

Report of the Sanitary Committee to the Commissioners of Sewers of the City of London, on spurious and unsound tea, and their proceedings thereon : approved, and ordered to be printed, at the Court, Tuesday, 28th November, 1871.

Contributors

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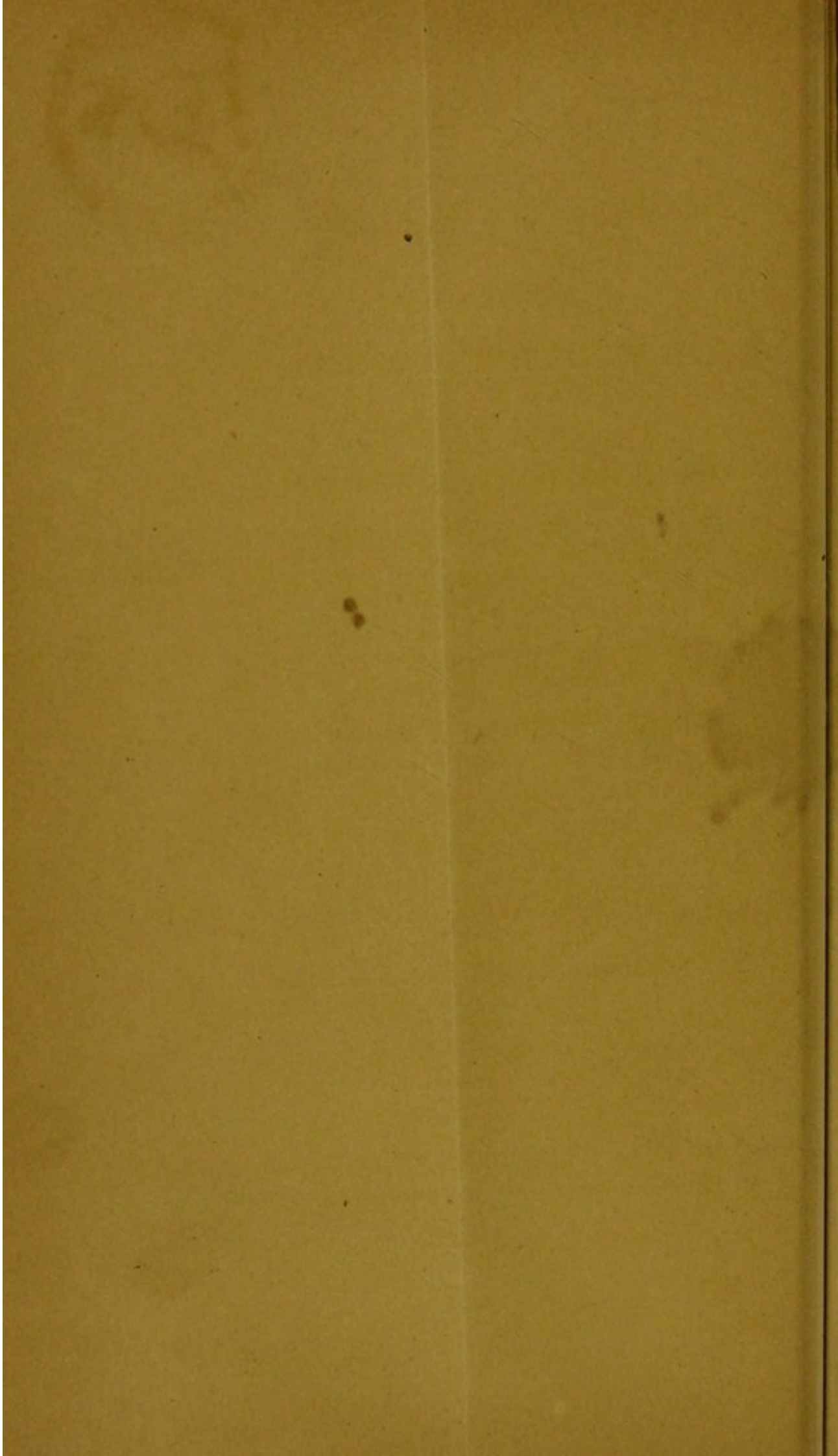
CITY OF LONDON SEWERS.

REPORT
OF THE
SANITARY COMMITTEE
TO THE
COMMISSIONERS OF SEWERS OF THE
CITY OF LONDON,
ON
SPURIOUS AND UNSOUND TEA,
AND
THEIR PROCEEDINGS THEREON.

APPROVED, and ORDERED to be Printed, at the Court.
Tuesday, 28th November, 1871.

LONDON :
JUDD & CO., PRINTERS, DOCTORS' COMMONS, E.C.
By Appointment to the City Commissioners of Sewers.

