Revenue (189) Department.

MISCELLANEOUS SERIES.

G.O., No. 5061-62

DATED 27 Sept 97

[Despatch Abstract.]

Requesting a second matter of the rules of the Gulf of India in regard to the Indemnity to be obtained for injuries to Postal Ladies

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.
Pub	530	Rev	19.10.96.				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	~~2104/30/99~~						
Rev	244	Rev	15.1.98				
Rev	1983	"	6.5.98.				
"	2516	"	15.6.98.				

G.O. No 530 Pub 19/10/96

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Separate Revenue),

MADRAS.

RECEIVED 19 JUN 1897 REVENUE DEPARTMENT

Printed May 29th.

Proceedings, No. 254, 30th June 1897.

Rev 1

JUNE.

Submitting to Government the report called for with reference to a complaint of Messrs. Blundell, Spence & Co. regarding the working of the Merchandise Marks Act in Madras, and requesting Government to move the Government of India to modify certain orders recently passed by it upon the subject.

PROCEEDINGS OF THE BOARD OF REVENUE

(SEPARATE REVENUE).

READ—Endorsement of Government, No. 2314-R., Revenue, dated 3rd December 1896, on petition from Messrs. Blundell Spence & Co., London, submitting copy of a letter addressed to the Secretary of State for India regarding the Indian Merchandise Marks Act, and inviting attention to the same, with special reference to an importation of chrome yellow No. 1-A.

READ—Board's reference thereon, dated 12th December 1896, referring it to the Collector of Sea Customs, Madras, for remarks.

READ—also the following letter from W. P. AUSTIN, Esq., I.C.S., Collector of Sea Customs, Madras, to the Secretary to the Commissioner of Salt, Abkári and Separate Revenue, dated 13th January 1897, No. 299-G. :—

In reply to Board's Reference, dated 12th December 1896 (received on the 19th idem), forwarding for remarks a letter from Messrs. Blundell Spence & Co., dated the 6th November, enclosing one, dated the 29th October 1896, addressed by them to Her Majesty's Secretary of State for India in Council making certain complaints against the mode of administering the Merchandise Marks Act by the Revenue authorities at the Indian ports, I beg to submit as follows.

2. The Merchandise Marks Act became law in the year 1889, and its object was to put a stop to the importation of goods bearing false trade marks or false trade descriptions. A false trade description is one which does not clearly and accurately describe the article it purports to describe, and the firm of Blundell Spence & Co. is one among several, which, while manufacturing both genuine and adulterated goods, such as oils, turpentine, paints and dry colours, seeks to describe the latter in terms which do not accurately represent them. The only object I can see in their appeal to the Secretary of State and the Government of Madras is to obtain a ruling legalizing the importation into India of adulterated articles under descriptions that do not convey to the mind of the consumer the fact that the articles are adulterated, and in order to ultimately evade payment of duty at the higher rate on tariffed articles.

3. Petitioners ask that adulterated linseed oil, turpentine, paints and dry colours be allowed to pass under the descriptions "raw" and "boiled oil," "reduced turpentine," "reduced white and red lead" and "Nos. 1 or 1-A and C dry colours." There would be no objection to the use of these terms if the articles they represent were actually inferior qualities of the pure article, *i.e.*, if they only contained a more or less quantity of the original impurities; but if extraneous substances are added to increase bulk (and so reduce the cost of manufacture) their addition is an adulteration and the above wording becomes not only inaccurate but misleading. The only word which correctly describes such articles is the word "adulterated," and, although this word would not show the amount of adulteration any more than the words "raw" or "boiled" or "reduced" or "No. 1 or 1-A and C" would, it has this advantage, that, being understood in the market, it would not lead the consumer to believe he was purchasing a genuine article.

