**FOOD AND DRUGS ACT FURTHER AMENDMENT BILL 1919**

**Legislative Council, 6 November 1919, pages 1682-3**

Second reading

**The CHIEF SECRETARY (Hon. J. G. Bice)—**This is a very short but necessary Bill. It deals with a question that has been under discussion for quite a long time. I remember appointing a committee to inquire into this matter as far back as 1910. Ice cream to-day is almost a necessary of life. There is no more efficient medium for the spreading of disease than what is known as ice cream, and it should be under very careful and complete supervision. Yet, under the provisions of our law, because of the omission of the word “ices”—as differentiated from ice creams -—from the original Act the manufacturer can evade the law. By one clause of this Bill it is proposed to insert “or ices or other similar frozen food” after the word “cream” in the Act of 1908. The legal and technical effect of this amendment is shown by the following report of the Parliamentary Draftsman:—

Shortly put, the sole purpose of this short Bill is to make it necessary to obtain a licence for the manufacture of ices for sale. Section 65 of the Food and Drugs Act, 1908, already requires any person manufacturing or preparing for sale ice cream, ginger beer, hop beer, soda water, and other mineral waters, or lemonade or other aerated waters or cordials to obtain a licence from the local authority under the. Act. The licensing authorities are given power to refuse a licence if, upon the report of their Inspector, they deem the premises unsuitable for the purpose for which the licence is asked for, or if they consider the applicant unfit to hold a licence. Under the other provisions of the Act standards for these foodstuffs may be fixed, but this provision is directed to a different end. It seeks to control not the quality of the foodstuff when prepared, but the premises where and the persons by whom it is prepared. As the section stands, no licence is required by persons manufacturing or preparing ices for sale. “Ices” as a word has a well defined and definite meaning, and ices cannot be brought within the meaning of any of the terms used in the section.  *“”*Ice cream”, which might be thought to cover “ices,” is not wide enough. What ice cream is is well known, being a foodstuff composed for the most part of milk and of cream, frozen. An ice, on the other hand, has been defined as a preparation of “wholesome foodstuffs, with or without addition of harmless vegetable substances or essences or of harmless coloring matter, sterilized by boiling . . . and subsequently frozen.” Clearly an “ice” may be something quite different and distinct from ice cream. This being so, clause 3 of the Bill seeks to add “ices” to the list of foodstuffs for the manufacture or preparation of which a licence is required by section 65 above referred to. The words *“*or other similar frozen food” are added to bring within the scope of the section all food of a nature similar to ice cream and ices, which might, perhaps by some restricted interpretation, be held not to be covered by those particular terms, e.g., frozen custard.

There has been a general demand that this amendment should be made to protect the consumer. It is a highly desirable improvement of the law.

The Hon. J. H. COOKE—I have been looking for legislation in this direction ever since I entered this Chamber. The original Act was passed 11 years ago, but unfortunately was not quite clearly defined, consequently its operations have been hampered and evaded. Ice cream has come to be regarded in America, Australia, and other places with hot summers as an essential item of food. There is no doubt that if it be cleanly prepared it is very beneficial. But it is one of those articles of food that lend themselves to carrying disease, germs, and microbes. It is extremely necessary that it should be prepared under the most sanitary conditions, and that every cleanliness should be observed in its preservation. The administration from time to time has endeavored to stop the filthy practices which exist in connection with the manufacture and hawking of this commodity. During the last few years there has been a marked improvement in this direction. Some years ago a certain manufacturer applied for a licence, and an inspection was made of his premises. This man’s utensils were found in, or were accommodated in, the water closet, and the ice cream was stored adjacent thereto. The premises were filthy. This particular man

The Hon. J. Jelley—Not "this particular man”.

The Hon. J, H. COOKE—This manufacturer claimed as a recommendation that he had supplied ice cream to Government House. I would be pleased to see the Bill go somewhat further than it does. At present it applies only to those who manufacture. It does not reach those who vend, but it appears that it would be difficult to extend the amendment in that direction, because it would interfere with a portion of the principal Act.

Bill read a second time, and passed its remaining stages.