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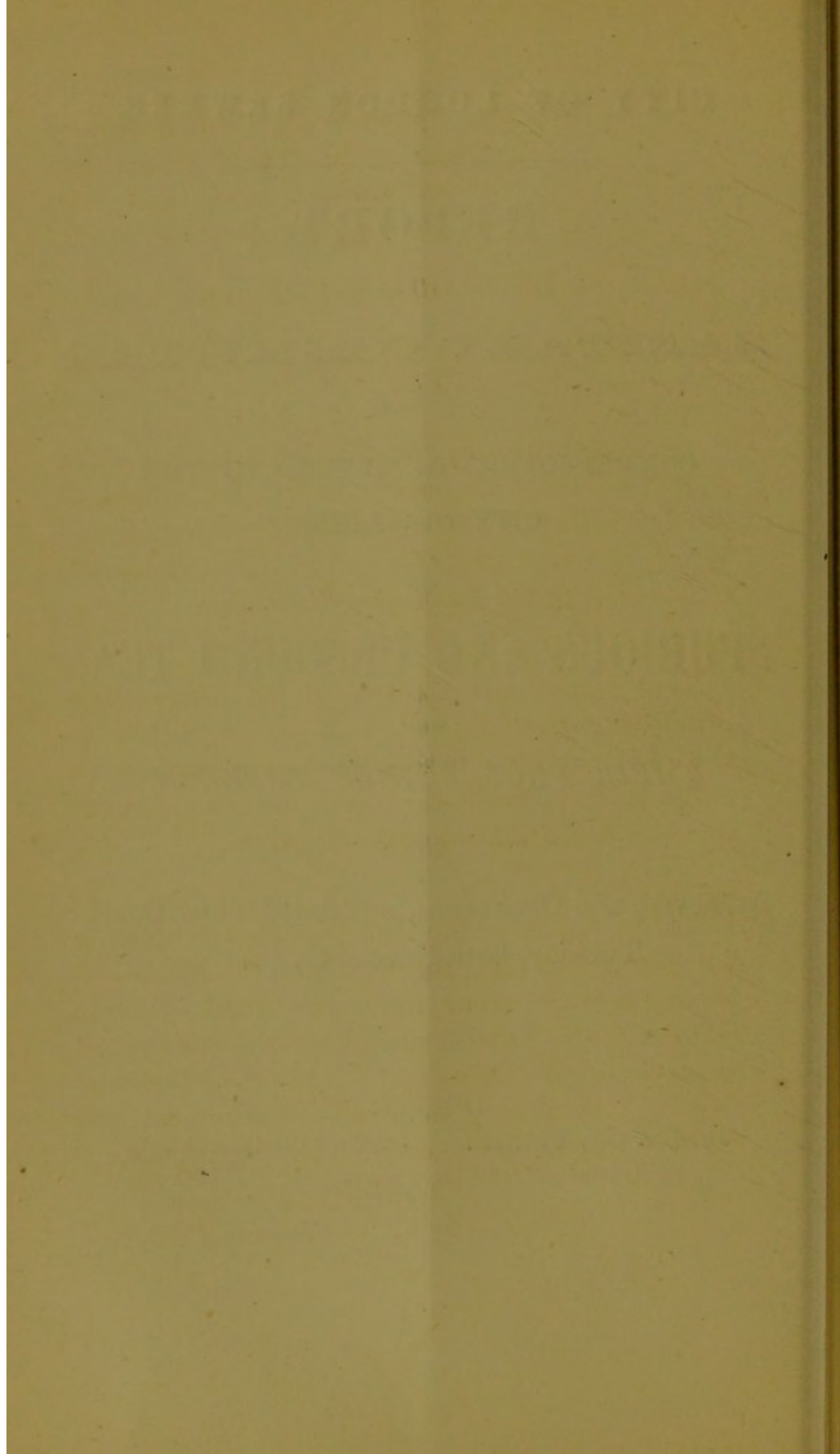
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*At a Meeting of the Commissioners of
Sewers of the City of London, held
at the Guildhall of the said City,
on Tuesday, 28th November, 1871,*

JOHN T. BEDFORD, ESQ., IN THE CHAIR,

THE REPORT OF THE SANITARY COMMITTEE, DATED
THIS DAY, WAS READ—

On their proceedings in relation to Spurious Tea imported into this Country, and their Conferences with the Right Honourable the President of the Board of Trade, and the Right Honourable the Chancellor of the Exchequer thereupon.

RESOLVED—

That this Court approve of the Committee's proceedings therein, and it be an instruction to the said Committee to keep their attention directed to the subject, that action may be taken therein should a favourable opportunity arise.

ORDERED—

That so much of the said Reports referring to the question of Tea, together with the Statement of proceedings from the year 1866, therein referred to, be printed and circulated among the Members of this Court and the Court of Common Council; also among Members of Parliament, and the several Sanitary Boards of the Metropolis.

JOSEPH DAW,
Principal Clerk.

The first of the three
is the one which is
the most common and
the most useful.

The second is the one
which is the most
common and the most
useful.

The third is the one
which is the most
common and the most
useful.

The fourth is the one
which is the most
common and the most
useful.