4. *Linseed oil and turpentine.*—The words "raw" and "boiled" are terms which are applied to Linseed-oil only and when a drum of oil is marked with either of these words, the marking is accepted in the market as the correct description of linseed oil, and it conveys to the consumer the idea that he is purchasing linseed oil and linseed

oil only, which is either raw or has undergone the process of boiling, and he is guided by the words raw, or boiled in selecting his oil for the particular purpose for which he requires it. Both linseed oil and turpentine are adulterated with mineral oil, and the amount of the adulterant varies between 25 and 75 per cent. If the mixture of a mineral with a vegetable oil is not adulteration, there is no meaning in the term and the amount of mischief that the importation of this worthless stuff causes is incalculable, to say nothing of the disappointment and loss it causes the purchaser by having a good piece of work spoiled by bad oil.

Reduced red and white lead and paints.—These are made from natural oxides, but when bulk is increased by the addition of a large percentage of, say chalk, surely this is adulteration. The petitioners convict themselves when they say that the paints prepared by them for the Indian market will not show 98 per cent. of oxide. The percentage of impurities in paint varies, I believe, from 2 to 20 per cent.; but these are natural impurities which have not been removed, not foreign matter which has been added subsequently. Paints which show a comparatively small percentage of oxide and have been largely mixed with foreign substances to increase bulk are adulterated, and the word adulterated most suitably describes them.

Dry colours.—Lemon chrome No. 1-A and all other dry colours that require what petitioners call their qualities to be indicated by numbers, &c., are adulterated articles, but, as their sale will be comparatively small if it is known that they are adulterated, the manufacturer resorts to the device of numbering them, since numbering gives no indication of the ingredients contained in them. The lemon chrome in question has been reported by the Chemical Examiner to be mixed with lime—which is not a pigment—it follows therefore that it has been adulterated by the addition of a foreign substance, and it should be correctly described on the packets which contain it. As regards the complaint that these numbers were in use before the Merchandise Marks Act came into force, I can only reply that the Merchandise Marks Act was enacted to prevent the practice of fraud by the use of descriptions which do not in a material respect represent the quality of the goods they cover and which are therefore false trade descriptions.

Duty.—The question of duty is also one to be considered. Let us take for instance one of these articles, say linseed oil. The tariff provides a rate of value of Rs. 2 per imperial gallon for it, and this rate cannot be adhered to whether the article is adulterated or not—Section 21, Customs Act. Manufacturers are only waiting for the question of the trade descriptions to be applied to these adulterated goods to be decided, to claim to pass them at *ad valorem* rates, because their real values are at least 50 per cent. below the tariff rates (and it is doubtful whether they may not have already so passed them at one or more ports as "oils—other sorts") and this claim will not be so far out, since there is really no tariff rate for raw and boiled oils and reduced turpentine and paints. To assess *adulterated* linseed oil at the tariff rate for linseed oil and to permit it to be described (on the drums which contain it) as raw and boiled oil is to permit it to be imported into this country under a false trade description (since the terms raw and boiled are applicable to pure linseed oil only) contrary to the provisions of the Merchandise Marks Act and to encourage the importation of adulterated oils to the exclusion of pure oils. From the papers noted in the margin it will be seen that at Bombay it is not the practice to examine "Raw oil" and "Boiled oil" to see whether they contain linseed, but to accept the tariff rate of Rs. 2 per imperial gallon for them without question. If, therefore, they contain *no* linseed, they are dutiable *ad valorem* as "oils—other sorts" and although they may be cheap oils, the importer will always be willing to pay duty at the higher tariff value since it enables him to sell his oil as linseed oil, and by taking this

To the Collector of Land Revenue, Customs and Opium, Bombay, No. 5828-G., dated 31st October 1896.

From the Collector of Land Revenue, Customs and Opium, Bombay, No. 18703-C., dated 30th November 1896.

To the Collector of Land Revenue, Customs and Opium, Bombay, No. 6553-G., dated 11th December 1896.

From the Collector of Land Revenue, Customs and Opium, Bombay, No. 20166-C., dated December 1896. (Copy enclosed).

higher rate of duty from him for oils that contain no linseed, and permitting him to label his drums "raw" or "boiled," the Customs guarantees to the public (especially by the labelling) that the drums contain linseed-oil. Again, on the other hand, if the importer fills his drums with high class lubricating or other oil, worth, say, Rs. 3 per Imperial gallon, and it is not examined for linseed but passed at Rs. 2 per Imperial gallon as boiled or raw oil, the revenue is easily defrauded and our statistics are vitiated in respect of tariffed articles.

