

(1969) 10 DEL CK 0008
In the Delhi High Court
Case No : Criminal Appeal No. 10 of 1969

Delhi		APPELLANT
	Vs	
Chhote Lal		RESPONDENT

Date of Decision : 23-10-1969

Acts Referred:

Citation : (1969) ILR Delhi 885

Hon'ble Judges : S.N. Shankar, J;S.I. Rangarajan, J;H.R. Khanna, J

Bench : Full Bench

Advocate : R.N. Tikku and Ghanshyam Das, for the Appellant;

Judgement

H.R. Khanna, J. (Concurring)

(1) The question whether the provisions of sub-rule (3) of Rule 7 of the Prevention of Food Adulteration Rules (hereinafter referred to as the Rules) are mandatory, noncompliance with which would prove fatal to the prosecution, or whether they are directory, non-compliance with which would not prove fatal in the absence of prejudice to the accused, arises for determination in this appeal by special leave by the Municipal Corporation of Delhi against the judgment of Magistrate I Class, Delhi, whereby he acquitted Chhote Lal respondent in a case u/s 7 read with section 16 of the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954), hereinafter referred to as the Act. The matter was referred to Full Bench in view of the conflict of opinion expressed by two Division Benches of this Court.

(2) The prosecution case is that on May 1, 1968 at about 7 A.M., Food Inspector V. B. Sharma went to the shop of the accused in Gali No. 12, Kailash Nagar, Gandhi Nagar, Delhi. The words "cow's milk and curd are sold here" were written with chalk on the door of the shop. The Food Inspector purchased 660 milliliters of cow's milk from the accused for 80 Paise in the presence of Food Inspector Som Dutt and Gobind Ram witnesses as per receipt Exhibit P. A. which was thumb-marked by the accused. Requisite notice was also given to the accused at

that time and he thumb-marked Exhibit P.B. in token of that. The purchased milk was divided into three equal parts. Each part of the milk was put in a dry bottle. Eighteen drops of formalin were added to the milk in each bottle. The bottles were then sealed. One of the bottles was handed over to the accused, another bottle was subsequently sent to the Public Analyst while the third bottle was retained by the Food Inspector. The Public Analyst analysed on May 2, 1968 the milk in the bottle which had been sent to him and found that the fat content of the milk was 0 -1 per cent while the non-fatty solids were 9 -02 per cent. The prescribed standard of cow's milk is contained in Appendix B to the Rules and according to it cow's milk in Delhi shall contain not less than 3 -5 per cent of milk fat and not less than 8 -5 per cent of milk solids other than milk fat. The Public Analyst declared the milk to be misbranded as the same was skimmed milk but had been declared to be cow's milk. Complaint was thereafter filed by the Assistant Municipal Prosecutor against the accused on July 16, 1968.

(3) At the trial the accused in his statement u/s 342 of the Code of Criminal Procedure stated that the shop, from which the sample of milk had been purchased by the Food Inspector, did not belong to the accused but belonged to Mahtab Singh who is the brother of the wife of the accused. According to the accused, he had on that day gone to the shop to bring his wife. While he was sitting at the shop and was waiting for Mahtab Singh, the Food Inspector came and forcibly secured the thumb- impressions of the accused on a number of papers. The accused added that he had been involved in this case due to a misunderstanding as the real shopkeeper was not present.

(4) The learned Magistrate held that it was the duty of the prosecution to establish beyond all reasonable doubt that the shop in question had been licensed in the name of the accused and that he was the tenant of that shop. He arrived at the conclusion that the prosecution had failed to establish its case beyond all shadow of doubt. The accused was, accordingly, acquitted.

(5) One of the points which was agitated in appeal on behalf of the accused-respondent was that the sample of milk had been analysed by the Public Analyst on May 2, 1968 while his report had been signed by him on May 9, 1968. It was urged that there was non-compliance with sub-rule (3) of Rule 7 of the Rules. Rule 7 reads as under :-

"(1) On receipt of a package containing a sample for analysis from a Food Inspector or any other person the public analyst or an Officer authorised by him shall compare the seals on the container and the outer cover with specimen impression received separately and shall note the condition of the seals thereon.
(2) The public analyst shall cause to be analysed such samples of articles of food as may be sent to him by food inspector or by any other person under the Act.
(3) After the analysis has been completed he shall forthwith supply to the person concerned a report in Form Iii of the result of such analysis."

