0/9. 2,000—5-8-05.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4611

DATED 23rd November 98

[Despatch Abstract.]

Comng. to the Bd. of Rev., the Chamber of Commerce & the Trades Association Govt Resolution of the Govt. of India summarising the reports on the working of the merchandise marks Act during 1897-98

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

O/18 2,000—30-3-98.

Revenue (1898) Department.

CURRENT No. 7915

D

No 23/11/98

From

The Govt of India —
Finance & Com^ce dept.

Order his e No 4611 & 23rd Nov 1898.

No. 49608-R.

Communicated to
the Board of Revenue, the
Chamber of Commerce and the Indeo
Association.

Dated 10th

Received 19th

Registered 19th

Enclosures /

Spare copies 7

SPK
23/11/98

To

The Board of Revenue (S.R.)
Chamber of Commerce
Trades Association.

SPK
21.11.98

KD
21/11/98

Rec'd 26-11-98

SUBJECT.

Reviewing the Report on the working of the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98.

21-11-98

BACK PAPERS.

G O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 4960-S. R.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

STATISTICS AND COMMERCE.
Customs.

RESOLUTION.

Simla, the 10th November 1898.

READ the following reports on the proceedings taken by Customs officials under the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98:—

From the Government of Bengal, No 49-T. F., dated the 21st June 1898.

From the Government of Burma, No 607-1-T.—14, dated the 30th June 1898.

From the Government of Bombay, No. 4886, dated the 28th July 1898.

From the Government of Madras, No 444-A., dated the 13th August 1898.

RESOLUTION.—The number of detentions during the year (1,508) was smaller than in the preceding year (1,556) by 3 per cent. In Bengal there was a decline in cases under clauses (*d*) and (*e*), sub-section (*f*), section 10 of the Act, the total number of cases having been 198 and 4 compared with 227 and 12 in the preceding year. There was, on the other hand, a slight increase in cases under clause (*f*) (174 against 134 in 1896-97). In Burma there was a marked falling off in the total number of detentions (42 against 87 in the preceding year), which is ascribed to the fact that both British and Foreign manufacturers are endeavouring to comply with some, at any rate, of the requirements of the Act, though the improvement in cases under clause (*f*) was slight, the number of such cases having been 20 against 28 in the year 1896-97. There was a very remarkable decrease in the number of detentions in Madras (89 compared with 204 in the preceding year), which is attributed to importers being better acquainted with the requirements of the law and possibly to their knowledge of the fact that very extensive examinations of goods were being made in the Madras Custom House. In Bombay the number of cases under clauses (*d*) and (*e*) was about the same as in the preceding year, but there was a decline in cases under clause (*f*) (67 against 127 in 1896-97) said to be mainly due to the fact that the provisions of the Act as regards the stamping of lengths on piece-goods are more generally known, and the necessity for compliance therewith more fully realised. There was a very large increase at Karachi in cases under all three clauses (*d*), (*e*) and (*f*), the number having been 171, 171 and 47, respectively, compared with 90, 114 and 9, respectively, in the year 1896-97. This increase is attributed to larger imports passing through Karachi, and to the detention of goods infringing clause (*e*) imported from the Persian Gulf and Cutch ports, which were previously passed unnoticed owing to the shippers of the goods, which consist mainly of wet and dry dates, almonds, raisins, &c., being unacquainted with any European language.

(*d*) false description.
(*e*) false origin.
(*f*) false length (piece-goods).

2. The following table shews the number of detentions at each port at which detentions were made in the last five years:—

Ports.		Number of cases in which detention was ordered.	Detention followed by confiscation.	Detention followed by release.		Detention ordered on information received.	Detention ordered without information.
				With fine.	Without fine.		
Calcutta	1893-94	334	4	302	23	1	333
	1894-95	285	...	244	37	...	285
	1895-96	393	...	321	49	1	392
	1896-97	373	11	218	133	7	365
	1897-98	376	1	252	111	9	367
Madras Godavari Tanjore Malabar	1893-94	21	1	9	11	...	21
	1894-95	54	3	23	26	...	54
	1895-96	101	3	63	35	...	101
	1896-97	204	5	157	42	...	204
	1897-98	89	2	64	23	...	89
Rangoon Moulmein	1893-94	45	2	40	3	...	45
	1894-95	41	...	37	4	...	41
	1895-96	74	...	55	19	...	74
	1896-97	87	...	51	36	...	87
	1897-98	42	...	28	14	...	42
Bombay	1893-94	647	4	593	50	...	647
	1894-95	352	...	321	30	2	350
	1895-96	918	...	818	100	2	916
	1896-97	679	8	602	69	...	679
	1897-98	612	8	530	74	...	612
Karachi	1893-94	240	...	102	138	...	240
	1894-95	223	...	104	119	...	223
	1895-96	136	...	86	50	...	136
	1896-97	213	...	128	85	...	213
	1897-98	389	...	233	156	...	389
Total	1893-94	1,287	11	1,046	225	1	1,286
	1894-95	955	3	729	216	2	953
	1895-96	1,622	3	1,343	253	3	1,619
	1896-97	1,556	24	1,156	365	7	1,549
	1897-98	1,508	11	1,107	378	9	1,499

3. The cases in which detention was ordered in 1897-98 may be classified as follows:—

(1) Under clause (*d*), sub-section (1), section 10 of the Act, which relates to goods bearing counterfeit trade marks or false trade descriptions:

734 cases against 758 in the preceding year, the proportion to the total number of detentions being, as in 1896-97, nearly 49 per cent.

(2) Under clause (*e*) of the same sub-section relating to non-description or false description of origin:

430 cases against 444 in 1896-97, or about 29 per cent. of the whole as in the preceding year.

(3) Under clause (*f*), sub-section 2 of the same section which requires that the length should be stamped on piece-goods:

344 cases being nearly 23 per cent. of the whole. This was the percentage of such cases in 1896-97, but the number of the cases in that year was 354.

4. The total number of cases in 1897-98 shown under class (*1*) as cases which infringed clause (*d*), includes 37 cases which infringed clause (*e*) also, 11 cases which infringed clauses (*d*), (*e*) and (*f*), and 4 cases which infringed clauses (*d*) and (*f*) of section 10.

5. The number of cases in which detention was followed by confiscation was 11 against 24 in 1896-97, and 3 in 1895-96. Fines were imposed in 73 per cent. of the cases; in 18 cases permission was given to re-ship the detained goods, in 10 cases with and in 8 without payment of fine. In the remaining cases no penalties were imposed, the goods being passed with a warning.

6. It is to be regretted that the reports of the Customs Collectors continue to shew clear cases of attempted frauds, which indicate the necessity of watchfulness on the part of the Customs establishments.

ORDER.—Ordered, that the foregoing Resolution and the papers read in the preamble be published in the Supplement to the *Gazette of India* for general information, and that copy be forwarded to the Governments of Madras, Bombay, Bengal, and Burma.

H. H. Risley

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

STATISTICS AND COMMERCE.
Customs.

RESOLUTION.

To

GAZETTE OF INDIA,
THE GOVERNMENTS OF MADRAS,
BOMBAY, BENGAL, AND BURMA.

No. 4960-S.R.

Dated Simla, the 10th November 1898.

Review of the Reports on the working of the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98.

G. C. Press, Simla.—No. 1333 C. F.—21-11-98.—140.

BENGAL.

No. 49-T-F., dated Darjeeling, the 21st June 1898.

From—H. H. RISLEY, Esq., C. I. E., Secretary to the Government of Bengal, Financial Department,

To—The Secretary to the Government of India, Finance and Commerce Department.

In compliance with the orders conveyed in paragraph 4 of the enclosure of the Finance and Commerce Department letter No. 295-S., dated the 28th November 1890, I am directed to submit, for the information of the Government of India, the accompanying copy of a letter from the Board of Revenue, No. 426-B, dated the 8th June 1898, and its enclosure from the Collector of Customs, Calcutta, reporting on the working of the Merchandise Marks Act, IV of 1889, in the port of Calcutta during the year 1897-98. The Lieutenant-Governor agrees with the view taken by the Collector of Customs and the Board of the alleged trade custom referred to in paragraph 21 of the former's report. No proceedings were taken under the Act by the Collectors of Customs at Chittagong, Narainganj or the Orissa ports during the year.

No. 426-B., dated Calcutta, 8th June 1898.

From—E. V LEVINGE, Esq., Officiating Secretary to the Board of Revenue, Lower Provinces,

To—The Secretary to the Government of Bengal, Financial Department.

Customs.

P. NOLAN, Esq.

With reference to paragraph 4 of the instructions of the Government of India forwarded with Government Order No. $\frac{C^{1A}}{1}$ 16, dated the 8th December 1890, I am directed by the Board of Revenue to submit, for the information of Government, the accompanying copy of a report received from the Collector of Customs, Calcutta, on the working of the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98.

