ON THE WORKING OF THE SALE OF FOOD AND DRUGS ACTS.*

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Before proceeding to the subject-matter of my address this afternoon, will you permit me to cordially thank you for the honour you have conferred upon me in selecting me as your President for the ensuing year?

The selection of a suitable subject for an address has caused me some slight anxiety, but I venture to suggest that the few observations I am able to lay before you as a result of my practical experience in the working of the Food and Drugs Acts may be not only interesting but, I hope, of some slight service to you as medical officers of health of important districts. You must have observed in the course of your duties the many difficulties which beset the practical working of various legislative powers which have been enacted. The question of a pure supply of daily food is no mean factor in the maintenance of the public health, and I think that medical officers of health should take united action towards removing the difficulties which hamper the successful working of the powers provided. It is with this end in view that I wish to lay before you a few of the difficulties which have come within my own purview, some suggestions for their removal, and the extension of the powers where they have been found deficient.

In Southampton the administration of the Food and Drugs Acts is entrusted to the medical officer of health, the sanitary inspectors acting as inspectors of food and drugs.

The following is a list of the articles taken for analysis:

- Milk
- Butter
- Flour
- Cocoa
- Bread
- Coffee
- Condiments

A very large number of the samples of milk were found upon analysis to be on the border-line. These were cases in which 1 or 2 per cent. of added water was found. We were advised it would be difficult to obtain convictions on so small an adulteration; so that, roughly speaking, no action is taken

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unless the adulteration exceeds 2 per cent. There is a reason for this rule. It has been found in practice that where proceedings have been taken in slight cases of adulteration the plea that the milk had been standing and that the sample taken was not properly mixed has been found to carry weight with magistrates, and the penalties inflicted have, in consequence, been so trifling (varying from one shilling to five shillings) that little effect has been produced on the persons summoned: I would even suggest that it is an encouragement to others to practise milk adulteration. The fines in more flagrant cases have only been slightly increased, and it can easily be imagined that a person carrying on a large milk business who is wilfully disposed to adulterate milk may in a day recover the amount of his fine and costs.

The next point to which I wish to draw attention is the question of obtaining samples. After a time the inspectors appointed by the local authority become well known, and they do not obtain the same samples as are sold to the general public. To obviate this difficulty the inspectors are authorized to purchase by agents, a workman, for example, being sent into a dairy to purchase, and on completion of the purchase the inspector enters and carries out the usual formalities of the Act. This process has been adopted since the case of Horner v. Scott, in which case the Court held on appeal that a purchase by an agent of an appointed inspector was a proper purchase in accordance with the Act.

In regard to the collection of samples from street vendors, we have taken samples at houses after delivery and found them adulterated, while samples taken from carts have been satisfactory. One can only suggest that the inspector is served from a special can other than that from which the public are supplied. The fact of a stranger asking the man during his rounds for milk is sufficient to make him suspicious, and when, as in many towns, the inspectors are instructed to ask for new milk, the prefix "new" must put the seller on his guard.

The provisions of the Sale of Food and Drugs Act, 1899, in regard to taking samples in course of delivery are, from a practical point of view, useless, as no samples can be taken in course of delivery except with the consent of the purchaser or the consignee.

I do not propose in this short paper to place before you the effects of adulteration upon the public health. This is a matter upon which we have but one opinion. But I would submit for your consideration what I venture to think would be a remedy for many of the existing difficulties.
1. Milk should be defined by statute, and a minimum standard fixed as follows:

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11.5 per cent.  3.0

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The above standard, as you will observe, is low, and is such as could be easily obtained from any ordinary milk-supply, when one remembers that the milk-supply rarely, if ever, comes from a single animal, but generally from a herd.

2. It should be understood by all medical officers of health in giving instructions to inspectors that they should ask for milk, omitting the word “new.”

3. That all churns in which milk is conveyed to towns should bear a distinct label, denoting the contents as “pure milk,” “skim milk,” or “separated milk,” as the case may be. The churn should also bear the names of the vendor and the consignee; and power should be given to inspectors to take samples in transit without the consent of either vendor or consignee. I do not suggest that an inspector should be able to go to a station-platform and take samples in the absence of interested parties, or that he could demand a sample from a railway porter. It should be taken in the presence of the consignee or their agents. But I do think he should have power to keep a consignment at the station under observation until the agent of the purchaser arrives to convey it to its final destination; he should then have authority to demand from the carter or agent a sample from any churn.

4. Persons selling milk in the streets from cans or churns should also be compelled to have each can or churn labelled with the nature of the contents, as before mentioned, in addition to the name and address of vendor now required. This should not apply to the small cans containing a pint or half-pint.

5. Whereas the principal Act provides a maximum penalty, I feel sure if a minimum penalty were also added it would act as a deterrent to systematic adulteration.

6. Where a warranty is produced and relied upon as an answer to the prosecution, local authorities should be compelled to proceed against the person giving the warranty, and thus prevent collusion between dealers.

In recent years systematic fraud has been perpetrated upon the public with regard to butter supplies. It is a common practice for persons to purchase margarine, to remould it into attractive pats, and to sell it in wholesale quantities to small shopkeepers as
"country butter," giving instructions to the retailers to supply it only to their known customers. Another method of disposal is to hawk it from door to door. The persons carrying on this trade frequently prepare their material in a private house. We have recently discovered a man who purchased a ton and a half of margarine per month, and disposed of it as butter in a most bare-faced manner.

A good example may here be given of the utility of the section enabling the inspectors to take samples in transit with the consent of the purchaser. Our inspectors had reason to suspect that margarine was being made up and supplied as butter to private houses and small shops. A man who had a parcel was followed to a small grocery store. The inspector requested the owner of the store to permit him to take a sample, and was refused, the purchaser stating that it was for her own personal use. Considering that this was a large parcel of "butter," the answer was unsatisfactory.

As you are aware, all wholesale dealers in margarine are bound to keep a register of their customers and the amounts supplied to them. This register, unfortunately, is only open to the officers of the Board of Agriculture. Surely the information is equally important to the officers of the local authority, who would, after examination of the register, be in possession of valuable information, which would undoubtedly lead to the detection of the nefarious practice now largely adopted. Power should also be given to the said inspectors to enter any premises where they have reason to believe margarine is exposed for sale unmarked.

Having dealt with the two principal items which are frequently found to be adulterated, one may conclude by saying that the detection of adulteration in other foods is less hampered, provision being made that all admixtures must be labelled. But I am of opinion that a definition of the various articles should be given in the statute; this remark applies more particularly to flour, which, in my opinion, should be defined as "ground wheat," and all other flour should be labelled as an admixture. This is brought home to me more particularly by the recollection of a case of adulterated flour brought before the Southampton Magistrates. The case was dismissed on a technicality raised that there was no definition of flour, and that the person charged was not compelled to supply wheaten flour or ground wheat. The Magistrates refused to grant a case for appeal.