5. I would, therefore, respectfully ask that the matters be again laid before the Government of India with a view to a reconsideration of its orders * in regard to accepting the terms "raw" and "boiled" for adulterated linseed oil as sufficiently carrying out the provisions of the Merchandise Marks Act.

* *Vide* Resolution of Government of India, Finance and Commerce, No. 4146-Separate Revenue, dated 30th September 1896, printed in Board's Proceeding, No. 431, Separate Revenue, dated 24th October 1896.

6. The original enclosures are herewith returned.

ENCLOSURE No. 1.

From W. P. AUSTIN, Esq., I.C.S., Collector of Sea Customs, Madras, to the Collector of Land Revenue, Customs and Opium, Bombay, dated 31st October 1896, S. No. 5828-G.

I understand from Government of India Customs Circular No. XXII of 1896, copy of which has recently been received in this office, that it is the practice in the Bombay Custom House to pass unquestioned adulterated linseed-oil if the drums containing it are stamped with the words "boiled oil." Will you please let me know whether these words are accepted, irrespective of the quantity of the adulterant in the oil, or whether they are admitted in the case of such oils only when slightly adulterated, and also whether the same practice obtains in regard to drums marked "raw oil." I should also feel obliged by your mentioning the largest percentage of adulteration which is accepted by you and passed as "boiled oil" or "raw oil" and how such oils are assessed to duty.

ENCLOSURE No. 2.

From J. POLLEN, Esq., B.A., LL.D., I.C.S., Collector of Land Revenue, Customs and Opium, Bombay, to the Collector of Sea Customs, Madras, dated 30th November 1896, No. C. 18703.

With reference to your letter No. 5828-G, dated the 31st October last, on the subject of adulterated linseed-oil, I have the honour to inform you that, so long as the drums are marked "raw oil" or "boiled oil," they are not examined for the proportion of linseed contained in them. The description "raw oil" or "boiled oil" is accepted without question and for aught the department knows there may be no linseed in the oil at all.

ENCLOSURE No. 3.

From W. P. AUSTIN, Esq., I.C.S., Collector of Sea Customs, Madras, to the Collector of Land Revenue, Customs and Opium, Bombay, dated 11th December 1896, No. 6553-G.

In acknowledging, with thanks, the receipt of your letter No. C. 18703 dated 30th November 1896, I have the honour to request that you will be good enough to favour me with a reply to the latter part of my letter No. 5828-G., dated 31st October 1896, as to how "boiled oil" and "raw oil" are assessed to duty at Bombay.

ENCLOSURE No. 4.

From J. POLLEN, Esq., B.A., LL.D., I.C.S., Collector of Land Revenue, Customs and Opium, Bombay, to the Collector of Sea Customs, Madras, dated 31st December 1896, No. C 20166.

In reply to your letter No. 6553-G., dated the 11th instant, I have the honour to state that importers generally declare the tariff value of Rs. 2 per Imperial gallon for raw oil and boiled oil. No importer has yet demurred to this assessment; but if any one were to do so, a sample of the oil would be forwarded to the Chemical Analyser, and, if he reported that it did not contain any linseed, it would be assessed to duty *ad valorem* under "all other sorts."

Reference thereon dated 15th February 1897.

It having come to the knowledge of the Board that adulterated linseed-oil, turpentine and paints were imported into Madras last year, the Consulting Architect to Government and the Superintending Engineer, V Circle, are requested to be good enough to report whether they have had any trouble with such adulterated articles lately, and if so, whether matters are growing worse in respect of them.

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Consulting Architect to Government,
" Superintending Engineer, V Circle.

READ—letter from the Consulting Architect to the Government of Madras, dated 27th February 1897, No. 5271.

ABSTRACT.—Stating, with remarks, that he has found all painting materials obtained locally so unsatisfactory and adulterated that he has had to take steps to obtain his materials through the Secretary of State.

READ—endorsement of the Superintending Engineer, V Circle, dated 6th June 1897, No. 132-M.