2. The statement given below contains particulars of the number of detentions, etc., at the Calcutta Custom House for infringement of the Act during the past five years:—

Years.	Number of cases in which detention was made.	Detention followed by confiscation.	Detention followed by release.		Detention ordered on information received.	Detention ordered without information.
			With fine.	Without fine.		
1	2	3	4	5	6	7
1893-94 ...	334	4	302	23	1	333
1894-95 ...	285	...	244	37	...	285
1895-96 ...	393	...	321	49	1	392
1896-97 ...	373	11	218	133	7	366
1897-98 ...	376	1	252	111	9	367

The total number of cases in which goods were detained for infringement of the Act during the past year was nearly the same as in the preceding year, the figures being 376 in 1897-98 against 373 in 1896-97, showing an increase, of only 3 cases or nearly one per cent. There was, however, a marked increase of 40, or 28 per cent., in the number of cases of importation of piece goods without proper stamp, coming under clause "*f*" of section 10 of the Act. The number of detentions under clause "*d*" of goods bearing counterfeit trade marks or false trade descriptions fell from 227 in 1896-97 to 198 in the year of report. The detentions under clause "*e*" for non-description or false description of origin, though insignificant as compared with the number of cases dealt with under the clauses above referred to, also diminished in the past year, the number being 4 against 12 in the preceding year. In 111 cases as compared with 133 in 1896-97, the goods were released without penalty, while the number released with penalty increased from 218 to 252. With the exception of 9 cases all the remaining 367 cases were detected without information. The amount of fines realized declined from Rs. 15,945 to Rs. 13,721, or by about 14 per cent., the decrease being doubtless due to the imposition in the preceding year of heavy penalties on certain fraudulent importations of Bombay yarn.

3. Detailed particulars of these detentions have been given in the Collector's report. The action, taken by the Collector in regard to the trade custom referred to in paragraph 21 of his report, meets with the Board's approval.

4. As in previous years no proceedings were taken by any of the Collectors of Customs at the out-ports.

No. 12, dated Calcutta, the 4th April 1898.

From—E. N. BAKER, Esq., Collector of Customs, Calcutta,

To—The Secretary to the Board of Revenue, Lower Provinces.

I have the honour to submit the report on the working of the Indian Merchandise Marks Act during the year 1897-98.

2. The annexed statement shows the number of cases dealt with during the year under each of the clauses (*d*), (*e*) and (*f*) of section 10 of the Act.

3. The total number of cases under the three clauses was 376, as compared with 373 during the previous year.

4. The number of detentions under clause (*d*) was 198. Of these 9 were of cotton and woollen piece-goods stamped with widths in the alternative. In these cases it was ordered that one of the figures should be obliterated. No penalty was imposed in these cases.

5. There were 23 cases of white zinc, red and white lead and paints of these materials which were described on the kegs as "white zinc," "red lead," "white lead" and the paints as "white zinc paint," "white lead paint" and "red lead paint," &c. These were found on being analyzed to be adulterated. Orders were passed that the packages should be marked with the word "Reduced," and where the adulteration exceeded 50 per cent., the figures representing the degree of adulteration, as ascertained by the Chemical Examiner, were also added after the word "Reduced." In each of these cases penalties were imposed, aggregating Rs. 525-6 in all.

In cases of this kind it is the practice, where suspicion exists that the goods are not commercially pure by reason of the invoice price being below a certain standard, to allow the importers to remove the goods to their own premises on a guarantee that they will retain them in their own possession, pending the result of analysis by the Chemical Examiner. This was done in 19 cases out of the 23 in question.

6. In 25 cases of similar goods the contents were described on the kegs as "Reduced." These were stamped with the figures denoting the percentage of adulteration where it exceeded 50 per cent. In 14 of these cases the goods were detained pending the production of a guarantee, and the remainder were passed after drawing samples for the Chemical Examiner. No penalties were imposed in these cases.

7. In three cases oxide of iron paint was described on the kegs as Red Oxide paint. The samples were reported by the Chemical Examiner to contain a small portion of oxide of iron, and the kegs were accordingly marked with the words "of iron" between the word "oxide" and "paint" and with the word "Reduced," and figures showing the percentage of adulteration. In one case a small penalty was imposed in addition.

8. There were three cases of turpentine in drums marked "adulterated" only. As the adulteration exceeded 50 per cent., the figures given by the Chemical Examiner were stencilled on the drums below the word "adulterated."

9. In 23 cases goods were improperly or insufficiently stamped with the country of origin. For instance, the origin was indicated only by the words "Bremen," "Baden," "Dresden," "Berlin," or with the words "Made in Baden," "Made in Flanders," &c. &c., *i.e.*, the origin was denoted by the name of a place or town, and not by that of the country of origin as required by the law. Reshipment was ordered in one case, and in the others the goods were released after being stamped in accordance with the law. Penalties of Rs. 10 and Rs. 5, respectively, were imposed in two cases.

10. In one case a package of *Imitation* silver thread was labelled "Silver thread." The word "imitation" was printed on the labels, and a penalty of Rs. 12 was imposed.

11. Another case was that of a consignment of 100 cases of whisky made in France. The capsules were stamped "whisky," the corks were not marked at all, and the labels bore in large characters the words "Scotch whisky of old finest quality," together with the figure of a man in Highland dress, the only indication of origin being the word "Rheims," in small type on the label. As the case constituted an undoubted fraud on the public, the consignment was confiscated.

12. Another case related to a consignment of brandy manufactured in Greece. The labels on the bottles were worded in French and the country of origin was indicated only by the word "Greic." These goods were passed after the words "Made in Greece" had been printed on the labels, and penalty of Rs. 50 was imposed.

13. There were 36 cases in which goods of various descriptions from Continental ports bore descriptive labels affixed to them worded in the English language with no indication of the country of origin. In two cases reshipment was ordered, and in the others the goods were released after the country of manufacture had been printed on the labels. Penalties were imposed in 22 of these cases.

14. There were 2 importations of bottled beer bearing labels which were in imitation of the well known label of Beck's Pilsener beer, the Agents of which are * * * * & Co. In these cases the labels were removed and others substituted with Messrs. * * * * & Co.'s consent, and the goods were then released. In one case Messrs. * * * * & Co.'s costs were realized from the importer.

15. Six cases consisted of consignments of ribbons in rolls having two tickets affixed to them, one of which was stamped only with the words "Foreign Manufacture," and the other was either blank, or in some cases bore the country of manufacture. The ticket which bore the words "Foreign Manufacture" was stamped either "Made in Switzerland" or "Made in Germany," as the case might be, and the goods were then released. No penalty was imposed in these cases.

16. Nine consignments of foreign-made steel sheets and strips were imported bearing the descriptive marking in English with the words "made in," the country of origin being omitted. As the shippers (who were the same in all the cases) bore a good reputation in the trade, and the omission was probably accidental, the goods were released without penalty after the country of origin had been painted on them.

17. Five consignments of shoe-blacking were imported bearing colorable imitations of * * * * & Co.'s Two-boot trade mark. * * * * & Co. were informed of the facts, but took no effective action. It is believed that their right to the use of the Two-boot mark is disputed.

18. One case consisted of a consignment of cigarettes, the packets and boxes of which were labelled with the words "Consis & Co., Manufacturers at Cairo-Egypt with branch house at Malta" and declared in the bill of entry to be the manufacture of Cairo (Egypt). Information was given me to the effect that the goods were not really manufactured in Egypt. The consignment was passed provisionally: but inquiries were instituted, and eventually a telegram was received from Lord Cromer, to the effect that no such firm as Consis & Co. was known at Cairo or Alexandria. It was thus established that a fraud had been practised on the public, and a penalty of Rs. 300 equal to the full value of the goods was accordingly imposed.

19. There were 50 cases relating to importations of Grey yarn from Lancashire and Bombay, upon which penalties were imposed, amounting to Rs 8,791. Of these cases, 12 were of Lancashire yarn, of which 8 were passed subject to penalties, aggregating Rs. 2,680, and one was reshipped without penalty. One case is pending, as although there is no doubt that the law has been infringed, time has been allowed to the importers to communicate with the shippers before final orders are passed. In the two remaining cases the shortage was small and may have been accidental. I, therefore, allowed them to pass with a warning.

20. Of the 8 cases which were penalized, 7 were cases of short weight, and one was of both short weight and short length. In one of the former a severe penalty was imposed on account of several of the knots in the bundles having been found to contain only 9 hanks each instead of 10 hanks.

21. It has recently been asserted that a trade custom exists in Manchester according to which a bundle weighing 9 lbs. 14 ounces is accepted as between buyer and seller, as a 10lb. bundle, and it has been demanded that the Calcutta Customs should pass bundles, the get-up of which is that of 10lb. bundles, if the deficiency in weight does not exceed 2 ounces. It is understood that this alleged custom has its origin in some provision of the Manchester Yarn Contract Conference Rules. It is not countenanced by either the English or the Indian Merchandise Marks Acts, and is undoubtedly illegal if applied to imports into Calcutta by sea. I have refused to recognize it in any way.

