

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE  
No. 53 of 1941.

The subjoined Regulations, issued by the Resident Commissioner in terms of section *one* (1) of the Dairies and Dairy Produce (Bechuanaland Protectorate) Proclamation, 1929 (No. 1 of 1929), as amended by Proclamation No. 35 of 1930, have been approved by His Excellency the High Commissioner and are published for general information.

High Commissioner's Notices No. 24 of 1930, No. 135 of 1930, No. 142 of 1930, No. 164 of 1932, No. 9 of 1933 and No. 214 of 1937, and the regulations published thereunder, are hereby cancelled.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,  
Cape Town, 18th April, 1941.

BECHUANALAND PROTECTORATE DAIRIES  
AND DAIRY PRODUCE REGULATIONS (1941).

1. These regulations shall apply within the following Magisterial Districts, as defined by High Commissioner's Notice No. 119 of 1923, or any Notice amending that Notice:—

- (1) Francistown.
- (2) Ngwato.
- (3) Tuli Block.
- (4) Gaborones.
- (5) Kweneng.
- (6) Ngwaketsi.
- (7) Lobatsi.
- (8) Ghanzi.

2. Save as is herein specially provided, the provisions of these regulations shall not apply in respect of dairy produce which, being intended for consumption on the premises whereon it is produced, is not sold or offered, or exposed for sale, or kept for purposes of sale.

3. In these regulations, unless inconsistent with the context—

“ Administration “ shall mean the Administration of the Territory;

- “ Board ” shall mean the Dairy Industry Control Board of the Union of South Africa as established by Act No. 35 of 1930 of the Union of South Africa;
- “ butter substitute ” shall mean renovated, milled, milk-blended or process butter containing not more than eighteen per centum of water and no fat except pure milk fat;
- “ cheese factory ” shall mean, subject to the provisions of Regulation 4, any premises used for the manufacture of cheese;
- “ clarified butter ” shall mean the residual non-rancid product obtained solely from butter or cream which has been boiled; it shall contain butter fat and not more than 0·2 per centum moisture and 0·1 per centum protein or other substance;
- “ condensed milk ” shall mean milk which has been concentrated by the evaporation of a portion of its water content with or without the addition of sugar;
- “ cooking butter ” shall mean all butter which is presented for sale clearly marked “ cooking butter ” on two sides of the case or box or package;
- “ creamery ” shall mean, subject to the provisions of Regulation 4, any premises used for the manufacture of creamery butter;
- “ creamery butter ” shall mean butter manufactured in a registered creamery, and shall comply with such standards of grading as shall be from time to time prescribed;
- “ cream depot ” shall mean, subject to the provisions of Regulation 4, any place or premises where cream is collected or deposited for the purpose of weighing, sampling or grading or treatment pending consignment to a creamery;
- “ dairy premises ” shall mean any premises occupied and used for the production, storage, supply or sale of dairy produce;
- “ dairy produce ” shall mean milk, condensed milk, dried milk or milk powder, cream, ice-cream, butter, clarified butter, whey butter and cheese, and shall include margarine and all substitutes for butter made from vegetable and animal fats or a combination of vegetable and animal fats;
- “ dairy produce factory ” shall mean premises registered as a creamery, cream depot, cheese factory, butter substitute factory, condensed milk factory, dried milk factory or ice-cream factory;
- “ District Commissioner ” shall mean the District Commissioner having jurisdiction in the district concerned;

- “ domestic purposes ” shall be taken to include agricultural and business as well as domestic and household purposes;
- “ dried milk ” or “ milk powder ” shall mean the dry substance produced by the desiccation of milk;
- “ farm butter ” shall mean butter (other than farm dairy butter) manufactured elsewhere than in a creamery;
- “ farm cheese ” shall mean cheese manufactured, elsewhere than in a cheese factory, in quantities not exceeding seventy-five pounds weight of green cheese in any one day;
- “ farm dairy ” shall mean the premises used for the separation and handling of milk, the making of farm butter, farm dairy butter, clarified butter or farm cheese, for pecuniary gain, obtained solely from bovines which are the property of the operator of such premises, or are in his care;
- “ farm dairy butter ” shall mean butter manufactured elsewhere than in a creamery by any member or members of any one household during any period of twelve months commencing on the first day of every calendar month, after the date on which any levy imposed by the Administration becomes operative, during which more than fifty pounds of butter so manufactured by such member or members have been sold;
- “ ice-cream ” shall mean any frozen product from cream or milk and water, with or without the addition of any other food or of any flavouring, and includes any frozen product intended for human consumption of which cream or milk and water form a part;
- “ inspector ” or “ inspecting officer ” shall mean the Chief Agricultural Officer or any person lawfully discharging any duty imposed on the Chief Agricultural Officer under these regulations;
- “ milk-buying cream depot ” shall mean any place or premises where milk is purchased or collected for conversion into cream;
- “ milk-blended butter ” shall mean renovated and milled butters, in the process of reworking of which water, milk, or cream, or a mixture of any of these liquids, or any extraneous ingredients, are used;
- “ milled butter ” shall mean butter which is a mixture or blend, of two or more butters of different grades, qualities or makes, which has been subjected to a process of reworking either mechanically or otherwise and has been mixed or blended at a place other than where originally manufactured or packed;

- “ person ” shall include any body of persons, corporate or unincorporate;
- “ prescribed ” shall mean prescribed by or in accordance with these regulations;
- “ process butter ” shall mean butter that has been melted, clarified, or refined and reworked by any process whatsoever, with or without the addition of water, milk, cream, or milk fat, or any extraneous ingredients, and made to resemble “ creamery butter ” as defined in these regulations;
- “ regulation ” shall mean any regulation made and in force under the Dairies and Dairy Produce (Bechuanaland Protectorate) Proclamation, 1929, as amended;
- “ renovated butter ” shall mean butter which has been labelled, renewed or treated in any manner in premises other than those in which it was manufactured, with a view to eliminating any defects and restoring it in condition to make it resemble “ creamery butter ” as defined in these regulations;
- “ Resident Commissioner ” shall mean the Resident Commissioner of the Bechuanaland Protectorate or any person lawfully discharging any duty imposed on the Resident Commissioner under these regulations;
- “ whey butter ” shall mean the product obtained by churning whey or the cream obtained from whey.

#### REGISTRATION OF DAIRY PRODUCE FACTORIES.

##### 4. No premises shall be used for—

- (a) the collection of cream (in these regulations referred to as a “ cream depot ”); or
- (b) the manufacture of creamery butter (in these regulations referred to as a “ creamery ”); or
- (c) the manufacture of cheese other than farm cheese (in these regulations referred to as a “ cheese factory ”); or
- (d) the manufacture of butter substitutes (in these regulations referred to as a “ butter substitutes factory ”); or
- (e) the manufacture of condensed milk (in these regulations referred to as a “ condensed milk factory ”); or
- (f) the manufacture of ice-cream (in these regulations referred to as an “ ice-cream factory ”); or
- (g) the manufacture of dried milk or milk powder (in these regulations referred to as a “ dried milk factory ”);

unless such premises are registered with the Administration in the manner prescribed by regulation.

Every owner or occupier of such premises registered with the Administration at the time of taking effect of these regulations shall apply to the Chief Agricultural Officer for registration under these regulations. Such applicant shall be issued with a dairy produce factory licence, free of charge, in respect of such premises. Every such dairy produce factory licence shall be valid until 31st December, 1941. The subsequent renewal of such licences shall be as prescribed by regulation.

For the purposes of these regulations no premises shall be regarded as a dairy produce factory unless the owner or occupier thereof uses thereat milk or cream supplied by or procured or purchased from another person or is a syndicate, partnership, or other association of two or more persons.

5. The Resident Commissioner may refuse to grant a dairy produce factory licence in respect of premises defined in Regulation 4 if he shall consider it necessary or just to do so.

6. All premises used as a dairy produce factory in addition to the requirements prescribed generally for farm dairies, shall conform to the following:—

- (a) The walls shall be constructed of burnt brick, concrete or stone;
- (b) all floors shall be constructed of cement or other suitable impervious material and shall be so constructed that they can be properly drained;
- (c) adequate provision shall be made for the disposal of butter milk, whey and waste;
- (d) the surfaces of the floors and walls and, in the case of cold storage rooms, the ceilings shall be finished with impervious material;
- (e) all rooms in which dairy produce is handled or stored shall be provided with ceilings of suitable material, which can be effectively disinfected and cleaned;
- (f) the premises shall be enclosed by a suitable fence.

7. All creameries shall be provided to the satisfaction of the inspector with sufficient accommodation and with all necessary appliances for the manufacturing of butter, including equipment for the receiving, weighing, sampling, grading, testing, pasteurization and cooling of cream, and also with adequate refrigeration for controlling the temperature of the produce at each stage of the manufacturing process and with adequate cold storage accommodation for butter; such equipment shall also include one or more boilers large enough to provide hot water and steam sufficient to cleanse and steam all cans or other utensils received or used at the creamery.

8. All cream depots shall be provided to the satisfaction of the inspector with the necessary accommodation, appliances and equipment for the receiving, weighing, sampling, grading, testing and cooling and storage of cream. Such equipment shall also include a boiler large enough to provide hot water and steam sufficient to cleanse and steam all cans or other utensils received or used at the depot.

9. All cheese factories shall be provided to the satisfaction of the inspector with sufficient accommodation, including a properly constructed curing room provided with adequate refrigeration to maintain a temperature suitable for the curing of cheese, and with all necessary appliances and equipment for the manufacture of cheese; such equipment shall include a steam boiler.

10. All premises designed for the manufacture of any other dairy produce as defined in Regulation 4 shall be constructed and equipped to the satisfaction of the inspector.

11. Any owner or occupier who intends to make substantial structural alterations to a registered dairy produce factory shall, before any building operations are commenced, notify the Chief Agricultural Officer and submit a description and plan of the proposed alterations.

12. Every dairy produce factory shall be provided for the use of persons employed therein with suitable and sufficient sanitary conveniences which shall be constructed and kept clean to the satisfaction of the inspector.

