

CHAPTER 378

THE FERTILIZERS AND ANIMAL FOODSTUFFS ACT

An Act to regulate the importation, manufacture and sale of agricultural fertilizers and animal foodstuffs.

[.....]

Acts Nos.

19 of 1962

[R.L. Cap. 467]

33 of 1964

[PCh378s1]1. Short title and commencement

This Act may be cited as the Fertilizers and Animal Foodstuffs Act, and shall, subject to provisions of sections 6 and 7, come into operation on such date as the Minister may by notice in the Gazette, appoint.

[PCh378s2]2. Interpretation

In this Act, unless the context otherwise requires—

"analyst" means any person appointed under section 12 to be an analyst;

"animal carcass" means the dead body of any animal, bird or fish;

"animal foodstuff" means food for bulls, cows, oxen, heifers, calves, sheep, goats, swine, horses, mules, donkeys, rabbits or poultry;

"Commissioner" means the Commissioner for Veterinary Services;

"fertilizer" means fertilizer of the soil;

"to furnish" in relation to a statutory or other statement, means to mark a container in the manner specified in section 3 or to deliver a written statement;

"inspector" means any person appointed under section 12 to be an inspector;

"Minister" means the Minister responsible for veterinary services;

"sterilising plant" means a plant which is designed or used to sterilise bones and other substances delivered from an animal carcass.

[PCh378s3]3. Obligation to furnish written statements

(1) Every person who delivers upon sale as a fertilizer or animal foodstuff any article included in the first column of the First Schedule, whatever may be the name under which the article is sold shall clearly, conspicuously, and indelibly mark on the container in which the said article is so delivered, or shall give to the buyer at or before the time of such delivery a written statement containing the following particulars (hereinafter referred to as the statutory statement)—

(a) the name under which the article is sold;

(b) such particulars of the nature, substance or quality of the article as are in relation to the article mentioned in the second column of the First Schedule; and

(c) where the article is an animal foodstuff, the name and amount of any ingredient specified in the Second Schedule:

Provided that the obligation imposed by this subsection shall not apply to—

(i) delivery of quantities of fifty-six pounds avoirdupois or less, if the article sold is taken in the sight of the buyer from a parcel or other container bearing a conspicuous label on which are marked the particulars required by this subsection to be included in a statutory statement in respect of that article; or

(ii) to delivery to a carrier for transportation to a destination outside Mainland Tanzania.

(2) Any person who fails to furnish a statutory statement when he is required by subsection (1) so to do commits an offence under this Act.

(3) If a seller furnishes a statement at any time when he is required to furnish a statutory statement, and in purported compliance with his obligation in that behalf, in which any of the particulars required by subsection (1) to be included in a statutory statement is not included, or in which any of such particulars is found by analysis of a sample taken by an inspector in the prescribed manner to be false to the prejudice of the buyer, the seller shall, unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud, be committing an offence under this Act.

(4) Where a fertilizer or an animal foodstuff is sold in a quantity of fifty-six pounds avoirdupois or less from a parcel or other container which bears a label purporting to be marked

in accordance with paragraph (i) of the proviso to subsection (1), and, from analysis of a sample thereof taken by an inspector in the prescribed manner on the premises in which the parcel or other container is kept, it appears that any such particulars stated on the label is false to the prejudice of the buyer, the seller shall, unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud, be committing an offence under this Act.

(5) A particular shall not, for the purposes of this Act, be deemed to be false to the prejudice of the buyer if the mis-statement as respects any ingredient does not exceed the limits of variation specified in the Fifth Schedule.

[PCh378s4]4. Adherence to statutory definitions in certain cases.

(1) Any person who sells or offers or exposes for sale as a fertilizer or an animal foodstuff an article described by a name specified in the first column of the Third Schedule, which is found by analysis of a sample taken by an inspector in the prescribed manner not to accord with the definition thereof contained in the second column of the Third Schedule commits an offence under this Act, unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud.

(2) An article shall not be deemed to differ from the definition thereof contained in the second column of the Third Schedule by reason only of the fact that it contains not more than one part per centum by weight of a substance or substances not mentioned in such definition being, in the case of an animal foodstuff, foodstuffs mentioned in the Third Schedule and in the case of a fertilizer, fertilizers mentioned in the Third Schedule, or, in either case, inert substances.

[PCh378s5]5. Deleterious ingredients prohibited in animal foodstuffs

(1) Any person who sells or offers or exposes for sale as an animal foodstuff any article which contains any deleterious ingredient, or has in his possession packed and prepared for the purposes of sale as an animal foodstuff any such article, commits an offence under this Act unless he proves—

(a) that he did not know and could not with reasonable care have known that the article contained a deleterious ingredient; and

(b) where he obtained the article from some other person, that on demand by an inspector he gave all the information in his power with respect to the person from whom he obtained it and as to any statutory statement supplied to him by that other person:

Provided that proceedings for an offence under this section shall not be instituted unless the article has been sampled by an inspector in the prescribed manner and the sample has been analysed in accordance with the provisions of this Act and, except in cases of an actual sale, the sample has been taken on the premises on which it was offered or exposed for sale or on which it was when packed and prepared for the purposes of sale as an animal foodstuff.

(2) Any substance mentioned in the Fourth Schedule shall, if present in any article sold, offered or exposed for sale or packed and prepared for sale as an animal foodstuff, or, where a maximum quantity with regard to the substance is indicated in the Fourth Schedule, if present in excess of that quantity, as the case may be, be deemed to be a deleterious ingredient unless the contrary is proved.