22. Of yarns from Bombay there were 38 cases in which length or weight or both were below the authorized standard. Of these 27 were penalized and passed, 6 were reshipped (2 with penalties and 4 without), and in 4 cases the deficiency being small, the consignments were passed with a caution. One case is still pending. The total penalties imposed amounted to Rs. 6,111.

23. The imports of yarn of "21*s*." count from Bombay are largely on the increase, and I am inclined to suspect that a dishonest practice, which is said to exist among retail dealers, both up-country and in Calcutta, may have some connection with the increasing trade in this particular count. Each bundle at the time of importation contains 21 knots of 10 hanks each, which is the customary get-up of 10lb. bundles of this count. When the bundles are retailed, one knot is first extracted from each bundle, and the latter which thus contains 20 knots is then sold as a full bundle of 20*s*. count. The slight disadvantage in price of the lower count is more than made good by the gain of the knot which is stolen from the bundle. The knots thus abstracted are afterwards sold to the smaller weavers a knot or more at a time. It is found that where false reeling for short length has been discovered in Bombay yarns, the *indicated* count of the yarn is 21*s*. but the *actual* count is coarser, the lengths of the hanks being proportionately shorter to avoid excess in weight. This practice, *i.e.*, of spinning coarse and reeling short is known in the trade as "reeling up."

24. Under clause (*e*) there were only 4 cases. These consisted of French, Belgian and German goods bearing the names of British Indian traders without any indication of the country of origin. The goods were released after being properly stamped, and in one case a penalty of Rs. 21-4 was imposed.

25. Of the 174 cases dealt with under clause (*f*), 90 were of cotton, and 84 of woollen piece-goods. In 100 cases the goods were indistinctly stamped with their lengths or not stamped at all. In 41 cases the stamping was in numerals only without the word "yards." In 21 cases the stamping was on strips almost detached from the pieces, and in 12 cases the lengths were given on detachable tickets instead of on the cloth itself. The bulk of these goods was of foreign manufacture. All were released after the marking had been carried out in accordance with the Act. Penalties were imposed in 166 cases.

26. Taking all classes of cases together, the following is a summary of the way in which they were disposed of :—

In 252 cases goods were released on payment of penalties and after the requirements of the law had been carried out.

In one case the goods were confiscated.

In 111 cases importers were warned, and the goods passed after the requirements of the Act had been satisfied.

The total amount of penalties imposed was Rs. 13,721-5-0.

27. In 367 cases the goods were detained by the Appraising Department of its own motion. Information was received from outside in 9 cases only.

28. The Head Appraiser, Mr. C. C. Bonnaud, and Mr. H. Erskine Girard continued to do good work in connection with the Merchandise Marks Act.

Statement showing the number of cases dealt with under the Indian Merchandise Marks Act during the year 1897-98.

Under what section detention ordered.	Number.	Detention followed by confiscation.	Detention followed by release with or without penalty.		Detention ordered on information received.	Detention ordered without information.	Reshipment allowed.		Abandoned by the party.	Pending.	Remarks.
			With penalty.	Without penalty.			With fine.	Without fine.			
1	2	3	4	5	6	7	8	9	10	11	12
Section 10, clause (*d*) ...	198	1	85	100	9	189	2	8	...	2	
Ditto (*e*) ...	4	.....	1	3	.....	4	...	...	...	...	
Ditto (*f*)...	174	.....	166	8	.....	174	...	...	...	...	
Total ...	376	1	252	111	9	367	2	8	...	2	

No. 607—1-T.-14, dated the 30th June 1898.

From—T. C. Wilson, Esq., Revenue Secretary to the Government of Burma,

To—The Secretary to the Government of India, Finance and Commerce Department.

I am directed to submit a copy of the marginally-cited letter from the Financial Commissioner, Burma, giving cover to a report by the Chief Collector of Customs, Burma, on the working of the Indian Merchandise Marks Act, 1889, in this province during the year 1897-98. I am to make the following remarks on the report.

Letter No. 205—1-T-13, dated 9th June 1898, with enclosures.

2. As noted by the Financial Commissioner, the number of detentions during the year shows a marked decrease, compared with the figures for the two years immediately preceding. In the absence, however, of any statistics regarding the increase or decrease in the number of packages opened, as compared with the preceding years, the Lieutenant-Governor considers that no safe conclusions can be drawn regarding the increased observance of the Act.

3. In submitting the report of last year attention was drawn to several cases which had occurred, connected with the importations of adulterated paints. At the time when these cases occurred no special orders on the subject had been issued, and as it was ascertained that there had been no intent to defraud on the part of the importers, heavy penalties were not imposed. Subsequently it was directed that all such paints should be marked with the proportion of lead or zinc which they contained, and it is satisfactory to observe from the present report that these measures have had the desired effect.

4. The Lieutenant-Governor considers that undue leniency was shown in the case of the consignment of Berlin wool referred to by the Chief Collector of Customs in paragraph 3 of his report. The importers were apparently guilty of a deliberate attempt at fraud, and should have been severely dealt with. The nominal penalty imposed in this case is not likely to deter other importers from adopting similar malpractices.

No. 205—1—T.-13, dated 9th June 1898.

From—The Secretary to the Financial Commissioner, Burma,

To—The Revenue Secretary to the Government of Burma.

I am directed to submit, for the information of the Lieutenant-Governor, the report by the Chief Collector of Customs, Burma, on the working of the Indian Merchandise Marks Act, 1889, in this province during the year 1897-98.

The number of detentions during the year shows a marked decrease compared with the figures for the two years immediately preceding, and the Financial Commissioner is inclined to accept the views of the Chief Collector that this decrease is due, in part at least, to a more extended knowledge of the Act among manufacturers and others concerned.

The decrease of detentions on account of "false trade descriptions" is, Mr. Smeaton thinks, encouraging, and appears to show that the measures taken last year, although admittedly lenient, to check importation of falsely described paints, have had some effect. Only one case of the kind was detected, and considering that the consignment was found on analysis to contain 62·3 per cent. of white zinc the Financial Commissioner thinks that the branding and the warning given by the Chief Collector were sufficient.

At the same time Mr. Smeaton is of opinion that as silk dyeing and stamping is growing as an industry in Rangoon more attention should be given to the scrutiny of consignments of paints.

No. 145—8, dated 30th May 1898.

From—The Chief Collector of Customs, Burma,

To—The Secretary to the Financial Commissioner, Burma.

I have the honour to submit herewith the report on the working of the Indian Merchandize Marks Act, 1889, in Burma for the official year 1897-98 with a statement showing the number of cases dealt with during that period.

2. As the requirements of the Act come to be more generally understood both British and Foreign manufacturers are showing distinct endeavours to comply with at least certain of its requirements. As a result of this there was, during the year under report, a marked falling off in the total number of detentions. These aggregated 42 in number (all at Rangoon) as against 87 in the preceding year (of which 84 occurred at Rangoon and 3 at Moulmein), being a decrease of over 50 per cent. This large decline was principally in cases under the two heads "false trade description" and "indication of the place of origin," while under the remaining head—that which relates to the stamping of piece-goods with their lengths—there was but a slight improvement on the figures of the preceding year. It is remarkable that over 60 per cent. of the detentions under the last named head should have been of goods of British manufacture.

3. The detentions under section 10, sub-section 2, clause (*f*) of the Act were 20 in number against 28 in 1896-97. In 16 cases moderate penalties with redemption fines were imposed on the importers and the goods were released after having been duly stamped under customs supervision. Of the remaining four cases two were continuation shipments of goods on which penalties and redemption fines had already been imposed, and in the case of the other two, some attempt had been made to comply with the Act. No penalties or redemption fines were, therefore, inflicted, but the importers were warned and the goods passed, after having been stamped in accordance with the law.

4. There were only two cases of "false trade descriptions" during 1897-98, while in the preceding year there were seventeen such cases, consisting for the most part of falsely described paints to which a detailed allusion was made in the report for 1896-97. Of the two cases in 1897-98, one was a consignment of "white zinc paint" from London, which was not marked in accordance with Customs Circular No. XXII of 1896. No fine was, however, imposed in this case, as the sample of the paint sent to the Chemical Examiner was found to contain 62·3 per cent. of white zinc. The goods were, therefore, passed with a warning after the kegs had been branded with the word "Reduced." The other case was a consignment of Berlin wool from Hamburg, to each bundle of hanks of which there was found attached, when the goods were examined, a tiny label bearing in Burmese characters the name of a well-known firm in Rangoon, who have traded for some years in similar goods. The importers of the consignment in question had also caused the goods to be packed in wrappers bearing tickets which in appearance closely resembled the tickets employed by the other firm. They had, no doubt, intended that the tiny label on the hanks

of wool should bear their own and not the other firm's name, but the alteration had not been made and the hanks bore, as already stated, a *fac-simile* of the other firm's label. The importers were unable to offer any satisfactory explanation, and stated that they placed themselves in the hands of the Collector of Customs. The representative of the aggrieved firm thereupon intervened and begged, as his firm merely desired that their interests should be protected and had no wish to be vindictive, that the case might not be severely dealt with. Accordingly, a penalty of Rs. 250 was imposed with a redemption fine of Rs. 20 in lieu of confiscation, and the goods were passed after all the tickets and labels had been removed and destroyed under Customs supervision and in presence of a representative of the other firm. But for the request made by the latter a much heavier penalty would have been inflicted.