#### REGISTRATION OF MILK-BUYING CREAM DEPOTS.

13. No premises shall be used for the purchase, separation and handling of milk for the production of cream unless such premises are registered with the Administration in manner prescribed by regulation.

14. (1) Every owner or occupier of a milk buying cream depot registered with the Administration at the time of taking effect of these regulations shall apply to the Chief Agricultural Officer for registration under these regulations. Such applicant shall be issued, free of charge, with a milk-buying cream depot licence in respect of such premises. Every such milk-buying cream depot licence shall be valid until 31st December, 1941. The subsequent renewal of registration shall be effected in accordance with the provisions of Regulation 18.

(2) All premises used as a registered milk-buying cream depot shall conform to the requirements prescribed generally for farm dairies.

(3) The owner or occupier of such premises shall purchase milk for cash only in the manner prescribed by these regulations.

(4) Milk shall be purchased by weight at not less than the minimum price which shall from time to time be notified to the purchasers.

(5) The owner or occupier of such premises shall transmit to the Chief Agricultural Officer all particulars necessary for compiling of annual statistics and shall include the number of gallons of milk purchased, the number of pounds of butterfat in respective grades obtained from such milk, and the names of all persons supplying milk to each and every milk-buying cream depot operated by such owner or occupier.

Each owner or employee in charge of a milk-buying cream depot shall record the pounds of milk received daily from each milk supplier in an account book kept solely for that purpose. Every milk seller shall be issued with a receipt for the number of pounds of milk purchased each time from such milk seller.

(6) At the end of every month during which milk was purchased, each milk seller's account shall be computed. Payment in cash for such milk shall be effected before the fifteenth day of the month following the purchase of such milk.

(7) The Resident Commissioner may refuse to grant a milk-buying cream depot licence, if he shall consider it necessary or just to do so.

#### REGISTRATION OF DAIRY PREMISES.

15. (1) No premises shall be used as a farm dairy unless such premises are registered with the Administration.

(2) Every owner of a farm dairy registered with the Administration at the time of taking effect of these regulations shall apply to the Chief Agricultural Officer for registration under these regulations. Every such applicant shall be issued with a farm dairy licence, free of charge.

#### REQUIREMENTS AND PROHIBITIONS.

16. (1) All registered dairy premises or dairy premises which are required to be registered shall be well ventilated and so constructed as to be capable of thorough cleansing. The premises shall not be used for any other purpose than that of the preparation or manufacturing of dairy produce and the storing of dairy utensils. All such premises shall be lime washed or otherwise treated or disinfected as and when deemed necessary by the inspector.

(2) All whey, washings and drainage from dairy premises shall be dealt with and disposed of to the satisfaction of the inspector so as not to be or to cause a nuisance or be a danger to health.

(3) No person dealing in dairy produce shall permit any water-closet, earth-closet, privy, cesspool, or urinal to be within, communicate directly with, or ventilate into any premises used for dairy produce nor

shall he keep or allow to be kept swine in any building or shed used for keeping milch animals.

(4) All dairy premises shall be provided to the satisfaction of the inspector with clean water, and be constructed so as to exclude from contact with the produce flies and other insects and any animal whose presence would be likely to contaminate such produce, and no person shall be registered as aforesaid unless the said premises are so provided and constructed.

(5) All buildings used for storing or handling dairy produce or for separating cream shall be arranged so as not to be subject to animal or other effluvia, and shall be efficiently drained. Such buildings shall not be used for domestic purposes.

(6) All vessels, implements, and apparatus and portions thereof used in connection with the production of dairy produce must be in a good state of repair, and must on each occasion immediately after use be first cleansed in lukewarm water and then scalded in clean boiling water, after which they must be placed in a clean airy place and be protected from flies.

(7) All milking operations must be carried out in a cleanly manner to the satisfaction of the inspector, and all buckets used for milking must be kept solely for such purpose.

(8) No dairy produce shall be consigned for or disposed of by sale or barter in any form—

*Sale of  
milk*

(a) if produced by a person who is not the holder of a valid certificate of registration, except such produce as may have been produced beyond the borders of the Bechuanaland Protectorate and is in transit; or

(b) when presenting any marked deviation from ordinary appearances as regards colour, odour, taste, or general condition; or

(c) when produced or derived from an animal manifestly the subject of constitutional, acute, or infectious disease; or suffering from abscess, inflammation, painful swelling, or other affection of the udder, or from any animal not completely recovered from the febrile state and other symptoms incident to parturition.

(9) On the occurrence of symptoms of acute disease in any animal, or of a large and sudden diminution in the yield of milk, the milk shall be set aside and not be exposed or transmitted for sale or used in the production of any dairy produce.

(10) On the occurrence in the person or family of anyone employed about the milch animals or dairy, of any throat complaint, affecting three or more persons, or of any disease of an eruptive, infectious or contagious nature, whether affecting one person or more, the infected individual shall be isolated and the fact notified to the District Commissioner.

(11) No owner of dairy premises or person in his employ shall allow any person suffering or suspected to be suffering from an infectious or contagious disorder, or having been in contact with any such person, to milk animals or to handle vessels used for milking or in any way to take part or assist in the production of dairy produce.

(12) No person shall keep pigs in styes, or shall place or allow to be placed any manure heap within a distance of two hundred yards from any farm dairy, cheese factory, cream depot, creamery, condensed milk factory, margarine factory, butter substitutes factory, ice-cream factory, or room used for separating purposes or storing of cream or milk or erect or use any premises as a farm dairy, cheese factory, cream depot, creamery, condensed milk factory, butter substitute factory, ice-cream factory, or room used for separating purposes or storing of cream or milk within a distance of two hundred yards from any piggery, manure heap or offensive stagnant water: Provided that where in any case the inspector is satisfied that the physical characteristics of the premises require that any piggery or manure heap should be placed in a certain specified position he may, by special permit authorise the same to be so placed and used, notwithstanding such position may be at a less distance from a creamery, cheese factory, cream depot, ice-cream factory, condensed milk factory, butter substitutes factory, farm dairy or room used for separating purposes or storing of cream or milk as the case may be than is herein prescribed.

(13) No person shall permit any offensive or decomposing liquid to be or to flow within a distance of two hundred yards from any creamery, cheese factory, cream depot, condensed milk factory, margarine factory, butter substitutes factory, farm dairy, or room used for separating purposes or storing of cream or milk unless in a drain properly constructed to the satisfaction of the inspector.

17. Premises used for pre-cooling and cold-storing butter and cheese for export must be approved by the Administration and, if found suitable for the purpose, a certificate of fitness in the form prescribed in Schedule I hereto shall be issued accordingly. Such premises will be inspected for constructional suitability and adequacy of refrigerating plants. Walls of such premises should, as far as possible, be finished in a non-permeable substance. Insulated rooms intended for storing butter or cheese, together with all air trunks, cooling, batteries, etc., must be separated from rooms containing fruit, meat or any other odorous substance by a clear space or solid impervious wall. Doors or other openings into such rooms in which butter or cheese is stored must not be placed in a common corridor, and must be situated in the

open at least twenty feet away from any opening from chambers containing odorous material. Chambers which have within the previous six months contained citrus fruit, apples, pineapples, meat or other matter in the opinion of the Administration detrimental to butter or cheese shall not be used for storing butter or cheese; and such chambers shall be whitewashed and disinfected to the satisfaction of the inspector before being utilized for the storage of butter or cheese.

18. (1) Every application for registration of dairy premises shall be made to the Chief Agricultural Officer.

(2) Upon receipt of any such application the Chief Agricultural Officer shall, if necessary, cause the premises to be inspected, to ascertain whether they comply with the requirements of these regulations.

(3) If the inspector is not satisfied that the premises comply with the requirements of these regulations, he shall issue to the applicant for registration a notice in writing stating what alterations, additional equipment or other requirements are necessary before registration of the premises can be effected.

(4) When the requirements set out in such notice in writing have been complied with, the applicant shall notify the inspector accordingly, and the latter shall then reinspect or cause to be reinspected the premises in order to ascertain whether the terms of the notice have been satisfactorily carried out.

(5) If the requirements specified by the inspector are not carried out within six months of the date of issue of the notice in writing, the application in respect of the premises concerned shall be considered to have lapsed.

(6) If the inspector is satisfied that the premises comply with the requirements of these regulations, the Chief Agricultural Officer shall recommend to the Resident Commissioner that a licence be issued according to the class of premises to be registered: Provided that a licence may be issued by the Chief Agricultural Officer in respect of a farm dairy without reference to the Resident Commissioner.

(7) On the 1st December in each year the holder of a dairy produce factory licence or a milk-buying cream depot licence who desires such licence to be renewed shall forward such licence, together with an application for renewal, to the Chief Agricultural Officer.

(8) Upon receipt of the application for the renewal of such licence the Chief Agricultural Officer, if he is satisfied that the requirements of these regulations are being complied with, shall recommend to the Resident Commissioner that the licence be renewed for a further period of twelve months.

(9) An official register of all premises registered under these regulations shall be kept in the office of the Chief Agricultural Officer.

(10) If at any time subsequent to registration the inspector finds that any premises registered in terms of the preceding regulations do not comply with the requirements of the regulations for the time being applicable to such premises, the inspector may issue an order in writing, addressed to the holder of the licence, requiring that the defect shall be remedied to his satisfaction within a specified time. Any holder of a dairy premises licence who fails to comply with a written order issued in terms of this paragraph shall be guilty of an offence.

(11) The Chief Agricultural Officer may, if he be satisfied that by so doing there would be no detriment to the public health, issue a temporary milk-buying cream depot or farm dairy licence for—

- (a) the period allowed for alterations to be made, or
- (b) the temporary occupation of premises of a non-permanent nature.

19. No person shall carry on the business of production or manufacture of cream, butter, cheese, ice-cream, clarified butter, butter substitutes, condensed milk or dried milk unless he is the holder of a dairy premises licence or a temporary dairy premises licence as provided for in these regulations: Provided that in cases of emergency, such as veld fires, lack of water or veld, etc., the inspector shall have the power to grant registration to premises of a temporary nature to enable the producer to carry on his production of cream until such time as conditions will allow him to return to his registered premises.