The fifth is the one
which is the most
common and the most
useful.

The sixth is the one
which is the most
common and the most
useful.

REPORT.

TO THE HONOURABLE THE COMMISSIONERS OF
SEWERS OF THE CITY OF LONDON:—

We, whose names are hereunto set, your Sanitary Committee, beg to report to your Honourable Court as follows:—

On the question of Unsound and Spurious Tea, which, on the 16th May last, was, by your Honourable Court, referred to us to inquire into, on the Report of the Medical Officer of Health, with a view to legal proceedings being taken against the offending parties, and also with power to confer with her Majesty's Government thereupon, we have to state that, upon full consideration of the matter, we did not feel it expedient to take legal proceedings against the parties offending, as the experience of the past cases gave but little encouragement to do so.

However, having arrived at a conviction that no Local Sanitary Authority, if they had not legal powers conferred on them, could effectually overcome the difficulties in their way of putting an end to such trading, and that it could only be done by the Officers of Her Majesty's Customs, we directed the Clerk to write to the Secretary of the Customs

and inquire, "Whether the Customs' Officers are
 "empowered, on due information given them, to
 "seize and destroy such, on Certificate that the
 "same is unfit for human food."

This Letter was accordingly written by the Clerk on the 25th May last, and the reply, dated the 30th May, says:—"The Officers of this
 "Revenue are not empowered, either on information
 "given to them, or on Certificate that the same is
 "unfit for human food, to seize and destroy Tea,
 "whether spurious or not."

We resolved therefore to address ourselves at once to Her Majesty's Government, and accordingly arranged for a Conference between a Deputation of our Committee with the Right Hon. Chichester Fortescue, President of the Board of Trade, on the subject, which was had on the 7th June last, having previously addressed to him a Statement of all the proceedings in this matter from the year 1866 to the present time. At this Meeting the Right Hon. the President received us very courteously, and went very fully and carefully into the matter, but stated that the Board of Trade, having no power over the Customs, could not adopt the course suggested by us; but he advised us to see the Chancellor of Exchequer on the matter, as the Lords of the Treasury, we understood him to say, might be

induced to interfere if they deemed it proper to do.

We therefore communicated with the Chancellor of Exchequer on the 8th instant, and transmitted to him a Copy of the Statement above-mentioned for his consideration, and asked for a Conference, which he was good enough to fix for the 16th November instant, at which the Deputation of our Committee, accompanied by the Clerk, the Solicitor, and Medical Officer of Health, attended; we were received courteously by the Right Hon. Gentleman, who was accompanied by Sir Thomas Freemantle, Chairman of the Commissioners of Customs, and other gentlemen; the result however of the Conference left the question as it was, both those gentlemen expressing their opinion that the Officers of the Customs' Department could not be entrusted with such powers as were suggested by us, even with the aid of duly qualified Inspectors, locally appointed. And that such powers if used might interfere with the trade of this country injuriously, and have the effect of diverting a large amount of business to other countries. The Chancellor of the Exchequer considered that nothing further could be done without an express Act of Parliament, but he seemed to doubt whether a Bill to promote such object would pass through Parliament.

If the Government were asked to introduce such a measure, he said he presumed the application should be made to the Home Secretary, or to the Local Government Board.

We have thus communicated to you the result of our proceedings herein, and can only express our regret that there seems no means open for adoption likely to put a stop to a trade so injurious to the health and well being of the Community.

All which we submit to your Honourable Court.

Dated 28th November, 1871.

JOHN KELDAY,
H. W. NIND,
GEORGE FISHER,
S. D. MOREY,
G. R. LONGDEN,
THOS. S. RICHARDS.

UN SOUND AND SPURIOUS TEA.

STATEMENT laid before the RIGHT HONOURABLE
THE CHANCELLOR OF THE EXCHEQUER *and the*
PRESIDENT OF THE BOARD OF TRADE.

THE Commissioners of Sewers are the Sanitary Board for the City of London, and by their own local Acts of Parliament—the City of London Sewers' Acts, 1848 and 1851 (11 and 12 Vict., cap. 163, and 14 and 15 Vict., cap. 91)—and by the various Nuisances Removal and Diseases Prevention Acts, are empowered by their officers to seize various articles of food, &c., when the same are found to be unfit for human food. The various powers above referred to are continuously in full exercise as far as regards

meat, &c., and very large quantities of the various kinds of meat are annually seized and destroyed by their officers; and many persons who have consigned such meat from various parts of the United Kingdom to the London markets have been prosecuted by indictment, and, under the Acts of Parliament, have been very severely punished for the offence—many having been imprisoned for twelve, six, and three months, and lesser terms, with heavy fines.

Under these circumstances the Commissioners have, at various times of late, had their attention called by their Medical Officer of Health to the public sales of unsound and spurious tea.

1866.—The first instance of the kind occurred in this year, when the Medical Officer of Health reported as follows :—

January 23rd, 1866.