ABSTRACT.—Forwarding letter from the General Superintendent, Public Works Stores, &c., reporting on the paints and oil purchased locally and that obtained from England.

RESOLUTION—No. 254, dated 30th June 1897.

Submitted to Government with reference to the complaint of Messrs. Blundell, Spence & Co. referred to the Board for remarks with endorsement No. 2314-R, dated 3rd December 1896.

2. As Government will remember, Messrs. Blundell, Spence & Co. themselves complained to the Secretary of State in January 1896 of laxity in the administration of the Merchandise Marks Act in Madras and other ports (*vide* G.O., Mis. No. 1607, Revenue, dated 29th April 1896), pointing out that "the tendency of native buyers in India is always to secure goods at the lowest prices, and naturally when they can procure inferior qualities branded as if they were the best qualities, they do all they can to introduce such goods," and urging a strict enforcement of the provisions of the Act, such as they alleged to be practised in Bombay, on the ground that it was "most beneficial to business, as it has prevented adulterated goods, or packages containing less than the branded quantity, from being imported, thus making competition legitimate." The firm was mistaken in its complaint with regard to Madras, where the administration of the Act was much stricter than it was either in Bombay or Calcutta. On a reference being made to the Government of India regarding the introduction of more uniformity in the manner in which the Act was applied at the various ports in consequence of the Collector of Sea Customs, Madras, finding that goods which would be stopped at Madras were admitted elsewhere, it considered that the provisions of the Act were sufficiently complied with by the practice at Calcutta and Bombay, and ordered its general adoption (*vide* Resolution in the Finance and Commerce Department, dated 30th September 1896, No. 4146 S.R.).

3. Messrs. Blundell, Spence & Co., now urge the other side of the question—somewhat unnecessarily as the above ruling of the Government of India has to a large extent met their wishes. They object to being required to brand obviously adulterated goods as such and wish to be allowed to use terms which disguise the adulteration from the ignorant Indian consumer. They now argue that the fact of goods being branded with the word "adulterated" will not show to what extent they are adulterated and therefore is no "protection to trade" and even go so far as to suggest that a scale should be laid down showing the percentage of adulteration

which should be allowed in goods passed as pure. They carefully avoid the real point at issue which is, to take an instance, whether, when they make an addition of a large proportion of mineral oil to turpentine, with the result of rendering it unfit for the chief purpose for which it is used, *i.e.*, painting, they should be permitted to conceal the fact that it is adulterated by calling it by a word which conveys no meaning to the Indian purchaser and designating it reduced turpentine. Under the recent ruling of the Government of India referred to above they are now entitled to do this. So far as Madras is concerned, they have secured their object except as regards chrome yellow and vermilion. The addition of the word "adulterated" to "Chrome Yellow No. 1-A," which contains a large proportion of chalk, is still being insisted on while no imports of vermilion have been made recently.

4. With all deference to the above-quoted ruling of the Government of India, the Board submits that when a respectable firm unblushingly makes a claim to be allowed to evade the Act by using an equivocal designation which conveys no meaning whatever to the consumer out here, it is high time that its provisions should be strictly enforced.

5. To take Messrs. Blundell, Spence & Co.'s complaint in detail, though the reason for it has ceased to exist, they first claim to be allowed to import what they call "Linseed oil of reduced qualities"—that is to say, containing up to 75 per cent. of mineral oil—under the designation of "raw" and "boiled" oil. The word "linseed" is omitted, which at first sight seems to favour their contention. "Raw" and "boiled" are, however, terms which have their origin in certain chemical changes which occur when crude linseed oil is subjected to considerable heat which improves its drying qualities. Other oils are, so far as the Board is aware, not similarly affected by the boiling process and are never subjected to it. The application of the words "raw" and "Boiled" to any oil except linseed is therefore altogether misleading, and the Board considers that their use should be strictly confined to oil made from linseed. The consumer out here knows nothing of the nature of the process and assumes that the misdescribed "boiled" and "raw" oils are good painting oils. The result of this fraud on the consumer is now to be seen throughout the Presidency. The Consulting Architect informs the Board that he has been compelled to get all paints, oils, &c., out direct through the Secretary of State owing to this universal adulteration of the materials obtainable locally, and Government itself is probably aware of the prevalence of paints which remain soft and sticky for years. The Commissioner recently found all the woodwork in the house of the Collector of Salem—a Government building—in this state. It had been painted by the Public Works Department a year ago, but was still so moist that it adhered to the hands. This was one of the results of Messrs. Blundell, Spence and others being permitted to deceive the local merchants with such misleading designations.