[PCh378s6]6. Offence in respect of unsterilized bones or other substances

(1) Any person who—

(a) manufactures for sale, sells, offers or exposes for sale, or has in his possession for sale, as a fertilizer or animal foodstuff, any article containing or any other substance derived from an animal carcass which he knows or has reason to believe has neither been sterilised in a sterilising plant licensed under the provisions of section 8 nor imported into Mainland Tanzania with the prior approval of the Commissioner or other public officer under the provisions of section 7; or

(b) sells, offers, or exposes for sale, otherwise than to the holder of a licence issued under section 8 or his agent, any bone or other substance derived from an animal carcass, which he knows or has reason to believe will be used in the manufacture of a fertilizer or animal foodstuff and has neither been sterilised in a sterilising plant licensed under the provisions of section 8 nor imported into Mainland Tanzania with the prior approval of the Commissioner or other public officer under the provisions of section 7, shall be guilty of an offence against this Act.

(2) This section shall come into operation on the expiration of six months after the date appointed by the Minister under the provisions of section 1.

[PCh378s7]7. Restrictions on import of bones, etc.

(1) No person shall import into Mainland Tanzania—

(a) any fertilizer or animal foodstuff which contains bone or any other substance derived from an animal carcass; or

(b) bone, or any other substance derived from, or containing any part of, an animal carcass intended to be utilised in the manufacture of any fertilizer or animal foodstuff, without the prior approval in writing of the Commissioner or any public officer appointed by him for the purpose of granting such approval.

(2) The Commissioner or any other public officer appointed by him for such purpose may, in his discretion, grant or withhold approval to import any bone or any other such substance as is specified in subsection (1), and, without prejudice to the generality of the foregoing, may give such approval upon receipt of a certificate in the prescribed form signed by the exporter in the country of the bone or other substance which it is desired to import, and may make his approval subject to such conditions as he considers necessary.

(3) Any person who imports into Mainland Tanzania any article in contravention of subsection (1) or in contravention of any condition attached to any approval granted under subsection (2), commits an offence under this Act.

(4) This section shall come into operation on the expiration of three months after the date appointed by the Minister under the provisions of section 1.

[PCh378s8]8. Sterilising plant licences

Every application for a licence in respect of a sterilising plant, or for a renewal of such a licence, shall be made to the Commissioner in the prescribed manner and the Commissioner shall, upon payment of the prescribed fee, issue a licence in the prescribed form:

Provided that the Commissioner may refuse to issue a licence on any of the following grounds that—

(a) the applicant has been convicted of an offence under this Act or any regulation made under section 19; or

(b) in the opinion of the Commissioner the sterilising plant in respect of which the application is made is not adequate or suitable for the efficient sterilising, in the prescribed manner, of bones or other substances derived from an animal carcass.

[PCh378s9]9. Licences to be subject to conditions

Every licence issued under the provisions of section 8 shall be subject to the following conditions—

(a) it shall be valid from the first day of January, or such other date as may be specified therein, until the thirty-first day of December in the same year;

(b) it shall not be transferable;

(c) the holder shall operate the sterilising plant in respect of which his licence is issued only on the premises, or, in the case of a licence issued in respect of a mobile sterilising plant, in the area specified in the licence;

(d) the holder shall maintain the sterilising plant in such conditions as may be prescribed.

[PCh378s10]10. Renewal, revocation or suspension of licence

The Commissioner may refuse to renew a licence or may suspend or revoke a licence issued under the provisions of section 8 on any of the following grounds—

(a) that the holder has been convicted of an offence under this Act or under any regulation made under section 19, or has contravened or failed to comply with any of the conditions to which his licence is subject; or

(b) if he is of the opinion that the sterilising plant has become unsuitable or inadequate for the efficient sterilising of bones or other substances derived from an animal carcass in the prescribed manner.

[PCh378s11]11. Appeal against decision of Commissioner

Any person who is aggrieved by the refusal of the Commissioner to issue a licence under section 8 or to renew such a licence, or by the suspension or revocation of such a licence by the Commissioner, may appeal in writing to the Minister within thirty days against such refusal, suspension or revocation, and the Minister's decision upon any such appeal shall be final.

[PCh378s12]12. Appointment of analysts and inspectors

(1) The Minister may appoint analysts and inspectors for the purposes of this Act.

(2) A person shall not, while holding the office of inspector, engage in farming or in any business connected with the manufacture, sale or importation of articles used as fertilizers or animal foodstuffs or as ingredients in the manufacture of fertilizers or animal foodstuffs.

[PCh378s13]13. Powers of entry and sampling

An inspector may at all reasonable times enter any premises, not used exclusively as a dwelling house, in which he has reasonable cause to believe that there is any article intended for sale as a fertilizer or an animal foodstuff, or a sterilising plant licensed under the provisions of section 8, and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article intended for sale as a fertilizer or an animal foodstuff.

[PCh378s14]14. Right of purchaser to have article sampled and analysed

The buyer of any article included in the first column of the First Schedule, or of any other article sold for use as a fertilizer or animal foodstuff shall, on payment of such fees as may be prescribed, be entitled to have a sample of the article taken by an inspector in the prescribed manner and analysed by an analyst, and to receive from the analyst a certificate of the result of his analysis:

Provided that any person who requires a sample to be taken under the provisions of this section shall—

- (a) inform an inspector of his name and address; and

(b) make application to an inspector within fourteen days of the date on which he took delivery of the article.

[PCh378s15]15. Provision as to analysis of sample

An analyst who receives from an inspector sample taken under the provisions of this Act shall as soon as is practicable analyse the sample, and shall give to such persons as may be prescribed a report in the prescribed form specifying the result of the analysis.

[PCh378s16]16. Tampering with samples

Any person who fraudulently tampers or interferes with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article, or fraudulently tampers or interferes with any sample taken or submitted for analysis under this Act, commits an offence under this Act.

