

## Farmer Summoned by Milk Depot 1898

### Alleged Milk Adulteration - Successful Technical Objection

#### Tisbury Petty Sessions



William Barrett, farmer, was summoned at the instance of Mr Henry Johnson, manager of the Semley depot of the Salisbury, Semley and Gillingham Dairies Co. Ltd., for adulterating milk with 20 per cent of added water, to the prejudice of the Company.

Mr Fulton appeared for the prosecution and Mr W Marsh for the defence.

Mr S W Taunton proved the contract existing between defendant and the Dairies Co. He recollected on March 29 defendant asking him what was going to be done in the matter. Defendant said if water had been added it must have been done by his dairyman with whom he had had words.

Mr Johnson, manager of the Semley depot, stated that he took samples of the milk delivered by defendant on the 12<sup>th</sup> of March. Two churns were delivered by a boy named Toogood who was in defendant's employ. He tested the milk and, in his opinion, it was watered.

He took three bottles and filled them in the presence of the boy from one of the churns. There were also present men named George Fry and Frank Hibberd.

Witness sealed the bottles and gave the boy one, sent one to the county analyst by registered post, and kept the other. He told the boy he was taking a sample of the milk to be analysed and to take the bottle given him back to his master.

He received the analysis on March 17, which he now produced, and which proved that there was 20 per cent of added water. He further told the boy the milk was watered, and asked him if it was just the same as when he left the farm, and he replied 'yes'.

The boy, Frank Toogood, was called and said he gave to Mrs Barrett the bottle Mr Johnson delivered to him. Witness asserted that the milk was delivered by him in the condition in which he received it in the yard.

Wm G Fry, employed by the Dairies Company, said he was present when the samples were taken. He saw defendant on March 14, when, referring to the condition of the milk, he said he had been giving his cows a quantity of roots.

Stephen Rogers, dairyman, in the employ of defendant, stated that he had never added water to any milk, nor was anyone else able to do so. Witness measured up the milk and put it in the cart.

Before proceeding with his defence, Mr Marsh raised a technical objection urging that as the boy Toogood was not an agent for the defendant for the sale of the milk to the plaintiff company, as stated in the summons, the delivery of sample and notice of intention to analyse were not in accordance with the Food and Drugs Act, and that therefore the summons was bad in law.

The Bench retired to consider the point and on returning upheld the objection and the case was dismissed, leave being granted to Mr Fulton to state a case to a Higher Court.

(The Hon. Percy Wyndham, being a shareholder in the plaintiff company, did not adjudicate in this case).

Western Gazette April 15 1898