20. (1) Every owner or occupier of premises registered in terms of Regulation 4 shall be required to affix at the entrance of such premises a brass plate on which shall be clearly inscribed—

- (a) the name of the factory under which it is to be known;
- (b) the name and address of the owners of such premises, and
- (c) the registered number.

(2) Every owner or occupier of premises registered in terms of Regulation 13 shall be required to affix at the entrance of such premises a metal plate on which shall be clearly inscribed—

- (a) the name under which the milk-buying cream depot is to be known;
- (b) the name of the owner of such premises; and
- (c) the registered number.

(3) Every owner of premises registered in terms of Regulation 15 shall be required to affix at the entrance of such premises a metal plate on which shall be inscribed—

- (a) the name of the owner; and
- (b) the registered number.

ADMINISTRATIVE POWERS.

21. (1) Subject to the provisions of these regulations, the inspector may at all reasonable times—

- (a) enter and inspect any premises, place, or vehicle where dairy produce is stored or produced which is intended for sale and inspect all dairy produce found therein or thereon, and all utensils, machinery or apparatus therein or thereon or used in connection therewith;
  - (b) take samples thereat or thereon of dairy produce, or of any article used in connection with dairy produce;
  - (c) enter and inspect any cooling chamber or vehicle used for the storage or carriage of dairy produce;
  - (d) for the purposes of inspection and of taking samples, open any package which contains or is suspected of containing dairy produce;
  - (e) transmit or deliver to a person designated under these regulations, for such examination as is in these regulations mentioned, any sample of dairy produce or of any article used in connection with dairy produce;
  - (f) examine or grade any dairy produce, wherever it may be and in whatever receptacle or package it may be contained, and, without payment, take so much thereof as he may reasonably require for the purpose of grading or testing such dairy produce, and may in his discretion notify any person who has an interest in such examination of the result thereof;
  - (g) examine all books and documents relating to any creamery, cheese factory, condensed milk factory, dried milk factory, cream depot or butter substitutes factory or margarine factory, milk-buying cream depot or farm dairy: Provided that he shall not have access to any secret document relating to the manufacture of condensed milk.
- (2) If, after any inspection under these regulations, the inspector is satisfied that—
- (a) any premises, place or vehicle so inspected are in an unclean or unwholesome condition; or
  - (b) any chemical or scales or measure or any apparatus used in testing cream or milk are not in accordance with standard or are incorrect or are otherwise unfit for the use for which they are intended; or

- (c) any churns, vats, or other utensils used for dairy produce are not fit to be so used; or
- (d) any premises used for the manufacture or storage of any vehicle used for the carriage of dairy produce is unfit for such use; or
- (e) the water used in connection with the manufacture of dairy produce is pathogenic,

he may by written order—

- (i) require the premises and all utensils, machinery or apparatus, or such cooling chamber, vehicle or vessel (as the case may be) forthwith to be cleaned, disinfected, and rendered wholesome to his satisfaction;
- (ii) require any chemical to be made fit for the use for which it is intended or any scales or apparatus or measures aforesaid to be replaced or corrected;
- (iii) require any churns, vats, or other utensils to be made fit for use to his satisfaction;
- (iv) require any premises, place or vehicle to be made fit for use to his satisfaction;
- (v) require any diseased livestock to be moved and the premises or vehicle to be disinfected to his satisfaction;
- (vi) require the supply of water for manufacturing purposes to be discontinued until it has been rendered fit for use, or a supply of pure water to be provided;
- (vii) prohibit any utensils, machinery or apparatus, cooling chamber or vehicle to be used for dairy produce at all or until the defects aforesaid have been remedied to his satisfaction or for such time specified in the order as he thinks necessary, and may further by such written order as aforesaid prohibit the removal from any such premises of any dairy produce for such time as he thinks necessary.

22. (1) If upon any inspection the inspector is of opinion that any livestock on premises on which milk is produced or cooled or cream is separated is so diseased as to be likely to affect injuriously dairy produce, he shall report the disease to a Government Veterinary Officer, and in the meantime he may place a temporary paint brand on all the suspected or affected animals and may prohibit the sale or use of milk from any such animals until a Government Veterinary Officer has declared the animals free from disease likely to affect dairy produce.

(2) If upon any such inspection aforesaid the inspector is of opinion that any person is affected with a disease of any infectious or contagious nature which is likely to contaminate dairy produce, he shall report the fact to a Government Medical Officer, and if such medical officer certifies that such person is affected

with such a disease the inspector may, by written order, order the isolation or removal of such person for such time as the Government Medical Officer thinks necessary.

(3) An inspector shall have the right at all times to inspect and check the grading and testing as carried out at any creamery and cream depot or other premises defined under Regulation 4.

(4) An inspector shall have the right at all times to weigh milk or cream contained in a can or other vessel in registered dairy premises for the purpose of checking the accuracy or the correctness of the weight of milk, cream or butterfat credited to a supplier.

23. The Resident Commissioner may from time to time designate one or more persons qualified by technical training and possessing competent knowledge, skill and experience to carry out microscopical, bacteriological or analytical examinations under or for the purposes of any provision of these regulations. The Resident Commissioner may also designate persons to be inspectors for the purposes of these regulations: Provided that no person shall be so designated if he is engaged directly or indirectly or has any pecuniary interest in any trade or business connected with dairy produce. The designation of any such person shall be in writing and transmitted to and held by him.

24. Any person designated by the Resident Commissioner under the provisions of Regulation 23 for the performance of the duties therein mentioned relating to microscopical, bacteriological and analytical examinations, under or for the purpose of the said regulation or any amendment thereof, shall furnish a certificate, in the form prescribed in Schedule II hereto, of the results of each such examination.

#### STANDARD OF COMPOSITION AND QUALITY FOR DAIRY PRODUCE.

25. (1) "Milk" shall mean the normal fresh secretion of a bovine's udder without addition or subtraction of any kind whatever. It shall contain—

- (a) not less than 3 per centum of milk fat;
- (b) not less than 8·5 per centum of milk solids, not fat.

(2) Butter shall conform to the following standard:—

- (a) It shall be the clean non-rancid product obtained by the churning of cream or milk and shall,
  - (i) in the case of butter manufactured in a registered creamery, contain at least 80 per centum of milk fat and not more than 16 per centum of water;

(ii) in the case of butter not manufactured in a registered creamery, contain at least 80 per centum of milk fat and not more than 18 per centum of water;

(b) It shall not contain any foreign substance: Provided that it may contain common salt (sodium chloride) in a proportion not exceeding four per centum and annatto as a colouring matter.

(3) Ice-cream shall conform to the following standard:—

It shall contain not less than ten per centum by weight of milk fat and not more than one per centum by weight of stabiliser. It shall not contain any preservative nor be manufactured from butter or cream containing any boron compound: Provided that nothing in this regulation shall prohibit the use of gelatin containing sulphur dioxide in the proportion not exceeding 1,000 parts per million or 7 grains per lb. as a stabiliser.

(4) (a) Cheese shall contain not less than 45 per centum of milk fat in its water-free substance, and be free from foreign fat. Cheese containing less than 45 per centum of milk fat in its water-free substance shall be deemed to be skim-milk cheese and labelled "Skim-milk Cheese" in letters not less than one half-inch square.

(b) Cream cheese shall contain not less than 60 per centum of milk fat in its water-free substance, and shall not contain any foreign fat or any preservative.

(c) Cheese which is intended for immediate consumption in its fresh state without being subjected to any process of pressing or ripening and which is manufactured from skim-milk to which cream has been added, may be labelled "Skim-milk Cheese (Creamed)" in letters not less than one half-inch square, but such cheese must contain at least 20 per centum of milk fat in its water-free substance.

(5) Cream when offered for sale shall not contain—

(a) any fat or oil other than milk fat; or

(b) any preservative, colouring matter or thickening substance; and

(c) it shall not be reconstituted by the emulsification of butter or butter fat in milk or skimmed milk.

#### TESTING AND GRADING OF CREAM.

26. All cream purchased by creameries or cream depots for the purpose of converting it into butter shall be graded within three hours of delivery to such premises.

27. (1) No person shall grade cream until he has passed an examination in grading and has obtained a certificate of proficiency approved by the Resident Commissioner: Provided that temporary permission may be given to persons capable in the opinion of the inspector of grading cream but who have not obtained a certificate of qualification to grade cream, until the date of the examination next following the date of application for temporary permission, but such permission shall not extend beyond the first opportunity for examination.

(2) Any person wishing to obtain a certificate of proficiency to test or grade cream shall apply to the Chief Agricultural Officer to be examined.

(3) The Chief Agricultural Officer shall cause a register to be kept of the names of all persons to whom cream grading and testing certificates have been granted and of certificates which are from time to time in force, and entries shall be made therein of any matter whereby a certificate ceases to remain in force.

28. Candidates for cream grading and testing certificates shall be required to give evidence of practical experience of factory work and shall satisfy the examining officer or officers as to their knowledge respectively of the following:—

(a) *Testing of Milk and Cream—*

- (i) Gerber and Babcock methods;
- (ii) machines and appliances for testing milk, cream, skim-milk, butter milk, whey and ice-cream;
- (iii) methods of sampling;
- (iv) preserving milk or cream for testing;
- (v) measuring *versus* weighing method;
- (vi) treatment of samples for testing;
- (vii) use of pipette;
- (viii) wash water;
- (ix) temperature and testing;
- (x) acid and its importance in testing;
- (xi) use of chemical agents;
- (xii) causes of different colours of fat column;
- (xiii) inaccuracies in testing;
- (xiv) testing of acidity of milk and cream and detection therein of common preservatives;
- (xv) legislation in force affecting milk and cream testing;
- (xvi) use of the lactometer, estimation of milk solids-not-fat and detection of adulteration of milk; and

(b) *Grading of Cream*—

- (i) influence of food, water, breed and condition of cow on flavours, aroma, body, colour and keeping properties of milk and cream;
- (ii) straining, separation, cooling and aeration of milk;
- (iii) production, care, control and delivery of milk and cream;
- (iv) sanitation of the dairy and factory, and how milk and cream may be affected bacteriologically;
- (v) nature, design, use and cleansing of dairy utensils and appliances;
- (vi) atmosphere, season, temperature and their influence on milk or cream in transit or storage;
- (vii) propagation and use of lactic cultures and the ripening of milk or cream by natural or artificial methods;
- (viii) the science and practice of grading cream;
- (ix) legislation in force affecting the grading of cream and standards for different grades of cream.