My attention has been drawn to some samples of damaged tea which is advertised to be sold by auction at the Commercial Sale Rooms, in Mincing Lane, on Thursday next. They are samples of 350,000 lbs. of salvage tea, recovered from the ruins of a warehouse, at Beal's-wharf, Tooley Street, and the tea has evidently been so much damaged by fire and water, that it is quite unfit for human consumption.

I place the samples before you, and being of opinion that the sale of such tea for human food would be highly dangerous to the public health, I recommend that the matter be referred to the solicitor with the view of taking such immediate proceedings to prevent the sale of the tea for human food, as the Act of Parliament directs.

This was put in the hands of the Solicitor of the Commissioners, whose reports of the proceedings, in consequence of the orders of the Commissioners, and the results, are as follows:—

January 30th, 1866.

DAMAGED TEA.

To the Commissioners of Sewers of the City of London—

Gentlemen,—I have the honour to report that in pursuance of your instructions, I gave, on the 24th instant, notice to Messrs. Brown & Roberts, auctioneers, that the sale of the damaged tea from Beal's Wharf, which was brought to the notice of your Honourable Court on the 23rd instant, if proceeded with would subject them to penalties as being tea unfit for human food.

I also gave notice of the facts to the Commissioners of Customs, and to the Superintendent of the Commercial Sale Rooms, Mincing Lane.

The sale was however proceeded with by Messrs. Brown & Roberts, on the 25th instant, and a portion of the tea was knocked down at prices for the various lots, being respectively 10d., 10½d., 1¾d., 8½d., 3¼d., and 1½., but I have heard no tea was really sold.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Signed)

A. J. BAYLIS.

Church Court Chambers, Old Jewry.

March 13th, 1866.

COMMISSIONERS v. BROWN AND ROBERTS.

To the Commissioners of Sewers of the City of London.

Gentlemen.—I have the honour to report that in pursuance of your instructions I took proceedings against Messrs. Brown and Roberts, of No. 22, Throgmorton-street, for offering a quantity of unsound and unwholesome tea for sale at the Commercial Sale Rooms in Mincing Lane.

The case was heard before Mr. Alderman Stone at the Guildhall Justice Room on Wednesday last. Dr. Letheby proved that the tea was unfit for human consumption, but inasmuch as the defendants showed that after receiving a notice from your Honourable Court not to proceed with the sale, they submitted samples of the tea to Dr. Odling, of Saint Bartholomew's Hospital, and obtained a certificate from him that the tea was good. Alderman Stone, though satisfied that the tea was unsound and unwholesome, thought that the justice of the case had been fully met by the investigation that had taken place, and that the infliction of a penalty would be unnecessary.

The summons was therefore dismissed.

I have the honour to be,

Gentlemen,

Your obedient servant,

(Signed.) A. J. BAYLIS.

Church Court Chambers, Old Jewry,

The attention of the Honourable Board of Trade is here called to the above case as distinct from those which follow. Herein the article in question was only injured by fire and water, and rendered more or less nauseous and disgusting. It was impossible to say that the same samples submitted to Dr. Odling were identical with those on which Dr. Letheby had pronounced opinion. Hence the magistrate could not well arrive at any other decision than he did.

The next case which occurred was in the year 1870.

In his Report to the Commissioners this day, the Medical Officer of Health writes as follows:—

March 1st, 1870.

In consequence of information which I have received respecting the sale of spurious tea at the London Commercial Sale Rooms in Mincing-lane, in the City, I have visited the bonded tea warehouses in Cooper's-row, Crutched Friars, and Nicholson's Wharf, Lower Thames-street, where a large quantity of the tea was stored, and have obtained the samples, which I place before you, from the chests in bond.

The tea is described as Fine Moning Congou from Shanghai; and I have ascertained from analysis that it consists of the re-dried leaves of exhausted tea. The leaves, in fact, are for the most part quite rotten from putrefactive decomposition, and do not contain more than a trace of the active principle of tea.

The odour of them is very offensive and when infused in boiling water they produce a nauseous unwholesome liquid.

I am informed that many thousand pounds of it have been imported into this country, and that it will be used for the adulteration of genuine tea. It is in my opinion quite unfit for human consumption, and the further sale of it should be prevented if possible.

In the *Globe* newspaper of the 7th of February a reference is made to it in the following extract from a letter received from Shanghai:—"The rubbish going forward in the shape of re-dried tea—tea leaves—will astonish you; it is called here Ma-loo mixture, Ma-loo being the name of the street leading to the race-course. Along its sides may be seen heaps of this trash being dried in the sun; dogs and pigs walking through and over it; so beware of tasting any. This novel luxury is said to cost ten taels per picul, duty paid, and several thousand packages have been shipped to foreign countries."