6. The Board presumes that "White lead of reduced qualities" means white lead adulterated with chalk. It does not believe for a moment that this article is knowingly largely in demand in India, though large quantities may be accepted by the consumers under a mistaken impression that it is an inferior though not an adulterated variety.

7. With regard to "Chrome Yellow No. 1-A", the Board considers that the description affords no information to the Indian trader whatever, though possibly "1-A" may sometimes be regarded as equivalent to "A-1" and as designating a very superior quality. It altogether takes exception to Messrs. Blundell, Spence & Co.'s claim to import it without question on the ground that the name has been in existence for many years. While the components of the pigment rest entirely at the discretion of a firm which deals in adulterated goods and may be varied by it at pleasure the fact that the name is an old one affords no guarantee and is entitled to no consideration.

8. Their remarks about "Mexican vermilion" stand on much the same footing as those about chrome yellow.

9. As regards Messrs. Blundell, Spence & Co.'s remarks about paint, the Board regards them as misleading. What it objects to is not the import of inferior qualities, but of descriptions which have been deliberately adulterated by the admixture of foreign substances.

10. The tenor of Messrs. Blundell, Spence & Co.'s letter throughout is to contend that adulteration may fairly be covered by the expression "inferior quality" and described as reduced. The Board is most strongly of the opinion that this contention should be rejected in most unmistakeable terms. The case is much the same as that of an English cheese-monger claiming to be allowed to sell a mixture of butter and margarine under the designation of "reduced butter." There would, however, be one very important difference inasmuch as the English consumer would be far too wary to be caught by such a transparent misdescription while the Indian one would fall into the trap. The Board begs to suggest that the Government of India be asked to re-open the question and re-introduce the practice which has just been discontinued in Madras under its order quoted above.

(True Copies and Extract.)

(Signed) N. S. BRODIE,
Acting Secretary.

(True Copy.) Lawson introduced

Assistant Secretary.

To the Secretary to Government, Revenue Department,
with enclosures in original, returned to Government.

Copy to the Collector of Sea Customs, Madras.
" " Collectors of other Maritime districts.

Frd. A. F. Eccleston.

Ceco 6746 of 1897

The Hon. Sir Henry Bliss, K.C.M.G.

Linseed oil — "Raw oil" or "Boiled oil"

Paints — "Reduced whites" "Red lead"

Dry Colors — "(Name of Color) No 1, 1A, &c."

For orders

The paper read above is the Board's report on the petition received from Messrs. Blundell, Spence & Co. of London in which they complain that, while the articles noted on the margin are passed at some of the Indian ports under the trade descriptions noted against them, they are at other (Madras included) denied admission unless one of the Cases containing them are branded "adulterated". The articles in question are, by the petitioners' own admission, of inferior qualities, and it is urged by them that the idea of inferiority is best expressed by "Reduced". And the Collectors of Sea Customs and the Board of Rev Customs think the articles are inferior in the sense that extraneous substances have been added to increase the

C 3049/97

bulk

bulk and that the proper word to
describe such articles is "adulterated"
under the recent orders of the Govt of
India which dispense with the use of
~~necessitate the word "Adulterated"~~
in such cases, the petitioners' trade
no grievance to be redressed. The
following are, however, the argu
ments adduced by the petrs on the
one hand, and the Colls and the Bd on
the other in respect of each of the Articles
named above:—

Linseed oil — "Raw oil" or "Boiled oil"

The petrs objection to the use of the word
"adulterated" is that it is easily obliterated
from the drums by dishonest dealers before
disposal. This fact, if true, cannot be
a justification for contravening the provisions
of the Merchandise Marks Act. The
Colls states that the words "Raw" and
"Boiled" oil are understood by the
market as indicating pure linseed
oil in which on either raw or has
merely undergone the process
of boiling, and that, as linseed
oil is often adulterated
with mineral oil,
it is but right that
the fact of adulteration

should

Govt Resl 4146 SR in
30-9-96
Rev Go. 5308, 19-10-96.

