

THE FOOD AND DRUGS (AMENDMENT) ACT, 1949. *

[ACT LXIII, 1949.] (25th October, 1949.)

WHEREAS by reason of wide and unrestricted sale of adulterated food articles and of medicinal or chemical preparations for human use, grave detriment to the health and safety of the public is caused thereby, it is hereby enacted as follows :—

1. (1) This Act may be called the Food and Drugs (Amendment) Act, 1949.

(2) This Act extends to the whole of the Union.

1 (3) It shall remain in force until the President, by notification, directs that it shall cease to be in force.

2. (1) So long as this Act shall remain in force, the Food and Drugs Act shall be deemed to extend to the whole of the Union, and shall be deemed to apply to all kinds of food and drugs.

(2) So long as this Act shall remain in force, the operation of section 7 of the Food and Drugs Act shall be suspended.

3. So long as this Act shall remain in force the offence punishable under section 3 of the Food and Drugs Act shall be punishable in respect of the first offence with imprisonment which may extend to three years and in respect of any subsequent offence with imprisonment which may extend to seven years. The offender in respect of any offence subsequent to a first offence shall also be liable to a fine which may extend to two thousand rupees and to whipping.

4. Whoever sells or offers for sale or has in his possession any article of food, adulterated in such a manner as to be injurious to human health, for sale shall be deemed to have committed an offence under section 3 of the Food and Drugs Act.

5. Whoever sells or offers for sale or has in his possession for sale any medicinal or chemical preparation for internal human use, injurious to human health or safety, shall be deemed to have committed an offence under section 3 of the Food and Drugs Act.

6. (1) Whenever a Police Officer not below the rank of Sub-Inspector of Police has reasonable grounds for believing that an offence under the Food and Drugs Act as amended by this Act is being committed, such officer may, after recording in writing the grounds of his belief and specifying in such writing, as far as possible, the thing for which the search is to be made, search or cause a search to be made, in any place within the limits of his jurisdiction as defined by the President.

(2) The President may by order direct that subject to such conditions as may be specified therein the powers exercisable under sub-section (1) may be exercised by such officer or authority as he may specify.

* Published in *Burma Gazette*, 1949, Part I, p. 985.

¹ Substituted by Act XI, 1951.

(3) The provisions of sections 101, 102 and 103 of the Code of Criminal Procedure shall apply to a search made under this section.

7. (1) The President may by notification direct that from a date to be specified in the notification no person shall sell or offer for sale or have in his possession for sale any patent medicinal or chemical preparation purported to be for human use except under a licence issued in this behalf by such authority as the President may appoint.

(2) The President may by such notification provide for the payment of fees for the issue of licences to sell or have in possession for sale under sub-section (1) and also such other conditions for issue of such licences, as he considers fit.

(3) Whoever sells or offers for sale or has in his possession for sale any patent medicinal or chemical preparation purported to be for human use except under a licence issued under sub-section (1) shall be punished with imprisonment which may extend to two years, or with fine, or with both.

8. Whoever makes any engraving or prints a label or any other printed or lithographed material for the purpose of facilitating or knowing it to be likely to facilitate sale or issue of imitations of patent medicinal or chemical preparations for human use shall be punished with imprisonment which may extend to five years, and shall also be liable to a fine.

9. The Food and Drugs (Amendment) Ordinance, 1949, and the Food and Drugs (Amendment) (Amending) Ordinance, 1949, are hereby repealed.
