

## THE FOOD AND DRUGS ACT.

[BURMA ACT X, 1928.] (1st November, 1930.)

1. This Act shall extend only to such areas and shall apply to such Extent.  
kinds of food and drugs as the President of the Union may, by notification,  
direct.

2. In this Act, unless there is anything repugnant in the subject or Definitions.  
context,--

- (a) "drug" includes any medicinal or chemical preparation for human use, whether internal or external ;
- (b) "food" includes every article used for food or drink by man other than drugs or water, and any article which enters into or is used in the composition or preparation of human food, and also includes flavouring and condiments ; and
- (c) "Public Analyst" means a person appointed by the President of the Union to be a Public Analyst for the purposes of this Act for any local area to which this Act may be extended.

3. (1) Whoever sells any article of food or any drug which is not of the nature, substance or quality demanded by the purchaser, or any article of food bearing evidence of having been blown with air or liquid, or sells, or offers or exposes for sale, or manufactures for sale any article of food or any drug

Penalty for selling articles of food or drugs not of the

proper  
nature, sub-  
stance or  
quality.

which is not of the nature, substance or quality which it purports to be, may be punished for a first offence with fine which may extend to five hundred rupees, and for a subsequent offence with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) A purchaser of any article of food or any drug shall, unless the contrary is proved, be deemed for the purpose of this section to have demanded an article which is genuine and not injurious to health and is of a nature, substance and quality prescribed for such food or drug by the rules (if any) made under this Act :

Provided that, if the food or drug is mixed with any matter or is in excess or deficient in respect of any ingredient to an extent which is determined by rules under this Act to be not injurious to health, and at the time of sale the purchaser is informed in respect of that fact by a notice in the form prescribed by the rules, the purchaser shall be deemed to have demanded an article as described in the notice.

(3) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance or quality of the article sold, unless he purchased the same from a third party and sold the same in good faith relying upon a written warranty by such party as to the nature, substance and quality of the food or drug being such that its sale would be no offence, and such warranty, together with a statement of the name and present address of such party, is filed in Court within seven days after service of process on the accused.

(4) An offence shall not be deemed to have been committed under this section in the following cases :—

- (a) where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for its production or preparation as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase its bulk, weight or measure or to conceal its inferior quality ;
- (b) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation to such slight extent as to preclude any suspicion of intentional adulteration.

Penalty for  
refusal to  
sell to certain  
officers  
quantity  
required for  
analysis.

4. The Medical Officer of Health of any local area, the Health Officer of any municipality or cantonment, or any officer specially authorized by a municipal or cantonment committee or by the President of the Union, or any person authorized in this behalf by any of the said officers, may apply to purchase any article of food or any drug exposed for sale or on sale, and if, on tender of the price, the person exposing or keeping the food or drug for sale refuse to sell the same, he may be punished with fine which may extend to five hundred rupees :

Provided that where any article of food or drug is exposed for sale in an unopened tin or packet duly labelled, no person, unless he is a wholesale

dealer in such article of food or drug, shall be required to sell it except in the unopened tin or packet in which it is contained.

5. Any dealer in or purchaser of an article of food or of a drug who submits the same to any Public Analyst, and pays such fee as the President of the Union may by notification fix in this behalf, shall be entitled to have the same analyzed by such Public Analyst and to receive from him a certificate of the results of his analysis.

Power of dealer in, or purchaser of, article to have it analysed.

6. Any document purporting to be a report or certificate under the hand of a Public Analyst upon any article duly submitted to him for examination or analysis may be used as evidence of the facts therein stated in any enquiry, trial or other proceeding under this Act.

Certificate or report of Public Analyst to be admissible in evidence.

7. No Court shall take cognizance of any offence punishable under this Act—

Sanction required for prosecution under Act.

- (a) after the expiration of 45 days from the date of purchase of any article of food or any drug in respect of which the offence is alleged, and
- (b) without the previous sanction of the Health Officer of the municipality or cantonment or, where such officer does not exist, of the Medical Officer of Health of the local area in which the offence was alleged to have been committed.

8. The President of the Union may make rules---

Power to make rules.

- (a) regulating the procedure for the purchase of samples of food and drugs for analysis ;
- (b) providing for the submission to a Public Analyst of food or drugs for analysis, and the forms of certificates of analysis ;
- (c) for the disposal of articles forming the subject-matter of an offence under this Act ;
- (d) for determining the quantitative and qualitative standard of ingredients for the proper nature, substance and quality of any food or drug ;
- (e) for determining the limits within which any substance foreign to the proper nature, substance and quality of any food or drug may be present, or any ingredient may be in excess or deficient, without injury to health ;
- (f) for prescribing the descriptive terms of labels and notices required by this Act or by any rule made thereunder the language or languages in which they shall be written or printed, and the manner in which they shall be so written or printed or in which they shall be used ; and
- (g) generally for carrying out the purposes of this Act.