

**Report upon the law relating to the adulteration of food and suggestions as to its amendment / by Charles Alfred Swinburne.**

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MANCHESTER AND SALFORD  
SANITARY ASSOCIATION.

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R E P O R T

UPON THE LAW

Relating to the Adulteration of Food,

AND

SUGGESTIONS AS TO ITS AMENDMENT.

BY CHARLES ALFRED SWINBURNE, ESQ.

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REPORT UPON THE

*Law relating to the Adulteration of Food,*

AND

SUGGESTIONS AS TO ITS AMENDMENT.

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In accordance with the resolution passed at the Meeting of the General Committee of the Manchester and Salford Sanitary Association, of the 30th of May last, I have prepared and submit for the consideration of the Committee the following remarks as to the state of the law relating to the Adulteration of Food, and suggestions as to its amendment.

It will, I think, be admitted by all who have directed their attention to the subject, that the law, as it now stands, is inadequate to meet the serious evil resulting from the adulteration of articles of food and drink which now exists, and which presses so hardly and injuriously upon all classes of society, and more especially upon that class least able to bear it. The fact of such an evil existing calls for a speedy and effectual remedy, and it behoves all associations like this, and, in fact, all who take an interest in the welfare of the people, and particularly that vast portion constituting the working classes, to use their best endeavours to remedy an evil, which, in all cases, is a fraud upon, and, when detrimental to the health, a serious injury to the subject.

There are certain laws existing connected with this matter, such as the acts relating to the adulteration of beer, bread, tea, &c ; such laws have been in existence for a considerable period, but are more or less impracticable, and fall far short of what is required. In the year 1856 a select Committee of the House of Commons (which had been appointed to enquire into the adulteration of food, drink, and drugs), reported to the house that adulteration widely prevailed, and that not only was the public health thus exposed to danger, and pecuniary fraud committed on the whole community, but the public morality was tainted, and the high commercial character of this country seriously lowered, both at home and in the eyes of foreign countries ; and that, though happily very many had refused under every temptation to falsify the quality of their wares, yet there were unfortunately large numbers who, though reluctantly practising deception, had yielded to the pernicious contagion of example, or to the hard pressure of competition forced upon them by their less scrupulous neighbours. The report of the Committee enumerated various articles which had been proved to be more or less commonly adulterated ; and certainly the extent of adulteration in articles of ordinary consumption which this report exhibits, must be very startling to persons who are uninitiated in the fraudulent practices sometimes resorted to in trade. Take for example the following, viz :— bread, adulterated with potatos, plaster of paris, alum, and sulphate of copper ; bottled fruits and vegetables, with certain salts of copper ; coffee, with chicory, roasted wheat, beans, and mangel wurzel ; chicory, with roasted wheat, carrots, sawdust, and venetian red ; cocoa, with arrow-root, potato flour, sugar, chicory, and some ferruginous red earths ; and cayenne, with ground rice, mustard husk, &c., coloured with red lead, venetian red, and turmeric ; gin, with grains of paradise, sulphuric acid, and cayenne ; lard, with potato flour, mutton suet, alum, carbonate of soda, and caustic lime ; mustard, with wheat flour and turmeric ; porter and stout (though sent out in a pure state from the brewers), are adulterated with water, sugar, treacle, salt, alum, cocculus indicus, grains of paradise, nux vomica, and sulphuric acid ; pickles

and preserves, with salts of copper; snuff, with various chromates, red lead, and powdered glass; tobacco, with water, sugar, rhubarb, and treacle; vinegar, with water, sugar, and sulphuric acid; confectionery, with plaster of paris and other similar ingredients, coloured with various pigments of a highly poisonous nature; and acid drops, purporting to be a compound of jargonelle pear, Ribstone pippin, lemon, &c., with essential oils, containing prussic acid and other dangerous ingredients. The Committee also reported that the adulteration of drinks deserved especial notice, because they could not but conclude that the intoxication so deplorably prevalent was, in many cases, less due to the natural properties of the drinks themselves, than to the admixture of narcotics or other noxious substances, intended to supply the properties lost by dilution.

A bill, founded upon the report of the Committee, was subsequently introduced into the House of Commons, but it met with such a resolute opposition upon the part of all traders that its more stringent measures were abandoned, and it was eventually reduced to the milder form which it now assumes under the head of 23 and 24 Vict., c. 84—“An Act for Preventing the Adulteration of Articles of Food and Drink.”

The preamble of this act states that the practice of adulterating articles of food and drink, for sale, in fraud of her majesty's subjects, and to the great hurt of their health, requires to be repressed by more effectual laws than those which are now in force for that purpose.

