

view to supplying Her Majesty's representatives in foreign countries with information as to the practice adopted by that department in dealing with certain cases under the importation clauses of the Merchandise Marks Act of 1887. This memorandum will be published in an early number of the "Board of Trade Journal."

I would also draw your attention to the thirty-second annual report of the Commissioners of Her Majesty's Customs, presented to Parliament last session, [C—5589], which gives information as to the administration of the Act. This report and the appendix which accompanied it have been reproduced in the December and January numbers of the "Board of Trade Journal."

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

Enclosure.

CUSTOMS MEMORANDUM RESPECTING "THE MERCHANDISE MARKS ACT, 1887."

THE Merchandise Marks Act of 1887 does not deal with goods which are not marked or described in any manner at all. But if any "marks" or "descriptions" are applied to goods, the Act requires that such marks and descriptions shall not be of a misleading character, or what are called in the Act "false trade descriptions."

The following methods of describing goods are amongst those found to be frequently used by merchants, &c., and which come within the category of "false trade descriptions" within the meaning of the Act:—

1. The use generally of any language in describing goods which is not the language of the country in which the goods are produced—*e.g.*, the English language on goods produced in Germany, Spanish on Dutch goods, French on Portuguese produce, &c. There is, however, no objection to the use of any language for describing goods, whatever may be the country from which they come, provided its use be accompanied in the case of foreign goods described in the English language by a statement that the goods are "made abroad," and in the case of goods imported from one foreign country and described in the language of another by a statement of the country in which the goods are actually made or produced. Thus, plums from Bosnia may be described in the French language, provided the description is *accompanied* by the qualifying statement "Produce of Bosnia." This statement or qualification should be as conspicuous as the French language used in the instance in question; it should form an actual part of the label or wrapper on which the description appears, and be equally indelibly applied, and it should be used (as a rule) wherever the description is applied to the goods. Moreover, the qualification should be in the English language. If goods are described in the language of the country of origin and also in other languages, it is held that such a use of the other languages does not convey any special indication of the origin of the goods, nor destroy the truthful description of the language of the country, provided there is no undue preponderance of print or otherwise given to the other languages, nor anything in the nature of the goods themselves to give such preponderance.

2. A more direct indication of origin is the use of the name of a place or country usually noted for excellence in any article on an article of the same description coming from some other place or country—*e.g.*, port, sherry, or cognac from other places than Oporto, Xeres, and Cognac; cutlery, marked "Sheffield," imported from abroad; cigars, marked "Havana" and "Manilla," and not coming from Cuba or the Philippine Islands. Such descriptions must upon the importation of the goods be qualified in a similar manner to that stated under heading 1—*e.g.*, wine described as "port" coming from Holland should have the description accompanied by the statement "Produce of Holland," unless the importer can produce documentary evidence satisfactory to the Board of Customs that the goods are actually the produce of the places from which by the descriptions upon them they purport to come. The names of such wines as those specified above on labels upon bottles imported, say, from Germany, are not objected to provided the labels bear also a statement that the wine is imported from Germany, or the name and address of the wine-merchants in Germany by whom the wine has been bottled or prepared for the market.

3. The use of the name of a place out of the United Kingdom which is identical with or a colourable imitation of the name of a place in the United Kingdom. Such a name must, under section 16, subsection (4) of the Merchandise Marks Act, be accompanied by the name of the country in which the place is situated, otherwise it will be treated as the name of a British town—*e.g.*, Boston must be followed by the letters "U. S. A.," Perth by "Western Australia," &c.

4. The use on foreign-manufactured goods of any name or mark which is or purports to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom. In such a case the Act distinctly requires that the name or mark should be accompanied by a definite indication of the country in which the goods were made or produced, and this indication should be applied in a similar manner to that of the qualifying statement under head 1. In this respect a trade-mark on foreign-manufactured goods need not necessarily be one that is registered, but may be any mark which indicates, or purports to indicate, that the goods are those of a manufacturer, trader, or dealer in the United Kingdom.

For the purposes of the Act in this respect a foreigner may be a manufacturer, &c., within the United Kingdom, if his goods are sold at a known place or places therein, and are known in the market as being purchased at one or more places in this country. As regards initials of manufacturers, &c., on foreign-manufactured goods, they may purport to be the name of such manufacturers