29. All cream delivered to a cream depot or creamery for conversion into butter shall be graded into one or other of the following classes: "first grade", "second grade", "third grade", "below grade".

30. Any person holding a certificate in cream grading who grades cream into a different grade from that in which the cream should have been graded under these regulations shall be guilty of an offence and, on conviction thereof, his registration within the Bechuanaland Protectorate shall be cancelled and his name erased from the list of certificate holders: Provided that such person may appeal to the Resident Commissioner for re-instatement as a registered certificate holder, and the Resident Commissioner may, if he deems it expedient, again place his name on the list of registered certificate holders.

31. The following shall be the standards for the different grades of cream:—

"First grade" shall be cream that is clean in flavour, of smooth uniform consistency and free from appreciable defects in all other respects; it shall not contain more than 0·5 per centum acidity calculated as lactic acid;

"second grade" shall be cream that is reasonably clean in flavour, of smooth uniform consistency; it may be slightly "weedy" or "tainted" and may be slightly "over acid", but shall be free from serious defects in other respects;

“ third grade ” shall be cream which is below “ second grade ” quality, but which can nevertheless be converted into butter for table use; such cream may have pronounced “ off ” flavours or strong weed or plant taints and may be stale, bitter, metallic or “ over acid ” and may be curdy or lumpy, but shall not show any signs of having undergone putrefactive fermentation;

“ below grade ” shall be cream which has undergone undesirable fermentation of which in other respects does not meet the requirements of the other three grades. Such cream shall be dealt with as follows:—

- (i) If, in the opinion of a certificated cream grader or the inspector, such cream can be converted into butter for culinary purposes, it may be so utilised;
- (ii) if, in the opinion of a certificated cream grader or the inspector, such cream is unfit to be converted into butter for culinary purposes, it shall forthwith be returned to the sender at the sender's risk and expense; before such cream is returned to the sender the manager of the creamery or cream depot, as the case may be, shall add thereto sufficient cochineal essence or other harmless colouring matter to colour effectively the whole of the cream;
- (iii) notwithstanding the provisions of paragraphs (i) and (ii) above, no creamery or cream depot shall be under any obligation to accept cream which is “ below grade ” and the owner or manager thereof may, if he so wishes, return such cream notwithstanding the fact that it may be suitable for conversion into butter for culinary purposes.

32. (1) No dairy produce factory shall accept or use for manufacture any milk or cream which on delivery contains any animal, bird, maggot, or other thing making it unfit for the manufacture of a product for human consumption.

(2) Should any such milk or cream as aforesaid be delivered to any creamery, cream depot, cheese factory, dried milk factory or condensed milk factory, it shall forthwith be destroyed.

33. (1) No person shall add or mix any ungraded cream with cream which has been graded.

(2) No person shall add or mix cream which has been graded as “ second grade ” to or with any cream which has been graded as “ first grade ” if such cream is to be used for the manufacture of “ first grade ” butter.

(3) No person shall add or mix any cream which has been graded as "third grade" to or with any cream which has been graded as "second grade" if such cream is to be used for the manufacture of "second grade" butter.

(4) No person shall add or mix any cream which has been graded as "below grade" to or with any cream which has been graded as "third grade" if such cream is to be used for the manufacture of "third grade" butter.

(5) No person shall use or attempt to use any cream which has been graded by the inspector or by a certificated cream grader as "second grade" for the manufacture of butter which is intended to be sold as "first grade".

(6) No person shall use or attempt to use any cream which has been graded by the inspector or by a certificated cream grader as "third grade" for the manufacture of butter which is intended to be sold as "second grade".

(7) No person shall use or attempt to use any cream which has been graded by the inspector or by a certificated cream grader as "below grade" for the manufacture of butter which is intended to be sold as "third grade".

34. All cream delivered to a creamery or cream depot for conversion into butter shall be tested as to its butter fat content in the manner set out in the following regulations.

35. A sample shall be taken of each and every can of cream and each such sample shall be tested separately as to its butter fat content. The mixing for testing purposes of samples obtained from different cans of cream shall not be permitted.

36. The method of taking the sample of cream required for testing purposes shall be approved by the inspector and shall be such as to ensure a thorough mixing of the whole of the contents of each can.

37. The quantity of each sample shall be sufficient to enable a test to be made as hereinafter provided and to leave a portion for retesting.

38. The samples of cream shall be tested by the Babcock method as follows:—

Nine grammes of the well-mixed sample of cream are placed in a standard test bottle and nine cubic centimetres of water added thereto; nine to twelve cubic centimetres of sulphuric acid of specific gravity 1.825-1.830 are then added to the mixture of cream and water and the bottle is then at once placed in a centrifugal machine and whirled for at least four minutes

at the minimum speed set forth in the following table:—

<i>Diameter in Inches of Revolving Wheel.</i>	<i>Minimum Revolutions per Minute.</i>
10	1,080
12	980
14	910
16	850
18	800
20	760
22	725
24	695

Hot water is now added until the bottle is filled to near the scale on the neck. The bottle is again whirled at not less than the minimum speed for not less than one minute. Hot water is again added until the column of fat comes within the upper and lower limits of the scale marked on the neck of the bottle. The bottle is again whirled in the centrifugal machine for at least one minute at not less than the minimum speed laid down. The bottles shall then be so placed in a bath containing water at a temperature 140° F. that the level of the water shall correspond with the top of the butter fat column of the test bottles. The test bottles shall be kept in the water-bath for a period of not less than five minutes and the reading shall be taken immediately each test bottle is removed from the water-bath. A few drops of fat-saturated alcohol or a few drops of "Glymol" added to each test bottle before the latter is removed from the water-bath shall be used for levelling the meniscus of the butter fat column, and the reading shall then be taken using a pair of dividers from the bottom of the column of fat to the point of junction between the fat and the levelling fluid. The reading is then multiplied by two to arrive at the correct percentage of butter fat in the sample.

39. The testing of milk may be either by the Babcock system or by the Gerber system.

(i) *Babcock System.*—The test according to this system shall be carried out as follows:—

17.6 cubic centimetres of a well-mixed sample of the milk to be tested, at a temperature of approximately 70° F. are transferred by means of the standard pipette to the standard test bottle and thereto 17.5 cubic centimetres of sulphuric acid of specific gravity not less than 1.82 nor more than 1.84 are added. The remainder of the process is identical with that detailed in Regulation 38 for the testing of cream but the fat column reading is not multiplied by two to arrive at the correct percentage of butter fat in the sample.

(ii) *Gerber System*.—The test according to this system shall be carried out as follows:—

10 cubic centimetres of sulphuric acid of specific gravity not less than 1·820 nor more than 1·825 are transferred by means of the standard acid pipette to the standard Gerber test bottle. 11 cubic centimetres of a well-mixed sample of the milk to be tested at a temperature of approximately 70° F. are added thereto by means of the standard milk pipette without allowing any admixture to take place. 1 cubic centimetre of pure amyl alcohol having a specific gravity of not less than 0·815 nor more than 0·818 is then added by means of the standard alcohol pipette in such a manner as to cause as little admixture with the milk as possible. The test bottle is now closed with a good india-rubber stopper, and the whole well shaken in an up and down direction till all the curd is dissolved.

The test bottle is then placed in water at a temperature of between 155° F. and 160° F. for at least five minutes, but not more than fifteen minutes, after which it is placed in the Gerber centrifugal machine and whirled at a speed of approximately two thousand revolutions per minute for five minutes. The tube is then removed from the machine and again placed in water at a temperature of between 155° F. and 160° F. for at least two minutes before reading the percentage of fat.

If the fat layer is not perfectly clear, or if it be coloured pink, or if there should be a plug of fluffy matter beneath it, the test must be repeated.

40. (1) A receipt for all cream supplies shall be rendered by the owner of every creamery and cream depot to the vendor of cream, setting forth the number of pounds of cream received, the percentage of milk fat contained therein and the total number of pounds of milk fat for which payment will be made, and shall not be in any form or contain any descriptive words other than are approved by the inspector under these regulations.

(2) All cream grading and testing results shall be entered against the name of the owner of the cream graded or tested by the person performing the work of testing or grading in a recognised book kept solely for such purpose; such book shall be in a form approved by the inspector and shall further contain any such other particulars as may be required by him. The results of each cream test entered in such book shall show—

- (a) the actual percentage of fat read, and
- (b) the result after multiplying (a) by two.

(3) The grading and testing results of each day's work shall be correctly dated and bear the signature of the person who actually performed the work of testing.

(4) No alterations except such as are justifiable, which shall bear the initials of the person responsible for the testing or grading, shall be allowed in the test record book or in any extract therefrom.

(5) Any vendor of cream shall have the right to have his cream tested in his presence not oftener than once a fortnight.

41. The owner or manager of every creamery shall deliver to the inspector, whenever required so to do, a correct return showing the amount of commercial butter actually churned from each grade of cream purchased, together with particulars of the amount of milk fat actually credited to its cream suppliers during any calendar month, and any other such particulars as may be required by him; such return shall be in such form and manner as the inspector may direct. The inspector shall be given every reasonable facility to compare such returns with the records or statements entered in any of the books used by such owner or manager.

42. No person shall be employed in the testing of cream and milk until he has passed a practical examination in testing and has obtained a certificate of proficiency approved by the Resident Commissioner: Provided that temporary permission may be given to persons who are capable in the opinion of the inspector of testing milk or cream, but who have not obtained a certificate of qualification to test milk or cream, until the date of examination next following the date of application for temporary permission, but such permission shall not extend beyond the first opportunity for examination.

43. Any person holding a registered certificate in milk and cream testing who makes, states or enters in the test book an incorrect test result shall be guilty of an offence and, on conviction thereof, his registration certificate shall be cancelled and his name erased from the list of registered certificate holders: Provided that such person may appeal to the Resident Commissioner for reinstatement as a registered certificate holder, and the Resident Commissioner may, if he deems it expedient, renew his registration and again place his name on the list of registered certificate holders.

