

Food Law in Australia, by Maurice W. Gerkens and Randall J. Gerkens (Law Book Co. Ltd., 1985) pp. i-xlii 1-182, appendix 183-206, index 207-236. ISBN O 455 20301 6 (pbk).

The drafting of the *Model Food Act* by the State and Federal joint working party was long overdue. For years consumers, manufacturers' processors' marketers and their legal advisers in Australia have had to struggle with various nightmarish health and other miscellaneous statutes and regulations. What subject could be more suited to uniformity of legislation among the States and Territories than the processing and marketing of foodstuff? At the time this book was written only two States had enacted corresponding legislation — Victoria and Queensland. Neither kept strictly to the model legislation and no doubt of the remaining States and Territories each will give its adopting statute its own stamp of individuality.¹

The authors of this book, one a Victorian Stipendiary Magistrate and the other a Melbourne solicitor are obviously well aware of the paucity in Australia of legal writing and reference material on this very fragmented area of law. Their stated purpose in writing the book is: 'To provide a framework for the interpretation of Australia's proposed uniform food laws'.

To assist readers the book reproduces the Model Food Act as an appendix. The corresponding provisions of the Victorian and Queensland Acts can be quickly located with the use of the Comparative Table of Legislation. It is however unfortunate that a Table of Statutes with paragraph references is not provided. The comprehensive Table of Cases contains a number of unreported cases — a bonus for the reader who has an interest in this area of law which is traditionally neglected by the case reporters.

The Table of Contents lists 13 Chapters, each with detailed sub-headings for easy reference. One of the largest, Chapter 11, which deals with 'Defences' will be welcomed by defendants and their advisers as it contains extensive discussion of statutory defences and relevant general law principles. The procedural and evidentiary considerations, found in Chapter 12 are given thorough treatment. The legal practitioner will find this very practical segment of the book extremely useful. Other chapter titles include 'Advertising and Selling Food', 'Packaging and Labelling of Food', 'The Acquisition of Samples', 'Administration of the Act', 'The Burden and Standard of Proof', and 'The Mental Element'.

The format and value of the book is as a guide or handbook to the model legislation and its two off-spring. One suspects that a Victorian lawyer will skip over the references to the Queensland statute and vice versa and it would seem that the authors foresaw this possibility. Thus when they discuss in separate paragraphs (clearly headed MFA [Model Food Act], QFA [Queensland Food Act] and VFA [Victorian Food Act] as the case may be) like provisions of each Act they have chosen to repeat the relevant cases, principles or comments.

You will be disappointed if you purchase *Food Law in Australia* in the belief that it is a text on all aspects of food law. The title could import notions of consumer law, trade practices law and a wider treatment of tort, contracts and criminal law than is found in this piece of writing. The book essentially is a text on the Model Food Act and its derivatives. In fulfilling this function it is informative, practical and a good reference book for those in the food industry as well as any student or practitioner in this particular area of law. Such persons should note the authors' caveat that:

the model and adoptive legislation is virtually new ground and it will be some years before an authoritative body of case law emerges. Of necessity, therefore, our opinions will be subject to review in the light of that emerging body of authority.

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¹ Food Act 1981 (Qld.) opn (except s.22) 1/7/82
 Food Act 1984 (Vic.) opn (except s.31(b) and s.50(5)) on 1/1/86.
 Food Act 1985 (S.A.) opn 1/2/86

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