5. The detentions under section 10, sub-section 1, clause (*e*) of the Act for non-indication or false indication of the place of origin were 20 in number against 42 in 1895-97. In 11 cases the goods were released on payment of moderate penalties, ranging from Rs. 6 to Rs. 105, and after the requirements of the law had been complied with. In the remaining nine cases, five of which were continuations of shipments on which penalties had already been inflicted, no fines were imposed, but the goods were passed with a warning, after having been duly stamped with the name of the country of origin. In two cases appeals were preferred to the Chief Customs Authority, the Financial Commissioner, who upheld the action of the Chief Collector of Customs in detaining the goods, but reduced the penalty in both cases.

6. All the detentions during the year were made by the Customs appraisers in the ordinary course of their duty, no information having been received from importers or consignees.

7. After deducting remissions on account of fines imposed during the year, the total nett amount of the penalties and fines realised for breaches of the Act was Rs. 1,101. Of the nett sum of Rs. 4,377-8-0 realised by penalties and fines in 1896-97, Rs. 3,172-8-0 were subsequently remitted in 1897-98 by order of the Local Government.

Statement showing the number of cases dealt with under the Indian Merchandise Marks Act during the years 1896-97 and 1897-98.

	NUMBER OF CASES AND HOW DISPOSED OF.											
	Detention was ordered.		Detention was followed by confiscation.		Detention was followed by release.				Detention was ordered on information		Detention was ordered without information.	
					With fine.		Without fine.					
	1896-97.	1897-98.	1896-97.	1897-8.	1896-97.	1897-98.	1896-97.	1897-98.	1896-97.	1897-98.	1896-97.	1897-98.
Without stamp under section 10, sub-section 2, clause (*f*)	28	20	...	...	22	10	6	4	...	...	87	42
False trade description under section 1, clause (*d*).	17	2	...	...	13	1	4	1	...	...		
The indication of the place of origin not given or incorrectly given under section 10, sub-section 1, clause (*e*) ...	42	20	...	...	16	11	26	9	...	...		
Total ...	87	42	...	...	51	23	36	14	...	...	87	42

BOMBAY AND SIND.

No. 4886, dated 28th July 1898.

From—J. W. P. MUIR-MACKENZIE, Esq., I. C. S., Acting Chief Secretary to the Government of Bombay, Revenue Department,

To—The Secretary to the Government of India, Finance and Commerce Department.

I am directed to forward, for the information of the Government of India, a copy of the papers specified in the margin, containing the reports received from the Collectors of Customs, Bombay and Karachi, on the working of the Merchandise Marks Act, IV of 1889, during the year 1897-98, together with a copy of the Resolution, No. 4385, dated 28th July 1898, recorded on the reports by this Government.

Memorandum from the Commissioner in Sind, No. 3240, dated 12th July 1898, and its accompaniments.

Memorandum from the Commissioner of Customs, Salt Opium and Abkari, No. 3394, dated 11th July 1898, and its accompaniments.

No. 2786, dated 1st July 1898.

From—JEHANGEER DOSABHOY FRAMJEE, Esq., Acting Chief Collector of Customs in Sind, Karachi,

To—The Commissioner in Sind, Karachi.

I have the honour to submit the eighth annual report on the administration of the Indian Merchandise Marks Act, IV of 1889, at the Port of Karachi, during the year 1897-98.

2. A statement is attached in the form prescribed by the Government of India showing the work transacted during the year.

3. The total number of cases dealt with amounted to 389 as against 213 in the year preceding, showing an increase of 176 cases. Of the 389 cases 171 fell under clause (*d*), 171 under clause (*e*), and 47 under clause (*f*) of section 18 of the Sea Customs Act as amended by section 10 of the Indian Merchandise Marks Act, against 90, 114 and 9, respectively, in the previous year. The increase in the number of cases is attributable to larger imports passing through Karachi and to the detention of goods infringing the law imported from the Persian Gulf and Cutch Ports which were previously passed unnoticed.

4. Under clause (*d*) 171 cases were adjudicated. In 110 the goods were released on payment of fines, and on their being marked in accordance with the requirements of the Act. The remaining 61 cases not appearing to call for a penalty, were passed on qualification or amplification of marks, and with a warning of what was required.

5. Of the 171 cases under clause (*e*) 80 were made the subject of penalties, and in the remaining 91 cases, the goods were passed without fines. In both cases, however, the goods were not released without the requisite indication of origin being stamped on them. It will be observed that a very large number of cases under clause (*e*), namely 91 out of 171, were not subjected to penalties. This is due to the inclusion of 63 cases of importations from the Gulf and Cutch Ports, in which the offence being simply technical the importers were merely warned, and given sufficient time to make arrangements for a compliance with the provisions of the Act.

6. There were 47 infringements of clause (*f*) which requires certain specified descriptions of cotton and all woollen piece-goods to be marked with their length in standard yards. In some cases the stamping was so unsatisfactory and was done in such easily effaceable material as to amount to no stamping at all. In 43 cases fines were recovered, the remaining four cases being let off without penalties, but in both the goods were not passed without the length in standard yards being conspicuously stamped upon the pieces.

7. All the infringements were detected by the officers of this Custom House in the ordinary course of their duty, no detentions being made on information given by merchants or the public.

8. The total amount of substantive and redemption penalties recovered under the Act was Rs. 1,926 against Rs. 1,177 in the former year.

9. There were no appeals during the year under report against the decisions passed.

Statement showing the number of cases dealt with under section 18 of the Sea Customs Act, VIII of 1878, as amended by the Indian Merchandise Marks Act, IV of 1889, during 1897-98.

Number of cases detained.	Clause and section under which detention was ordered.	Detention followed by confiscation.	Detention followed by release.		Detention ordered on information received.	Detention ordered without information.
			With fine.	Without fine.		
1	2	3	4	5	6	7
* 171 ...	Section 18, clause (*d*) ...	*Nil.*	110	61	*Nil.*	171
† 171 ...	" " (*e*) ...	*Nil.*	80	91	*Nil.*	171
47 ...	" " (*f*) ...	*Nil.*	43	4	*Nil.*	47
389 ...			233	156	*Nil.*	389

* These include 31 cases which also infringed clause (*e*), 11 cases which infringed clauses (*e*) and (*f*) and 4 cases which infringed clause (*f*).

† These include also 4 cases which infringed clause (*f*).

No. 3240, dated Karachi, 12th July 1898.

Memorandum from—H. E. M. JAMES, Esq, Commissioner in Sind.

Submitted to Government.

2. The total number of cases detained has largely exceeded that of the past year. This the Collector has explained to be due to larger imports, and the detention of goods infringing the law imported from the Persian Gulf and Cutch Ports which were previously passed unnoticed. The number of such detentions might have been stated.

3. Of the 389 cases detained 156 were released without fine on account of the technical nature of the offence after warning and compliance with the law. In no case was confiscation ordered.

4. All the cases were detected by the Customs officials in the ordinary course of their duty, and not on information given by the public.

5. This Act appears to have been worked without friction, though it is curious that merchants still fail so often to comply with its provisions.

No. C-12792 of 1898, dated Bombay Custom House, 9th July 1898.

From—J. P. Orr, Esq., I.C.S., Collector of Land Revenue, Customs, and Opium,

To—The Commissioner of Customs, Salt, Opium, and Abkari.

I have the honour to submit the eighth annual report on the administration of the Indian Merchandise Marks Act for the official year 1897-98.

2. *Statement A.*—The statement marked A has been prepared in accordance with the instructions of the Government of India conveyed in Government Resolution, Revenue Department, No. 8960, dated the 15th December 1890. It shows that the number of detentions during the year 1897-98 was 612 against 679 in 1896-97. The decrease of 10 per cent. is mainly due to the fact that the provisions of the Act as regards the stamping of lengths on piece-goods are more generally known, and the necessity of compliance therewith more fully realized, with the result that detentions under clause (*f*) of section 18 of the Sea Customs Act fell from 127 in 1896-97 to 67 in 1897-98. The number of detentions under clauses (*d*) and (*e*) was almost the same in each year. The percentage of total detentions was :—

Year.	Clause (*d*)	Clause (*e*)	Clause (*f*)
1896-97 ...	51	30	19
1897-98 ...	55	34	11

Confiscation followed detention in only 8 cases, while in 530 or 87 per cent. of the total detentions, fines and penalties were inflicted. In the remaining 74 cases the goods under detention were passed without penalties after such qualifications as seemed necessary.

3. Under clause (*d*) of section 18 there were two cases of imitation of another's trade-mark. In each case the aggrieved party was required to execute an indemnity bond and the goods were thereupon detained pending the institution of a suit in the High Court; and in each case the matter was compromised. The importers removed the objectionable labels and the goods were then allowed to be cleared. The remaining cases under clause (*d*) were cases of trade descriptions false as regards place of manufacture, material, number, weight or measure. These included several trade descriptions in languages other than those of the country of origin, which were held to be false as regards place of manufacture.