(6) Learned counsel for the respondent laid stress on the word "forthwith" in sub-

rule (3) and contended that the delay of seven days between the analysis of the milk and the signing of the report would show that the provisions of sub-rule (3) of Rule 7 had not been complied with. The above non-compliance was stated to be fatal to the prosecution. Reliance in this connection was placed upon the judgment of Prakash Narain, J. in the case of Brij Mohan v. State(1). In that case the sample of food was analysed on August 20, 1966. The report of the Public Analyst was sent by him on August 29, 1966. The learned Judge held that there had been non-compliance with sub-rule (3) of Rule 7 and that above non-compliance justified the acquittal of the accused. On that ground as also on another ground, which arose on the facts of that case, the accused was acquitted.

(7) The dictum laid down by Prakash Narain, J. in the above- cited case was approved by Rangarajan and Prakash Narain, JJ. in Municipal Corporation of Delhi v. Shri Vishwa Nath(2). In that case a sample of ground chillies was purchased by the Food Inspector on November 17, 1961. The sample was analysed by the Public Analyst on January 19, 1962 and he signed the report on January 31, 1962. It was held that there was non-compliance with the mandatory provisions of Rule 7(3) and as such there was no proper prosecution of the accused. The appeal against the acquittal of the accused was dismissed on that ground as well as on another ground which arose on the facts of that case. The dictum laid down in Brij Mohan's case was again affirmed by Rangarajan and Prakash Narain, JJ. in an appeal against acquittal Municipal Corporation of Dehi v. Tuisi Das(3). In that case a sample of vinegar was purchased by the Food Inspector on October 20, 1961. The sample was analysed by the Public Analyst on December 14, 1961 and he signed the report on December 26, 1961. The above delay of 12 days was held to have resulted in contravention of the mandatory provisions of Rule 7(3). In the view of the learned Judges, the prosecution launched on the basis of the said report of Public Analyst was not proper.

(8) A contrary view was taken by Hardy and Jagjit Singh, JJ. in the case of Municipal Corporation of Delhi v. Darshan Lal Sharma(4). In that case a sample of Patisa was purchased by the Food Inspector from the accused on April 12, 1966. The sample was analysed by the Public Analyst on April 23, 1966 and the report was signed by him on April 30, 1966. The accused was acquitted by the trial Court, In the appeal against acquittal, it was argued that there had been non-compliance with rule 7(3) as the report was not signed forthwith. The learned Judges held that there was technical non-compliance with the provisions of rule 7(3). They, however, expressed their inability to agree with the view taken in the case of Brij Mohan that any and every violation or breach of a statutory rule must result in acquittal of the accused. What was important in such a case was to see, according to the learned Judges, whether the contravention had resulted in prejudice to the accused. If there was no prejudice, then in spite of technical contravention conviction would not be bad, it could be otherwise justified on the facts and merits of the case. As no prejudice was shown to have been caused to the accused and as on merits also the learned Judges came to the conclusion that the acquittal was not justified, they accepted the appeal, set

aside the acquittal order and convicted the accused.

(9) In view of the conflict between the views expressed by the Division Benches of this Court, the matter, as stated above, was referred to the Full Bench.

(10) We may observe at the outset that rule 7(3) has since been substituted by the following sub-rule:

"(3)After the analysis has been completed he shall send to the person concerned two copies of the report of the result of such analysis in Form Iii within a period of sixty days of the receipt of the sample."

(11) The change in rule 7(3) was introduced by the Prevention of Food Adulteration (Amendment) Rules, 1968. These Rules were published in the Gazette of India on August 24, 1968. According to clause (2) of the Amended Rules, the substituted sub-rule would come into force after one month from the date of publication of the notification in the Official Gazette. As the old sub-rule (3) was in force on the date the sample in the present case was taken, it would be the old sub-rule and not the new sub-rule which would govern the case.