[PCh378s17]17. Obstruction of inspectors

Any person, being the owner or person entrusted for the time being with the charge and custody of any article, being a fertilizer or animal foodstuff, who refuses to allow an inspector to take a sample of the article on any premises on which he is authorised under this Act to take a sample, or any person who otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act or any regulations made under this Act, commits an offence under this Act:

Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

[PCh378s18]18. Evidence

(1) Any document purporting to be a report under the hand of an analyst appointed under the provisions of this Act, upon any sample duly submitted to him for analysis and report, may be admitted in evidence in any civil or criminal proceedings concerned with the article sampled without further proof, and shall be sufficient evidence of the facts stated therein unless the defendant or person charged requires that the analyst be called as a witness.

(2) Where the defendant or person charged requires that the analyst be called as a witness he shall pay any reasonable costs incurred by such analyst in attending the trial, unless the court direct otherwise.

(3) Any sample which has been taken in the prescribed manner by an inspector shall, unless the contrary is proved, be deemed to be of the same composition, to have the same qualities and, except in so far as the taking of the sample shall cause it to be otherwise, to possess in all other respects the same properties as the whole from which it was drawn.

[PCh378s19]19. Regulations

(1) The Minister may make regulations for the better carrying out and effect to the provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations—

(a) prohibiting or regulating the sale of any article as a fertilizer or animal foodstuff, prohibiting or regulating the use of any substance in the manufacture for sale of any fertilizer or

animal foodstuff, and limiting the proportions of any substances which may be included in fertilizer or animal foodstuffs;

(b) requiring manufacturers, importers and sellers of fertilizer and animal foodstuffs to maintain records, render returns or furnish information in respect of the manufacture of or trade in fertilizers and animal foodstuffs, and prescribing the form in which such records shall be maintained and the form and manner in which such returns or information shall be rendered or furnished;

(c) requiring the holders of licences issued under section 8 to keep records and render returns concerning the operation of sterilising plants operated by them and the substances sterilised therein and prescribing the form in which such records shall be kept and returns shall be rendered;

(d) regulating the manner in which fertilizers and animal foodstuffs intended for sale may be stored;

(e) regulating the manner in which fertilizers and animal foodstuffs intended for sale shall be packed, labelled, branded, marked and sealed;

and the manner in which fertilizers and animal foodstuffs may be advertised or exposed for sale;

(f) prescribing the manner in which samples are to be taken and dealt with;

(g) prescribing the methods by which analyses are to be carried out by analysts under the provisions of this Act;

(h) regulating the equipment and appliances to be used in licensed sterilising plants and their mode of operation;

(i) prescribing the methods whereby bones and other substances derived from an animal carcass shall be sterilised in licensed sterilising plants prior to sale or inclusion in the manufacture of fertilizers or animal foodstuffs;

(j) prescribing the fees which may be charged for any sample taken or analysis made under this Act or for the issue or renewal of any licence under this Act;

(k) prescribing the duties under this Act of inspectors and analysts;

(l) exempting from all or any of the provisions of this Act or any regulations made under this Act any fertilizer or animal foodstuff or any article or substance used in the manufacture of any fertilizer or animal foodstuff; and

(m) prescribing anything which is by this Act required or authorised to be prescribed.

(2) The Minister may restrict the application of any of the regulations made under the provisions of subsection (1) to specified areas or to any class or classes of places or premises.

(3) Regulations made under the provisions of subsection (1) may require acts or things to be performed or done to the satisfaction of a prescribed person and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(4) Regulations made under this section may fix penalties for the breach thereof not in excess of the penalties mentioned in section 21.

[PCh378s20]20. Minister may vary Schedules

(1) The Minister may, by notice may published in the Gazette, add to, amend or replace all or any part of any of the Schedules to this Act.

(2) Every such notice shall be expressed to come into operation on a date specified therein, not being less than three months after the date of publication thereof.

[PCh378s21]21. Offences and forfeiture

(1) Any person who commits an offence under this Act shall be liable upon conviction in the case of a first offence to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and, in the case of a second or subsequent offence to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Where any offence under this Act or under any regulation made hereunder committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

(3) Where any person is convicted of an offence under this Act, the court may order that any article which is the property of the offender and in respect of which the offence has been committed shall be forfeited to the Government.

(4) The Commissioner shall be responsible for the disposal of anything forfeited to the Government under subsection (3).

[PCh378s22]22. Exemption of certain sales

Sections 3, 4, 5 and 6 of this Act shall not apply to a sale, offer or exposure for sale, when such sale is made by a bailiff, court broker or other officer in the course of executing any order or process of a court.

FIRST SCHEDULE

FERTILIZERS

(Section 3)

Article Particulars to be contained in Statutory Statement

Ammonium nitrate and mixtures of ammonium nitrate with any article not mentioned elsewhere
in this Schedule Amount of nitrogen.

Ammonium phosphate Amounts of soluble mineral nitrogen and phosphoric acid soluble
in water.

Ammonium sulphate nitrate Amount of nitrogen.

A product, not otherwise mentioned in this Schedule, obtained by mixing one or more of the articles mentioned in this Schedule with any other such article or with any other substance or substances. Amounts, if any, of nitrogen potash, phosphoric acid soluble in water, and phosphoric acid insoluble in water, respectively.

Basic slag Total amount of phosphoric acid:

Amount of phosphoric acid soluble in citric acid.

Amount of the article that will pass through British Standard Sieve No. 72.

Bone meal, or other product not otherwise mentioned in this Schedule obtained by grinding or otherwise treating bone, used for fertilizing purposes Amounts of nitrogen and phosphoric acid respectively.

Burnt magnesian lime, ground or otherwise Neutralising value.

Calcium cyanamide Amount of nitrogen.

Calcium hydroxide; hydrated lime; slaked magnesian lime Neutralising value.

Chalk None.

Chalk ground Neutralising value.

Chalk screened Neutralising value:

Amount that will pass through a British Standard Sieve of 3" square apertures.

