



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 24 of 1953.

An Act to provide that textile products shall bear trade descriptions showing their fibre contents, and for purposes incidental thereto, and to repeal the Textile Products Description Act, 1944.

[Assented to 3rd December, 1953.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Textile Products Description Act, 1953". Short title.
2. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement of Act.
3. The Textile Products Description Act, 1944, is repealed. Repeal.
4. In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.
 - "fibre" means wool, hair, silk, cotton, linen and any other fibrous material, whether natural or artificial.
 - "textile product" means—
 - (a) woven, knitted or felted materials manufactured from fibre ;
 - (b) tops, yarns, threads and lace ;

(c) articles of wearing apparel manufactured in whole or in part of such materials, but not including linings, interlinings or trimmings forming part of such articles ;

“ wool ” means the natural fibre from the fleece of any variety of domestic sheep or lamb.

Duty to label
textile
products.

5. A person shall not sell, offer to sell, expose for sale or deliver on sale or expose or have in his possession for any purpose of advertisement or trade any textile product unless a description complying with section 6 of this Act is applied in accordance with that section to that product.

Requirements
as to
description.

6. (1) A description applied to any textile product pursuant to section 5 of this Act shall comply with the following requirements :—

- (a) It shall be written in English in clearly legible characters ;
- (b) It shall be attached to the product in the prescribed manner, or if none is prescribed, it shall be printed or stamped on, or woven into, the product, or securely attached to the product ;
- (c) It shall be conspicuously placed so as to be clearly visible and shall be applied to the prescribed part or parts (if any) of the product ;
- (d) If the product contains ninety-five per centum or more by weight of wool, it shall include the words “ Pure Wool ” ;
- (e) If the product contains less than ninety-five per centum by weight of wool, it shall not include the words “ Pure Wool ” ;
- (f) If the product contains less than ninety-five per centum by weight of wool but not less than five per centum by weight of wool, it shall include a statement specifying—
 - (i.) the percentage by weight of wool which is contained in the product ; and
 - (ii.) the other fibres contained in the product in order of dominance by weight.

Where the percentage by weight of wool is greater than the percentage by weight of any other fibre, it shall state the percentage by weight of wool first, otherwise last ;

- (g) If the product contains less than five per centum by weight of wool, it shall state the fibres other than wool in order of dominance by weight followed by the words "less than five per centum wool";
- (h) If the product contains no wool, it shall include a statement specifying the fibre contained in the product, or if the product contains more than one fibre, the fibres in order of dominance by weight;
- (i) If the product contains loading or weighting substances other than ordinary dressing, it shall include the word "Loaded" or the word "Weighted";
- (j) If the product contains paper, it shall include a statement that the product contains paper.

(2) It shall be deemed to be sufficient compliance with paragraphs (b) and (c) of subsection (1) of this section if a description is applied in the prescribed manner to any prescribed covering, label, reel or thing used in connection with a textile product.

(3) Where a textile product contains less than five per centum by weight of any fibre other than wool or paper, the description under this section need not mention that fibre.

(4) In this section the expression "ordinary dressing" means a dressing which—

- (a) is used to meet legitimate trade requirements; and
- (b) does not contain anything in the nature of an adulteration; and
- (c) does not contain anything used for the purpose of deceiving as to the quality, substance or nature of the textile product.

7. (1) In proceedings for an offence against this Act in respect of any textile product it shall be a defence that at the time when the offence is alleged to have been committed the product bore the same description as had been applied to it when the defendant acquired it and that that description appeared to comply with this Act and had not been altered in any way by the defendant. Defences.

(2) In any proceedings for an offence against this Act it shall be a defence that the textile product with respect to which the offence is alleged to have been committed was manufactured in or imported into this State before the commencement of this Act and that the textile product was held by the defendant *bona fide* and without any

fraudulent intention ; but the defendant shall be liable to pay the costs incurred on behalf of the prosecution unless he has given reasonable notice to the complainant that he will rely on such defence.

Offences and penalty.

8. Any person who contravenes any provision of this Act in any particular shall be guilty of an offence and liable on summary conviction in the case of a first offence to a penalty not exceeding fifty pounds and in the case of a second or subsequent offence to a penalty not exceeding two hundred pounds or imprisonment for a term not exceeding six months.

Regulations.

9. (1) The Governor may make regulations—

- (a) necessary or convenient for carrying this Act into effect ;
- (b) exempting any textile product from the provisions of this Act.

(2) Any provision in any regulation made under this Act may apply to textile products generally, to specified classes of textile products or to all classes of textile products other than those specified.

(3) The Governor may by regulation prescribe fines recoverable summarily and not exceeding fifty pounds for breach of any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.