

THE LAWS OF ZANZIBAR

CHAPTER 109

ADULTERATION OF PRODUCE

(PRINCIPAL LEGISLATION)

CHAPTER 109

ADULTERATION OF PRODUCE

ARRANGEMENT OF SECTIONS

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19 of 1934,
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15 of 1937,
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23 of 1937.
Short title.

Interpreta-
tion.

22 of 1952,
s.2.

9 of 1938, A Decree to prevent the Adulteration of Produce

9 of 1945.

16 of 1946.

29 of 1947.

22 of 1952.

[21ST JULY, 1934.]

1. This Decree may be cited as the Adulteration of Produce Decree.

2. In this Decree—

“adulterate” means to falsify, deteriorate or increase the apparent bulk or weight or conceal the inferior quality of produce by the combination, admixture or addition therewith or thereto of some foreign, superfluous or inferior substance, matter or thing, whether deleterious or not, or by the use of artificial means, and includes abstracting from produce part of it so as injuriously to affect its nature, substance or quality, or soaking or manipulating it so as to increase its bulk or weight;

“adulterated produce” means produce which has been subjected to any of the processes specified in the definition of “adulterate” and includes—

- (a) chillies greater than one and a half inches in length or chillies containing more than nine *per centum* of moisture or one *per centum* of extraneous matter or eight *per centum* of chillies which in the opinion of the inspector or examiner are defective by reason of being broken, immature, or discoloured;
- (b) cloves containing more than ~~sixteen~~ ^{fourteen} *per centum* of moisture or more than five *per centum* of any or all of the following substances that is to say stems, mother of cloves, and foreign superfluous or inferior matter;

- (c) clove stems containing more than sixteen *per centum* of moisture or more than five *per centum* of any or all of the following substances that is to say mother of cloves and foreign superfluous or inferior matter; 23 of 1937.
- (d) copra containing more than— 22 of 1952, s.2.
- (i) seven *per centum* of moisture; or
- (ii) one quarter *per centum* of any foreign matter; or
- (iii) such percentage of immature, rubbery and slimy copra (makoroma) as may from time to time be prescribed by the Resident in Council by order published in the *Gazette*; or G.N. 74 of 1956.
- (iv) such quantity of copra which in the opinion of the inspector or examiner is defective by reason of being immature, rubbery, slimy, mouldy, decayed, over-smoked or burnt as will, together with the quantity of makoroma mentioned in sub-paragraph (iii), amount in the aggregate to more than ~~fifty~~ ^{forty} *per centum* of the whole;
- (e) mangrove bark which is wet, mouldy, decayed or black, or contains the bark of any tree other than such species of mangrove trees as may from time to time be specified by the Director of Agriculture by notice in the *Gazette*, which for the purposes of this Decree shall be deemed to be “adulterated produce”; 29 of 1947, s.2.
- “chilli” means the whole dried fruit of the pepper plant *Caspicum frutescens* commonly known as *pili pili hoho*; 22 of 1952, s.2.
- “clean” when used as a verb, means to free produce from any foreign, superfluous or inferior matter by picking, boiling or other means, and includes to free produce from excessive moisture and when used as an adjective has a corresponding meaning;
- “cloves” means the dried flower-buds of the clove tree;
- “clove stems” means the dried inflorescence of the clove tree from which the buds and more advanced stages of the flower and also the fruit have been removed, that is to say commercial clove stems; 23 of 1957.
- “copra” means the dried meat or kernel of the coconut;
- “examiner” means any person appointed by the Director of Agriculture to examine produce under this Decree;
- “inspector” means any Agricultural Officer or other person appointed an inspector for the purposes of this Decree, by the British Resident by notice in the *Gazette*; 29 of 1947, s.2.
- “mangrove bark” means the dried bark of the mangrove tree; 8 of 1945, s.2.
- “*per centum*” refers to parts in every hundred parts by weight; 22 of 1952, s.2.
- “produce” means chillies, coconut oil, cloves, clove stems, copra, the dried bark of the mangrove tree and any other produce, whether raw or partly or wholly manufactured, which the British

Resident may from time to time by notice in the *Gazette* declare to be produce for the purposes of this Decree.

Offences.
9 of 1938,
s.23.