Concentrated superphosphate double, triple and treble superphosphate; and phosphate of lime
Amount of phosphoric acid soluble in water and in citric acid solution.

Copper sulphate Amount of water-soluble copper. Amount of article that will pass through
a British Standard Sieve of 1/8" square apertures.

Diammonium phosphate Amount of soluble mineral nitrogen and phosphoric acid soluble in
water.

Dicalcium phosphate Amount of phosphoric acid soluble in water.

Dissolved or vitriolised bone Amounts of nitrogen, phosphoric acid soluble in water, and
phosphoric acid insoluble in water respectively.

Dried blood for fertilizing

Fish residues or other product obtained by drying and grinding or otherwise treating fish or fish
waste, used for fertilizing purposes Amount of nitrogen.

Amounts of nitrogen and phosphoric acid respectively.

Guano, including Peruvian and other raw guanos, poultry manure and bat guano Amounts of
nitrogen, phosphoric acid and potash respectively.

Gypsum Amount of calcium sulphate.

Amount of the article that will pass through a British Standard Sieve of 1/8" square apertures.

Hooves Amount of nitrogen.

Hooves and horns Amount of nitrogen.

Horns Amount of nitrogen.

Limestone, ground; magnesian limestone, ground Neutralising value. Amount of the article that will pass through British Standard Sieve No. 72.

Meat and bone residues, or any product not specifically mentioned elsewhere in this Schedule, obtained by drying and grinding or otherwise treating bone, flesh, flesh fibre and other slaughterhouse residues, used for fertilizing purposes Amounts of nitrogen and phosphoric acid respectively.

Mixed lime Neutralising value.

Nitrate of potash Amounts of nitrogen and potash respectively.

Nitrate of soda Amount of nitrogen.

Phosphate rock, ground or otherwise Amount of phosphoric acid.

Amount of the article that will pass through British Standard Sieve No. 72.

Potassium salts used as fertilizers, including kainit, sylvinit, potash manure salt, mariate of potash, sulphate of potash and sulphate of potash magnesia Amount of potash.

Soda phosphate

Fusion phosphate Amount of phosphoric acid soluble citric acid. Amount of the article that will pass through British Standard Sieve No. 72.

Sulphate of ammonia Amount of nitrogen.

Amount of free acid if in excess of 0.025 per centum.

Urea Amount of soluble mineral nitrogen and maximum Biuret content.

The amount in each case is to be stated as a definite percentage of the dry weight of the article, and not as a range of percentages.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid, soluble phosphoric acid and insoluble phosphoric acid are to be stated in terms of phosphoric anhydride. (P_2O_5).

Potash is to be stated in terms of potassium oxide (K_2O).

Soluble Carbonates are to be stated in terms of sodium carbonate (Na_2CO_3).

Free acid is to be stated in terms of sulphuric acid (H_2SO_4).

Neutralising value is to be expressed in terms of calcium oxide (CaO).

ANIMAL FOODSTUFFS

Article Particulars to be contained in Statutory Statement

Barley

Barley meal None.

None.

Bean meal (including all types of beans)

Bean and pod meal

Cassava meal

Clover meal Amount of protein.

Amount of fibre.

None.

Amounts of protein and fibre respectively.

Coconut (copra) cake or meal Amounts of oil and protein respectively.

Coffee husks or hullings

Coffee silver skin Amounts of protein and fibre respectively.

Compound cakes or meals, that is to say, any cakes or meals (other than molassed feeds and dried molassed beet pulp) consisting of a mixture of one or more of the articles mentioned in this Schedule with any other such article or with any other substance or substances Amounts of oil, protein and fibre respectively.

Cotton seed

Cotton seed cakes or meals, not decorticated None.

Amounts of oil and protein respectively.

Cotton seed cakes or meals, decorticated or partly decorticated Amounts of oil, protein and fibre respectively.

Dried plain beet pulp

Dried molassed beet pulp

Dried brewery and distillery grains

Dried grass }

Dried green fodder crops }

Dried yeast

Eleusine (finger millet or wimbi)

Feeding bone flour Amount of fibre.

Amounts of sugar and fibre respectively.

Amounts of oil and protein respectively.

Amounts of protein and green roughage respectively.

Amount of protein.

None

Amounts of phosphoric acid and protein respectively.

Feeding bone meal, ground bone or any other bone product, for feeding purposes. Amounts of phosphoric acid and protein respectively.

Feeding dried blood Amount of protein.

Feeding meat and bone meal, any other product of meat (including whale meat) for feeding purposes Amounts of oil, protein and phosphoric acid respectively.

Feeding meat meal, or any other product of meat (including whale meat) for feeding purposes Amounts of oil, protein and phosphoric acid respectively.

Fish meal, white fish meal, or any other product obtained by drying and grinding or otherwise treating fish or fish waste Amounts of oil, protein and phosphoric acid and salt respectively.

Gram (chickpea) meal

Kapok seed cake or meal Amount of protein.

Amounts of protein and oil respectively.

Linseed cakes and meals of such cakes; extracted linseed meal Amounts of oil and protein respectively.

Linseed meal Amount of oil.

Liver meal Amounts of oil and protein respectively.

Lucerne (alfalfa) meal Amount of protein and fibre respectively.

Locust bean meal Amount of protein.

Maize None.

Maize cob meal

Maize, flaked Amount of fibre.

Amounts of oil and protein respectively.

Maize germ cake or meal Amounts of oil and protein respectively.

Maize gluten feed Amounts of oil and protein respectively.

Maize husk or bran Amounts of fibre and protein respectively.

Maize meal None.

Maize by-products not otherwise specifically mentioned in this Schedule Amounts of oil,
protein and fibre respectively.

Malt culms Amounts of protein and fibre respectively.

Millets, panicum and bulrush (maweale) None.

Millet meal Amount of fibre.