So far as linseed oil & turpentine are concerned

should be indicated by the
word "adulterated". Otherwise,
he adds, the description will be
misleading, and the Consu-
mers will be disappointed and
put to loss by having
a good piece of work spoiled
by bad oil. The Board fully
support the Collector's Con
tention.

Paints — "Reduced White &
Red lead". The petitioners
complain that at some ports
they are required to use brands
"Reduced" while in others the
same description is objected to.
These paints, they say, are
made from calcined whites
all of them not containing
over analysis 98% of oxide,
and that to describe them
as "adulterated" while they
contain no adulterant, is
to give them a false des-
cription. The Collector, on
the other hand contends, that
the saleable impurities in
such paints vary from 2 to
20 per cent and that the petrs

Govt

tests. Convictions thereupon by saying that their paints do not show 98% of oxide. He concludes from this that paints which show a comparatively small percentage of oxide and Chrome have been largely mixed with foreign substances to increase the bulk, and therefore adulterated. The Board [illegible] that "white lead of reduced specialties" means white lead adulterated with Chalk and adds "that if Consumers are accepting it at all, it is under a misapprehension that it is an inferior rather than an adulterated article."

Dry Colors — No. 1, 2 & 3.

The petitioners urge that these articles merely designate particular grades such as "low" "standard" and are correct descriptions, that this mode of describing the Colors has been in use for ten to fifteen years

previous to the passage of the Merchandise Marks Act. The Collector however, states that all these colors are adulterated articles, and that as their sale will be comparatively small, if it is known that they are adulterated, the manufacturers resort to the device of numbering them. As regards the petitioners' claim to adopt their own descriptions on the ground that they have been made for many years, both the Collector and the Board state that it is entitled to no consideration, as the very object of the Merchandise Marks Act is to prevent the use for a term of years of false descriptions. The Board further contend that the description by Numbers would afford no information to the Indian trade, though regarded as equivalent to "A-1" and No. 1 A would be understood to designate a very superior quality

quality under the "Coco
quality" as interpreted
by the petitioners.

2. The petitioners urge
in Consideration that it will
be sufficient to brand the
goods in such a way as to
indicate to the buyer the
inferior quality of the
articles, but the Board
is strongly opposed to
this recommendation (being added) through the Govt would not. word "adulterated"

3. The Collector in his
last one of the objects with
which the petitioners
avoid the use of the word "adulterated"
is that they may evade
payment of duty on their
goods at the tariff rate.
The tariff rate being prescribed
for "Raw" & "Boiled oil" as well as
"Reduced prints" they may be able
to pass their goods the real
value of which is below the
tariff rate, at advalorem
rates. But the Collector to
assess adulterated linseed oil
at the tariff rate and to allow
it to be declared as "Raw"

and

Note. Under S. 21 of the Sea Customs
if goods are composed of more than one
article liable to duty, the full duty which
would be payable on such goods if they
were entirely composed of the article
charged with the highest rate of duty
should be levied.

and "boiled oil" would
not by allowing it to be
imported under a false
description, but would ac-
cept guarantees as to the pro-
that the drums contain
pure linseed oil. Yet, this
is what is done in Bombay
where no examination is
made of the "Raw" & "Boiled"
as to whether they contain
linseed. One other effect in the Bombay arrange
ment is stated to be, that
if the drums contain high
class lubricating or other
oil worth Rs 3 per Imperial
gallon and are tariffed at
Re 1 per gallon as linseed oil
the revenue will be defrauded.

4. The Collector and the
Board therefore request that
the matter referred to in the
last preceding para be laid
once more before the Govt
of India for favourable Considera-
tion. The same question
was submitted for the orders
of that Govt while the Collector

Tariff rate on
Linseed oil is
Rs 2 per Imperial
Gallon.