The sale of it in the city is also referred to in the trade report of the *Times* newspaper of the 16th of February as thus:—"A chop of very common spurious Shanghai packed tea brought 5½d. per lb., and three breaks of better quality, 7¾d. lb.;" and in Messrs. Townsend Brothers and Bovet's monthly tea market report it is stated that the large deficiency in the total imports of serviceable tea in this season is "only brought near our requirements by about seven million pounds of the spurious stinking matter recently sold at public sale at 5½d., and which is likely to recede to the value of former years, say 1¾d. to 2½d per lb."

There is no doubt, in fact, of the spurious and unwholesome quality of the material, and I recommend that the subject be placed in the hands of the solicitor, with the view of preventing the further sale of this article in the city of London, in accordance with the provisions of the Act of Parliament for preventing the adulteration of articles of food and drink (23 and 24 Vict., cap. 84.)

Accordingly, the Court ordered proceedings to be taken by the Solicitor.

The result of this will be found in the Report of the Solicitor as follows:—

March 29th, 1871.

SPURIOUS TEA.

To the Honourable Commissioners of Sewers of the City of London—

Gentlemen,—I have to report that in accordance with your instructions two seizures of tea, which on the 1st and 15th of this month were reported to your Honourable Court to be unsound and unfit for food, have been made by Sanitary Inspector Wylde. And I have taken steps to have each case heard before the sitting Alderman, Mr. Alderman Stone, at the Guildhall Justice-room, with a view to obtain an order for the condemnation and destruction

of the tea. The proceedings were taken under the Nuisances Removal Amendment Act, 26 and 27 Vict., cap. 117, passed in 1863, which enacts :—

“The medical officer of health or inspector of nuisances may at all
 “reasonable times inspect and examine any animal, carcase, meat,
 “poultry, game, fish, flesh, fruit, vegetables, corn, bread, or flour,
 “exposed for sale, or deposited in any place for the purpose of sale or
 “of preparation for sale, and intended for the food of man, the
 “proof that the same was not exposed or deposited for such purpose
 “or purposes, or was not intended for the food of man resting with
 “the party charged, and in case any such animal, carcase, meat,
 “poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour
 “appeared to him to be diseased, or unsound, or unwholesome, or
 “unfit for the food of man, it shall be lawful for such medical
 “officer of health or inspector of nuisances to seize, take, and carry
 “away the same, or direct the same to be seized, taken, or carried
 “away by any officer, servant, or assistant, in order to have the
 “same dealt with by a justice ; and if it shall appear to the justice
 “that any such animal or any of the said articles is diseased,
 “or unsound, or unwholesome, or unfit for the food of man, he shall
 “order the same to be destroyed or so disposed of as to prevent such
 “animals or articles from being exposed for sale or used for such
 “food.”

The first case, which was heard before Mr. Alderman Stone, on the 11th and the 21st of this month, and in which Mr. Waller and Mr. Besley appeared, related to six chests of “Moning tea,” which had been sold by public auction, and were seized at Nicholson’s Wharf. It was clearly proved that it consisted chiefly of exhausted leaves in a state of putrefaction, mixed with a good deal of dirt, and that it was unsound and unfit for food. It was urged at considerable length that the magistrate had no jurisdiction, on the following grounds, viz. :—

1st. That tea was not named in the Act of Parliament,

2nd. That it was not included under the term "Vegetables."

3rd. That it was not "Food."

4th. That it was not deposited or exposed for sale at Nicholson's Wharf.

But Mr. Alderman Stone, after hearing the case for two days, made an order for the destruction of the tea, but granted a case for the opinion of the Court of Queen's Bench, and meantime restrained the destruction of the tea.

The second case related to $9\frac{1}{2}$ chests of tea, called Scented Orange Pekoe Siftings, which was reported to this Court by one of its members, and by the Medical Officer of Health, on the 15th inst., and were seized by Inspector Wylde, on the 18th, at the East and West India Co.'s Bonded Warehouses, Fenchurch-street.

This was also heard by Mr. Alderman Stone, on the 25th of March, when Mr. Poland appeared for the owners of the tea. It was proved that this tea was but about one-sixth the usual strength of tea of this description, that it had in it little of the active principle of tea ; that it had an unpleasant odour, an acrid taste ; that a great portion was not tea at all, and that the other portion was composed of exhausted tea leaves and a little good tea.

After carefully hearing and considering the case, Mr. Alderman Stone held that, although the tea was no doubt adulterated, and bad, and ought not to be sold, as it had not been *clearly proved that it would be injurious to health*, it was not, within the meaning of the Act, unfit for food, and he could not therefore order its destruction.

I take leave to add that there can be no doubt that very large quantities of adulterated, spurious tea, consisting chiefly of dirty exhausted leaves, have arrived at this country, and that much more is expected. But the result of the cases which have been heard show clearly that, if it is your duty, as the Board of Health for the

City, to suppress this fraud upon the public, it is essential that greater and clearer powers than you at present possess should be given you by the Legislature.

I have the honour to be,
Gentlemen,
Your obedient servant,
(Signed) A. J. BAYLIS.

The Medical Officer of Health on the same day reported as follows:—

March 29th, 1870.