Molassed feeds (other than dried molassed beet pulp) including any foodstuffs composed of
treacle or molasses with an absorbent and containing not less than 10 percent sugar

Amounts of sugar, fibre respectively.

Molasses

Oats

Oats, bruised or crushed

Oats, ground Amount of sugar.

None.

None.

Amount of fibre.

Oatmeal by-products; oat feed Amount of fibre.

Oil cakes or meals not otherwise specifically mentioned in this Schedule which are the product of any one undecorticated substance or seed from which oil has been removed Amounts of oil, protein and fibre respectively.

Oil cakes or meals not otherwise specifically mentioned in this Schedule which are the products of any one decorticated or partly decorticated substance or seed form which oil has been removed
Amounts of oil, protein and fibre respectively.

Palm kernel cake or meal Amounts of oil and protein respectively.

Pea meal (including all types of peas) Amount of protein.

Pea and pod meal Amounts of fibre and protein respectively.

Pyrethrum marc Amount of fibre.

Rape cake or meal Amounts of oil, protein and fibre respectively.

Rice bran or polishings; other by-product produced in milling brown rice Amounts of oil,
protein and fibre respectively.

Sesame (simsim) seed

Sesame cake or meal None.

Amounts of oil and protein respectively

Sorghums (mtama) None.

Sorghum meal

Soya cake or meal Amounts of fibre.

Amounts of oil and protein respectively.

Sunflower seed

Sunflower seed cake or meal None.

Amounts of oil and fibre respectively.

Sunflower head meal Amounts of oil and fibre respectively.

Treacle or molasses

Wheat Amount of sugar.

None

Wheat meal; whole meal None.

Wheat offals or millers' offals; wheat bran, pollard Amounts of fibre and protein respectively.

The amount, in each case, is to be stated as a definite percentage of the dry matter weight of the article, and not as a range of percentages.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P₂O₅).

The amount of protein means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25 (or, in the case of pure wheat products, by 5.70).

SECOND SCHEDULE

INGREDIENTS IN ANIMAL FOODSTUFFS THE PRESENCE

AND AMOUNT OF WHICH MUST BE DECLARED

(Section 3)

(a) Husks, chaff, glumes, shudes, bulls, nutshells or skins of nuts, from any source, when used as separate ingredients or artificial mixtures in the manufacture of animal foodstuffs.

Where the kernels naturally associated in seeds with one or other of the above materials are present in an animal foodstuff along with the materials with which they are so associated, regard shall be had to the proportion of the above materials that might reasonably be expected to accompany such kernels when the seed from which they are derived is in its

natural condition, provided that feeding in this condition is regarded as a common practice in the feeding of livestock.

- (b) Wheat or rye straw, ground or otherwise.
- (c) Peat or peat moss, treated or untreated.
- (d) Sawdust or any other form of wood, treated or untreated.
- (e) Any of the following substances not occurring naturally in any other ingredient:
 - (i) hormones and synthetic hormone-like substances;
 - (ii) vitamins;
 - (iii) antibiotics;
 - (iv) urea;
 - (v) mineral supplements;
 - (vi) therapeutical substances and medicinal preparations.

THIRD SCHEDULE

DEFINITIONS IMPLIED ON THE SALE OF ARTICLES UNDER CERTAIN NAMES

(Section 4)

FERTILIZERS

Name under which Article Sold Implied Definition

Ammonium nitrate Ammonium nitrate for fertilizing purposes.

Ammonium phosphate Ammonium phosphate for fertilizing purposes.

Ammonium sulphate nitrate Ammonium sulphate nitrate for fertilizing purposes.

Basic slag A by-product, containing phosphorus, obtained in the manufacture of steel and to which no addition has been made at the time of leaving or after it has left the furnace.

Bone meal Commercially pure bone, raw or degreased, which has been ground or crushed, and which contains not less than 3.5 percent nitrogen and not less than 20 percent phosphoric acid.

Bone meal, Grade II Commercially pure bone, raw or degreased, which has been ground or crushed, and which contains less than 3.5 percent nitrogen and not less than 20 percent phosphoric acid.

Burnt magnesian lime, ground or otherwise Commercial, calcium and magnesium oxides containing more than 5.5 percent of magnesium (Mg.)

Calcium Cyanamide Commercial calcium cyanamide.

Calcium hydroxide; hydrated lime; slaked lime The product obtained by slaking burnt lime.

Chalk Cretaceous limestone.

Chalk, ground Cretaceous limestone which has been reduced in size so that it will pass through a sieve of $\frac{1}{4}$ in. square apertures.

Chalk, screened Cretaceous limestone that will pass through a sieve having apertures not exceeding 3 in. square.

Compound fertilizer; mixed fertilizer; fertilizer mixture A product, not otherwise mentioned in this Schedule, containing two or three of the elements nitrogen, phosphorus and potassium, and obtained by mixing one or more of the articles mentioned in the First Schedule with any other such article or with any other substance or substances.

Concentrated superphosphate; double, triple superphosphate; acid phosphate of lime
Phosphate rock which has been treated with sulphuric acid and phosphoric acid.

Copper sulphate Copper sulphate for fertilizing purposes.

Diammonium phosphate Diammonium phosphate for fertilizing purposes.

Dicalcium phosphate Dicalcium phosphate for fertilizing purposes.

Dissolved or vitriolised bone Commercially pure bone which has been treated with sulphuric acid.

Dried blood Blood which has been dried, to which no other matter has been added.

Fish guano; fish manure A product obtained by drying and grinding or otherwise treating fish or fish waste, to which no no other matter has been added.

Gypsum Calcium sulphate dihydrate for fertilizing purposes.

Hoofs The product obtained by crushing or grinding hoof, to which no other matter has been added.

Hoofs and horns A mixture of hoof and horn, crushed or ground, to which no other matter has been added.

