

LAW REPORTS.

CONVICTION OF FARMERS FOR ADULTERATING MILK.—Thomas Rose, a farmer, residing at Binfield, Berks, was summoned before Mr. Partridge by the Metropolitan Dairymen's Society for selling to Mr. John Jones, the Manager of the Surrey Farm Dairies, Renfrew Road, Kennington Lane, milk adulterated with 20 per cent. of water. Mr. Ricketts prosecuted on behalf of the Society, and said that the complainant carried on an extensive business at Kennington and Lambeth, and contracted with defendant for a regular supply of pure milk. For some time past the customers complained of the quality, and the consequence was that three churns were carefully watched, and found to be adulterated. He called Jones, who said he was the manager of the Surrey Farm Dairies in the Renfrew Road, Kennington Lane. He produced the contract with defendant for the supply of pure milk, to be delivered free at Waterloo terminus. In consequence of complaints he caused samples to be taken on the 20th of last month. William Hands, a guard in the Company's employ, proved the reception and delivery of three churns of milk at Waterloo terminus. They were locked up, and defendant was sent for. When he arrived the samples were taken. Alfred Parish, the inspector of the Association, said that on the morning of the 20th ultimo he saw the three churns locked up at the Waterloo terminus. They were opened, and samples taken from them. He offered the defendant some of them, and asked him to accompany him to Dr. Muter's, the analyst. He refused to go, and witness accordingly delivered the samples to Dr. Muter, and left them. He now produced certificates from the latter, showing that the milk was adulterated to the extent of 20 per cent. with water. Mr. Jones was recalled by Mr. Partridge, and said that one of their customers was fined at this court a few months ago, and complaints had reached him daily. The defendant said he could not account for the deficiency of the quality of the milk. His cows were in good condition. Mr. Partridge told him he was responsible for the condition of the milk. It was a very serious thing for Londoners to have adulterated milk sent from the country. Many of the dealers in London had been fined heavily, and most likely the offenders were persons like the defendant. He fined him £20, and £2 7s. 3d. costs.

Charles Leaver, farmer, Hazlewood Farm, Binfield, Berks, was summoned by the Society for a like offence. Witnesses proved the delivery of the milk at the country station, and its arrival at the Waterloo terminus, where Mr. Parish, the inspector, in the presence of defendant, took samples, and took one to Dr. Muter, whose certificate showed that it was adulterated to the extent of 14 per cent. with water. Mr. Partridge fined him £10, with £2 7s. 3d. costs.

MILK ADULTERATION—A NOVEL POINT RAISED.—In connection with some cases of milk adulteration heard at Crewe Petty Sessions last week, a novel point was raised. The magistrates had in three cases inflicted fines varying from 2s. 6d. and costs to 5s. and costs, when in a fourth case Mr. C. S. Brooke, the solicitor defending, pointed out that the certificate of Mr. Carter Bell, of Lower Broughton, Manchester, the analyst appointed by the county, said nothing as to any possible decomposition which might have occurred; but according to the Act, "in the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis." The magistrates reconsidered their decision in the cases in which fines had been inflicted, and adjourned all the cases to decide upon the point of law.

TEA ADULTERATION.—At the Stockton Police Court, Henry Flint, auctioneer, was charged by Mr. J. M. Garry, inspector of foods, for selling tea which was not of the nature, quality, and substance of the