SPURIOUS TEA.

To the Honourable Commissioners of Sewers of the City of London—

Gentlemen,—I have the honour to report to you the results of the chemical examination of fifteen samples of spurious tea, taken by your inspector from the Bonded Warehouses of the City, and which were sold or advertised for sale at the London Commercial Sale Rooms in Mincing Lane.

Six of the samples were taken from six chests of tea, that were seized by Inspector Wylde, on the 9th inst., in the Bonded Tea Warehouse, at Nicholson's Wharf, Lower Thames-street, and they were part of a lot of 208 chests, marked "T H" in a diamond, and described as "fine Moning Congou," from "Shangai."

Considering the importance of the question at issue, I thought it necessary to have the assistance of Dr. Stenhouse, F.R.S., and formerly Professor of Chemistry in St. Bartholomew's Hospital, who has devoted great attention for many years past to the chemical analysis of tea and its allies, and the following are the results of our combined enquiries:—

All the six samples had a large coarse appearance, and they were of a dark colour. The odour of them was sour and disagreeable,

instead of being aromatic, as is the case with good tea. When they were treated with boiling water, they produced an infusion which was nauseous and offensive, showing that the albuminous matter of the tea had undergone decay, and had become changed by putrefactive decomposition. 100 grains of each of the samples were boiled in water, until the whole of the soluble matter was extracted, and we found, from numerous experiments, that the proportion of extract ranged from 11 to 14 per cent., the average being only 12·36 per cent., whereas a number of examinations of good sound Congou, of even low quality, proved that the average amount of extract should not be less than from 24 to 25 per cent. of the tea.

The samples were also carefully examined for the crystallizable nitrogenous substance called *Theine*, which is the characteristic active principle of tea, and it was ascertained that only a mere trace of this substance was present, the proportion ranging from only 0·025 to 0·036 per cent., whereas the proportion in good sound Congou is not less than 2·1 per cent. It appeared, therefore, that when measured by this important constituent of tea, it required about 65lbs. of the spurious material to yield the same amount of *Theine* as one pound of good commercial Congou.

We likewise determined the proportion of *ligneous* or insoluble matter in the several samples, and we ascertained that it amounted to from 73 to 77 per cent., the average being 75·23 per cent.; the quantity in good Congou being about 64 per cent.

These results, together with the broken-down and rotten condition of the leaves, were proof that the tea had been already used for beverage; and when thus exhausted it had been allowed to decay, and had then been re-dried and curled for sale. In our opinion it was unsound, unwholesome, and unfit for human food.

The second set of samples which we examined were nine in number. They were advertised for sale at the London Commercial Sale Rooms on the 15th instant, and they were described as "50 half-chests of finest new season's scented orange Pekoe

"siftings," at Fenchurch-street warehouse. All the samples consisted of broken leaves with a good deal of dust. None of the leaves were at all curled, and they had a very pale, olive-brown colour and a very faint odour of scented tea. When infused in boiling water they yielded a thin, pale-coloured, acrid infusion, which had none of the qualities of good tea; and the leaves which were thus expanded by the hot water were found to be spurious.

After boiling in water until the soluble matter was thoroughly extracted, we ascertained that the quantity of extract ranged from 19 to 21 per cent., the average amount in good Pekoe being about 34 per cent.

The quantity of *Theine* in the nine samples ranged from 0.24 to 0.38 per cent., the average of all being only 0.31 per cent. whereas the amount in a fair sample of Pekoe was 1.9 per cent., or rather more than six times as much as in the spurious article.

The proportion of insoluble *ligneous matter* was 72.34 per cent., that of good average Pekoe being only about 56 per cent.

It was manifest from these results, that the so-called Pekoe Tea consisted in great part of foreign leaves, with a good deal of dust, and a little exhausted tea, with just enough good tea to give a discoverable flavour; and although the samples were unquestionably adulterated to an enormous extent, yet it was difficult to say that they were positively unwholesome, and hence the law was powerless to condemn them.

A like failure of justice occurred in the year 1866, when measures were taken by your solicitor to prevent the sale of about 350,000 lbs. of rotten and charred tea which had been saved from the fire at Beal's Wharf, and which tea was offered for sale at the Commercial Sale Rooms, on the 25th of January, 1866 as "*Salvage Tea*." In that case, the tea was so charred by fire, or damaged by water as to be quite unfit for human consumption. Most of it, in fact, had passed into a state of putrefactive decomposition, and was so offensive as to be actually nauseating. It yielded only from

