

NO. 18 OF 1938.

A LAW TO MAKE BETTER PROVISION FOR THE SALE OF
FOOD AND DRUGS.H. R. PALMER,
Governor.

[22nd June, 1938.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Sale of Food and Drugs Short title.
Law, 1938.

2.—(1) In this Law, unless the context otherwise Inter-
requires,— pretation.

“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.

22 of 1925
7 of 1927
53 of 1932.

(2) Drugs to which Part II of the Dangerous Drugs Laws, 1925 to 1932, 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 Laws, 1900 and 1926, relating to the dispensing of medicines.

13 of 1900
21 of 1926.

Restrictions
on mixing
food and
drugs with
other
ingredients.

3.—(1) No person shall mix, colour, stain or powder, or order or permit any other person to mix, colour, stain or powder—

(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 an 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.

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.

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

(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—

(i) 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 ;

(ii) 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 ;

(iii) 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.

Provision as to sale of compounds.

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—

(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.

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

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 not intended fraudulently to increase its bulk, weight or measure or to conceal its inferior quality, if—

(a) at the time of the sale a notice by a label distinctly and legibly written or printed in English, Greek and Turkish to the effect that it is mixed with foreign ingredients or materials as specified therein is affixed to such article or drug or to the receptacle containing it; and

- (b) at the time of delivery of the article of food or drug he supplies to the person receiving it a notice by a label distinctly and legibly written or printed in English, Greek and Turkish on or with the article or drug, to the effect that it is mixed with foreign ingredients or materials as specified in the label; and
- (c) at the time of delivery of the article of food or drug he calls the attention of the person receiving it to the label by word of mouth.

(2) For the purposes of this section, a label shall not be deemed to be distinctly and legibly written or printed if the notice of mixture given by the label is obscured by other matter on the label; but nothing in this sub-section shall hinder or affect the use of any registered trade mark.

7. If any person abstracts from any article of food any part of it so as to affect injuriously its nature, substance or quality with the intent that it may be sold in its altered state without notice, or if any person sells any article so altered without making disclosure of the alteration, he shall be guilty of an offence.

Abstraction from articles of food of parts thereof.

8. If any person sells, or exposes or offers for sale, or orders or permits any other person to sell or expose or offer for sale, or has in his possession for the purpose of sale, any article of food or drug, which for any reason has deteriorated, or become decomposed, whether in whole or in part, so as to be unfit for human consumption, he shall be guilty of an offence.

Sale of decomposed food and drugs prohibited.

9.—(1) If there is imported into or sold or exposed for sale in the Colony any of the following articles, namely—

Restrictions on importation, etc., of agricultural and other produce.

- (a) margarine or margarine-cheese, except in packages conspicuously marked "margarine" or "margarine-cheese" as the case may require;
- (b) adulterated or impoverished milk or cream, except in packages or cans conspicuously marked with a name or description indicating that the milk or cream has been so treated;
- (c) condensed separated or skimmed milk, except in tins or other receptacles which bear a label whereon the words "Machine-Skimmed Milk" or "Skimmed Milk" as the case may require, are printed in large and legible type;