Horns The product obtained by crushing or grinding horn to which no other matter has been added.

Limestone, ground Sedimentary rock consisting largely of calcium carbonate but containing not more than 3 percent of magnesium (Mg.) which has been reduced in size so that 100 percent will pass through a sieve 3/16" square apertures, not less than 95 percent will pass through a sieve of 1/8" square apertures and not less than 49 percent will pass through British Standard Sieve No. 72.

Magnesian limestone, ground Sedimentary rock consisting largely of calcium carbonate but containing not more than 3 percent of magnesium but containing more than 3 percent of magnesium (Mg.) which has been reduced in size so that 100 percent will pass through a sieve of 3/16" square apertures, not less than 95 percent will pass through a sieve of 1/8" square apertures and not less than 40 percent will pass through British Standard Sieve No. 72.

Meat and bone meal; meat meal; carcass meal; meat and bone tankage The product of drying and grinding or otherwise treating bone, flesh, flesh fibre and other slaughterhouse residues to which no other matter has been added.

Mixed lime A product, not being a by-product or a mixture of by-products manufacturing or other processes, obtained by mixing two or more of the forms of liming materials defined in this Schedule.

Muriate of potash Potassium chloride or a mixture of potassium chloride and potassium sulphate for fertilizing purposes.

Nitrate of potash Potassium nitrate for fertilizing purposes

Nitrate of soda Sodium nitrate for fertilizing purposes

Phosphate rock, ground or otherwise The substance obtained from mineral calcium phosphate deposits, to which no other matter has been added.

Raw guano The excrement and remains of any birds except poultry, containing both nitrogen and phosphorus, prepared for use by screening where necessary, but to which no addition has been made.

Slaked magnesian lime The product obtained by slaking burnt magnesian lime.

Soda phosphate }

Fusion phosphate } Phosphate rock treated by soda and heat, with a maximum of 3 percent soluble carbonates.

Sulphate of ammonia Ammonium sulphate for fertilizing purposes.

Urea Urea for soil fertilizing purposes.

Barley Commercially pure barley, as grown.

Barley meal The meal obtained by grinding barley, as grown, which shall be the whole grain together with only such other substances as may reasonably be expected to have become associated with the grain in the field and which contains not less than 90 percent pure barley.

Bean meal The meal obtained by grinding commercially pure beans of the following species:—

1. Horse, field or broad beans (*Vicia faba* or *Faba vulgaris*);
2. Haricot beans (*Phaseolus vulgaris*);
3. Dolichos or lablab beans (fiwi) (*Dolichos lablab*);
4. Velvet beans (*stizolobium* sp. or *Mucuna* sp.)

Bean and pod meal The meal obtained by grinding beans together with their pods of the species mentioned above.

Cassava meal The meal obtained by grinding commercially pure dried peeled roots of the cassava plant.

Clover meal Whole clover, as grown, dried and ground, to which no other matter has been added.

Coffee husks or hullings The outer covering of the dried coffee berry which has been removed from the coffee beans, and to which nothing has been added.

Coffee silver skin The dried skin covering coffee beans after the removal of the cherry pulp and fermentation.

Compound cakes or meals Cakes or meals (other than molassed feeds or dried molassed beet pulp) consisting of a mixture of one or more of the articles mentioned in the First Schedule to this Act with any other such article or with any substance or substances.

Cotton seed Commercially pure seed of the cotton plant after the removal of the cotton lint or fibre.

Cotton seed cakes or meals. The residue resulting from the not decorticated removal of oil from commercially pure cotton seed, not decorticated.

Cotton seed cakes or meals from decorticated or partly decorticated cotton seed The residue resulting from the removal of oil from commercially pure cotton seed from which the cortex, in whole or in part, has been removed.

Dried brewery grains The article produced by drying the residue of malted and unmalted cereals used in brewing, to which no other matter has been added.

Dried distillery grains The article produced by drying the residue from distillery mash tuns to which no other matter has been added.

Dried grass Any product which—

(a) is obtained by artificially drying any of the following clover, grass, lucerne, sainfoin, green cereals, or any mixture consisting of any of them; and

(b) is otherwise as grown (that is to say including any growths harvested therewith but with other substance added thereto), and contains not less than 13 percent protein calculated on the assumption that it contains 10 percent moisture.

Dried green fodder crops Any product which—

(a) is obtained by artificially drying any green crop or crops suitable for use as dried fodder for cattle or poultry; and

(b) is otherwise as grown (that is to say, including any growths harvested therewith but with no other substance added thereto), and contains not less than 10 percent protein calculated on the assumption that it contains 10 percent moisture, but is not dried grass.

Dried green roughage Any product which complies with the definition of dried green fodder crops in all respects, except that it contains less than 10 percent protein calculated on the assumption that it contains 10 percent moisture.

Dried plain beet pulp The article produced by drying the sugar beet residue produced in the manufacture of sugar from sugar beet, with or without addition of molasses and having a content of less than 10 percent of sugar.

Dried molassed beet pulp The article produced by drying the sugar beet residue produced in the manufacture of sugar from sugar beet, with the addition of molasses to give a content of 10 percent more of sugar.

Dried yeast An article produced by drying yeast or yeast residues, to which no other matter has been added.

Eleusine (finger millet or wimbi) Commercially pure seed of eleusine or finger millet.

Extracted linseed meal The residue resulting from the removal of oil from commercially pure linseed by means of a solvent.

Feeding bone flour The product obtained by grinding commercially pure steamed bone.

Feeding bone meal; ground bone Commercially pure bone, whether or not degreased, which has been ground or crushed.

Feeding dried blood Blood which has been dried, to which no other matter has been added.

Feeding meat and bone meal; feeding carcass meal The product, containing not less than 45 percent of protein and not more than 4 percent of salt, obtained by drying and grinding animal (including whale) carcasses or portions thereof (excluding hoof and horn) and bone, to which no other matter has been added, but which may have been preliminarily treated for the removal of fat.

