviction for a first offence in relation to an article of food, or in the case of any offence in relation to a drug after conviction for a first offence in relation to a drug, be liable to imprisonment for six months or to a fine of fifty pounds or to both.

6. (1) No person shall be guilty of any offence under section 4 or 5 in respect of the sale of an article of food or a drug mixed with any ingredient not injurious to health, and

Protection from liability where article properly labelled and notice thereof given.