4. The 205 cases under clause (*e*) were nearly all of one kind, non-indication of country of origin. A few particular cases are described below (*vide* paragraph 8).

5. The 67 cases under clause (*f*) arose chiefly out of omissions to stamp piece-goods with figures of length, cognizance being taken of a few cases in which a mere pretence of stamping was made, the marks being easily delible. In such cases the goods were properly and conspicuously stamped at the Custom House before clearance was allowed.

6. *Statement B.*—The annexed comparative statement marked B shows that, as usual, the brunt of the adjudication work fell on the First Assistant Collector of Customs who tried 572 out of the 612 cases, and levied fines amounting to Rs. 4,153 out of the total Rs. 5,044 levied.

In only one out of these 572 cases was his decision appealed against, the result being the remission of the fine of Rupees fifteen he had imposed. There was no appeal from the 34 decisions of the Collector and the 6 decisions of the First Assistant Collector of Land Revenue, Customs and Opium. The total fines and penalties inflicted amounted to Rs. 5,044 with an average of Rs. 9·5 per case, against Rs. 8,292 with an average of Rs. 13·7 per case in 1896-97. The total recoveries amounted to Rs. 4,804. In 6 cases the importers allowed the goods to be confiscated rather than pay the penalties adjudged amounting to Rs. 225. In 2 of these cases the goods (Santonine and brass buttons) were destroyed, while in the remaining 4 they were sold by auction and realised Rs. 89.

7. *Statement C.*—During the year under report 29,674 packages of different kinds of goods, 5,884 bundles and plates of steel and iron, and 806 bars of iron were detained. Statement C shows in detail the disposal of the detained packages.

8. With the exception of those noted below, none of the cases adjudicated during the year under report presented any features of special interest or importance :—

(1) Messrs. * * * * * * imported tablets valued at Rs. 235 in 132 bottles which bore labels "Santonine worm tablets made in Germany." Samples were sent to the Chemical Analyser to Government who reported that the tablets contained practically no santonine. The trade description was, therefore, held to be false, and the importer was required to reship the goods to Hamburg, after paying a fine of Rs. 150 in lieu of confiscation. He preferred confiscation, and the so-called worm tablets were accordingly confiscated and destroyed.

(2) A similar consignment valued at Rs. 465 in 264 bottles bearing labels "Santonine Anthelmintic Bon Bons etc., made in Germany," was dealt with in the same way, but the goods in this case were reshipped to Hamburg on payment of the fine of Rs. 150 imposed in lieu of confiscation.

(3) A consignment of paints consisting of 18 kegs marked Best W. L. Paints and 80 marked Best W. Z. Paints valued at Rs. 294, was imported by Messrs. * * * * from London. As there could be no doubt but that the abbreviations WL and WZ were intended to stand for white lead and white zinc, respectively, a sample from each was forwarded to the Chemical Analyser to Government who reported that the paints contained only 5 per cent. of white lead and 6 per cent. of white zinc, respectively. The trade description was, therefore, held to be false and the goods were subjected to a fine of Rs. 20 and cleared after removal of the words "Best W L" and "Best W Z" from the kegs. It may be mentioned that similar pigments are now being imported described on the packages as "Red Earth", "German Red," "Red Barytas", "white No. 2"; but as these descriptions cannot be held to contravene the provisions of the Merchandise Marks Act, the Custom House can take no action to prevent their importation, though it is probable that attempts will be made to pass them off in the market as the genuine article.

(4) Two cases containing 50 tins were imported from Marseilles with labels bearing the words "Extra Pure Saffron," "Grown in Spain" * * * * * . On a careful examination of the labels on the tins the paper on which the words "Extra Pure Saffron" appeared was found to be a separate slip pasted on the main label. The slip on removal was found to conceal the name of a dealer in Bombay printed in Guzerati characters with no indication of origin. As the slip could be removed from the main label without damaging it, the case was treated as contravening section 10, clause (*e*), of the Act. The importer paid the optional penalty of Rs. 15 in lieu of confiscation, and the goods were passed after the whole of the labels on the tins had been removed.

9. The office of First Assistant Collector of Customs at Prince's Dock was held for 7 months of the year by Mr. Jehangir Dosabhoy, for 3 months by Mr. Almon, and for 2 by Mr. Sharman, to whose credit it stands that the Act has been worked without friction and yet, as the number and results of the cases respectively tend to show, without either undue leniency or undue severity.

STATEMENT A.

Administration of the Indian Merchandise Marks Act (details required under the Government of India's letter No. 295-S., dated the 28th November 1890).

Year.	Number of cases in which detention was ordered.			Total of Columns 2 to 4.	Detention followed by confiscation.	Detention followed by release.		Detention on information.	Detention without information.	Remarks.
	Clause (*d*).	Clause (*e*).	Clause (*f*).			With fine.	Without fine.			
1	2	3	4	5	6	7	8	9	10	11
1896-97	348	204	127	679	8	602	69	...	679	
1897-98	340*	205	67	612	8	530	74	...	612	

* These include six cases which infringed clause (*e*) also, but are not included in column 3.

Statement B.

Disposal of cases under the Merchandise Marks Act by officers exercising powers under section 182 of Act VIII of 1878.

Year.	Cases disposed of by.			Total of columns 2 to 4.	Total penalties under clause 8 of section 167 of the Sea Customs Act.	Total fines in lieu of confiscation under clause 8 of section 167 of the Sea Customs Act.	Remarks.
	The Collector of Customs, etc.	The First Assistant Collector of Customs and Opium.	The First Assistant Collector of Customs in charge P. Dock Custom House.				
1	2	3	4	5	6	7	8
					Rs.	Rs.	
1896-97	38	9	632	679 (a)	6,182 (b)	2,110	
1897-98	34	6	572	612	3,979	1,065	(a) These include 74 cases disposed of without the infliction of penalty. (b) This amount includes the sum of Rs. 15 which was refunded to the parties concerned on appeal made to the Collector.

In 6 cases the importers did not redeem the goods on payment of penalties adjudged in lieu of confiscation, amounting in all to Rs. 225.

In 4 cases the goods were sold by public auction and in 2 they were destroyed.

Statement C.

Packages detained under the Merchandise Marks Act in 1897-98.

Year.	Number of packages.	Packages how disposed of								
		Passed.				Re-shipped.		Confiscated.	Packages not redeemed on payment of redemption penalty.	Remarks.
		With qualification and with fine.	Without qualification and with fine.	With qualification and without fine.	Without qualification and without fine.	With fine.	Without fine.			
1	2	3	4	5	6	7	8	9	10	11
1896-97	33,609	24,867	325	5,096	2,910	302	20	67	22	
	Bundles and plates of steel and iron ... 3,131	Bundles and plates of steel and iron ... 3,031		Bundles of steel and iron ... 100						
	Bars of iron, 288	Bars of iron, 238	...	...	...	...	...	...	...	
	Bars of steel, 5,158	Steel bars, 4,654	...	Bars of iron, 50	...	...	...	...	...	
			...	Steel bars, 504	...	...	...	...	...	
1897-98	29,674	25,892	142	3,400		...	...	...	...	
	Bundles and plates of steel and iron ... 5,884				33	167	4	12*	24†	
	Bars of iron, 806	3,859	2,025	...						
		...	...		806	...	...	...	...	

* These have been destroyed.

† These sold by public auction.

Qualification means an addition to, or alteration in, the description or marks upon goods or their covers made to bring them in accordance with the requirements of the law.

No. 3394, dated the 11th July 1898.

Memo. by the Acting Commissioner of Customs, Salt, Opium and Abkari.

Submitted to Government in the Revenue Department.

2. The number of detentions under the Merchandise Marks Act in the year under report was 612 compared with 679 in the previous year. The decrease is chiefly due to the fact that the provisions of the Act regarding the stamping of lengths on piece-goods are more generally understood and complied with.

3. Fines and confiscations were adjudged in 539 cases against 610 in the previous year, and the total recoveries under fines and penalties were Rs. 5,044 compared with Rs. 8,292 in 1896-97.

4. The figures are satisfactory as indicating that the provisions of the Act as regards the indication of origin of merchandise and specification of its quality and quantity are more generally known, and the necessity of compliance therewith more fully realised.

5. It is, however, probable that while shippers will show increased care that goods landed by them comply with the provisions of the Merchandise Marks Act, more efforts will be made by the importers to evade the Act when disposing of goods up-country. It may, therefore, be desirable, as some slight check at the Custom House, to impose heavier penalties in lieu of confiscation rather than allow facilities for subsequent fraud by permitting goods to be reshipped, or permitting their entry after erasing objectionable labels. As an instance of the evasion of the Merchandise Marks Act the undersigned may quote the case of the Santonine bonbons reshipped to Hamburg after paying Rs. 150 as fine quoted in paragraph 8 (2). These same bonbons were subsequently reshipped to India again with a label denoting that they were "bonbons" only, and under this description they had to be passed. They were probably sold in retail as santonine bonbons in the native bazar on the strength of their appearance and peculiar shape. The fine of Rs. 150 (inflicted by the undersigned) was evidently too small. The Act is also evaded by appending names similar to those of well known dealers by changing a "t" for a "d" or an "n" for an "r."