Govt

9

In this Govt No 2145
of 6-9-6. Seeing that
the practices at Bombay
and Calcutta were such
as actually the Same, viz,
that adulterated linseed
oil, red lead, white paints
after were marked as
boiled oil and reduced
red lead, the Govt of India
decided that the Same
procedure should be adopted
at all other ports in India.
It is for a reconsideration
of this order that the Collr
and the Bombay Govt of India Govt
has addressed.

For orders as to whether
the Board's recommendation
may be accepted. It has made out
a very strong case for a representation being accorded
to British-[illegible] the petitioners do
not bring up any specific
case for the consideration
of this Govt, except the
one about Chrome yellow No 1A
sent by them to Messrs Badsha
Saheb & Co of Madras, which
was decided by the Collector to

xx The Consulting Architect to Govt & the
Supt Engineer Circle were requested by the
Board to report upon the quality of the
linseed-oil, turpentine & paints imported
into Madras in 1896. The former has reported
that owing to the universal adulteration
of the nature described above of these articles
he has been compelled to get all paints, oils &c
out direct through the Secretary of State
From the abstract given by the Board, it
is not known what the purport of the report
of the Supt Engineer was.

J Keens personally that
is dispensed of turpentine oil &c
paints for painting work

Bd

The paint used in Govt Houses, Madras is generally made
from white lead which is adulterated with [illegible]
and [illegible] with [illegible]

be liable to confusion
as bearing a false
description. They have
after the representation
made by that firm, a
decision will have
altered. It is presumed
that no action is called
for on this point.

6. The petition when
by this Govt is a copy of
one presented to the Secy
of State for India, and is
not known what action
was taken thereon by the
India Office.

For orders as to what
orders that may be passed
on this petition by this Govt
should be communicated
to the petitioners. Should it be
decided to address India, no endorsement
need be given until the result of the reference
to India is known.

1/28/97.

I think the Govt of India ruling
should [illegible] the Bd would be
from every point of view.

2/28/97

Ordered 2 March 1897

1/2/97.

Exactly. The Bd of Trade should be consulted
in the strongest possible manner
in the event of the Govt of India
deciding that these people are engaged
in [illegible] who seek to deprive the
Indian [illegible] of [illegible]
[illegible] consumption in this country.

2/8/97

18/8/97.

4/9/97

Read C. No. 6748 of 1897.

G. O. No. 5061 dated 27 Sept. 97.

Ordered that the following letter be despatched to the Govt. of India.

The Hon. Sir Henry Bliss K.C.I.E
H.E. the Governor.

Linseed oil — "Raw oil" & "Boiled oil" or Double Boiled oil
Paints — "Reduced white and Redlead"
Dry Colours — name of Colour with "No 1, 1A &c" affixed.

No. 214 dated 30th June 1897.

To

The Secretary to the Govt. of India,
Dept. of Finance and Commerce.

Sir,

I am directed to forward a copy of the marginally noted Board's Proceedings and to state as follows:-

2. Messrs Rundell Spence and Co:. of London complain that while the articles noted on the margin were passed at some of the Indian ports under the trade descriptions noted against them, they were at others, including Madras, denied admission unless and until the cases containing them were branded " adulterated ". In the letter to the Govt. of India No. 214 dated 3rd June 1896 the attention of the Government of India was drawn to the diversity of the