(12) The Rules have been framed by the Central Government in exercise of the powers vested in it by Section 23 of the Act. One of the subjects, which have been mentioned in Section 23 on which the Central Government might frame Rules, is given in clause (e) of sub-section (1) of that Section as under :-

"(E)defining the qualifications, powers and duties of food inspectors and public analysts;"

(13) The heading of Rule 7 is "Duties of public analyst", and it is obvious that the said rule has been framed by the Central Government in exercise of the powers conferred by clause (e) of subsection (1) of Section 23. Sub-rule (1) of rule 7 mentions the precautions which the Public Analyst has to take in order to see that the sample of the article of food sent to him has not been tampered with. Sub-rule (2) provides that the Public Analyst shall cause to be analysed the article of food sent to him. According to sub-rule (3), with which we are concerned, the Public Analyst shall forthwith supply to the person concerned a report in Form Iii of the result of such analysis. Section 13 of the Act requires that the report of the result of the analysis should be delivered to the Food Inspector. Question arises as to what is the connotation of the word "forthwith".

(14) This word "forthwith" came to be considered before their Lordships of the Supreme Court in the case of Keshav Milkant Joglekar v. The Commissioner of Police(5). In that case, the Commissioner of Police, Bombay, passed an order u/s 3(2) of the Preventive Detention Act, 1950, on January 13, 1956, directing the detention of the petitioners. In pursuance thereof, the petitioners were arrested on January 16, 1956. The grounds on which the orders were made were formulated on January 19, 1956 and communicated to the petitioners the next day. On January 21, 1956, the Commissioner reported the fact of the order and the grounds Therefore to the State Government which approved the same on

January 23, 1956. The contention raised on behalf of the petitioners before the Supreme Court was that when the Commissioner passed the order for detention on January 13, 1956 it was his duty under sub-section (3) of section 3 of the Preventive Detention Act to report that fact forthwith to the State Government and as he did not do so until January 21, 1956, he had acted in contravention of the statute, and the detention was Therefore illegal. Their Lordships went into the question as to what the word "forthwith" signifies and whether on the facts of that case, the report was made forthwith by the Commissioner of Police. The following quotation from the judgment of Cockburn, C.J., in the case of *The Queen v. The Justices of Berkshire*(6) was referred to on the point as to what is the meaning of the word "forthwith" :

The question is substantially one of fact. It is impossible to lay down any hard and fast rules as to what is the meaning of the word "immediately" in all cases. The words "forthwith" and "immediately" have the same meaning. They are stronger than the expression within a reasonable time" and imply prompt, vigorous action, without any delay, and whether there has been such action is a question of fact, having regard to the circumstances of the particular case".

(15) Reliance was also placed upon the following passage in the case of *Hudson v. Hill* (7):

"'Forthwith' means without unreasonable delay. The difference between undertaking to do something 'forthwith' and within a specified time is familiar to everyone conversant with law. To do a thing 'forthwith' is to do it as soon as is reasonably convenient".

(16) On the basis of the above authorities and some other cases, their Lordship observed as under :

" ON these authorities, it may be taken, an act which is to be done forthwith must be held to have been so done, when it is done with all reasonable dispatch and without avoidable delay".

(17) On the facts of that case, it was held that the delay in the sending of the report by the Commissioner of Police was due to causes not of his own making, but to causes to which the activities of the petitioners very largely contributed. The delay, it was further observed, could not be avoided and that the report was sent by the Commissioner forthwith.

(18) In view of the dictum laid down above, an act should be held to be done forthwith when it is done with reasonable speed and expedition and without avoidable delay.

(19) In the present case, as stated earlier, the sample of milk was analysed by the Public Analyst on May 2, 1968, while his report was signed by him on May 9, 1968. There is no Explanation for this delay of seven days. It may be that if an objection about the above mentioned delay had been taken in the trial Court, some material might have been brought on the record to explain the delay. As

things are, the delay has remained unexplained. We are not impressed by the contention advanced on behalf of the appellant that due to the pressure of work, the Public Analyst was not in a position to sign the report till seven days after the analysis. The report is on printed form Iii and required only a few columns to be filled in. After the sample of milk was analysed on May 2, 1968, it is difficult to believe that the Public Analyst required a week's time to fill in the different columns of the report. The time taken for preparing and signing the report cannot be held to be reasonable and it cannot be said that the report was supplied forthwith after the completion of the analysis. There was thus a non-compliance with the provisions of sub-rule (3) of rule 7.