Feeding meat meal The product, containing not less than 60 percent of protein and not more than 4 percent of a salt, obtained by drying and grinding animal (including whale) carcasses or portions thereof (excluding hoof and horn) to which no other substance has been added but which may have been preliminarily treated for the removal of fat.

Fish meal; fish residue meal A product, containing not more than 10 percent of oil nor more than 4 percent of salt, obtained by drying and grinding or otherwise treating fish or fish waste, to which no other matter has been added.

Gram (chickpea) meal The meal obtained by grinding commercially pure gram (chickpea), as grown, of varieties of *Cicer arietinum*.

Kapok seed cake or meal The residue resulting from the removal of oil from commercially pure kapok seed.

Linseed cakes or the meals of such cakes The residue resulting from the removal of oil from commercially pure linseed.

Linseed meal The meal obtained by grinding or crushing commercially pure linseed.

Liver meal The meal obtained by drying and grinding animal liver, to which no other substance has been added, but which may have been preliminarily treated for the removal of fat or oil.

Locust bean meal The meal obtained by grinding or crushing commercially pure locust beans.

Lucerne (alfalfa) meal Lucerne (alfalfa), as grown, dried and ground, to which no other matter has been added.

Maize Commercially pure maize, as grown.

Maize cob meal The meal obtained by grinding whole maize cobs, as grown and including cobs, grains and outer sheath, to which no other matter has been added.

Maize, flaked The product obtained by cooking and flaking commercially pure maize, either as grown or from which the germ, in whole or in part, has been removed.

Maize germ cake or meal The meal or cake resulting from the grinding of maize germs or from maize germs from which the oil has been removed in whole or in part.

Maize gluten feed A by-product resulting from the removal of starch and germ from maize, to which no other matter has been added.

Maize husk or bran A by-product of roller-milling maize, containing the outer skin of commercially pure maize to which no other matter has been added.

Maize meal The meal obtained by grinding commercially pure maize, as grown.

Malt culms The rootlets and shoots arising from the screening of malt, to which no other matter has been added.

Millet (mawele) Commercially pure seed, as grown, of the bulrush and panicum millets.

Millet meal The meal obtained by grinding commercially pure millet, as grown.

Molassed feeds Any mixture (other than dried molassed beet pulp) containing not less than 10 percent of sugar, of an absorbent material and treacle or molasses.

Molasses (treacle) A concentrated syrup product obtained in the manufacture of sugar from sugar cane or sugar beet, to which no other matter has been added.

Oats Commercially pure oats, as grown.

Oats, bruised or crushed The product of crushing commercially pure oats, as grown.

Oats, ground The meal obtained by grinding commercially pure oats, as grown.

Oat feed; oatmeal by-products The by-product of oatmeal milling consisting of hulls, floury materials, mealy matter, scree dust, all finely ground and containing not more than 27 percent of fibre.

Oil nut cakes or meals, including coconut, commercially copra, palm kernel and groundnut cakes and meals The residue resulting from the removal of oil from pure oil nut kernels.

Pea meal The meal obtained by grinding commercially pure peas of the following species:

1. Garden peas (*Pisum sativum*)
2. Field peas (*Pisum arvense*)
3. Cow peas or kunde (*Vigna cajana*).
4. Pigeon peas or mbaazi (*Cajanus cajanus* or *Cajanus indicus*).

Pea and pod meal The meal obtained by grinding peas together with their pods of the species mentioned above.

Pyrethrum marc The steamed dried residue from the extraction of dried, ground pyrethrum flowers with a light petroleum solvent.

Rape cake or meal The residue resulting from the removal of oil from commercially pure rape seed.

Rice bran; rice polishings The by-product produced in milling polished rice from brown rice.

Sesame (simsim) seed The commercially pure sesame seed, as grown.

Sesame (simsim) cake or meal The residue resulting from the removal of oil from commercially pure sesame seed.

Sorghum (mtama) The commercially pure sorghum seed, as grown.

Sorghum (mtama) meal The meal obtained by grinding commercially pure sorghum seed, as grown.

Soya cake or meal The residue resulting from the removal of oil from commercially pure soya beans.

Sunflower seed The commercially pure sunflower seed, as grown.

Sunflower seed cake or meal The residue resulting from the removal of oil from commercially pure sunflower seed.

Sunflower head meal The meal obtained by grinding the whole flower head, including the seeds, of the sunflower plant.

Wheat Commercially pure wheat, as grown.

Wheat meal; whole meal The meal obtained by grinding commercially pure wheat, as grown.

Wheat offals; millers' offals; wheat bran; pollards The by-product, produced when milling commercially pure wheat to produce white flour.

White fish meal A product, containing not more than 6 percent of oil nor more than 4 percent of salt, obtained by drying and grinding or otherwise treating white fish or waste of white fish, to which no other matter has been added.

In the case of every article mentioned in this Schedule the definition of which includes the expression "commercially pure", it is implied that no other matter may be added.

FOURTH SCHEDULE

DELETERIOUS INGREDIENTS IN ANIMAL FOODSTUFFS

(Section 5)

(a) Salt soluble in water, if present in an animal foodstuff in proportion likely to be injurious to the health of animals.

(b) All poisonous substances except those naturally present in the material or materials from which the animal foodstuffs is derived.

(c) Sand, silicious matter or other insoluble mineral matter not naturally associated with ingredients of the animal foodstuff which do not fall within the scope of this Schedule, or which, even if naturally so associated, are present in greater proportion than the maximum that may be expected to be due to such natural association.

For the purposes of this paragraph the term "insoluble" shall imply insolubility in hydrochloric acid, as determined by a prescribed method and the term "natural association" shall

be construed as applying to average commercial samples of the feeding material with which it may be claimed that a particular mineral ingredient is associated.