article demanded. The inspector stated that on the 16th of March last, owing to having several complaints made to him, he purchased a pound of tea which defendant was selling by auction in the Market Place for 10d. and 1d. duty. Defendant guaranteed the tea to be as good as that sold in the best shops in the town for 2s. and 3s. He divided it, and sent a portion to the county analyst, Mr. Edger, of Newcastle, who certified it to contain 9 per cent. more mineral matter, principally magnetic oxide of iron and sand, than is found in genuine tea. The sample, he further stated, had a most nauseous taste, a fusty, disagreeable smell when infused—being, in fact, spoiled tea, and unfit for human food. Witness also tried to use some of the tea. Mr. Alderman Knowles: You deserved poisoning if you had. Mr. W. Churehill Tayler, who appeared on behalf of the defendant, said the tea was consigned to the defendant by a person named Ainsworth, who said he was not to sell it at less than 6d. per lb. Shortly after meeting Ainsworth at Stockton the tea arrived, and defendant sold it as he received it. Mr. Knowles said it was nothing but spoiled capers, which had been wet and dried again. Mr. Tayler admitted the sale of the tea, and also that it was unfit for food, but stated that had the defendant only received a warranty from Ainsworth he would not have been responsible, and would have complied with the Act of Parliament. He, however, received some twenty chests, and that left unsold he would destroy forthwith. After hearing the defendant's statement, which bore out that of his solicitor, the Bench imposed a penalty of £1 and costs.

HEAVY FINES FOR MILK ADULTERATION IN IRELAND.—At Castlerea (County of Roscommon) Petty Sessions, 1st June, five contractors were prosecuted by the Guardians of the Union for having sold milk adulterated with water to the extent of (as certified by Dr. Cameron, county analyst) from 25 to 30 per cent. The magistrates convicted in each case. Martin Hanley, George Fitzpatrick, and Martin Cahill, whose milk contained 30 per cent. of added water, were each fined £20, and Martin Maguire and Patrick Brooks, whose milk contained 25 per cent. of added water, were mulcted in £10 each, being a total of £80. The magistrates ordered the fines to be allocated towards the expense of executing the Sale of Food and Drugs Act.

GIN ADULTERATION—THE "PREJUDICE QUESTION."—Philip Stiles, of the Grove Tavern, Bath, was summoned for selling gin not of the nature, substance and quality demanded. Mr. F. H. Moger conducted the prosecution, and Mr. F. S. Clark appeared for the defendant. The purchase of the gin in the usual way by Mr. H. G. Montagu, Inspector, having been proved, the analyst's certificate was put in, which showed the portion submitted to him to have contained 28.5 per cent. of added water, and to be 45.5 under proof. Mr. Montagu in cross-examination by Mr. Clark, said he purchased the gin with his own money, but should be recouped by the Sanitary Authority; he did not buy it for his own use. Mr. Clark: then as far as you are concerned you are not prejudiced by this gin being under proof. Mr. Clark, in addressing the Bench for the defendant, said he should in the first place call attention to the wording of the clause in the Act of Parliament under which this prosecution was instituted. The Act said no person shall sell to the prejudice of the purchaser any article of food, &c., which is not of the nature, substance and quality of the article demanded by the purchaser. Obviously Mr. Montagu had not been prejudiced by this gin. He bought it for the purpose of getting a case, and he got a case. Mr. Hammond: Still the public must be protected. Mr. Clark: The Court of Justiciary in Scotland, which was there the highest court, had ruled that a prosecution could not be sustained. There has been no case decided since the passing of the Food and Drugs Act, which overrules that decision of the High Court of Justiciary. I contend that the public officer is not authorised by the Act to institute a prosecution under this section. Mr. Moger addressing the Bench on the point raised, said the Scotch court took a different view from the English. The point was raised before Mr. Balguy, the police magistrate at Greenwich, who ruled against it. Mr. Clark: That was before the decision I have quoted. Mr. Moger, having quoted two decisions of English magistrates antagonistic to Mr. Clark's contention, the magistrates consulted Mr. Payne, their clerk, who said he thought the point a very strong one. Prior to the decision of the Court of Justiciary the point had not been raised in any of the superior courts, and he considered that the eminent counsel who had been engaged in various cases regarded the objection as untenable. The Home Secretary had been asked in Parliament whether he would take any steps in the matter, and he said that at present he had not thought it necessary, evidently meaning to leave the case to be argued. The magistrates retired to consider the question, and on returning into Court the Chairman said they ruled against Mr. Clark. Mr. Clark asked for a case for the Superior Court, which was granted. Their worships fined the defendant £10 and costs, with the alternative of a month's imprisonment.

