

An Act to amend the Criminal Code, 1892, as to Marks on Merchandise.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.—

1. Section 449 of *The Criminal Code*, 1892, is repealed and 5 the following is substituted therefor :—
- “ 449. Every one is guilty of an indictable offence who—
- “ (a) wilfully defaces, conceals or removes the duly filed trade mark or name of another person upon any cask, keg, bottle, siphon, vessel, can, case or other package for the purpose of selling or trafficking in such package with intent to defraud the proprietor thereof without the consent of the proprietor, or unless such package has been purchased from the proprietor ;
- 10 or (b) being a partnership, corporation, dealer, manufacturer or bottler, without the written consent of the proprietor, trades or traffics in any bottle or siphon which has upon it the duly filed trade mark or name of the proprietor, or fills such bottle or siphon with any beverage for the purpose of sale or traffic.
- 15 “ 2. The using, by any manufacturer, dealer, partnership or corporation other than the lawful owner thereof, without the written permission of such owner, of any such bottle or siphon for the sale therein of any beverage, or the buying, selling or trafficking in any such bottle or siphon by any dealer or manufacturer other than the owner, without such written permission,
- 20 or the fact that any junk dealer has in his possession any such bottle or siphon so marked or stamped, without such written permission, shall be *prima facie* evidence that such use, buying, selling or trafficking or possession is unlawful within the meaning of this section.”
- 1892, c. 29,  
new s. 449.
- Tampering  
with trade  
marks, etc.,  
on bottles, etc.
- Selling or  
re-filling  
such bottles.
- Proof.