

## CHAPTER 27

### THE ADULTERATION OF PRODUCE ACT.

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## CHAPTER 27

### THE ADULTERATION OF PRODUCE ACT.

*Commencement:* 31 December, 1901.

#### **An Act to provide against the adulteration of produce.**

#### **1. Interpretation.**

In this Act—

- (a) “adulterate produce” means to falsify, deteriorate or increase the apparent bulk or weight, or conceal the inferior quality of produce by the combination, admixture or addition with it or to it of some foreign, superfluous or inferior substance, matter or thing, whether deleterious or not, or by the addition of water, 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;
- (b) “produce” includes india rubber, gutte-percha, caout-chouc, coffee, tea, cotton, gums, ivory, tobacco, grain, oils, rice, and every other produce, whether raw or partly or wholly manufactured.

#### **2. Person adulterating produce.**

Any person who adulterates, or causes or orders to be adulterated, any produce shall, subject to this Act, unless he or she proves that he or she acted without intent to defraud, be guilty of an offence against this Act.

#### **3. Offences.**

Any person who sells, or offers for sale, or who gives or tenders in payment or satisfaction of any debt, or who exports, or procures, attempts, aids or abets the exportation of any adulterated produce, commits an offence against this Act, unless he or she proves that, having taken all reasonable precaution against committing any such offence, he or she had, at the time of its commission, no reason to suspect the genuineness or purity of the produce, and that, on demand made by or on behalf of the prosecutor, he or she gave all the information in his or her power with respect to the person or persons from whom he or she obtained the produce.

#### **4. Prohibition of extracts of root rubber, etc.**

The collection of root rubber and the extraction of rubber from boiled bark are prohibited; and any person who sells, purchases or is found in possession of any root rubber or rubber extracted from boiled bark commits an offence against this Act.

#### **5. Balls of rubber to be cut through centre.**

Every ball of rubber shall be cut through the centre and shall not be offered for sale or exported otherwise than in half-balls.

#### **6. Search warrant.**

Any magistrate, if satisfied that there is reasonable ground for suspecting that any produce so adulterated or any rubber so collected, extracted, or adulterated as aforesaid is on any premises or at any place within his or her jurisdiction, may grant a warrant to search the premises or place; and if any such produce or rubber is found on the premises or place, it may be seized and taken before a magistrate to be dealt with according to law.

#### **7. Accessory to offence committed outside Uganda.**

Any person, who, being within Uganda, procures, aids or is accessory to the commission without Uganda of any act, which, if committed within Uganda, would be an offence against this Act, commits an offence as a principal and is liable to be charged, tried and convicted in any part of Uganda in which he or she may be, as if the offence had been there committed.

#### **8. Penalties.**

Any person committing a breach of this Act is liable on conviction to a fine not exceeding six hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment and on a second or subsequent conviction to a fine not exceeding three thousand shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and, in any case, to forfeit to the Government every article or thing by means of or in relation to which the offence was committed.

**9. Publication of names of offenders on second offence.**

In every case of a second or subsequent offence against this Act the court, in addition to any penalty imposed by section 8, may order the offender's name, occupation, place of abode and place of business, and particulars of his or her punishment, to be published at the expense of the offender in such Gazettes or newspapers or in such other manner as the court may think fit.

**10. No prosecution after three years from date of offence or one year after discovery.**

No prosecution for an offence against this Act shall be commenced after the expiration of three years after the commission of the offence, or of one year after the discovery of the offence by the prosecutor.

**11. Costs and rewards.**

Upon any prosecution under this Act, 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 order an informer to receive a sum not exceeding one-half of any penalty recovered in consequence of the prosecution.

**12. Implied warranty.**

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 is 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.

**History:** Cap 241.