

(b.) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence a penalty not exceeding fifty dollars and not less than five dollars, and costs :

Proviso.

2. Provided, that if the person accused proves to the court before which the case is tried that he did not know of the article being adulterated, and shows that he could not, with reasonable diligence, have obtained that knowledge, he shall be subject only to pay the costs attending such prosecution. 5 10

Penalty on compounder having certain articles in possession.

24. Every compounder, or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the schedule hereto, or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence a penalty not exceeding four hundred dollars. 15 20

Penalty for attaching false label.

25. Every person who knowingly attaches to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale, shall incur a penalty not exceeding fifty dollars and not less than five dollars, with costs. 25

Application of penalties.

26. Every penalty imposed and recovered under this Act shall, except as herein otherwise provided, be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 30

GENERAL PROVISIONS.

Any person may submit article for analysis.

27. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if such article is found to be adulterated, but the burden of proof of sale, and of the fact that the sample was not tampered with after purchase, shall be upon the person so submitting the same : 35

Duty of analyst in such case.

2. Any public analyst shall analyze such sample on payment of the fee prescribed in respect of such article or class of article by the Governor in Council. 40

As to expenses of analysis

28. Any expenses incurred in analyzing any food, drug, or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs, or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him 45