(20) Question then arises as to what is the effect of the above non-compliance. The answer to this question would depend upon the point as to whether the provisions of sub-rule (3) of rule 7 are mandatory, non-compliance with which would prove fatal to the prosecution, or whether they are directory, non-compliance with which would not prove fatal in the absence of prejudice to the accused.

(21) According to sub-rule (3) of rule 7, after the completion of the analysis, the Public Analyst shall forthwith supply to the person concerned a report in Form Iii of the result of such analysis. The word "shall" ordinarily conveys the idea of obligatory, but in the context in which it is used it can be construed to mean "may". An enactment mandatory in form might in substance be directory. and the use of the word "shall" does not conclude the matter.- See the observations of Venkatarama Ayyar J. in the case of Hari Vishnu Kamath v. Ahmad Ishaque(8), of Sinha J. (as he then was) in the case of N way an Rao v. The State of Andhra Pradesh(9) and of Subba Rao J. (as he then was), who spoke for the majority, in the case of The State of Uttar Pradesh and others v. Babu Rani Upadhyia(10). In the Interpretation of Statutes by Maxwell, Tenth Edition, page 381, the following principle has been laid down for determining whether a particular provision is directory or not:

On the other hand, where the prescriptions of a statute relate to the performance of a public duty and where the invalidation of acts done in neglect of them would work serious general inconvenience or injustice to persons who have no control over those entrusted with the duty without promoting the essential aims of the legislature, such prescriptions seem to be generally understood as mere instructions for the guidance and government of those on whom the duty is imposed, or, in other words, as directory only. The neglect of them may be penal, indeed, but it does not affect the validity of the act done in disregard of them. It has often been held, for instance, when an Act ordered a thing to be done by a public body or public officers and pointed out the specific time when it was to be done, that the Act was directory only and might be complied with after the prescribed time".

(22) In Craies on Statute Law, 5th edition, the following passage appears at page 242 :

No universal rule can be laid down as to whether mandatory enactments shall be considered directory only or obligatory with an implied nullification for disobedience. It is the duty of Courts of Justice to try to get at the real intention of the Legislature by carefully attending to the whole scope of the statute to be construed".

(23) Those passages were quoted with approval by Sinha J. (as he then was) speaking for the Court in the case of *State of U.P. v. Manbodhan Lal Srivastava*(11) and by Subba Rao J. in the case of *Babu Ram Upadhyaya*. It would follow from the above that in judging whether a particular provision is mandatory or directory, the Court has to keep in view not merely the phraseology employed but to ascertain the real intention of the Legislature on conspectus of the different provisions of the statute, its nature and design and the consequences which would follow from construing it the one way or the other. The Court should also take into account the serious or minor nature of the infraction and its impact on the other provisions of the Act. Regard should be had to the fact as to how far the construction, placed would further or defeat the object of the legislation. We may, in this context, reproduce the test laid down by Subba Rao, J. in the case of *Babu Ram Upadhyaya*. His Lordship, speaking for the majority, observed:

The relevant rules of interpretation may be briefly stated thus: When a statute uses the word "shall", prima facie, it is mandatory, but the Court may ascertain the real intention of the legislature by carefully attending to the whole scope of the statute. For ascertaining the real intention of the Legislature the Court may consider, in relation to the nature and the design of the statute, and the consequences which would follow from construing it one way or the other, the impact of other provisions whereby the necessity of complying with the provisions in question is avoided, the circumstance, namely that the statute provides for a contingency of the non-compliance with the provisions, the fact that the non-compliance with the provisions is or is not visited by some penalty, the serious or trivial consequences that flow there from, and above all, whether the object of the legislation will be defeated or furthered."

(24) Keeping the above test in view, we are of the opinion that sub-rule (3) of rule 7 cannot be held to be of a mandatory nature, non-compliance with which would prove fatal for the prosecution. The object of the above sub-rule obviously is to ensure that the Public Analyst acts with promptitude after analysing a sample in supplying the report, so that action on the report might be taken by the authorities concerned. If the Public Analyst does not sign the report within reasonable time of the completion of analysis, he would be no doubt guilty of slackness; the Court, however, would not be justified in throwing out the entire prosecution case on that ground. The non-compliance in such an event would be of a comparatively minor nature. To throw out the prosecution case on that account would be seeking a consequence which would be altogether disproportionate to the nature of the non-compliance.