FIFTH SCHEDULE

LIMITS OF VARIATION

(Section 3)

For Fertilizers

(Percentages are percentages of the whole bulk).

1. Amounts of Nitrogen.

0.5 percent, provided that—

(a) in the case of nitrate of soda, sulphate of ammonia and dissolved or vitriolised bone the limit of variation shall be 0.3 percent; and

(b) in the case of Compound Fertilizers the limit of variation shall be—

(i) 0.3 percent, if the percentage stated does not exceed 4 percent;

(ii) 0.5 percent, if the percentage stated exceeds 4 percent but does not exceed 5 percent; and

(iii) 0.75 percent, if the percentage stated exceeds 5 percent, and

(c) in the case of guano (including Peruvian and other raw guanos) the limit of variation shall be 1/5th of the percentage stated, with a minimum of 0.25 percent and a maximum of 1.5 percent; and

(d) the limit of variation in amounts of nitrogen stated in articles listed in item 10 below shall be as given therein.

2. Amounts of Soluble Phosphoric Acid.

0.5 percent, provided that—

(a) in the case of dicalcium phosphate, soda phosphate (fusion phosphate) and basic slag the limit of variation shall be 1 percent; and

(b) in the case of dissolved or vitriolised bone when the total of the percentages of soluble and insoluble phosphoric acid stated amounts to 14 percent or more, the limit of variation of soluble phosphoric acid shall be—

(i) 2 percent, if the excess of the actual percentage of insoluble phosphoric acid over that stated is 1.5 percent or more;

(ii) 1.5 percent, if such excess is not less than 1 percent but is less than 1.5 percent;

(iii) 1 percent, if such excess is not less than 0.5 percent but is less than 1 percent.

3. Amounts of Insoluble Phosphoric Acid.

0.5 percent, except in the case of dissolved or vitriolised bone where the total of the percentages of insoluble and soluble phosphoric acid stated amounts to 14 percent or more.

4. Amounts of Phosphoric Acid.

- (a) Basic slag 1 percent;
- (b) Guano (including Peruvian and other raw guanos) 1/10th of the percentage stated, with a maximum of 2 percent;
- (c) Phosphate rock-1/20th of the amount stated;
- (d) The limit of variation in amounts of phosphoric acid in the articles listed in item 10 below shall be as given therein.

5. Amounts of Potash.

- (a) Potassium salts used as fertilizers:
 - (i) 1 percent, if the percentage of potash does not exceed 15 percent;
 - (ii) 2 percent, if the percentage of potash exceeds 15 percent;
- (b) Guano (including Peruvian or other raw guanos) 1/5th of the percentage stated.
- (c) Compound fertilizers- the limit of variation shall be—
 - (i) 0.3 percent, if the percentage stated does not exceed 4 percent;
 - (ii) 0.5 percent, if the percentage stated exceeds 4 percent but does not exceed 5 percent;

(iii) 0.75 percent, if the percentage stated exceeds 5 percent;

6. Amount of Copper - 1 percent.
7. Amount of Calcium Sulphate - 2 percent.
8. Amount of Biuret - 0.5 percent.
9. Neutralising Values.

1/10th of the calcium oxide value stated provided that in the case of ground or screened chalk, and limestones (ground), the limit of variation shall be 1/20th of the stated calcium oxide value.

10. The limits of variation in the Amounts of Nitrogen and Phosphoric Acid in the following articles shall be as given—

(i) Bone Meal or other bone product (excluding dissolved or vitriolised bone): Nitrogen 0.5 percent; increasing, if the actual percentage of phosphoric acid exceeds that stated, to not more than 1 percent at the rate of 0.25 percent of nitrogen for each 1 percent of such excess of phosphoric acid; and phosphoric acid, 1 percent; increasing, if the actual percentage of nitrogen exceeds that stated, to not more than 2 percent at the rate of 1 percent phosphoric acid for each 0.25 percent of such excess of nitrogen.

(ii) Fish residues (or other fish products used for fertilizing purposes) and Meat and Bone residues: Nitrogen, 0.5 percent increasing, if the actual percentage of phosphoric acid exceeds that stated, to not more than 2 percent at the rate of 0.25 percent of nitrogen for each 1 percent of such excess of phosphoric acid 1 percent; increasing, if the actual percentage of

nitrogen exceeds that stated to not more than 3 percent at the rate of 1 percent of phosphoric acid for each 0.25 percent of such excess of nitrogen.

11. Amounts that will pass through specified Sieves.

1/20th of the amount stated.

For Animal Foodstuffs:

1. Amount of Fibre - 1/8th of the amount stated.
2. Amounts of Oil.

1/10th of the amount stated, provided that in the case of dried brewery and distillery grains the limit of variation shall be 1/5th of the amount stated.

3. Amounts of Protein.

1/10th of the amount stated, provided that—

(a) in the case of the following the limit of variation shall be 1/8th of the amount stated.

- (i) linseed cakes and the meals of such cakes;
- (ii) extracted linseed meal;
- (iii) maize, flaked;
- (iv) maize germ cake or meal;

- (v) maize gluten feed;
- (vi) rape cake or meal;
- (vii) soya cake or meal;
- (viii) dried brewery and distillery grains;

(b) in the case of malt culms the limit of variation shall be $\frac{1}{5}$ th of the amount stated; and

(c) in the case of dried yeast and feeding dried blood the limit of variation shall be $\frac{1}{20}$ th of the amount stated.

4. Amounts of salt - $\frac{1}{10}$ th of the amount stated;

5. Amounts of sugar.

(a) Treacle or molasses - $\frac{1}{20}$ th of the amount stated; and

(b) Dried molassed beet pulp and molassed feeds - $\frac{1}{10}$ th of the amount stated.