6. The Act has been beneficial in preventing fraud where the goods have been found less in quantity than the description certified.

7. On the other hand, care has been taken not to exercise severity in cases (such as are referred to at page 106 of the Report of the Bombay Chamber of Commerce) where exact accuracy in weight and length cannot be guaranteed, no relaxation of the law is required, a spirit of leniency on the principle of give-and-take will adequately meet the requirements of trade.

8. In only one out of the 612 cases adjudicated was an appeal preferred with the result that the fine of Rs. 15 imposed was remitted. The fact that only one appeal was made is very satisfactory.

9. The appraising, gauging and inspecting staff worked well under Mr. Jehangir Dosabhai Framji, Mr. Almon, and Mr. Sharman, who have held the office of First Assistant Collector of Customs at different times during the year. Mr. Jehangir Dosabhai Framji's ability and judgment have been referred to in previous reports. Mr. Almon held the post with marked ability and keenness in the discharge of his duties. Mr. Sharman has worked zealously and well and with despatch.

Extract from the Proceedings of the Government of Bombay, Revenue Department, No. 4885, dated Bombay Castle, 28th July 1898.

READ—

Memorandum from the Commissioner in Sind, No. 3240, dated 12th July 1898—Submitting a report, No. 2786, dated 1st idem, from the Collector of Customs and Salt Revenue in Sind, on the working of the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98.

Memorandum from the Commissioner of Customs, Salt, Opium and Abkari, No. 3394, dated 11th July 1898—Submitting a report, No. 12792-C., dated 9th idem, from the Collector of Land Revenue, Customs and Opium, Bombay, on the working of the Indian Merchandise Marks Act, IV of 1889, during the year 1897-98; and observing as follows:—

"5. It is, however, probable that while shippers will show increased care that goods landed by them comply with the provisions of the Merchandise Marks Act, more efforts will be made by the importers to evade the Act when disposing of goods up-country. It may, therefore, be desirable, as some slight check at the Custom House, to impose heavier penalties in lieu of confiscation rather than allow facilities for subsequent fraud by permitting goods to be reshipped, or permitting their entry after erasing objectionable labels. As an instance of the evasion of the Merchandise Marks Act, the undersigned may quote the case of the santonine bonbons reshipped to Hamburg after paying Rs. 150 as fine, quoted in paragraph 8 (2). These same bonbons were subsequently reshipped to India again with a label denoting that they were 'bonbons' only, and under this description they had to be passed. They were probably sold in retail as santonine bonbons in the native bazar on the strength of their appearance and peculiar shape. The fine of Rs. 150 (inflicted by the undersigned) was evidently too small. The Act is also evaded by appending names similar to those of well-known dealers by changing a 't' for a 'd' or an 'n' for an 'r.'

"* * * * * * * * *

"9. The appraising, gauging and inspecting staff worked well under Mr. Jehangir Dosabhai Framji, Mr. Almon and Mr. Sharman, who have held the office of First Assistant Collector of Customs at different times during the year. Mr. Jehangir Dosabhai Framji's ability and judgment have been referred to in previous reports. Mr. Almon held the post with marked ability and keenness in the discharge of his duties. Mr. Sharman has worked zealously and well and with despatch."

RESOLUTION.—During the year under report 1,001 cases of breaches of provisions of the Merchandise Marks Act were dealt with at Bombay and Karachi against 892 in the preceding year. There was an increase of 176 in the number of cases of detention at Karachi due to larger imports and to the detention of goods from the Persian Gulf and Cutch Ports which are reported to have been previously passed unnoticed. The reason for the failure to enforce the Act against these goods hitherto is not understood and should be explained, and the number of such detentions should be stated. There is again a substantial decrease (67) in the number of cases dealt with at Bombay and, there is no doubt, there is now a more general comprehension and observance amongst merchants of the provisions of the Act. In Karachi no appeals were preferred, while in Bombay only one was preferred which was successful.

2. The Commissioner of Customs, Salt, Opium and Abkari should be requested to address Government separately on the subject referred to in paragraph 5 of his memorandum No. 3394, dated 11th July 1898.

3. Government notice with satisfaction the praise bestowed by the Collector and the Commissioner on the officers of the Customs Department.

4. A copy of the papers and of this Resolution may be forwarded to the Government of India for information.

No. 6065, dated 22nd September 1898.

From—H. S. LAWRENCE, Esq., I.C.S., Under Secretary to the Government of Bombay, Revenue Department,

To—The Secretary to the Government of India, Finance and Commerce Department.

In continuation of my letter No 4886, dated 28th July 1898, I am directed to forward, for the information of the Government of India, copies of a memorandum No. 4262, dated 1st September 1898, from the Commissioner in Sind and its accompaniment, which furnishes the report called for in paragraph 1 of the Resolution of this Government, No. 4885, dated 28th July 1898.

No. 3375, dated 8th August 1898.

From—JEHANGEER DOSABHAI FRAMJEE, Esq., Acting Chief Collector of Customs in Sind,

To—The Commissioner in Sind.

Merchandise Marks Act Annual Report for 1897-98.

With reference to paragraph 1 of Government Resolution, Revenue Department, No. 4885, dated 28th ultimo, and your memorandum No. 3777, dated 4th instant, I have the honour to state that the number of detentions of goods from the Persian Gulf and Cutch Ports during 1897-98 was as follows :—

Under section 10, Merchandise Marks Act, IV of 1889.

	Clause D.	Clause E.	Clause F.
From Persian Gulf	1	67	2
„ Cutch Ports	...	15	...

2. The goods detained were chiefly wet and dry dates, almonds, raisins, etc. Such goods had been previously passed as they were ordinarily shipped by persons unacquainted with any European language, the marking of the initials of the consignees on the packages being crudely done by hand merely to enable the goods to be identified at the port of destination. There was no attempt at fraud and no likelihood of the consumers being deceived as to the origin of the goods; technically, however, such importations constituted an offence, and as it was ascertained that in Bombay the law was being enforced against them, although at first the goods were also passed there as in Karachi, the same practice was introduced here from the beginning of 1897-98, sufficient time being given to the importers to warn the shippers before the penal provisions of the Act were applied. This explanation applies only to cases under clause E, those falling under the other clauses of the section having always been dealt with according to law.

No. 4262, dated 1st September 1898.

Endorsed by the Commissioner in Sind.

Submitted to Government in reference to paragraph 1 of Government Resolution No. 4885 of 28th July 1898.

2. In a subsequent letter the Chief Collector has informed the Commissioner that it is now widely known that goods imported from the Persian Gulf are subject to the provisions of the Indian Merchandise Marks Act, IV of 1889.

MADRAS.

Extract from the Proceedings of the Government of Madras, Revenue Department, Nos. 444, 444-A. Revenue, dated 8th August 1898.

READ—

The following Proceedings of the Board of Revenue (Separate Revenue), No. 229, dated 30th July 1898:—

Read—the following letter from J. Twigg, Esq., Acting Collector of Tanjore, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Camp, Tranquebar, 29th May 1898, No. 2091-Revenue:—

I have the honour to report on the working of the Indian Merchandise Marks Act, IV of 1889, during 1897-98 and to submit, in the form prescribed in Board's Proceedings, No. 29, dated 30th January 1891, a statement showing the cases disposed of during the year.

2. There were two cases of infringement of the provisions of the Act during the year under report against one in the previous year. In these cases, consignments of cambric imported into Negapatam from Penang were detained, as the pieces were not stamped with the length thereof in standard yards as required by section 10, sub-section 2 (*f*) (*i*). The consignments were allowed to be cleared without fine under Board's Proceedings, No. 375, Separate Revenue, dated 15th October 1889, after stamping the pieces with their length in English numerals. I have informed the Head Assistant Collector that the Act has now been in force so long that it can be no longer necessary to let off offenders on the ground of "first offence."

3. During the year no instance came to notice of importation of goods bearing a counterfeit trade mark or a false trade description under clause 10 (*d*).

4. It is reported that no difficulty was experienced in the working of the Act.

ENCLOSURE NO. 1.

Statement showing the number of cases dealt with under the Indian Merchandise Marks Act during the official year 1897-98.

Number of cases in which detention was ordered.	Number of cases in which detention was followed by confiscation.	NUMBER OF CASES IN WHICH DETENTION WAS FOLLOWED BY RELEASE.		Number of cases in which detention was ordered on information received.	Number of cases in which detention was ordered without information.
		With fine.	Without fine.		
1	2	3	4	5	6
2, under section 10, sub-section 2 (*f*) (*i*).	...	...	2	...	2

Read—the following letter from F. C. Parsons, Esq., Acting Collector of Malabar, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Calicut, 7th June 1898, No. 464-G1:—

I have the honour to report on the working of the Merchandise Marks Act in this district for the year 1897-98.

