

1969 Present : Pandita-Gunawardene, J.

R. P. GUNASINGHE, Appellant, and G. B. YATIGAMMANA
(Inspector of Police), Respondent

S. C. 1007/68—M. C. Kegalle, 71369

*Control of Prices Act—Price Order relating to bread—Meaning of word “bread”—
Bread Ordinance (Cap. 217), s. 2.*

A Price Order relating to sale of bread is not rendered vague and ineffective by the fact that it does not specify a particular kind of bread.

APPEAL from a judgment of the Magistrate’s Court, Kegalle.

V. *Kumaraswamy*, with *T. P. Amerasinghe* and *Miss S. M. Senaratne*,
for the accused-appellant.

S. W. B. Wadugodapitiya, Crown Counsel, for the Attorney-General.

Cur. adv. vult.

February 22, 1969. PANDITA-GUNAWARDENE, J.—

The appellant, a tea-kiosk keeper at Gevilipitiya, Kegalle, was charged and convicted of selling a loaf of bread 16 ounces for -/37 cents a price in excess of the maximum controlled price of -/36 cents in contravention of Food Price Order No. KE 125 published in *Government Gazette* 14776/10 of 27.11.67. He was sentenced to a term of four weeks R.I. in addition to the imposition of a fine of Rs. 50/- in default two weeks R.I.

Learned Counsel for the appellant did not seriously contest the findings of fact of the Magistrate. He has however challenged the conviction on two grounds.

It has been contended that the Price Order KE 125 which the appellant is alleged to have contravened is invalid in that the Deputy Controller of Prices has no power to issue such an Order covering the Administrative District of Kegalle. The Administrative Districts Act (Chapter 392, Vol. XI, L.E.C.) established Administrative Districts with limits specified. By this Act an Administrative District of Kegalle has been established and the limits defined—vide item 20 First Schedule to the Act.

Section 3 (2) of the Control of Prices Act (Chap. 173, Vol. VI, L.E.C.) read with Section 4 of the same Act empowers a Deputy Controller within the area of his appointment to make Orders fixing prices and prescribing conditions of sale to be operative within the area of his appointment.

The Price Order KE 125 has been made by Stanley Maralanda, Deputy Controller of Prices (Food), Kegalle District. And the evidence is that Gevilipitiya is within the Kegalle Administrative District. This contention of learned Counsel is without substance and must therefore fail.

The second ground of Appeal advanced by learned Counsel was that the Price Order KE 125 is vague and ineffective, for the reason that the particular kind of bread subject to the Control Order has not been specified. It was submitted that there are various kinds of bread, e.g., brown bread, sandwich bread, and white bread; and that there is bread made of maize and also bread made from flour. In these circumstances it is said that there should be a particularisation of the bread in the Order. This argument is not without ingenuity.

Chambers 20th Century Dictionary (1954 Reprint) gives to the word bread the following meaning "food made of flour or meal baked : food". There is in Volume VIII of the Legislative Enactments an Ordinance titled Bread (Chap. 217). It is an Ordinance to regulate the sale of bread and to prevent the adulteration of bread offered for sale. Section 2 which deals with the sale of bread and marking of the weight of loaves is in these terms :—

2. (1) No baker or vendor of bread shall sell any bread other than fancy bread or rolls, except by weight and except in loaves weighing one-quarter of a pound, one-half of a pound, one pound, two pounds, or four pounds avoirdupois.
- (2) Subject as hereinafter provided, no baker or vendor of bread shall sell any loaf of bread or expose any such loaf for sale, unless the weight of the loaf is clearly marked on the loaf by an impression made in baking, or on a band or wrapper affixed round or enclosing the loaf :

Provided that nothing in the preceding provisions of this subsection shall apply—

- (a) in the case of fancy bread or rolls, or of any loaf of bread which is under one-half of a pound in weight ; or
- (b)

Bread is nowhere defined in this Ordinance but there is a differentiation between bread and fancy bread and rolls.

Learned Counsel posed the rhetorical question, What is bread ? Bread as a common article of food has been known throughout the ages. It is not so abstruse and difficult to understand what a man seeks, when he asks for a pound of bread. It is not brown bread or "pink" bread or any special kind of bread but bread so commonly known which is white in colour. Any other bread would, I expect, to all intents and purposes be of the fancy kind ; fancy meaning a departure from the ordinary.

In the result I am satisfied that the appellant has been rightly convicted. The appeal is dismissed.

Appeal dismissed.