#### TESTING OF GLASSWARE.

44. (1) Every test bottle, pipette, and measuring glass used in connection with the testing of milk or cream shall bear the assizement marks of the Government of the Union of South Africa or of Southern Rhodesia.

(2) Any glassware as above detailed found in the possession of any person whatsoever, not bearing the aforementioned assizement mark, will be immediately destroyed.

(3) The person in possession of such glassware will be deemed guilty of an offence under these regulations.

(4) (a) No unauthorized person shall mark any test bottle, pipette or measuring glass used in connection with the testing of milk or cream in a manner which would indicate that it is accurate in accordance with these regulations.

(b) No person shall sell or offer for sale any test bottle, pipette or measuring glass used in connection with the testing of milk or cream unless it has been so tested and marked accurate as provided in these regulations.

(c) No person shall use any test bottle, pipette or measuring glass in connection with the testing of milk or cream if such testing is for the purpose of determining the value or the relative value of the said milk or cream, unless such test bottle, pipette or measuring glass has been tested and marked accurate as provided in these regulations.

(d) Nothing in these regulations shall apply to burettes or measures used in connection with the making of cream or milk tests for the measuring of sulphuric acid.

45. All thermometers imported into the Bechuanaland Protectorate intended to be used in connection with dairying operations, which contain a paper scale, must have an ineffaceable mark on the outside of the glass exactly opposite the 100° F. mark on such scale.

46. All milk or cream supplied to a creamery, cream depot, cheese factory, condensed milk factory or dried milk factory shall be conveyed thereto from the place of production in a clean, seamless, non-rusty can of approved type and which is provided with a clean, non-rusty close-fitting lid.

47. All milk or cream cans used for the conveyance of milk or cream from the place of production to a creamery, cream depot, cheese factory, condensed milk factory or dried milk factory shall have the name and address of the producer legibly inscribed thereon.

48. No person shall convey any whey, butter milk or separated milk from any cheese factory, creamery or cream depot in any can which is used to convey milk or cream to such cheese factory, creamery or cream depot.

49. Any cans used for the conveyance of whey, butter milk or separated milk from any cheese factory, creamery or cream depot, shall be marked "whey", "butter milk" or "separated milk" as the case may be.

50. All cans in which milk or cream is delivered to a creamery, cream depot, cheese factory, condensed milk factory or dried milk factory shall, before being sent away from such creamery, cream depot, cheese factory, condensed milk factory, or dried milk factory, be thoroughly cleansed and steamed and, where practicable, aired.

51. The inspector may at any time condemn any can which, on account of its faulty, rusty or unsanitary condition, is in his opinion unsuitable for use in connection with milk or cream, and shall place or cause to be placed on any such can a mark in the form of an arrow in red paint, indicating that it has been condemned, and shall also give notice either verbally or in writing to the owner or person using such can that it has been condemned and the reasons therefor.

52. Cans which have been condemned by an inspector shall not be used to contain milk or cream until they have been repaired or retinned to the satisfaction of the inspector, and the inspector shall have the right to destroy or cause to be destroyed any condemned can, together with its contents, which is used to contain milk or cream and which has not been repaired or retinned to his satisfaction.

53. The owner or manager of every creamery, cream depot or cheese factory, shall reject all milk or cream which is delivered to him—

- (a) in a receptacle or container other than a can of approved type; and
- (b) in a can which bears a mark in the form of an arrow in red paint, indicating that it has been condemned;

and shall in the absence of the inspector, who would otherwise direct that such can and its contents be destroyed, return such can, receptacle or container, together with any milk or cream contained therein, to the sender at the sender's risk and expense.

#### MARKETING OF DAIRY PRODUCE.

54. No creamery butter, factory cheese or farm cheese shall be exported from the Bechuanaland Protectorate—

- (1) except in such manner as shall be directed by the Resident Commissioner; and
- (2) accompanied by a permit issued by the Chief Agricultural Officer.

55. Any butter or cheese produced in the Union of South Africa, South West Africa, Basutoland or Swaziland shall, on importation into the Bechuanaland Protectorate be exempt from any levy imposed under Regulation 59.

56. Every creamery butter manufacturer shall forward to the Chief Agricultural Officer, on Monday of

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ACN 231/41  
54(a)*

every week, and every factory cheese manufacturer shall forward to the Chief Agricultural Officer, on Wednesday of every week, a return in a form prescribed showing—

- (a) the respective quantities of butter or cheese of every class or grade manufactured by him during the week ending at the close of business on the preceding Saturday;
- (b) the respective quantities of butter or cheese of every class or grade held in stock by him at the close of business on the preceding Saturday;
- (c) the respective quantities of butter or cheese of every class or grade despatched by him on the direction of the Resident Commissioner during the week ending at the close of business on the preceding Saturday, the names and addresses of the persons to whom butter or cheese was so despatched, the quantity of butter or cheese respectively, despatched to each such person, and the date of such despatch: Provided that whenever any calendar month does not end on a Saturday, the return for the last week of that calendar month shall be submitted on the first day of the succeeding calendar month for the period from the preceding Saturday to the last day of the preceding calendar month, and the return for the first week of the succeeding calendar month shall be for the period from the first day of that month to the close of business on the first Saturday of that month;
- (d) the quantity of butter of every grade sold by him for consumption in the Bechuanaland Protectorate.

57. (a) Whenever the Administration has imposed any levy on farm dairy butter, every farm dairy butter-maker shall keep a correct record (in such form as may be prescribed) of the total quantity of farm dairy butter sold by him on every day, and shall not later than the third day of every calendar month transmit to the Chief Agricultural Officer a correct copy of the record so kept by him in respect of the preceding month.

(b) The Chief Agricultural Officer may furthermore require every person concerned in the production, marketing or processing of butter or cheese, to furnish him with such further information relating to such butter or cheese as may be available to such person and as he may specify.

58. (1) No creamery butter, factory cheese or farm cheese (Gouda or Cheddar type) shall be sold or offered for sale within the Bechuanaland Protectorate unless such dairy produce has been officially graded by an inspector or inspectors.

(2) (a) Whenever any person desires to have any creamery butter, factory cheese or farm cheese graded he shall give the Chief Agricultural Officer seven clear days' notice thereof in writing.

(b) After receipt of such notification the Chief Agricultural Officer shall cause such dairy produce to be graded.

(c) When any creamery butter or factory cheese is submitted for grading it shall be at the following temperatures:—

Creamery butter: minimum 50° F., maximum 64° F.

Factory cheese: minimum 45° F., maximum 60° F.

(d) Any person submitting creamery butter or factory cheese or farm cheese for grading shall provide all the necessary assistance for the expeditious handling of such dairy produce at the place of grading.

(e) Creamery butter shall be graded into four grades, namely:—

First grade.  
Second grade.  
Third grade.  
Cooking butter.

The grading shall be according to the following scale of points:—

Flavour and aroma: 50 points.  
Quality, including body, grain and moisture: 30 points.  
Colour: 10 points.  
Salting: 5 points.  
Finish and packing: 5 points.

For the purpose of differentiating the grades:—

Creamery butter scoring from 90 to 100 points shall be first grade;  
creamery butter scoring from 80 to 89½ points shall be second grade;  
creamery butter scoring from 70 to 79½ points shall be third grade; and  
creamery butter scoring less than 70 points shall be cooking butter.

(f) When creamery butter has been graded it shall be wrapped in a butter wrapper or packed in another package bearing on the outside thereof the words "First Grade", "Second Grade", "Third Grade" or "Cooking" Creamery Butter, according to the grade in which it has been graded. The said words shall be in plainly visible capital letters not smaller than one-eighth inch square if the creamery butter contained in such package is less than 1 lb., one-

quarter inch square if the creamery butter contained in the package weighs 1 lb., and not smaller than 1 inch square if the creamery butter contained in the package weighs more than 1 lb.

(g) Factory cheese or farm cheese of the Cheddar type shall be graded into four grades, namely:—

First grade.  
Second grade.  
Third grade.  
Below grade.

The grading shall be according to the following scale of points:—

Flavour and aroma: 50 points.  
Quality, including body and texture: 30 points.  
Colour: 10 points.  
Salting: 5 points.  
Finish and general appearance: 5 points.

For the purpose of differentiating the grades:—

Factory cheese or farm cheese scoring from 90 to 100 points shall be first grade;  
factory cheese or farm cheese scoring from 80 to 89½ points shall be second grade;  
factory cheese or farm cheese scoring from 70 to 79½ points shall be third grade; and  
factory cheese or farm cheese scoring less than 70 points shall be below grade.

(3) When factory cheese or farm cheese of the Cheddar type has been graded the inspector shall stamp thereon the grade thereof and the date of grading.

(4) On any factory cheese or farm cheese shall be indicated, by means of a series of letters or figures branded on the top thereof and not smaller than one half inch square, the day of manufacture of such cheese, the number of the vat, if more than one making is manufactured in one day, and the number of cheese from each making.

(5) No cheese of the Cheddar type shall be graded until a period of six weeks has elapsed since the date of its manufacture and no cheese of the Gouda type shall be graded until a period of three weeks has elapsed since the date of its manufacture.

(6) Factory cheese or farm cheese of the Gouda type shall be graded into two grades, namely:—

First grade; and  
ungraded.

The grading shall be according to the following scale of points:—

Flavour and aroma: 50 points.  
Quality, including body and texture: 30 points.  
Colour: 10 points.  
Salting: 5 points.  
Finish and general appearance: 5 points.

For the purpose of differentiating the grades:—

Factory cheese or farm cheese of the Gouda type scoring 90 points or more shall be first grade; and

factory cheese or farm cheese of the Gouda type scoring less than 90 points shall be ungraded.

(7) The person submitting factory cheese or farm cheese of the Gouda type for grading shall paste thereon a label on which the grade of the cheese and the date of grading shall be stamped by the person authorized to undertake the grading.

(8) Any person exposing any factory cheese or farm cheese for sale shall place on such cheese a card on which is inscribed, in plainly visible printed capital letters not less than one inch square, the grade of such cheese.