2. The number of cases dealt with under the Act was two in the year under report against *nil* in 1896-97. Both the cases were in the Cochin port and were under clause (*e*) (ii) of section 10 of the Act. One of these related to a consignment of spirit from Mahe containing 75 cases of cock mark brandy with a main label and a

small label below it to indicate the country of manufacture which could be easily removed. This consignment was passed after the consignee had stamped the name of the country of manufacture at his own cost. In the other, ten cases of brandy had the mark of camel with an additional label underneath the main one to show the country of manufacture. The consignee was fined Rs. 10 in this case.

3. Both the cases were detected by Customs officers in the ordinary course of their duties, and not on information received.

4. There were no detentions under clauses (*d*) and (*f*) of section 10 of the Act.

5. A statement of the cases disposed of is enclosed.

ENCLOSURE NO. 1.

Return of cases disposed of under the Merchandise Marks Act for the year 1897—98.

Number of cases in which detention was ordered (here enter sub-heads specifying the section of the Act under which action was taken, *e g*, section 18, clause (*d*)-&c).	Number of cases in which detention was followed by confiscation.	NUMBER OF CASES IN WHICH DETENTION WAS FOLLOWED BY RELEASE.		Number of cases in which detention was ordered on information received.	Number of cases in which detention was ordered without information.
		With fine.	Without fine.		
1	2	3	4	5	6
Two cases under clause (*e*) (ii) of section 10.	...	1	1	...	2

Read—the following letter from—J. N. ATKINSON, Esq., I. C. S., Acting Collector of Sea Customs, Madras, to the Secretary to the Commissioner of Salt, Abkari and Separate Revenue, dated Madras, 17th June 1898, No. 3998-G :—

I have the honour to submit the following report on the working of the Merchandise Marks Act (IV of 1889) during the year 1897-98 with a statement showing the number of cases dealt with under it.

2. There were in the year under review 85 infringements of the provisions of the Act against 203 in the preceding year, the decrease being due to importers becoming better acquainted with the requirements of the law and possibly to their knowledge of the fact that very extensive examinations of goods were being made in this Custom-house. The number of packages opened during the year was 20,956 against 8,775 in the previous one.

3. The cases detected are classified as follows :—

	Number of cases.
Under section 10, clause (*d*)	23
" " (*e*)	28
" " (*f*)	34

and were in respect of cotton yarn, cotton and woollen piece-goods, paints, gilt thread oils, liquors, stationery, hardware, &c.

4. The following is a summary of cases under (*d*) :—

(1) Forty-one importations of yarn were reeled. In five, the hanks were found to be short of the required length and the goods were confiscated, but allowed to be redeemed and reshipped to the ports from which they were originally exported. The fines levied amounted to Rs. 631.

(2) In one consignment, 40 packages of reduced white zinc powder had only the words "white zinc" stencilled on them, though in the invoice the article was correctly described. The Chemical Examiner reported it to be adulterated, and the importer was fined Rs. 100 for the importation and the goods were confiscated but permitted to be redeemed on a further penalty of Rs. 50, the kegs being marked "reduced" before delivery. An appeal was preferred against this decision, but was rejected by the Board of Revenue (*vide* Board's Proceedings, Routine No. 2121, Separate Revenue, dated 30th July 1897).

(3) In a consignment of white zinc and white lead, 10 kegs were marked "No. 3 white zinc" and another 10 marked "No. 3 white lead." These having been found on analysis to be adulterated were confiscated and the importer fined Rs. 5 for the importation. The goods were, however, redeemed on payment of a further penalty of Rs. 5 and passed after the description on the kegs was qualified with the word "reduced".

(4) The labels on the packets of two consignments of adulterated lemon chrome and midchrome described the contents as "coach-maker's lemon chrome" and "coach-maker's midchrome", respectively, with strips of paper pasted across them with the words "This is not genuine chrome but No. 1". These extra labels were removed and the main label stamped "adulterated" without penalty before the goods were passed.

(5) Another consignment of lemon chrome was put up in packets bearing two separate labels, the larger of which had the description of the article, while the other had the word "adulterated." The main labels were stamped "adulterated" without fine and the goods passed.

(6) Two consignments of medicines contained bottles of "*Oleum Santal Flav*" and, as the article did not appear to be genuine, samples were sent to the Chemical Examiner for analysis and he reported them to be adulterated. In each case, the importer was fined Rs. 5 and the oil destroyed.

(7) Samples from two importations of "*Oleum amygdalæ dulcis gællic*" were tested by the Chemical Examiner and found to be impure. The labels were ordered to be stamped "adulterated" on payment of a penalty of Rs. 7-8-0 in the first case and Rs. 10 in the second.

(8) The bottles in a consignment of one case of quinine were labelled "1 oz. Quinine sulphate unbleached." The Chemical Examiner reported that the article contained over 37 per cent, of other cinchona alkaloids, while the limit of impurity allowed was only 5 per cent. The case, with its contents, was confiscated and the importers were fined Rs. 10 for the importation. They were, however, permitted to redeem and reship it to Hamburg on a penalty of Rs. 5. They appealed to the Board against this decision, but the action of this office was upheld by the Board—*vide* Board's Proceedings, Mis. No. 4688 of October 1897.

(9) In four cases, gilt thread was put up in paper boxes which had labels describing the article as "gold thread manufacture." The boxes were stamped "gilt thread" and the word "gold" was removed on payment of a penalty of Rs. 10 in one case and Rs. 5 in each of the others.

(10) A case contained nine packets described as "gold lace." The lace was not "gold lace" but only "silver gilt." The packets were stamped accordingly after removal of the word "gold" on payment of a fine of one per cent. on value.

(11) The invoice of a consignment showed that the article covered by it was adulterated turpentine, while the drums containing it were stencilled "Turpentine" without any qualification that the article was really not genuine. The goods were confiscated and the importer fined Rs. 50 for the importation. They were subsequently released on payment of a redemption penalty and passed after the addition of the word "adulterated" to the description on the drums.

(12) The wrappers on the inner packets of note paper in a consignment were marked "ruled", while the paper was found to be *unruled*. The outer wrapper, however, bore the correct description "unruled." The word "ruled" was removed from the inner packets without penalty and the goods passed.

(13) Reels of machine sewing cotton thread were marked as containing *320 yards*. Some of them were reeled and found to contain on the average nearly 300 yards on each reel. The labels were destroyed and "300 yards" stamped on the reels, the goods being passed on payment of a nominal penalty.

5. The following cases infringed clause (*e*):—

(14) The bottles in a consignment of three cases lavender water of Austrian manufacture were moulded with the English word "Lavender" without any indication of the country of origin. The goods were confiscated and a fine of Rs. 10 levied for importation. They were, however, permitted to be redeemed on payment of a further penalty of Rs. 5 and reshipped.

(15) The bottles in two consignments of Belgium made Geneva which came from France were labelled "Red Dragon Gin General Distillers' Association (Limited), London and Antwerp" without any indication of the country of origin. As the label stood, the liquor could be mistaken for English gin. The words "produce of Belgium" were, therefore, stamped across the labels on payment of a penalty of Re. 1 per package.

(16) Thirty cases of port wine were declared to be the manufacture of Germany. The labels on the bottles were to the effect that the wine was bottled in Germany, but there was no indication of the country of origin. The labels were stamped "Produce of Germany" on payment of a penalty of Re. 1 per case and the consignment passed.

(17) In a consignment of five cases of Spanish port wine, the bottles were labelled "Superior Port wine" without the name of the country of origin. The importers were allowed to stamp the words "made in Spain" on a penalty of Re. 1 per case.

(18) The bottles in a consignment of wines bore labels with the following words "Malaga," "Xeres," "Porto," but the name of the country of origin was printed on small strips of paper pasted across the main labels, thus "made in France." As these strips were easily removable, the main labels were directed to be stamped with the words "made in France" and the wines passed.

(19) A small consignment of French brandy was found to have the bottles labelled as follows:—

"Trade mark

Gold cup,

Champagne brandy"

without the required indication of the country of origin, which was allowed to be stamped on payment of a penalty of Rs. 10.

(20) An importation of French wines contained Port and Sherry with the bottles labelled "Porto Vieux" (on main label). "L. Toursier, Burke and Co., Bordeaux" (on separate label). "Sherry" (on main label). "L. Toursier, Burke and Co., Bordeaux" (on separate label). The capsules were marked "L. Toursier, Burke and Co., Bordeaux." The country of manufacture was permitted to be stamped on the labels on payment of a fine of Rs. 10 and the goods passed.

(21) The bottles in a consignment of sparkling muscatel wine from Italy had the following description on the labels:

"Moscato Spumanto (Champagne) Stablimento Vinicolo costiglio le d'Asti Fratelli Cora Torino 2, Piazzo, S. Carlo 2," but without any indication of the country of origin. Champagne being a province of France from whence the wine bearing that name comes, the stamping of the country "Italy" was permitted on payment of a penalty of Re. 1 per case.

