**STOCK FOODS ACT AMENDMENT BILL 1948**

**Legislative Assembly, 10 August 1948, page 662**

Second reading

**The Hon. Sir GEORGE JENKINS (Newcastle—Minister of Agriculture)—**The Stock Foods Act provides that, on a sale of stock foods, there is to be supplied with the article sold either a label affixed to the package or an invoice certificate in which is to be stated various particulars, including particulars of the chemical analysis of the stock food. The purpose of this enactment is to afford protection to purchasers of stock food by requiring the seller to disclose to the purchaser the essential ingredients of the stock food. Section 8 of the Act imposes penalties for breaches of duty by the seller of stock food. Among other things, the section provides that it is an offence, on the sale of any stock food, to cause or permit the label or invoice certificate to be false in any material particular to the prejudice of the purchaser. Paragraph (a) of subsection (2) of the section provides that a person is not to be convicted of an offence against this provision if he proves that he did not know and could not, with reasonable care, have ascertained that the label was false. It has been found, in administration, that these provisions are not sufficient to provide protection to purchasers on sales in South Australia of stock foods imported from other States.

The South Australian law, of course, cannot apply to an interstate transaction but applies to a sale by one person to another in the State. If a South Australian trader in stock foods imports the stock foods from another State and then sells the stock food in South Australia, the effect of the existing provisions is that, if the food is sold under a false label, the vendor can escape liability if he proves that he did not know that the label was false and the department has found that this provision prevents the Act from providing the protection to purchasers which it was intended the Act should provide. It is considered that if a person sells stock foods, he should be under a duty to see that the label is not a false label and, as an analogy, it may be pointed out that, in legislation relating to the sale of food for human beings, the duty of the seller to sell unadulterated and wholesome food is absolute.

It is therefore provided by the Bill that paragraph (*b*) of subsection (1) of section 8 of the Act is to be amended so that it will be an offence for a person to sell stock food with a label or invoice certificate which is false in any material particular to the prejudice of the purchaser and paragraph (*a*) of subsection (2) providing for the defence already referred to is repealed. The effect will thus be that it will be the duty of the seller to see that the label is not false. This will be subject to the exception now provided for in paragraph (*b*) of subsection (2) of section 8 which makes it a defence to show that the seller purchased the article from some person in South Australia with a written warranty or invoice certificate which contained the false statement in issue, that he had no reason to believe that the statement was false and that he sold the article in the same state as it was when he purchased it. In circumstances covered by this provision, the original seller in South Australia can thus be made liable for the sale.

There have been frequent complaints from purchasers of stock foods, such as poultry and pig keepers, that the foods imported from other States were not true to label or up to the standard of foods supplied by South Australian manufacturers. The Bill is designed to correct that position and to ensure that the persons selling stock foods shall be liable if they do not live up to the warranty shown on the label. I move the second reading.

Mr. O’HALLORAN secured the adjournment of the debate.