3·4 to 6·2 per cent. of soluble extractive matter to boiling water, and the active principle of tea (*Theine*) was almost entirely absent, showing that the fire and water had completely exhausted it. On that occasion, as on the present, many respectable tea-brokers of the city expressed a strong opinion of the impropriety of exposing and offering such articles for sale for human consumption ; and they were further of opinion that some amendment of the law was necessary to put a stop to the practice. I have before me the trade circulars of three eminent firms of the city, namely, the Monthly Tea Market Report of Messrs. Townsend Brothers and Bovet ; the Tea Circular of Messrs. Moffatt and Heath ; and that of Messrs. Arthur Capel, Norbury and Hallam, all of whom are tea-brokers of the city. In the first-named report, it is stated that the deficiency of this season's serviceable tea is "only brought near our requirements by about seven million pounds of the spurious stinking matter recently sold at public sale at 5¼d, and which is likely to recede to the value of former years, say 1¾d. to 2¼d. per lb." In the second report, it is said that "the most satisfactory feature of the market which we have to note, is the condemnation by the city authorities of the spurious rubbish, which some of the enthusiastic buyers in Shanghai, seemed to have thought the trade would have taken, as being cheap, forgetting that nastiness is generally associated with cheapness ;" and in the last-named circular, there is the remark that "the agitation which has been started by Dr. Letheby, for the destruction of the tea, known as Ma-loo mixture, will, we trust, have a beneficial effect in, at all events, stopping further supplies from being sent to this market."

It appears from what I have been able to learn from the Tea Brokers, that the practice of sending spurious tea to this country is largely on the increase ; and, although the respectable portion of the trade is entirely opposed to it, and would gladly see it stopped, yet there is no power to prevent it. Week after week, sales of such tea are advertised in the public sale rooms of this city, and the law is so imperfect, that you have little or no power to deal with

the matter. According to Dr. Dickson, who is an authority on this subject, "the Chinese annually dry many millions of pounds "of leaves of different plants to mingle with the genuine tea," but we are also receiving the most worthless trash in the form of spurious leaves, re-dried, exhausted tea, and dirt of the filthiest description. "While the tea trade was entirely in the hands of "the East India Company, few of these adulterated teas were "shipped for this country, as experienced and competent Inspectors "were kept at Canton, to prevent the exportation of such in the "Company's ships; but since the trade has been opened, all kinds "find a ready outlet."

As to the consequence of this on the public health, it is difficult to speak; for the phynologist is hardly able to say what precise function tea serves on the animal economy; and, notwithstanding, that ages of experience in all climates, and in all conditions of society, would seem to show that it supplies some natural want, and meets some deep-seated necessity, which science is unable to fathom. Everywhere, in fact, among all races of men, as if, by an untaught physiological instinct, vegetables have been selected for use like tea, which contain the same remarkable, active principle to which I have referred; and, whether they perform the functions of helping assimilation, by making food go further in its nutritive power; or whether they ease the functions of life, and, as it were, oil the machinery of the animal frame; or whether, as Liebeg supposes, they furnish, like soup, certain complex constituents, which exert an exciting and vivifying action on the animal economy, it is certain that their effects are salutary, and that they supply some undefined want. In respect of tea, this is especially so among the aged and infirm, and among the low fed and poorer classes of the community, who will always make a sacrifice of more nutritious food, for the cheering effect of a little tea. Among the poor, therefore, the sale of such spurious matter is not merely a fraud upon the pocket, it is also a fraud upon the wants of the system: and in this sense it is most reprehensible. To say, indeed, that the spurious matter is not unwholesome, is no answer to the

fraud committed upon the system, when in times of necessity, the beneficial action of a cup of tea has been sought for and has failed. In the same sense, it should be legally a fraud, and, to this end, it is necessary that the law relating to the subject should be amended.

I remain, Gentlemen,

Your Obedient Servant,

HENRY LETHEBY.

Guildhall.

From the Solicitor's report on the first of the above cases, it will be seen that the Magistrate ordered the destruction of the Tea, but subsequently restrained proceedings, granting the Defendants leave to appeal on a special case for the opinion of the Court of Queen's Bench. This has never been pressed on by the Defendants, who have never since taken any proceedings, and the Tea remains impounded.

1871.—The question has again been before the Commissioners under the following circumstances:—

The Medical Officer reports as follows:—

4th April, 1871.

I have received information of the arrival in this country of many hundred chests of spurious and unsound Congou tea which will be offered for sale by public auction during the ensuing week. I submit samples which have been furnished to me, and I recommend that one of your inspectors be instructed to attend the sale, and obtain samples for my further investigation.

Accordingly, one of the Inspectors attended the sale and obtained samples of the spurious Tea in question, on which the Medical Officer of Health reported as follows:—

16th May, 1871.

I have to report to you that in accordance with your instructions, Mr. Newman, one of your inspectors of meat and markets, obtained samples of the damaged and spurious tea which was sold by public auction at London Commercial Sale Rooms, Mincing-lane, on Tuesday, the 4th of April last; and I place them before you. It will be observed that they consist of tea-dust, and of the siftings of tea, and of damaged leaves in a putrid condition. They are, in fact, precisely of the same description as the samples of tea which were the subject of legal proceedings in the month of March of last year; and which I reported to you as being, in the case of the so-called Moning Congou, composed of the broken-down and rotten or putrid leaves of tea which had already been used for beverage; and in the case of the so-called scented orange, Pekoe siftings, as being made up of the broken leaves of tea, together with a large quantity of the leaves of other plants. Besides these, there are samples of so-called scented tea dust which contains a large proportion of earthy matter and iron filings. The samples were sold as Congou, scented orange Pekoe siftings, scented tea dust, and fan-nings—there being in all above 600 half chests. I am informed that they were purchased for Country use, and I have received from the medical officer of health of Liverpool a sample of the scented orange Pekoe siftings which were exposed for sale at that place.