IMPORTANT DECISION AS TO THE PURCHASE OF SAMPLE FOR ANALYSIS.—At the Chapel-en-le-Frith Petty Sessions, lately, Thomas Needham, landlord of the Bagshaw Arms Inn, Wormhill, was charged with selling a bottle of gin to Colonel Shortt, inspector under the Sale of Food and Drugs Act, which was not of the nature, substance, and quality of the article demanded by the purchaser. The Inspector said he visited the house on the 8th of May, and asked for a bottle of gin, for which he paid her 1s., and told her "it was purchased for the purpose of analysis," and offered to divide it into three parts, but she said it did not matter. The analyst's certificate stated that the sample contained 29.4 per cent. of real alcohol, corresponding to a strength of 37½ degrees under proof; spirits of this sort would result from a

dilution of four gallons of gin at 20 degrees under proof to upwards of five gallons by addition of water. The sample contains about 470 grains of sugar and extractive matter. No injurious addition of any sort was detected. Mr. Brown, of Stockport, submitted that according to the section of the Act of Parliament the Inspector was bound to have said to Mrs. Needham that the gin was purchased for the purpose of being analysed by the public analyst, and that he was bound to use the very words of the Act. He produced a copy of the last number of the *Law Times*, in which a portion of a report appeared of an appeal against a conviction for adulteration, in which Lord Chief Baron Kelly said the inspector was bound to use the very words of the Act, and that the appeal in that case must be allowed. Under these circumstances, the magistrates dismissed the case.

At Woolwich police court recently, Edmund Singleton, of 116, Sandy Hill Road, Plumstead, was summoned for selling adulterated butter. Mr. Farnfield, clerk to the board, prosecuted in each case. Mr. Peake defended in this, stating that the shop was managed by defendant's wife, who appeared. Mr. P. James, inspector for Plumstead district, said defendant was a general dealer. He went to his shop on the 5th of March, and asked for half a pound of butter. Mrs. Singleton said she would not sell it to him as butter, but that she would let him have it as she had got it. He paid 8d. for the half pound. There was no printed or written label on the paper. He told her it was for analysis, and sent one portion to the analyst, Mr. Wigner, who certified that the sample contained 30 per cent. of foreign fat. Mr. Farnfield read a portion of the Act, to show that it was necessary for a label to be on the paper to guard against the vendor admitting the adulteration to the inspector, and saying nothing to other people. Mr. Peake said people were very well satisfied with the mixture, which was not injurious to health. Pure butter could not be sold at the price. Mr. Slade fined the defendant 20s.

Henry Chilton, of 31, Harden's Manorway, was summoned for selling adulterated butter. Mr. James deposed to buying butter at defendant's shop and sending it to the analyst, who certified that it contained 75 per cent. of foreign fat. He paid 8d. for the half pound. Defendant's wife said it was just as she bought it.—Fined 20s.

William Mahany, of 45, Raglan Road, was summoned for selling adulterated milk. Mr. James said defendant was a milk-seller. On the 19th of March witness was in Upper Earl Street, when he saw a female with milk cans. He got a boy to purchase milk, and he went to the woman for a pint. She served him, and witness, on receiving it, told her it was for analysis. She said she had no business to supply him, as the milk was intended for customers. The analyst certified that the sample contained 45 per cent. of added water, and the rest was milk of the poorest quality. Defendant said his wife had only a few quarts of milk for "exercise and pocket money." Defendant's wife said her husband had no interest in the milk she sold. If he borrowed a shilling from her he had to return it. Defendant said he had a mutual agreement with his wife. Mr. Farnfield said the husband's business could not be separated from the wife's. Defendant said he did not keep a shop. Mr. Slade said the husband and wife evidently had their business in common, and lived together. He fined him 20s.