The act then proceeds to inflict certain penalties upon persons selling articles of food or drink with which, to the knowledge of such person, any ingredient or material injurious to the health has been mixed; and upon persons selling as pure or unadulterated any article of food or drink which is adulterated, or not pure, and directs how the vendor may be protected against articles of food and drink being tampered with by the purchaser. Then comes a clause empowering corporate bodies, courts of quarter session, &c., to appoint analysts and regulate their salaries as they may think fit, with certain powers for purchasers of articles of food and drink; or the justices before whom any complaint has been made to have such articles analysed;

and then follow certain other clauses as to appeals under the act, application of fines, &c., more or less incidental to every act of a similar nature and not affecting the main points, namely, the adulteration—its proof and its punishment.

Having thus directed attention to the law as it now exists, it remains to show where the act for preventing adulteration of articles of food and drink fails, and how it may be amended.

The first section of the present act embraces two descriptions of offences, the one the adulteration of articles of food or drink with ingredients or materials injurious to the health, and the other the selling as pure or unadulterated articles which are adulterated. I am of opinion that a distinction should be made between the offence of selling an article which is adulterated with substances injurious to the health of the consumer, and an article which is adulterated, but which adulteration is not injurious to the health; and that, as the former offence is the more grave, the penalty should be in proportion. The present act fails signally in its operation, inasmuch as it requires the prosecutor to prove that the adulterated article has been so adulterated with the knowledge of the vendor. This is morally impossible, for, in most instances, the vendor may not have adulterated the article at all, or only partially adulterated it, and in the event of the adulteration being that of the retail vendor, he will of course avoid giving any publicity to such adulteration.

The act, therefore, to be of any force should not require such knowledge of adulteration to be proved, but that the selling of an adulterated article should be sufficient in itself to bring the vendor within the pale of the law. It may be urged, in opposition to this suggestion, that such a measure would entail much injustice upon persons selling such articles, who were themselves guiltless of the adulteration; but the law might easily provide against such cases by giving the magistrate a discretion enabling him to caution the offender upon a first or second conviction, and, if he was really innocent of the offence charged against him, he would of course look to the wholesale vendor of such article, and hold him accountable for such adulteration.

When retail vendors once knew that they were responsible for the purity of the articles sold by them, they would themselves manufacture a pure article, or purchase it from one who was a respectable dealer, and did so ; so the penalty must fall either directly or indirectly upon the person guilty of the adulteration. The present act vests a discretion in town councils, courts of quarter session, &c., to appoint analysts. Such appointments, in my opinion, should not be left open to a discretion, but should be imperative upon those bodies, the appointments being confirmed by the crown, which should also have a power to augment or otherwise regulate the amount of salary to be received by the analyst, in order to ensure the appointment of a proper person, and his receiving an adequate remuneration for his services. My reason for suggesting that these appointments should be imperative, are, that many members of the bodies named, and, more especially, of town councils, may be more or less interested in preventing the appointment of such officers, while others who are not so interested may feel an apathy respecting what may injure them individually to but a trifling extent, while again others may consider that the expense incurred by such appointments would be greater than the exigency of the occasion would justify. As before remarked, this is a matter affecting more especially the interests of the working classes, and those in an humble position in life ; and, as they would have no voice in the appointment of an officer to guard their interests, such an appointment should be imperative.

I consider that if the suggestions which I have made had been adopted in the present act, that it would have proved itself a valuable law and a great boon to society, instead of the useless incumbrance which it now is to the statute book.

Many more suggestions might be made for the furtherance of the object in view, but I have confined myself simply to those which would, in my opinion, make the statute operative and useful. Should a law be passed which would in any way punish the evil now existing, the working of such a law will in itself suggest amendments and improvements, which may in time be adopted. What is at present



required is a practicable statute, and if this can only be obtained much will be done. Many valuable suggestions may be obtained from the act of the 5th and 6th William IV., c. 63, which is an act relating to weights and measures, and which, amongst other provisions, inflicts certain penalties upon those using false weights and measures, and provides for the appointment of inspectors, and vests in them certain powers for the furtherance of the object of the act. The selling of a counterfeit article for the price of a genuine one, and that an article of human food, is surely as great a fraud as the selling by counterfeit weights or measures, and the offence one calling as loudly for punishment. And when such an article is not alone what it purports to be, but is actually injurious to the health of the purchaser, then the offence becomes one of a very grave nature, and demands punishment in proportion to its gravity. The law, as stated in the preamble of the adulteration of food act, declares that adulteration is both a fraud and a great hurt to the subject; and, admitting this, it fails to furnish the subject with a remedy against such fraud and injury. That injuries exist against which there is no legal remedy is true, but those are instances in which it would be both unwise and impolitic to furnish such legal remedy; not so in this case, as it is an injury affecting the welfare of the community at large, and its suppression can alone punish those who seek to make a dishonest profit upon the wants and absolute necessities of society.

C. A. SWINBURNE.

*Bowdon,*  
*June, 1862.*