(25) In the case of *Narayan Rao v. The State of Andhra Pradesh*(9) there was

non-compliance with the provisions of sub-section (4) of section 173 read with sub-section (3) of section 207A of the Code of Criminal Procedure inasmuch as copies of documents and statements of the witnesses had not been supplied to the accused. Question arose as to whether those provisions were mandatory or directory. It was held that non-compliance with those provisions did not have the result of vitiating those proceedings and the subsequent trial unless it could be shown that a prejudice had been caused to the accused in his defense.

(26) In the case of *H. N. Rishbud v. State of Delhi*(12), their Lordships held that section 5-A of the Prevention of Corruption Act was mandatory. According to that section, no police officer below the rank of a Deputy Superintendent of Police can investigate any offence punishable under sections 161, 165 or 165-A of the Indian Penal Code or u/s 5(2) of the Prevention of Corruption Act without the order of a Magistrate of the First Class. Question arose as to what was the affect of non-compliance with the above provision on the trial of an accused. It was observed as under :

"If therefore cognizance is in fact taken, on a police report vitiated by the breach of a mandatory provision relating to investigation, there can be no doubt that the result of the trial which follows it cannot be set aside unless the illegality in the investigation can be shown to have brought about a miscarriage of justice. That an illegality committed in the course of investigation does not affect the competence and the jurisdiction of the Court for trial is well settled as appears from the cases in- *AIR 1944 73 (Privy Council)* and-*Lumbhardar Zutshi v. The King Air 1950 Pc 26.*"

It was further observed :

These no doubt relate to the illegality of arrest in the course of investigation while we are concerned in the present cases with the illegality with reference to the machinery for the collection of the evidence. This distinction may have a bearing on the question of prejudice or miscarriage of justice, but both the cases clearly show that invalidity of the investigation has no relation to the competence of the Court. We are, Therefore, clearly, also, of the opinion that where the cognizance of the case has in fact been taken and the case has proceeded to termination, the invalidity of the precedent investigation does not vitiate the result, unless miscarriage of justice has been caused thereby."

(28) It would follow from the above that any non-compliance with the provisions of law relating to there machinery for the collection of the evidence would not vitiate the trial unless it has resulted in miscarriage of justice. The report of the Public Analyst embodies the result of the analytical test carried out by him and constitutes evidence in the case. The time taken in signing the report might make the Court in a certain case to draw appropriate inference but, in the absence of prejudice to the accused and consequent miscarriage of justice, the delay would not invalidate and vitiate the trial.

(29) We would, Therefore, hold that in the absence of prejudice to the accused,

non-compliance with the provisions of sub rule (3) of rule 7 would not prove fatal to the prosecution. Argument has been addressed before us on behalf of the accused respondent as to whether the provisions of sub-rule (1) of rule 7 are mandatory and for that reason it is imperative on the part of the prosecution to lead evidence about the compliance with that provision or whether principle regarding presumption of correctness of the Official acts can be invoked in such a case. It is not necessary in this case to go into the matter. Suffice it to say that the Supreme Court in a recent case *Kassim Kunju Pookunju v. Ramakriahna Pillai*, (13) has held that the presumption about the official acts having been regularly performed applies in such a case. Their Lordships also observed that it must be presumed that the public Analyst acted in accordance with the Rules and compared the specimen impression received by him with the seal on the container.

(30) Coming to the facts of the present case, we find that no prejudice is shown to have been caused to the accused respondent because of the lapse of seven days between the date of analysis and the signing of the report by the Public Analyst. We are not impressed by the argument advanced on behalf of the respondent that any and every delay should be presumed to have caused prejudice to the accused. The question of prejudice is essentially one of fact and in the absence of any material on the record, we are unable to hold that prejudice has been caused to the accused merely because of the delay of seven days in signing the report by the Public Analyst.

(31) As regards the merits of the case, we find that the prosecution examined Food Inspector V. B. Sharma (Public Witness I), Food Inspector Som Dutt (Public Witness 3) and Gobind Ram (Public Witness 4) about the purchase of sample of milk from the accused. There appears to be no cogent ground to disbelieve the evidence adduced by the prosecution in this respect. The evidence of Food Inspector Sharma shows that the accused thumb-marked document Pa in token of the sale of milk and the receipt of the price of the milk. The accused admits having thumb-marked document Pa as well as other documents but according to him his thumb-impression was forcibly obtained by the Food Inspector. This version of the accused cannot be accepted because we see no reason as to why the Food Inspector should foist a false case on the accused by forcing him to thumb-mark different papers.