practice followed in Madras and Calcutta in regard to the trade descriptions ~~which should be affixed~~ on packages containing adulterated goods, such as oils, turpentine and paints etc. In Madras, packages containing adulterated linseed oil and red lead were not permitted to pass into consumption unless the word " adulterated " was plainly stencilled on the drums containing the articles, whereas at Calcutta such goods were passed if they were marked " reduced " " mixed " or " mineral " on every label describing them. His Excellency the Governor in Council then expressed the opinion that the Madras procedure was the correct one and enquired whether the Government of India agreed in that view. That Government ~~of India~~, however, in its Resolution No. 4146 S. R. dated 30th: September 1896, decided that, in the matter of amending the descriptions on packages containing adulterated goods, the provisions of the Merchandise Marks Act were sufficiently complied with by the practice at Calcutta which on enquiry was found to be the same as that adopted in Bombay, and ordered its general adoption. Under the procedure now followed in accordance with these orders, Messrs Blundell Spence and Co: have no cause for complaint. A careful consideration, however, of the whole question in connection with their petition and in the light of the representations now made by the Collector of Sea customs Madras and the Board of Revenue has led His Excellency the Governor in Council to the conclusion that the practice formerly followed in Madras and now given up under the orders of the Government of India referred to above is the proper one and should be revived -

3 The object of the Merchandise Marks Act being to afford protection to honest traders and the public generally from being defrauded by false trade descriptions the question for consideration is whether the trade marks now affixed in the case of the articles specified above correctly convey to the ~~public~~ public their true description and afford protection against frauds. The words "raw" and "boiled" as applied to oils are, it is believed, generally understood in the market as indicating pure linseed oil which is either raw or has merely undergone the process of boiling, but as imported linseed oil described in clause (a) is often adulterated and contains as much as from 25 to 75 per cent of foreign substances, it is but right that the fact of adulteration should be clearly indicated as pointed out by the Collector of Sea Customs in his letter printed in the Board's Proceedings above referred to. Very many of the ignorant consumers are likely to be defrauded by the present descriptions, and disappointment and loss by having a good piece of work spoiled by bad oil must be the inevitable result. Paints which contain comparatively small percentage of oxide and are largely mixed with other substances, e.g. chalk, in order to increase the bulk cannot without perverting the meaning of words be described as "white lead or reduced quality", and a consumer who purchases them as so only under the mistaken impression that they are unadulterated. In regard to dry colours,

use description by makers would afford no information to the Indian ~~buyers~~ buyer as to the quality of the articles. In these circumstances, the contention of Messrs. Blundell Spence & Co. that adulteration may fairly be covered by the expression "inferior quality" and described as "reduced" ~~ought~~ be rejected as untenable. The ~~W~~ real ~~object~~ appears to be not the import of inferior qualities ~~of~~ ~~goods~~, containing a smaller or larger percentage of the original impurities, but of ~~articles~~ articles which have been deliberately adulterated by the admixture of foreign substances, under descriptions ~~which~~ that do not convey to the mind of the ~~purchaser~~ consumer the fact that the articles are adulterated and ultimately to evade payment of the duty ~~levied~~ at the higher rate on tariffed articles under section 21 of the Sea Customs Act.

4. I am also to point out that, owing to the universal adulteration, of the kind described above, of the materials obtainable in the Madras market, the Consulting Architect to Government has been compelled to procure all paints, oils &c. by indent on the Secretary of State. The Board also mentions an instance in which paint applied to wood work in a Government building more than one year ago ~~is~~ has so moist that it adheres to the hands.

5. In England, where the mass of the population is educated, the Custom House regulations enjoin that if any marks or descriptions are applied to goods they shall not be of a misleading character, or be

what is termed a false trade description. The necessity for such a precaution is all the greater in this country where the mass of the consumers are illiterate and are likely to be taken in easily by ~~unscrupulous~~ crafty and unscrupulous manufacturers. No such protection as is now sought for or as is contemplated in the Merchandise Marks Act is afforded to the ignorant consumers and tradesmen in this country they will be hopelessly at the mercy of ~~manufacturers~~ foreign manufacturers and the market will be flooded with adulterated goods.

6. His Excellency in Council has no doubt whatever that the object of the Merchandise Marks Act would be defeated so long as adulterated goods are allowed to be imported under descriptions which do not necessarily convey the idea that they are adulterated and that the Resolution quoted above practically nullifies the intention of the Legislature. I am therefore to request that the Government of India will be pleased to reconsider its decision and to authorise the revival of the practice which was recently been discontinued in this Presidency.

I have &c.

18/9/87.

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READ AGAIN G.O., No. 189 , DATED

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ENCLOSURES TO O. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
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STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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