

448. The first complaint concerns the lack of sufficient sanitary precautions in manufacture. Complaint was made to us of the label "Bottled in bond under supervision of H.M. Customs," on the ground that the bottle was dirty (R. 2864). This proved, however, to be an isolated case. Apparently the bottling had been done in bond at Auckland for a wholesale licensee in business at Eltham—a lawful procedure under section 80 of the Licensing Act, 1908.

449. Evidence was also given by the Government Analyst at Auckland that hop beer (which is not intended to be an intoxicating liquor) had been manufactured under a Customs license in Auckland which the Government Analyst had certified as unfit for human consumption. The point made by the Government Analyst was that the label "Bottled in bond under supervision of H.M. Customs" should not be used unless the Customs Department took responsibility not only for the revenue, but for sanitary precautions as well.

450. Evidence was also given by the Government Analyst at Auckland that one of the most serious sources of trouble in the sale of liquor lies in the washing and preparation of the bottles. He said that in recent years a number of instances of dirty bottles had come to his notice. The use of liquor bottles for poisonous materials such as weed-killer, sheep-dip, and sprays is not uncommon, and if these bottles are not thoroughly washed serious poisoning may result (R. 2869). Furthermore, the bottles are brown (to protect the beer from too much light and so aid its keeping qualities and condition) and the inspection of brown bottles is difficult.

451. The breweries which we saw in Auckland use expensive standard bottle-washing machines, though the machine in one brewery has the additional safeguard of washing the bottle out with a brush during the washing process. We understand that, when prices became normal, the large breweries would be willing to install the latest machines. Compared with the total number of bottles washed and used, the number of dirty bottles must be infinitesimal.

452. The second complaint concerns the failure to label accurately. Labelling is governed by the provisions of sections 209 and 210 of the Licensing Act, 1908, and by section 12 (2) of the Sale of Food and Drugs Act, 1908.

Under section 209 of the Licensing Act, labels intended for labelling bottles containing liquor must have imprinted thereon "in plain and legible characters" the words "Bottled in New Zealand" and the name of the bottler. Eight sample labels were produced in evidence by the Government Analyst at Auckland which showed that the words "Bottled in New Zealand" were not readily noticeable. In one case, hereinafter referred to in connection with the administration of the Customs Department, imported spirits of wine were compounded by an Auckland firm into liqueurs and gin. The labels gave the impression that the product was that of the Finsbury Distillery in England. There was, however, printed in small type at the foot of each label the words "Bottled in New Zealand by Hughes and Cossar, Ltd." On the liqueur label the print was in small black type on a blue ground and could be easily overlooked (R. 2884 and Exhibit A. 46).

453. Section 210 requires that the labels on any bottles must be destroyed before the bottles are used for the purpose of bottling liquor for sale. Evidence was given that in Auckland the illicit spirit trade flourished during the war by the use of spirit bottles with the original labels intact and that high premiums were paid for these bottles empty (R. 2864). In ordinary times, it seems that the statutory provision is usually observed. It was suggested to us, however, that the law should require that labels on bottles should be destroyed before the bottles are used for refilling for sale.

454. Section 12 (2) of the Sale of Food and Drugs Act, 1908, makes it an offence to sell any food (which includes drink and also flavouring matters or condiments) in any package which bears any false or misleading label purporting to indicate "the nature, quality, strength, purity, composition, weight, origin, age, or proportion of the article contained in the package or of any ingredient thereof." A package includes every means by which goods are enclosed or contained.