(32) The learned Magistrate acquitted the accused because he was of the view that the prosecution had failed to prove that the shop at which the milk was sold had been licensed in the name of the accused and that he was the tenant of that shop. This approach of the trial Court was not in consonance with law because the definition of the word "sale" as given in clause (xiii) of section 2 of the Act shows that sale for analysis also constitutes sale for the purpose of the Act. Section 16 of the Act prescribes penalties and, according to it, a person would be guilty if he, inter alia, whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any

article of food which is adulterated or misbranded. The section thus makes liable the person doing the different acts mentioned in the section whether he does those acts on his own behalf or on behalf of some one else. Liability is also fastened on the principal on whose behalf the acts are done. Dealing with the above provision, speaking for the Court, Shah, J. in the case of Sarjoo Prasad v. The State of Uttar Pradesh , observed :

"The intention of the Legislature is plain. Every person, be he an employer or an agent is prohibited from selling adulterated food and infringement of the prohibition is by section 16 penalised. By section 19 in a prosecution for an offence pertaining to the sale of any adulterated article of food, it is no defense merely to allege that the vendor was ignorant of the nature of the substance or quality of the food sold by him. Such a defense can only succeed if the person charged with selling adulterated food proves that the article of food was purchased as of the same in nature, substance and quality as that demanded by the purchaser with a written warrant in the prescribed form, that he had no reasons to believe at the time when he sold it that the food was not of such nature, substance and quality and that he sold it in the same state as he purchased it, and he submits to the food inspector or the local authority a" copy of the warranty with a written notice that he intends to rely upon it and specifies the name and address of the person from whom he received it. Prohibition of sale of adulterated food is evidently imposed in the larger interest of maintenance of public health. The prohibition applies to all persons who sell adulterated food, and for contravention of the prohibition all such persons are penalised. Because the Legislature has sought to penalise a person who sells adulterated food by his agent, it cannot be assumed that it was intended to penalise only those who may act through their agents. If the owner of a shop in which adulterated food is sold is without proof of means read liable to be punished for sale of adulterated food, we fail to appreciate why an agent or a servant of the owner is not liable to be punished for contravention of the same provision unless he is shown to have guilty knowledge."

(33) It would follow from the above that an agent who sells an adulterated article of food is equally liable as the owner of the shop. In this view of the matter if the accused-respondent was not the tenant of the shop but was merely acting as agent of his brother- in-law for sale of milk, the accused cannot escape his liability. The view taken by the trial Magistrate in acquitting the accused is, Therefore, clearly unreasonable.

(34) As the evidence on record shows that the milk sold by the respondent was skimmed milk even though it was represented to be cow"s milk, the respondent in our opinion is guilty of the offence charged. We, Therefore, accept the appeal, set aside the acquittal of the accused-respondent and convict him u/s 7 read with section 16 of the Prevention of Food Adulteration Act. We sentence the accused to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 1,000.00 or in default to undergo rigorous imprisonment for a further period

of three months.

Rangarajan, J. (Concurring)

(35) I have had the advantage of pursuing the judgment of my Lord the Chief Justice. I agree with the view that the old sub-rule (3) of Rule 7 of the Prevention of Food Adulteration Rules is only directory and not mandatory, noncompliance with which would not prove fatal to the prosecution in the absence of prejudice to the accused. I have only to add that the view taken by Prakash Narain J. in *Brij Mohan v. The State*(1) was not seriously challenged when myself and Prakash Narain J. heard *Municipal Corporation of Delhi v. Vishwa Nath*(2) as well as *Municipal Corporation of Delhi v. Tulsi Dass*(3). In both those cases Prakash Narain J. and myself felt that there could be no interference with the acquittal in view of the circumstances of those two cases, including the delay in the launching of the prosecution. It was in these circumstances that reference was made also to the non-compliance with old sub-rule (3) of Rule 7. Having had the advantage of the arguments on this question and for the reasons contained in the judgment of my Lord the Chief Justice, I concur with the view now taken of old sub-rule (3) of Rule 7 of the Prevention of Food Adulteration Rules.