

# SAORSTÁT EIREANN.

**BILLE UM BIADH AGUS DRUGANNA DO DHIOL  
(BAINNE), 1936.**

**SALE OF FOOD AND DRUGS (MILK) BILL, 1936.**

*Mar do ritheadh ag Dáil Éireann.*

*As passed by Dáil Éireann.*

## ARRANGEMENT OF SECTIONS.

### Section.

1. Definitions.
2. Extension of class of officers authorised to procure and take samples of milk.
3. Method of taking samples of milk, etc.
4. Amendment of section 2 of the Act of 1935.
5. Sale of milk, etc. not of the proper nature, substance and quality.
6. Amendment of section 7 of the Act of 1935.
7. Amendment of section 8 of the Act of 1935.
8. Expenses.
9. Short title and citation.



# SAORSTÁT EIREANN.

BILLE UM BIADH AGUS DRUGANNA DO DHIOL  
(BAINNE) (1936.)

SALE OF FOOD AND DRUGS (MILK) BILL, 1936.

## BILL

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*entitled*

AN ACT TO AMEND THE SALE OF FOOD AND DRUGS  
ACTS, 1875 TO 1935, IN RELATION TO MILK.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT  
EIREANN AS FOLLOWS:—

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### Definitions.

1.—In this Act—

the expression “ the Principal Act ” means the Sale of Food and  
Drugs Act, 1875;

the expression “ the Act of 1879 ” means the Sale of Food and  
Drugs Act Amendment Act, 1879;

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the expression “ the Act of 1899 ” means the Sale of Food and  
Drugs Act, 1899;

the expression “ the Act of 1935 ” means the Sale of Food and  
Drugs (Milk) Act, 1935 (No. 3 of 1935);

the expression “ the Acts ” means the Sale of Food and Drugs  
Acts, 1875 to 1935;

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the expression “ the Minister ” means the Minister for Local  
Government and Public Health;

the expression “ whole milk ” has the same meaning as in the Act  
of 1935.

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Extension of  
class of officers  
authorised to  
procure and  
take samples  
of milk.

2.—(1) The powers of procuring samples of milk conferred by  
section 13 of the Principal Act on an authorised officer, may be  
exercised within a sanitary district by a person (in this sub-section  
referred to as a sampling officer) who is an authorised sanitary  
officer for such district, and the provisions of the Acts in relation  
to samples of milk so procured under the said section 13 by an  
authorised officer shall apply in relation to samples of milk pro-  
cured, by virtue of this sub-section, by a sampling officer in like  
manner as if such samples were procured by an authorised officer  
under the said section 13 and as if such sampling officer were an  
authorised officer, and the provisions of section 17 of the Principal  
Act (so far as relates to milk) and of section 16 of the Act of 1899  
shall apply and have effect as if the reference therein to an  
authorised officer included references to a sampling officer.

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(2) The powers of taking without payment samples of milk con-  
ferred by section 3 of the Act of 1879, as amended by section 5 of  
the Act of 1935, on an authorised officer may be exercised within a  
sanitary district by a person (in this sub-section referred to as a  
sampling officer) who is an authorised sanitary officer for such  
district, and the provisions of the Acts in relation to samples of  
milk so taken under the said section 3, as so amended, by an  
authorised officer shall apply in relation to samples of milk taken,  
by virtue of this sub-section, by a sampling officer in like manner  
as if such samples were taken by an authorised officer and as if  
such sampling officer were an authorised officer, and the provisions  
of section 4 of the Act of 1879, and of section 16 of the Act of 1899  
shall apply and have effect as if the references therein to an  
authorised officer included references to a sampling officer.

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(3) The powers conferred by either of the two immediately preceding sub-sections on an authorised sanitary officer of procuring or taking samples of milk within a sanitary district shall be exercised under the direction and at the cost of the sanitary authority  
5 for such district.