The price realized at the sale was from five to seven farthings a pound. I submit that the matter is of sufficient importance to receive the attention of the Sanitary Committee, with a view to legal proceedings, especially as I am informed on good authority that a large quantity of a similar description of spurious and damaged tea is now on its way to this country from Shanghai.

It will be observed that the objections taken by Counsel for the Defendants, when brought before the magistrate under the Act of 1863, were—

1. That "Tea" is not named in the second clause of this Act (26 and 27 Vict., cap. 117), and further—
2. That "Tea" did not come within the term vegetable.
3. That "Tea" is not food.
4. That though deposited at Nicholson's wharf and advertised for sale, it was not *exposed* for sale.

On each and all of these grounds it was contended the Commissioners could not seize it or destroy it.

The first and chief difficulty which the Sanitary Board have in these cases to meet is the difficulty of obtaining information of the tea in question being within their jurisdiction.

This can only be obtained through an anonymous informant. Tea being packed in chests and placed in bonded warehouses for sale, there is no means of examining it, save by the courtesy of the warehouseman, and he will not permit it to be touched or opened, much less removed, without a guarantee

to meet all consequences that may follow; and though, in the one case, by much exertion, six chests were obtained, it was only by giving such indemnity that they could be got to be sampled; while the fact that the owners, contending as they did before the Magistrate, and obtaining leave to have a case for the Court of Queen's Bench, yet never having applied for the tea to be returned to them, nor for the case to be heard, shows that they themselves were perfectly conscious of the truth of the statements made as to the unfitness of the article for human food.

Another and fatal hindrance to the efficient exercise of any power of seizure of such articles by the Commissioners, or by any local authority, was shown in the case in question, when as soon as it became known to the owners that the Commissioners were proceeding to exercise their powers, the Tea in question was immediately taken from the bonded warehouses and removed in a few hours out of their jurisdiction.

The profit which can be made by selling such unsound or spurious tea (although at such nominal prices as have been quoted), is, we are informed, very large, and thus the temptation to bring the same to this country for sale is great.

The circumstance of this Tea being so speedily removed beyond their jurisdiction, convinced the Sanitary Committee that it was useless for them to attempt legal proceedings against the parties, and upon reflection they were impressed with the conviction that the Officers of the Customs are the only persons who can be made useful in the seizure and destruction of such impure and unwholesome materials. Accordingly, they directed their Clerk to write to Her Majesty's Commissioners of Customs on the subject, which he did as follows :—

25th May, 1871.

Sir,—I am directed to inform the Honourable Commissioners of Customs that it has come to the knowledge of the Sanitary Committee of the Commissioners of Sewers of this city, that a very large quantity of spurious tea has been recently brought to London and elsewhere from China and sold. The Commissioners of Sewers would be much obliged by information as to whether the officers of the Customs' Departments are empowered on due information given them to seize and destroy such, on certificate that the same is unfit for human food.

I am, Sir,

Your obedient servant,

JOSEPH DAW, Principal Clerk.

George Dickens, Esq., Secretary.

To this they received the following reply :—

Customs' House, E.C.

30th May, 1871.

Sir,—I am desired by the Commissioners of H. M. Customs to acknowledge the receipt of your letter dated the 25th inst., and to acquaint you for the information of the Sanitary Committee of the Commissioners of Sewers that the officers of this revenue are not empowered, either on information given to them, or on certificate that the same is unfit for human food, to seize and destroy tea, whether spurious or not.

I am, etc.

GEORGE DICKENS, Secretary.

Joseph Daw, Esq.,
Sewers' Office, Guildhall.

It appears, therefore, that Her Majesty's Commissioners of Customs have no power to act in such cases.

The Sanitary Committee submit these matters as of the first importance to the health of the community at large, and especially of the poor, who are so likely to be deluded by its apparent cheapness to purchase this nauseous and filthy stuff, disguised as it is under the outward semblance of Tea.

They submit that power should be given to the officers of Her Majesty's Customs to seize and destroy all such tea or other articles intended for food which come under their supervision, and which, on the

certificate of a duly qualified Inspector, are stated to be unfit for the food of man. That while many a small and ignorant country dealer in cattle or meat has been justly punished with severity for sending up to the London markets the carcase of a sheep or other meat diseased and unfit for human food—so the merchant, guilty of the practice herein detailed, by which large profits are put into his pockets, should not be allowed to act thus with perfect impunity.