(9) All creamery butter, factory cheese or farm cheese manufactured in the Bechuanaland Protectorate which is sold, offered or exposed for sale within the Territory, or exported to a country where grading facilities of the Board do not exist, shall be graded and branded by the inspector or inspectors appointed by the Administration.

(10) If, in the opinion of the inspector, the grade indicated on any cheese does not correctly represent the quality of that cheese, he may cancel the grade mark and brand the correct grade thereon. He shall in that case also place upon such cheese the word "Regraded" and the date of the regrading.

(11) If, in the opinion of the inspector, the grade indicated on boxes or cases does not correctly represent the quality of the butter contained in such boxes or cases, he may cancel the grade mark and brand the correct grade thereon. He shall in that case also place upon such boxes or cases the word "Regraded" and the date of regrading. If the grade indicated on butter wrappers does not correctly represent the quality of the butter contained in such wrappers, the inspector shall instruct the owner of such butter to rewrap the butter in wrappers indicating the correct grade and it shall not be sold until it has been so rewrapped. Rewrapping shall be carried out in the presence of the inspector.

(12) All creamery butter and factory cheese manufactured in the Territory and exported to the Union of South Africa or any other country where the grading facilities of the Board exist, by the direction of the Resident Commissioner, shall be subject to such grading and such fees in respect thereof as the Board shall from time to time determine.

(13) The owner of any butter so graded shall pay a fee to the Chief Agricultural Officer, before the end of every calendar month, calculated on the number of

cases of butter graded during the preceding calendar month. The fee in respect of butter shall be two pence per case of 56 pounds bulk butter or 50 pounds of pat butter graded.

(14) The owner of any cheese so graded shall pay a fee to the Chief Agricultural Officer, before the end of every calendar month, calculated on the number of pounds of cheese graded. The fee in respect of cheese shall be one-twelfth of a penny (1/12d.) per pound of cheese graded. For the purpose of these regulations, the weight of cheese may be taken as the green weight of the cheese less ten per cent.

59. (1) (a) The Resident Commissioner may, with the approval of the High Commissioner and subject to the provisions of this regulation, impose on any product to which these regulations relate, a levy at such a rate as he may determine, which levy shall be payable at such rate, at such times and in such manner as may be prescribed: Provided that any levy imposed in respect of any such product, of a particular class, grade or standard of quality, may differ from any such levy imposed in respect of any such product of any other class, grade or standard of quality: Provided, further, that any quantity of any such product which is exported by the direction of the Board may be exempted from any such levy or may be subjected to a levy which differs from the levy imposed in respect of any quantity of any such product which is intended for consumption in the Bechuanaland Protectorate, the Union of South Africa, South West Africa, Basutoland or Swaziland.

(b) The levy on creamery butter shall not exceed one penny per pound of such butter and shall be payable by every butter manufacturer on the total quantity of such butter sold by him and by every importer of butter on the total quantity of butter imported and sold by him, other than butter imported from the Union of South Africa, South West Africa, Basutoland or Swaziland, which shall, in accordance with the provisions of Regulation 55 be exempt from such levy.

(c) The levy on farm dairy butter shall not exceed one penny per pound on such butter and shall be payable by every farm dairy butter-maker on the total quantity of farm dairy butter sold by him.

(d) The levy on factory cheese shall not exceed one penny per pound on such cheese and shall be payable by every cheese manufacturer on the total quantity of cheese sold by him and by every importer of cheese on the total quantity of cheese imported and sold by him, other than cheese imported from the Union of South Africa, South West Africa, Basutoland or Swaziland, which shall, in accordance with the provisions of Regulation 55, be exempt from such levy.

*For Levy  
see HCN  
50/42*

*For Levy  
see HCN  
70/45 in  
Regard to  
another measure*

*Amend by  
HCN 29/42*

*Amend by  
HCN 29/42*

(e) The levy on farm cheese shall not exceed one penny per pound on such cheese and shall be payable by every farm cheese-maker on the total quantity of cheese sold by him.

(2) (a) The levy imposed by the Resident Commissioner on creamery butter shall be paid by the owner of every creamery to the Chief Agricultural Officer, Mahalapye, before the end of every calendar month on the total quantity of butter manufactured in such creamery during the preceding calendar month as disclosed in the statement transmitted to the Chief Agricultural Officer in terms of paragraph (3) of this regulation.

(b) All farm dairy butter sold by retail or on public markets shall be delivered to the purchaser in a closed package, to which is attached a farm dairy butter levy stamp, of a value corresponding with the levy imposed on the quantity of farm dairy butter contained in such package.

(c) Farm dairy butter levy stamps shall be offered for sale to the public at post offices and postal agencies.

(d) As soon as may be after the end of every calendar month the Postmaster-General shall remit to the Resident Commissioner the proceeds of the sale of all farm dairy butter levy stamps sold at all post offices and postal agencies during the said month.

(3) The owner of every creamery shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Chief Agricultural Officer at Mahalapye a correct statement of the total quantity of butter manufactured in such creamery during the preceding calendar month.

(4) The owner of every creamery shall keep a correct record (in such form as the Chief Agricultural Officer considers sufficient) of the total quantity of butter manufactured on every day in such creamery.

(5) The levy imposed by the Resident Commissioner shall, in respect of all cheese manufactured in a cheese factory or farm dairy, be paid by the owner of every such factory or farm dairy to the Chief Agricultural Officer before the end of every calendar month on the total quantity of green cheese (less ten per centum) manufactured in such factory or farm dairy during the preceding calendar month, as disclosed in the statement transmitted to the Chief Agricultural Officer in terms of paragraph (6) of this regulation.

(6) The owner of every cheese factory or farm dairy shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Chief Agricultural Officer at Mahalapye a correct statement of the total quantity of green cheese manufactured in such factory or farm dairy during the preceding calendar month.

(7) The owner of every cheese factory or farm dairy shall keep a correct record (in such form as the Chief Agricultural Officer considers sufficient) of the total quantity of green cheese manufactured and of the total quantity of milk used on every day in such factory or farm dairy.

(8) The weight or quantity of any green cheese required for the purpose of any provision of these regulations shall be determined, in the case of pressed cheese, by weighing it as soon as possible after its removal from the press; and in the case of any other cheese by weighing it before its removal to a ripening room.

(9) Any levy imposed by the Resident Commissioner by virtue of paragraph (1) of this regulation shall be published by the Resident Commissioner by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

(10) The proceeds of such levies imposed under paragraph (1) of this regulation shall be utilized—

- (a) to pay to the Board such sums as may from time to time by law be payable in terms of the Dairy Products Marketing Scheme, No. 199 of 1940, Section 33, sub-section (2), paragraph (c), as referred to in the next succeeding regulation;
- (b) to make all payments which the Resident Commissioner may lawfully incur under these regulations in the exercise of his functions;
- (c) to create a reserve fund into which any surplus levy funds, not required for immediate use, shall be paid;
- (d) to encourage the greater consumption of dairy products and generally to assist the development and betterment of the dairy industry.

(11) Further, the Resident Commissioner may—

- (a) appoint any person or persons for the purpose of assisting him in the exercise of his functions under these regulations, at such remuneration and on such conditions as he may determine;
- (b) accept money or property given to him by way of donation, grant or otherwise and utilize such money or property in such manner as he may approve;
- (c) co-operate with any person in carrying out any act which he may be required to perform under these regulations on or behalf of the Board.

(12) Any owner of dairy premises shall, upon request, furnish the Chief Agricultural Officer with a correct statement showing—

- (a) the quantity of dairy produce manufactured or produced by him during any stated period and the quantity of each grade of each type or

kind of dairy produce which he has or has had in stock at any given date, and any other fact which is, in the opinion of the Chief Agricultural Officer, necessary;

- (b) the prices paid per unit of weight of butter fat content or per unit of volume, for any cream or milk used in such dairy premises during any stated period;
- (c) the quantity and the grades of dairy produce stored in such dairy premises;
- (d) such other information as may from time to time be required by the Chief Agricultural Officer.

60. The Resident Commissioner shall establish—

- (a) a butter levy fund into which shall be paid all amounts derived from levies on all creamery butter and on all farm dairy butter exported to the Union and from which shall be paid to the Board such sums as may from time to time by law be payable in terms of the Dairy Products Marketing Scheme, No. 199 of 1940, Section 33, sub-section (2), paragraph (c) (i);
- (b) a cheese levy fund into which shall be paid all amounts derived from levies imposed on cheese and from which shall be paid to the Board such sums as may from time to time by law be payable in terms of the Dairy Products Marketing Scheme, No. 199 of 1940, Section 33, sub-section (2), paragraph (c) (iii);
- (c) a butter export equalisation fund into which shall be paid all amounts derived from the payments made in terms of Regulation 63, and the levy on farm dairy butter sold in the territory, from which shall be paid to the Board such sums as may from time to time by law be payable in terms of the Dairy Products Marketing Scheme No. 199 of 1940, Section 33, sub-section (2), paragraph (c) (ii).

61. (1) In addition to the funds referred to in Regulation 60, the Resident Commissioner shall establish a fourth fund to be known as the general fund, out of which he shall defray all his expenditure not referred to in Regulation 60 (a) and (b).

(2) The Resident Commissioner shall transfer from the butter levy fund and from the cheese levy fund, respectively, such funds as he may deem necessary, but the amount so transferred from each fund shall be proportionate to the amount of the levies paid into it during the period of twelve months immediately preceding such transfer.

(3) At the end of any calendar year the Resident Commissioner may pay from the butter levy fund and the cheese levy fund, in proportion to the sum standing to the credit of each fund, to a reserve fund such an amount as he may deem desirable.

62. No member of the Administration and no servant or agent of the Administration shall, except in connection with the administration of these regulations or in connection with any legal proceedings under these regulations, disclose any information conveyed to the Board in terms of Regulation 59 (3), (6), and (12).

63. (1) As from the 1st day of February, 1940, there shall be payable to the Chief Agricultural Officer by every manufacturer of creamery butter an amount equal to the average export loss per pound of butter exported from the Union by the Union Dairy Industry Control Board under the provisions of its marketing scheme as ascertained by the Board annually, multiplied by a number equal to the total number of pounds of creamery butter manufactured in the territory less the total number of pounds thereof exported from the territory under the provisions of Regulation 54.