3. Any person who—

- (a) adulterates or causes to be adulterated any produce intended for sale or export;
- (b) sells or tenders in satisfaction of any just claim or demand or knowingly has in his possession for sale or export in that condition any adulterated produce;

shall be liable to a fine not exceeding four hundred and fifty shillings or to imprisonment for a term not exceeding three months for a first offence and to a fine not exceeding nine hundred shillings or to imprisonment for a term not exceeding six months for a second or any subsequent offence, and in any case the produce and any article or thing by means of which the offence was committed other than the receptacles containing the said produce may be forfeited:

Provided, however, that no person shall be guilty of an offence under paragraph (b) if he shall satisfy the court that he was not aware and could not with reasonable diligence have become aware that the produce was adulterated and that he had taken all reasonable precautions against the commission of the offence, and that on demand made by the prosecutor, he gave all the information in his power with respect to the person or persons from whom he obtained the produce.

Powers of
inspectors
and ex-
aminers.
9 of 1938.
s.23.

4.—(1) An inspector or an examiner may—

- (a) at all reasonable times enter any building or premises in or on which there is or is reasonably believed to be any produce intended for sale or export or in the course of preparation for sale or export;
- (b) stop any vehicle, boat or canoe in which any produce is being conveyed;
- (c) examine any produce which has not already been inspected and sealed or bagged under the provisions of any other law for the time being in force; and take samples thereof;
- (d) seize and detain to be dealt with as hereinafter provided—
 - (i) any adulterated produce and the receptacles containing the same;
 - (ii) any vehicle, boat or canoe in which any adulterated produce may be found:

Provided that an examiner shall not exercise the power conferred by paragraph (a) unless authorised by an inspector in that behalf.

(2) When any produce shall have been seized and detained under the powers conferred by subsection (1) the inspector or examiner, as the case may be, shall, if he is satisfied that the owner of the produce was not aware that the produce was adulterated or that, in the cases of cloves or copra, the adulteration was due to circumstances over which the owner had no control, release any vehicle, boat or canoe which may have been seized in connection therewith and shall permit the owner to clean the said produce and when the same has been cleaned shall release it.

(3) Except as provided in subsection (2) an inspector or examiner, as the case may be, shall forthwith report the seizure and detention of any produce, vehicle, boat or canoe to a magistrate.

(4) When any produce, receptacle, vehicle, boat or canoe has been seized and detained under the powers conferred by subsection (1) and the owner thereof is unknown or cannot be found, a complaint may be laid for the purpose only of enforcing forfeiture of such produce, receptacle, vehicle, boat or canoe, and the magistrate having jurisdiction in the place in which such produce, receptacle, vehicle, boat or canoe is detained may cause notice to be given in such manner as he may think proper, stating that, unless cause be shown to the contrary at the time and place named in such notice, such produce, receptacle, vehicle, boat or canoe will be forfeited; and at such time and place the magistrate, unless cause is shown to the contrary, may order the forfeiture of the produce, receptacle, vehicle, boat or canoe.

(5) Such fees for examination and inspection of produce may be charged as may be prescribed. 16 of 1946, s.2.

5. No prosecution for an offence under this Decree shall be commenced except with the consent of the Director of Agriculture nor after the expiration of one year after the commission of such offence. Limitation on prosecutions.

6. No action shall lie against an inspector or an examiner for anything done *bona fide* by him in pursuance or intended pursuance of the provisions of this Decree. Immunity of inspectors and examiners for acts done *bona fide*.

7. Upon any prosecution under this Decree the court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by, and the conduct of the defendant and the prosecutor respectively, and may (subject to disallowance by the British Resident) order an informer to receive a sum not exceeding one-half of any penalty recovered in consequence of such prosecution. Costs, etc.

8. On the sale, or in the contract for the sale, of any produce the seller shall be deemed to warrant that the produce is not adulterated, unless the contrary be expressed in some writing, signed by or on behalf of the seller, and delivered at the time of the sale or contract to and accepted by the purchaser. Implied warranty on sale.

9. The ~~Resident in Council~~ ^{Minister} may from time to time make rules prescribing anything to be prescribed under the Decree and for the better carrying out of or rendering effective the provisions of this Decree. Power to make Rules. 16 of 1946, s.3. G.N. 74 of 1956.