(22) There was a consignment of a cask, and a case of samples of port wine. The cask was found to be stencilled "Superior port, Madras," and the samples were labelled as "G. Smith and Co., Bordeaux, Spanish Port, samples Nos. ½ bottled in Germany." The contents of the cask and the samples, though declared in the bill of entry to be the produce of Germany, bore no such indication. The cask was stamped on payment of a penalty of Rs. 10. The sample bottles were stamped without fine.

(23) In an importation of 250 casks of Belgian Portland Cement, the casks had two separate labels—one bore the description of the article in English as under without any indication of the country of origin—"Best Portland Cement Turtle Dove Brand" and the other had the words "made in Belgium." The descriptive label was ordered to be stamped with the country of manufacture on payment of a penalty of Rs. 17-8-0.

(24) The labels on 100 casks of another consignment of Portland Cement, while having the description in very large characters had the indication of the country of origin in very small ones. Stamping in characters as large as those of the description was permitted without penalty.

(25) Two other importations of Belgian Portland Cement (56 barrels in each) were found to bear labels with the following words on them in English:—

"Portland Cement

First quality"

in very large characters with a "Lighthouse" as the trade mark and the word "Belgium" on the top and "Trade mark registered" at the bottom. As there was nothing definite on the labels to indicate that the cement was Belgian beyond the single word "Belgium", the words "made in" were stamped before "Belgium" on payment of a penalty of Rs. 5 in each case.

(26) The packets containing Italian note paper in two consignments had *separate* labels on the outer wrappers describing the paper in English and giving the name of the country of origin. The descriptive labels were permitted to be stamped with the words "made in Italy" on a penalty of Rs. 5.

(27) In two consignments of printing paper the ream packets had labels on them with the name and address of the importers and the following description:—

"Superfine Printings,

* * * * * *

Madras.

Quality I, white".

The words "made in America" were also printed in large type across the wrappers below but not on the labels. The country of origin was allowed to be marked on the labels and the goods passed.

(28) One of the cases forming part of a consignment of stationery, &c., was found to contain three dozen American dating stamps packed in cardboard boxes labelled thus:—

"One Dozen Date Printers, No. 1½" without the necessary indication of country of origin. There were also two cases of toilet paper of the same make put up in packets bearing English description with a similar omission. The goods were stamped "made in America" and importers warned.

(29) Seven cases of carpenters' planes from New York were found stamped with the words "Auburn Tool Company, Thistle Brand, Auburn, N. Y." The letters "N. Y." not being considered sufficient, the words "made in America" were stamped on payment of a penalty of Rs. 18-4-0 and the goods passed.

(30) In an importation of German tools, there were sixteen dozen hammers with the following words impressed on them:—

"Kauffmann and Sons,

Solingen, Cast Steel."

but without the *country* of origin being distinctly shown. Stamping was permitted on payment of a fine of Rs. 5.

(31) One case was, on examination, found to contain nine dozen scissors and two dozen razors of German manufacture put up in cardboard boxes labelled "J. A. Henckels, Solingen, universally approved cutlery warranted of the best quality" without the required indication of the *country* of origin, which was ordered to be stamped on the importers paying a fine of Rs. 5.

(32) The paper covers of packets of gilt thread in two importations were so wrapped as to show the English description of the article and to conceal the indication of the country of origin. As the folding could not be altered without spoiling the covers, the packets were stamped "made in France" and passed.

(33) The packets in a case of French-made gilt thread bore descriptions of their contents in the English language without the same being accompanied by a definite indication of the country of manufacture. The words "made in France" were allowed to be stamped on the importers paying a fine of Rs. 4-14-0.

(34) Austrian glass bangles in a certain consignment were packed in paper boxes enclosed in wrappers bearing two labels—one large and the other small. The former in addition to the description of the articles had the words "made in Austria," while the latter had the words "Registered trade mark, John Quaas, Hamburg, made in Germany." The bangles were evidently the manufacture of Austria as could be seen from the maker's label. The agents' labels were removed and the goods passed.

(35) In a case were found among other articles two dozen feeding bottles and two dozen enemas put up in cardboard boxes bearing the name of the British Indian importer. The goods having come from France, the boxes were stamped with the country of origin without penalty.

(36) A piece of velvet of foreign manufacture had the words "German manufacture," on a thin strip of paper attached to the piece itself, while the label on the paper box in which the article was put up had the word "The champion velvets" without the required indication of the country of origin. The box and the piece were stamped "made in Germany" without penalty.

6. The following are infringements under clause (*f*):—

(37) There were 34 cases of cotton and woollen piece-goods, in which the lengths were not stamped as required by law. Stamping was permitted in 28 cases on payment of small penalties and in the others, where there was an endeavour to comply with the requirements of the law, without penalty.

7. There was also an instance in which three cases of white shirtings were imported to be made up of two or more portions. The stamp "40 yards" was, therefore, held not to all appearance correctly stamped, but, on examination, many of the pieces were found to correctly represent the lengths of these two or more portions, which went to make up the aggregate length stamped on the outside of each piece. Importers appealed through their shippers to the Secretary of State who has upheld the action of this Custom-house (Board's Proceedings No. 155, dated 22nd May 1898).

8. I would take this opportunity of stating that the opening for examination of such a large number of cases as is reported above seems to have had a deterrent effect on the fraudulent packing of goods, for, since this procedure was adopted, a smaller number of offences under the Merchandise Marks Act has been brought to light.

ENCLOSURE No. 1.

Statement showing the number of cases dealt with under the Merchandise Marks Act during the year 1897-98.

Number of cases in which detention ordered: Under section 10, clause (*d*).	Under section 10, clause (*e*).	Under section 10, clause (*f*).	Total.	Number of cases in which detention was followed by confiscation.	Number of cases in which detention was followed by release: With fine	Without fine	Number of cases in which detention was ordered on information received.	Number of cases in which detention was ordered without information.
23	28	34	85	* 2	† 63	20	...	85

* In one of these, the contents of the bottle was expended in examination, and in the other, the goods were destroyed.
† Of these consignments, five were reshipped and two more are awaiting reshipment.

RESOLUTION—No. 229, dated 30th July 1898.

The reports of the Collector of Sea Customs, Madras, and the Collectors of Tanjore and Malabar, on the administration of the Merchandise Marks Act, IV of 1889, during 1897-98 are submitted to Government. There were no detentions under the Act in the other districts.

2. The total number of detentions during the year was 89 against 204 in 1896-97. The decrease is probably due, as stated by the Collector of Sea Customs, Madras, to the deterrent effect which the opening of such a large number of packages as 20,956 in 1897-98

against 8,775 in the previous year, must have had on the fraudulent packing of goods. The following statement shows the particulars of detentions :—

Districts.	Detentions ordered.	Detentions followed by confiscation.	Detentions followed by release: With fine.	Without fine.	Detentions ordered on information received.	Detentions ordered without information.
Madras	85	2	63	20	...	85
Tanjore	2	...	...	2	...	2
Malabar	2	...	1	1	...	2

3. Of the total number of detentions in Madras, the number of cases in which goods were detained under section 18 (*d*) for false trade descriptions was 23, relating chiefly to importations of yarn, paints, medicines and gilt thread. Fines were imposed in 19 of these cases and in the remaining 4 cases, the goods were passed after being correctly labelled. In 6 cases the goods were ordered to be reshipped and in 2 they were destroyed. There were 28 cases under clause (*e*) chiefly of liquor, cement, stationery and tools. Fines were imposed in most of them, and the goods were passed after being properly stamped with the name of the country of origin. The remaining 34 cases were under clause (*f*) and related to importations of cotton and woollen piece-goods. Stamping of lengths was permitted in 28 cases on payment of small penalties and in the others without penalty as they showed an endeavour to comply with the requirements of the law.

4. A protest on the part of the * * * * against the Collector's action in detaining certain cases of grey shirtings in lengths of 40 yards which, while purporting to be one, were found on examination to be in two or more pieces, formed the subject of a reference to the Secretary of State who approved the Collector's action (*vide* G. O., Mis. No. 2123, Revenue, dated 17th May 1898).

5. A further reference was made to the Government of India in the course of the year urging that adulterated goods should be marked as adulterated and that the use of such terms as "reduced," "mixed," etc., as equivalents should be put a stop to, but the Government of India declined to accept the contention of this Government (*vide* its orders contained in G. O. No. 244, Revenue, dated 15th January 1898).

6. There were two cases in the Tanjore district under clause (*f*), the consignments being allowed to be cleared after the length was stamped on the pieces, and two cases under clause (*e*) in the Malabar district. In one of these a fine was imposed, and the other was passed without fine after the name of the country of manufacture had been stamped on the labels.

Order—No. 444, Revenue, dated 13th August 1898.

Ordered to be forwarded to the Government of India.

No. 444-A.

Endorsement by the Government of Madras.

Copy to the Government of India, Department of Finance and Commerce.

G. C. Press, Simla.—No. 1023 C. F.—11-11-98.—140.

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