



ANNO DUODECIMO

GEORGII V REGIS.

A.D. 1921.

No. 1459.

An Act to amend the Sale of Fruit Act, 1915, and for other purposes.

[Assented to, September 28th, 1921.]

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

1. (1) This Act may be cited alone as the "Sale of Fruit Act Amendment Act, 1921." Short titles.

(2) The Sale of Fruit Act, 1915 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Sale of Fruit Acts, 1915 and 1921." No. 1233 of 1915.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. (1) Subsection (1) of section 5 of the principal Act is amended— Amendment of 1233, 1915, s. 5— Application of Act.

(a) by inserting after the word "shall" in the first line thereof the passage "bring or cause to be brought into the State for sale, or"

(b) by striking out the words "in weight" in the third line of subdivision (b) thereof and inserting in lieu thereof the passage "or more than five hundred pounds in weight, or fruit sold in bulk, the quantity sold at one time of any one kind of fruit being more than five hundred pounds in weight."

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(c) by striking out subdivisions (g) and (h) thereof, and substituting in lieu thereof the following subdivision:—

(g) fruit sold as a growing crop.

(2) Section 5 of the principal Act is further amended by adding at the end thereof the following subsection:—

(3) In any proceedings for any contravention of this section in respect of the selling or buying of any fruit, it shall be a sufficient defence if it is proved—

(a) that there was branded on the case in which such fruit was contained at the time of such contravention a name other than that of the person charged, together with an address and a guarantee of capacity, in such a manner that such case might reasonably be taken to comply with the rules set out in subsection (1) of section 8; and

(b) that such case might reasonably be taken to conform in measurements and capacity to one of the prescribed standards for fruit cases of the capacity stated in such guarantee.

Provision substituted for *ibid.*, s. 7—

Margin of variation from standard to be allowed.

4. Section 7 of the principal Act is repealed and the following section is substituted in lieu thereof:—

7. Notwithstanding anything in this Act, if a fruit case is of the shape necessary in order to comply with the measurements prescribed for any of the standard cases, such case shall be deemed, for the purposes of this Act, to be of the prescribed measurements if—

(a) any excess in the cubic capacity of such case does not exceed in the whole three and one-half per centum of the cubic capacity prescribed for the said standard case, or any deficiency in the cubic capacity of such case does not exceed in the whole two and one-half per centum of the said prescribed cubic capacity; and

(b) no measurement of such case exceeds the corresponding measurement prescribed for the said standard case by more than half an inch.

Provision substituted for *ibid.*, s. 8—

Every case to be branded which is used, or is sold to be used, for fruit.

5. Section 8 of the principal Act is repealed and the following section is substituted in lieu thereof:—

8. (1) No person shall sell any fruit in any case, or any case for the purpose of being used for containing fruit, unless such case complies with the following rules:—

1. There must be legibly and durably branded in a conspicuous position, at one or both ends on the outside of the case—

(a) the name and address of the maker of the case; and

(b) a

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(b) a guarantee of capacity as follows:—“ Guaranteed capacity ”, the blank being filled in with the quantity in bushels or other measurement according to the capacity of the standard to which the case should conform:

11. Such name and address and guarantee of capacity must be branded within a space measuring not more than eight inches nor less than four inches in length, and not more than four inches nor less than two inches in width.

(2) In any proceedings for any contravention of this section in respect of the sale of any fruit in a case, it shall be a sufficient defence if it is proved—

(a) that at the time of the contravention there was branded on such case a name other than that of the person charged, together with an address and a guarantee of capacity, in such a manner that such case might reasonably be taken to comply with the rules set out in subsection (1) hereof; and

(b) that such case might reasonably be taken to conform in measurements and capacity to one of the prescribed standards for fruit cases of the capacity stated in such guarantee.

(3) In any proceedings for any contravention of this section in respect of the sale of any case for the purpose of being used for containing fruit, proof that the name of the person charged and an address and the words “ Guaranteed capacity ” were branded at one or both ends on the outside of such case shall be *prima facie* evidence that such case was sold by the person charged and was so sold for the purpose of being used for containing fruit.

6. Section 9 of the principal Act is repealed, and the following section is substituted in lieu thereof—

9. (1) If any case on which is branded any such guarantee of capacity as is mentioned in subsection (1) of section 8 does not conform in measurements and capacity to one of the prescribed standards for fruit cases of the capacity stated in such guarantee, any person whose name, together with an address and a guarantee, is branded on such case in such a manner that such case might reasonably be taken to comply with the rules set out in subsection (1) of section 8 shall be guilty of an offence against this Act.

In any proceedings against any person in respect of any such offence, it shall be a sufficient defence if it is proved by the person charged—

(a) that such person's name or such guarantee was not branded on such case by such person, or with his consent or authority: or (b) that,

Provision substituted for *ibid.*, s. 9 --

Offence to falsely brand case, or to alter case or brand

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(b) that, since the branding on such case of such person's name and such address and guarantee, the size, shape, or any of the measurements of such case have been altered, or that such case has been in any way tampered with, by some other person, without such person's consent or authority.

(2) No person shall alter the size, shape, or any of the measurements of, or in any way tamper with, any case on which is branded another person's name and address and a guarantee of capacity as mentioned in section 8, or wilfully alter or in any way tamper with any such name or address or guarantee of capacity.

Repeal of exemption
for factory buyers
and buyers for
export.

7. Sections 10, 11, and 12 of the principal Act are repealed.

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

W. E. G. A. WEIGALL, Governor.