(4) In this section—

the expression “ authorised officer ” means a person authorised by section 13 of the Principal Act to procure samples of food and drugs;

20 the expression “ authorised sanitary officer ”, when used in relation to a sanitary district, means a person who is a sanitary officer of the sanitary authority for such district and who has been appointed by such sanitary authority (with the consent of the Minister) to be a milk sampling officer for the purposes of the Milk and Dairies  
15 Act, 1935 (No. 22 of 1935);

the word “ milk ” means any article of food which is whole milk, skimmed or separated milk, cream or buttermilk.

3.—(1) Every sample of milk taken under the Acts shall be taken in the prescribed manner and shall be of the prescribed amount. Method of taking samples of milk, etc.

20 (2) The Minister, after consultation with the Minister for Agriculture, may by order make regulations in relation to any matter referred to in the immediately preceding sub-section as prescribed, and the word “ prescribed ” in the said sub-section means prescribed by such regulations.

25 (3) Regulations under this section may provide for different prescribed manners of taking under the Acts samples of milk according to the different containers in which and the different methods by which milk is sold and, in the case where milk is contained in closed receptacles for sale retail in such receptacles, such regulations  
30 may provide for the taking of one such receptacle as a sample of such milk.

4.—Section 2 of the Act of 1935 shall be construed and have effect as if the following clause were inserted in paragraph (a) of sub-section (1) of that section in lieu of clause (i) now contained  
35 therein, that is say :—

“ (i) less than the prescribed percentage (if any) of milk-fat, or ”.

5.—(1) Where a person sells as whole milk, skimmed or separated milk, cream, or buttermilk, any article of food then,  
40 notwithstanding anything contained in sub-section (1) of section 2 of the Act of 1935, as amended by this Act, such person shall not be deemed, for the purposes of section 6 of the Principal Act, not to have sold to the prejudice of the purchaser an article of food which is not of the nature, substance and quality of the article  
45 demanded by such purchaser by reason only that the article of food so sold contains not less than—

- (a) in case it is sold as whole milk, the prescribed percentage of milk-fat and the prescribed percentage of milk-solids, other than milk-fat, or
- 50 (b) in case it is sold as skimmed or separated milk, the prescribed percentage of milk-solids, other than milk-fat, or
- (c) in case it is sold as cream, the prescribed percentage of milk-fat, or
- (d) in case it is sold as buttermilk, the prescribed percentage of milk-solids, other than milk-fat.
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(2) In this section the word “ prescribed ” means prescribed by regulations made under sub-section (2) of section 2 of the Act of 1935.



Amendment of section 7 of the Act of 1935.

6.—Sub-section (1) of section 7 of the Act of 1935 shall be construed and have effect as if there were inserted therein after the words “ the Principal Act ” now contained therein the words and figures “ or is taken without payment under section 3 of the Act of 1879, as amended by this or any subsequent Act.”

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Amendment of section 8 of the Act of 1935.

7.—Section 8 of the Act of 1935 shall be construed and have effect as if there were inserted therein after the words and figures “ section 13 of the Principal Act ” now contained therein the words and figures “ or is taken without payment under section 3 of the Act of 1879, as amended by this or any subsequent Act.”

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Expenses

8.—All expenses incurred by the Minister or the Minister for Agriculture under this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title and citation.

9.—This Act may be cited as the Sale of Food and Drugs (Milk) Act, 1936, and this Act and the Sale of Food and Drugs Acts, 1875 to 1935, may be cited together as the Sale of Food and Drugs Acts, 1875 to 1936.

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Saorstát Éireann.

Saorstát Éireann.

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BILLE UM BIADH AGUS DRUGANNA DO  
DHIOL (BAINNE), 1936.

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SALE OF FOOD AND DRUGS (MILK),  
BILL, 1936.

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BILLE

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BILL

*dá ngairmtear*

*entitled*

Acht chun na nAchtanna um Biadh agus Drug-  
anna do Dhíol, 1875 go 1935, do leasú maidir  
le bainne.

An Act to amend the Sale of Food and Drugs  
Acts, 1875 to 1935, in relation to milk.

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*Rithte ag Dáil Éireann, 12adh Lúnasa, 1936.*

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*Passed by Dáil Éireann, 12th August, 1936.*

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FOILLSITHE AG OIFIG AN tSOLATHAIR.

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