(2) Such amount shall be paid within a month of the 30th day of September in each and every year.

64. (a) The Resident Commissioner may, with the approval of the High Commissioner and subject to the provisions of this regulation, impose on all creamery butter, farm butter, factory cheese and farm cheese imported into the territory from Southern Rhodesia a levy not exceeding two pence per pound on such imported dairy products, and shall give notice of such levy in the *Gazette*. Imports of such dairy products shall only be permitted by means of permits previously obtained from the District Commissioner of the district in which the importer is trading or resident.

(b) Such levy shall be paid to the District Commissioner of the district, when the aforementioned permit is issued.

65. Creamery butter, factory cheese and farm cheese shall not be imported from countries other than those mentioned in Regulations 55 and 64 except under permit by the Resident Commissioner.

66. No person shall sell, or offer or expose for sale, or have in his possession for purposes of sale, any dairy produce manufactured outside the Bechuanaland Protectorate, if upon such produce or upon the wrapper, package or box containing it there appear the words "Bechuanaland Protectorate" or any mark registered under these regulations, or any words or marks stating or implying that such produce has been manufactured in the Bechuanaland Protectorate.

67. No person shall sell, or offer or expose for sale, or have in his possession for purposes of sale, any dairy produce manufactured outside a registered creamery or registered cheese factory if upon such produce or upon the wrapper, package or box con-

taining it there appear words or marks stating or implying that such produce has been manufactured in a registered creamery or registered cheese factory:

68. (1) All cases containing butter, butter substitutes, or margarine manufactured in (1) a registered creamery, (2) a butter substitutes factory, or (3) a margarine factory, whether packed in bulk or in packets, which are required to be branded with the registered number of the premises in which the butter, butter substitutes or margarine has been manufactured, shall be branded with such number on the outside of the top right-hand corner of one side of the case in figures not less than one inch square enclosed in a circle thus:—

68

(2) All wrappers containing butter, butter substitutes or margarine manufactured in (1) a registered creamery, (2) a butter substitutes factory, or (3) a margarine factory, which are required to have shown on such wrappers the registered number of the premises in which the butter, butter substitutes, or margarine has been manufactured, shall have printed thereon such number, in letters large enough to be clearly read, thus:—

“Registered No.....”

(3) All cheeses which are required to be branded with the registered number of the premises in which the same have been manufactured shall be branded or marked with such number on the side of the cheese in figures not less than one inch square enclosed in a circle thus:—

68

(4) All crates and boxes or cases containing cheese, which are required to be branded with the registered number of the premises in which such cheese has been manufactured, shall be branded or marked with such number on the outside of one side of the box or case, and, as regards crates, on one or other of the ends, in figures not less than one inch square enclosed in a circle, thus:—

68

69. (1) The name of the country of origin shall be printed on wrappers, packages, boxes, cases, tins or other sealed receptacles containing dairy produce in plain capital letters of the following sizes:—

(a) if the weight of such dairy produce contained therein is under one pound—not less than one-sixteenth of an inch square, face measurement;

(b) if the weight of such dairy produce contained therein is one pound or more than one pound but not exceeding five pounds—not less than one-quarter of an inch square, face measurement;

(c) if the weight of such dairy produce exceeds five pounds—not less than one inch square, face measurement.

(2) Dairy produce offered or exposed for sale or in the possession of a person for purposes of sale, not being contained in a wrapper, package, box or crate, shall be labelled, ticketed or marked, in clearly visible letters, with the name of the country of origin of such produce.

(3) Butter shall not be packed in wrappers or containers marked to indicate a grade superior to that of the butter contained.

70. No person shall sell, offer or expose for sale, or have in his possession for purpose of sale, any dairy produce manufactured from milk or cream produced by animals other than bovines, unless every wrapper containing such produce has printed on it in plain capital letters not less than one-quarter of an inch square, face measurement, the name of the contents preceded by the name of the class of animal from which the same has been produced. If such produce is packed in packages, boxes or cases, all such containers must be distinctly and durably marked or branded with the name of the contents preceded by the name of the class of animal from which the same has been produced on two sides in plain capital letters not less than one inch square, face measurement.

71. (1) Butter intended for export shall be packed in boxes or cases which, in the opinion of the inspector, are suitable and of sufficient strength; such cases or boxes shall contain, in the case of butter packed in bulk  $56\frac{1}{2}$  lb. net weight of butter, and in the case of butter packed in pats  $50\frac{1}{2}$  lb. net weight of butter. Each box or case shall be clearly marked "56 lb. net" in the case of butter packed in bulk, and "50 lb. net" in the case of butter packed in pats. Should the inspector on inspection find a less weight of butter contained in any box or case than that required under this regulation, such case or box shall be marked by him "underweight".

(2) On each box or case of creamery butter shall also be indicated, by means of a series of letters or figures placed on the top left hand corner, the date of manufacture of the contents, and the number of the churning, together with the number of boxes or cases in the consignment from each churning. To enable the inspector to determine what the letters or figures indicate, the exporters thereof shall supply to the Chief Agricultural Officer the key to such letters

or figures and, should the code used be at any time altered, the nature of such alteration shall be at once communicated to that officer. Exporters marking their boxes or cases with a registered brand shall inform the Chief Agricultural Officer whether such brands represent first grade, second grade, third grade, or cooking butter; and exporters not using registered brands shall mark their boxes or cases in such a manner as to indicate to the inspector how the contents have been graded by the manufacturer.

For this purpose the letters A, B and C shall be used to designate first grade, second grade and third grade respectively, such letters immediately to precede the word "bulk" or "pats" on the boxes or cases.

(3) An inspector may take such samples of butter submitted for export as he may consider necessary for the purposes of examination, inspection or analysis, and all cases or boxes from which samples have been taken for analysis shall be stamped "samples taken".

72. Any dealers in dairy produce operating in the Bechuanaland Protectorate, and all creameries or cream depots in the Bechuanaland Protectorate drawing supplies from the Bechuanaland Protectorate, shall at all times render to the Resident Commissioner or to any other designated officer such information as may be required for statistical purposes.

73. (1) Whenever it shall be certified by two qualified medical practitioners that the spread of infectious disease is in their opinion attributable to the dairy produce supplied by any person, such person shall furnish to the District Commissioner, upon demand, a full and complete list of the names and addresses of all persons to whom he has supplied dairy produce within such period as may be specified, and shall give such assistance to discover the residence of all or any of them as may be deemed necessary.

(2) On tendering to any person selling or manufacturing or keeping, preparing, exposing or offering for sale, or possessing for purpose of sale, any dairy produce, as defined in these regulations, or to his agent or to any person at the time being in charge of such article, an amount of money not less than the current market value thereof, any inspector may, either personally or by an assistant or deputy, purchase samples of any such article.

(3) The inspector may require any such person to show and permit the inspection of any package which contains or is suspected of containing dairy produce, and may require such person to take and supply him with samples from any particular package: Provided that, where any dairy produce is kept for retail sale in a closed package, no person shall be required to sell less than one complete package.

(4) In the case of the inspector purchasing or otherwise procuring any sample of dairy produce with the intention of submitting it to analysis or examination under these regulations he shall, on the same being handed over to him, notify such intention to any person then present, being the owner or his agent or servant or other person at the time being in charge of the article.

(5) The inspector shall then divide the sample into two approximately equal parts and shall label, or mark and seal, and fasten up each part in such a manner as its nature will permit and shall then tender one of such parts to the owner, agent, servant, or person aforesaid, and shall transmit the second part to an analyst designated by the Resident Commissioner under the powers vested in him by these regulations, who, after removing therefrom such portion as he may require for analysis or examination, shall seal up the remainder and retain it until any prosecution instituted in connection with the sample has been concluded. If the tender of the first part is not accepted, the inspector shall himself retain this part until any prosecution instituted in connection with the sample has been concluded.

(6) Where the article is in package form and where one package does not contain sufficient for purposes of analysis when divided as aforesaid, additional packages, the property of the same person and purporting to contain a similar article and similarly labelled, may be purchased or procured, and the contents of two or more such packages may be mixed together by the inspector and the mixture divided and dealt with as hereinbefore provided.

(7) Where any article so sampled or any package containing the same bears a label or has attached to it or is packed in or accompanied by any printed matter referring to it, a specimen of such label or printed matter, or a true copy thereof, certified by the inspector shall be included in the sealed package containing the sample forwarded to an analyst.

(8) Where a sample of milk or cream is purchased or obtained under these regulations by the inspector he may, for the purpose of preventing decomposition pending analysis, add to the part tendered for transmission to an analyst a preservative of such kind and in such quantity as the Resident Commissioner may from time to time direct, and shall offer to the owner, agent, servant, or person aforesaid to add an equal quantity of the same preservative to the part intended to be returned to him, and, if requested so to do, shall proceed accordingly.

Such preservative shall be taken from a sealed packet bearing the certificate of an analyst under the Dairy Regulations as to the composition of the

preservative contained therein, which packet shall be opened in the presence of the owner or his agent or servant or the person in charge of the article sampled. Whenever such preservative is found by an analyst to have been added to any sample received from the inspector under these regulations, he shall state in his certificate that such is a preservative authorised by the Resident Commissioner to be added by the inspector taking samples under these regulations, but need not state the amount of such preservative found.

(9) Any sample, labelled or marked and sealed and fastened up as hereinbefore provided, may be transmitted to an analyst in any convenient way.

74. All wrappers used or intended to be used, in premises registered under these regulations in connection with the sale of dairy produce, must be submitted to the Chief Agricultural Officer for approval and purposes of record.

75. (1) The following special provisions shall apply in respect of the manufacture or sale of the substance made from vegetable or animal fats and commonly known under the name of margarine, whether or not it is known, manufactured or sold under another name:—

- (a) It shall not, if containing any milk-fat or milk, be sold.
- (b) If it contains any colouring matter it shall not be sold.
- (c) It shall not be manufactured on the same premises as those on which butter or any butter substitute is manufactured.

