



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 930.

An Act to prevent the Adulteration of Wine and Brandy.

[*Assented to, December 12th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Adulteration of Wine and Brandy Act, 1907," and shall come into operation on a day to be fixed by Proclamation.

Short title and commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

"Analyst" means the Government Analyst for the time being, or any person appointed by the Governor as analyst under this Act:

"Bottle" means any vessel made of glass or earthenware containing wine, brandy, sparkling wine, or other such beverage:

"Brandy" means spirit distilled from wine, either with or without the addition of such substance or substances as may be prescribed, and made in accordance with the provisions of the Excise Act of the Commonwealth:

"Minister" means the Minister of Agriculture or such other Minister as the Governor may from time to time appoint to administer this Act:

"Prescribe" means prescribe by regulations:

"Prescribed"

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“ Prescribed ” means prescribed by regulations made under this Act :

“ Regulations ” means regulations made under this Act :

“ Sparkling wine ” means wine surcharged with carbonic acid gas (and whether sugar and pure wine spirit, or either of them, has or has not been added thereto), and includes champagne :

“ Wine ” means the product of the alcoholic fermentation of the juice or must of fresh grapes, either with or without the addition of any substance or substances natural to such must, and such other substances, and in such quantities, as may be prescribed.

Brandy and wine with prohibited additions not to be sold.

3. No person shall manufacture, or have in his possession, or sell, advertise, offer, keep, expose, or deliver for sale, whether wholesale or retail, or exchange, authorise, direct, or permit the sale, under the name of brandy, wine, or sparkling wine, or under any name commercially or popularly used as a designation of brandy or wine, any brandy or any kind or class of wine to which, either before, during, or after the making of the same, any substance or substances has or have been added other than those which the Governor may from time to time prescribe.

Governor may prescribe.

4. The Governor may from time to time prescribe what substances, and the quantities thereof, may be added to such brandy, wine, sparkling wine, or other such beverage as aforesaid, and the manner in which the same may be added.

Certain additions prohibited.

5. No person shall add or cause to be added to brandy or wine, sparkling wine, or other such beverage as aforesaid, either during or after the making of the same, any substance other than those which the Governor may from time to time prescribe.

Medicinal additions.

6. The provisions of the last two preceding sections shall not apply to the mixing of brandy or wine with any drug if the mixture is *boná fide* intended for medicinal purposes only, and is not intended for use, or sold for use, or is not commonly in use, as a beverage, and provided such mixture is made and labelled as may be prescribed.

Labelling.

7. No person shall sell, expose, offer, or deliver for sale any bottled liquid as wine unless each bottle is distinctly labelled with the name and address of the bottler.

Carbonated liquids.

8. No person shall sell or expose or offer or deliver for sale any sparkling wine in which the excess of carbonic acid gas arises from direct addition thereof, unless the bottle containing such wine is labelled with the word “ Carbonated ” in letters at least as large and distinct as any letter on the label or bottle.

9. (a) The

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9. (a) The analyst, and any other person having authority in writing from the analyst, may, on producing such authority, enter any vineyard, store room, wine cellar, store, vessel, shop, shed, hotel, building, vehicle, or other place or premises which he has reasonable grounds for believing is or are kept or used for making, storing, carrying, selling, or exposing for sale, brandy, wine, or other liquid having the chief characteristic of brandy or wine, or some of them, whether made or in process of making, and may inspect such liquid. Analyst.
Powers.

(b) The analyst, or such authorised person, may require the owner or any person apparently in charge of any such brandy, wine, or other liquid, or the place wherein it is situate, to sell to him, and such owner or person shall sell to him, at a reasonable price, so much of such brandy, wine, or other liquid as he may require. The analyst, or such authorised person, shall inform the vendor that he intends to analyse or have analysed the liquid so purchased.

(c) The purchaser shall, in the presence of the vendor, divide the liquid purchased into three parts, and place each part in a separate receptacle, and secure, mark, and seal each such receptacle, and shall give one such receptacle to the vendor and retain one for identification or future comparison, and shall analyse or give to the analyst for analysis the third part.

10. The analyst shall forward to the Minister a certificate under his hand of his analysis. Certificate.

11. The production of any such certificate purporting to be given or signed by the analyst shall, in any legal proceedings, be *prima facie* evidence of the facts therein stated, without proof of the appointment of the analyst or the signature thereto. Evidence.

12. No person shall sell, expose, offer, or deliver for sale in any receptacle having thereon or on the brand or label thereof the word "wine," any beverage made from fruit or from any article other than grapes, unless the word "wine" is preceded by the name of such fruit or article in letters at least as large as the letters of the word "wine" thereon. Beverages other than
grape wine.

13. Any person guilty of any offence against or contravention of the provisions of this Act, shall, for each such offence or contravention, be liable to a penalty not exceeding Fifty Pounds. Penalty.

14. The Governor may make regulations as to any matters whatsoever in order to give effect to this Act, provided such regulations are not repugnant to the provisions hereof, and may therein impose penalties for the breach thereof not exceeding Fifty Pounds for each offence. Regulations.

15. All

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Publication.

15. All such regulations shall be published in the *Government Gazette*, and shall be laid before Parliament within fourteen days of the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the commencement of the first Session of Parliament thereafter. Notwithstanding any publication thereof no such regulations shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no such regulations shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Legal proceedings.

16. Proceedings for any breach of this Act or the regulations or any of the provisions thereof shall be had and taken before, and may be determined in a summary way by, a Special Magistrate or two Justices of the Peace for the said State, and such proceedings shall be regulated by the Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or any other Act or Acts for the time being in force relating to summary procedure; and all convictions and orders may be enforced as in such Acts is or shall be provided.

Appeal.

17. There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any conviction or order dismissing any information, and such appeal shall be conducted in manner provided for appeals to Local Courts under the said Ordinance No. 6 of 1850, or any Act for the time being in force regulating such appeals.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.