(2) In the case of margarine or any butter substitute, the following provisions shall apply:—

- (a) Every package or other receptacle must be distinctly and durably marked or branded with the trade name of its contents on both sides in printed, capital letters not less than one and a half inches square.
- (b) Every wrapper must have distinctly printed on it in plain capital letters one-third of an inch square, face measurement, the trade name of its contents and no other printed matter except the registered number of the premises on which the butter substitute or margarine has been manufactured, and the net weight of the contents of such wrapper.

(3) The substance made from vegetable or animal fats and commonly known under the name of margarine, whether or not it is known, manufactured or sold under another name, shall not contain more than 16 per centum of water and not more than 4 per centum common salt (sodium chloride).

76. No person shall deliver any farm butter or farm dairy butter sold by him, otherwise than in a closed package containing one pound net of such butter.

77. (1) No person shall sell any farm dairy butter unless the package wherein it is delivered bears on the outside thereof in plainly visible printed capital letters the words " farm dairy butter " and the name and address of the producer of such butter.

(2) The letters forming the words " farm dairy butter " on such package shall be printed in plainly visible capital letters not less than one-quarter of an inch square.

(3) The letters forming the name and address of the producer on such package shall be printed in plainly visible capital letters not less than one-eighth of an inch square.

78. (1) No person shall sell butter marked with the words " farm butter " which is subject to the farm dairy butter levy.

(2) No person shall sell farm butter contained in a closed package unless the package wherein it is delivered bears on the outside thereof in plainly visible capital letters the words " farm butter " and the name and address of the producer of such butter. If such package does not bear such words, name and address, it shall be subject to the levy imposed by the Resident Commissioner on farm dairy butter and shall have attached to the package in which it is contained a farm dairy butter levy stamp of a value corresponding with such levy on the quantity of butter contained in such package.

#### FIXATION OF PRICES OF CERTAIN DAIRY PRODUCTS.

79. (1) No producer of factory cream shall sell any such cream, and no butter manufacturer shall purchase any such cream—

(a) otherwise than on the basis of the butter fat contained therein; or

(b) at prices other than those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by Notice in the *Gazette*.

(2) No butter manufacturer shall pay a cream producer any bonus on cream purchased from that producer, except at the end of such manufacturer's financial year, and any bonus so paid, shall, except in the case of a creamery operated by a co-operative society or company, be in proportion to the total quantity of cream purchased from each cream producer during that financial year: Provided that such bonus may vary according to the grade of cream delivered.

*see HCN  
30/42*

*see HCN  
70/45  
re butter fat*

*Household  
Cream*

80. All railage or bus charges or other transport costs for transporting such cream from the cream producer's premises to the creamery shall be paid by the producer of such cream.

81. Every owner of a creamery or cheese factory whereat butter fat or milk is purchased shall pay for such butter fat or milk not later than the fifteenth day of the month succeeding the month in which such butter fat or milk was purchased.

82. Where cream or milk is sent to a creamery or cheese factory at the expense of the owner of such creamery or cheese factory, the owner of such premises shall deduct all railages or bus charges incurred on such cream or milk before making payment for such dairy produce.

83. (1) No butter manufacturer shall sell salted creamery butter at prices other than those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by Notice in the *Gazette*.

(2) No butter manufacturer shall sell unsalted creamery butter at prices other than those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by notice in the *Gazette*.

84. No person shall sell salted or unsalted creamery butter at prices exceeding those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by notice in the *Gazette*. Provided that this regulation shall not apply to butter manufacturers.

85. No producer of cheese milk shall sell any such milk, and no cheese manufacturer shall buy any such milk, at prices other than those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by notice in the *Gazette*.

86. No cheese manufacturer or farm cheese maker shall sell cheese at prices other than those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by notice in the *Gazette*.

87. No person shall sell cheese at prices exceeding those which may from time to time be determined by the Resident Commissioner with the approval of the High Commissioner and published by notice in the *Gazette*: Provided that this regulation shall not apply to cheese manufacturers or farm cheese makers.

See 31CN  
30/42

88. The prices prescribed under Regulations 83, 84, 86 and 87 shall apply in respect of the sale of butter or cheese delivered at the premises of the purchaser, and no charge shall be made in respect of transport costs, except in the case of butter or cheese delivered—

- (a) by any person to a purchaser whose premises are not situated within any of the areas mentioned in Schedule III hereto or within ten miles of any of the said areas; or
- (b) by a butter or cheese manufacturer or farm cheese maker to a purchaser whose premises are not situated within any of the areas referred to in paragraph (a) or within ten miles of any of the said areas or within ten miles of the creamery or cheese factory of such manufacturer or farm cheese maker; in which case the actual cost of transport of such butter or cheese from the creamery or cheese factory or the area in question, as the case may be, to the purchaser's premises may be added to the price charged and which may be calculated to the nearest halfpenny greater than such actual cost.

89. The Resident Commissioner may with the approval of the High Commissioner alter or cancel the prices to be paid for certain dairy products as published under Regulations 83, 84, 86 and 87. Every cancellation or alteration of prices shall be published by the Resident Commissioner by Notice in the *Gazette* and shall be in force as from the date of publication of such Notice until withdrawn by the Resident Commissioner by a like Notice.

#### OFFENCES.

90. (1) A person shall be guilty of an offence against these regulations—

- (a) if he sells or offers or exposes for sale or has in his possession for purposes of sale any dairy produce which does not conform to the standard of quality prescribed by Regulation 25; or
- (b) if he consigns or disposes of by sale or barter any dairy produce—
  - (i) produced by a person who is not the holder of a valid certificate of registration, except such produce as may have been produced beyond the borders of the Bechuanaland Protectorate;
  - (ii) presenting any marked deviation from ordinary appearances as regards colour, odour, taste, or general condition;

(iii) produced or derived to his knowledge from an animal manifestly the subject of constitutional, acute or infectious disease, or suffering from abscess inflammation, painful swelling, or other affection of the udder, or from any animal not completely recovered from the febrile state and other symptoms incident to parturition.

(2) For the purposes of paragraph (1), a person shall be presumed to be in possession for purposes of sale of an article if it be stored or kept on his premises or elsewhere on his behalf, or has been or is in the course of being despatched from his possession or premises whether on sale or otherwise, and the onus shall lie on such person of proving that such article is not intended for sale.

91. Any person who—

- (a) obliterates, defaces or alters an inspector's mark, or any mark authorized under these Regulations, on dairy produce which has been inspected thereunder or on any package containing such produce; or
- (b) counterfeits any such mark, or places upon any dairy produce, or package containing dairy produce, the mark of an inspector or a mark registered under these regulations, or the mark of a manufacturer or packer which he is not entitled to use; or
- (c) empties or partly empties any package marked after inspection under these regulations in order to put into it or does put into it any dairy produce (whether of the same or any other kind) which was not contained therein at the time of inspection; or
- (d) uses for the purpose of packing dairy produce any package previously used for that purpose without effacing all previous marks thereon; or
- (e) uses any mark or is a party to the use of any marking instrument which he is under these regulations not entitled to use; or
- (f) marks, brands or labels dairy produce or any package containing dairy produce in such a manner as to convey information which is calculated to mislead or in any manner not permitted under these regulations; or
- (g) when furnishing any information for the purposes of any provision of these regulations furnishes information which is false; or
- (h) contravenes or fails to comply with any provision of these regulations or any prohibition, requirement or order issued thereunder; or

- (i) in any manner obstructs or hinders or intimidates any inspector in the performance of any act which he is authorised to perform by virtue of these regulations; or
- (j) refuses to deliver to any inspector at his request, for examination, grading, sampling, testing or marking, any book, document or article in his possession or custody which such person is, by virtue of these regulations, empowered to examine, grade, sample, test or mark; or
- (k) wilfully fails to comply with any condition attached to any certificate of registration issued to him under these regulations; or
- (l) fails to pay, within the stipulated time, any levy or fees imposed under these regulations; or
- (m) credits a person or persons who supplied him with milk or cream with an incorrect weight of such milk or cream,

shall be guilty of an offence.

92. When any person is convicted of an offence against or a contravention of or default in complying with any provision of these regulations, the following costs shall be recoverable from him in addition to any penalty imposed, namely—

- (a) the postage, railway carriage or other reasonable charge, if any, paid for transmission of the sample to the inspector, analyst, tester or examiner;
- (b) the fee, if any, charged under the prescribed tariff for analysis, examination, or testing.

SCHEDULE I.

CERTIFICATE FOR COLD STORAGE  
CHAMBERS FOR EXPORT OF BUTTER  
AND/OR CHEESE.

(To be furnished in terms of Regulation 17.)

This is to certify that the chambers herein described in the premises situated at..... and owned or utilized by..... for the storage of butter and/or cheese intended for export have been duly examined by me and are in every respect suitable for the purpose.

Description of chambers.....  
Date of inspection.....19.....

.....  
Inspector.

Approved.

.....  
Resident Commissioner.

SCHEDULE II.

The certificate of examination which is required to be furnished in terms of Regulation 24, shall be in the following form:—

**DAIRIES AND DAIRY PRODUCE REGULATIONS FOR THE BECHUANALAND PROTECTORATE.**

CERTIFICATE OF EXAMINATION

of.....

To.....

I, the undersigned, analyst, under the Dairies and Dairy Produce (Bechuanaland Protectorate) Regulations, do hereby certify that I received on the .....day of.....19..... from .....of.....a sample of .....for analysis, and having analysed the same, declare the result of my examination to be as follows:—

.....  
.....

I am therefore of the opinion that.....

I certify that the said sample was securely sealed with the inspector's official seal.

As witness my hand this.....day of.....  
19..... at.....

.....  
Analyst under the Bechuanaland Protectorate  
Dairies and Dairy Produce Regulations.

SCHEDULE III.

1. The municipal areas of—

Albertyn, Benoni, Boksburg, Bloemfontein, Brakpan, Cambridge, Durban, East London, Elsburg, Germiston, Johannesburg, Kimberley, Krugersdorp, Nigel, Pietermaritzburg, Port Elizabeth, Pretoria, Randfontein, Roodepoort-Maraisburg, Springs and Walmer.

2. The area within the jurisdiction of the Cape Divisional Council.