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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART V.

H. W. WILEY, Chief.

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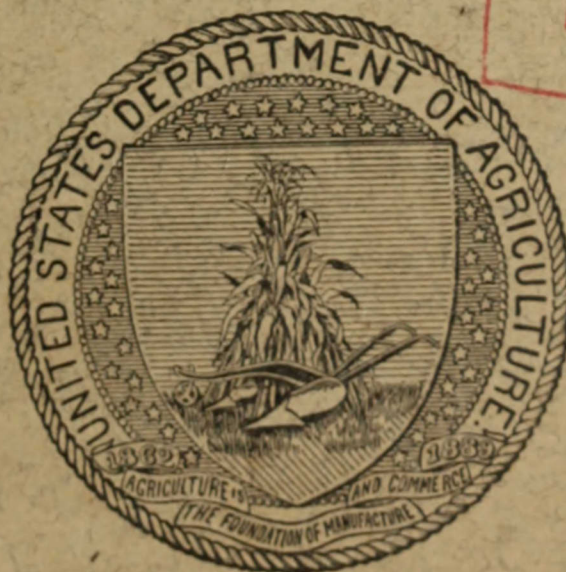
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V. LAWS OF NEW JERSEY, NEW MEXICO, NEW YORK,
NORTH CAROLINA, AND NORTH DAKOTA.

By W. D. BIGELOW,

CHIEF, DIVISION OF FOODS.



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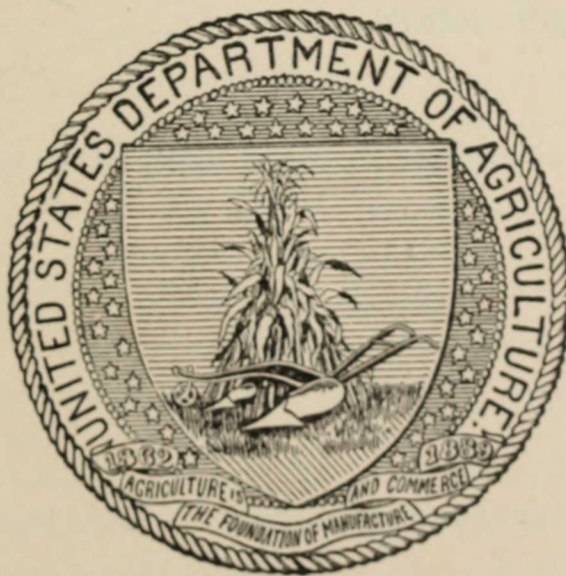
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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY,

Washington, D. C., October 20, 1905.

SIR: I have the honor to submit for your approval a compilation of the food laws of New Jersey, New Mexico, New York, North Carolina, and North Dakota, revised to July 1, 1905. I recommend that this manuscript be published as Bulletin No. 69, Revised, Part V, of the Bureau of Chemistry.

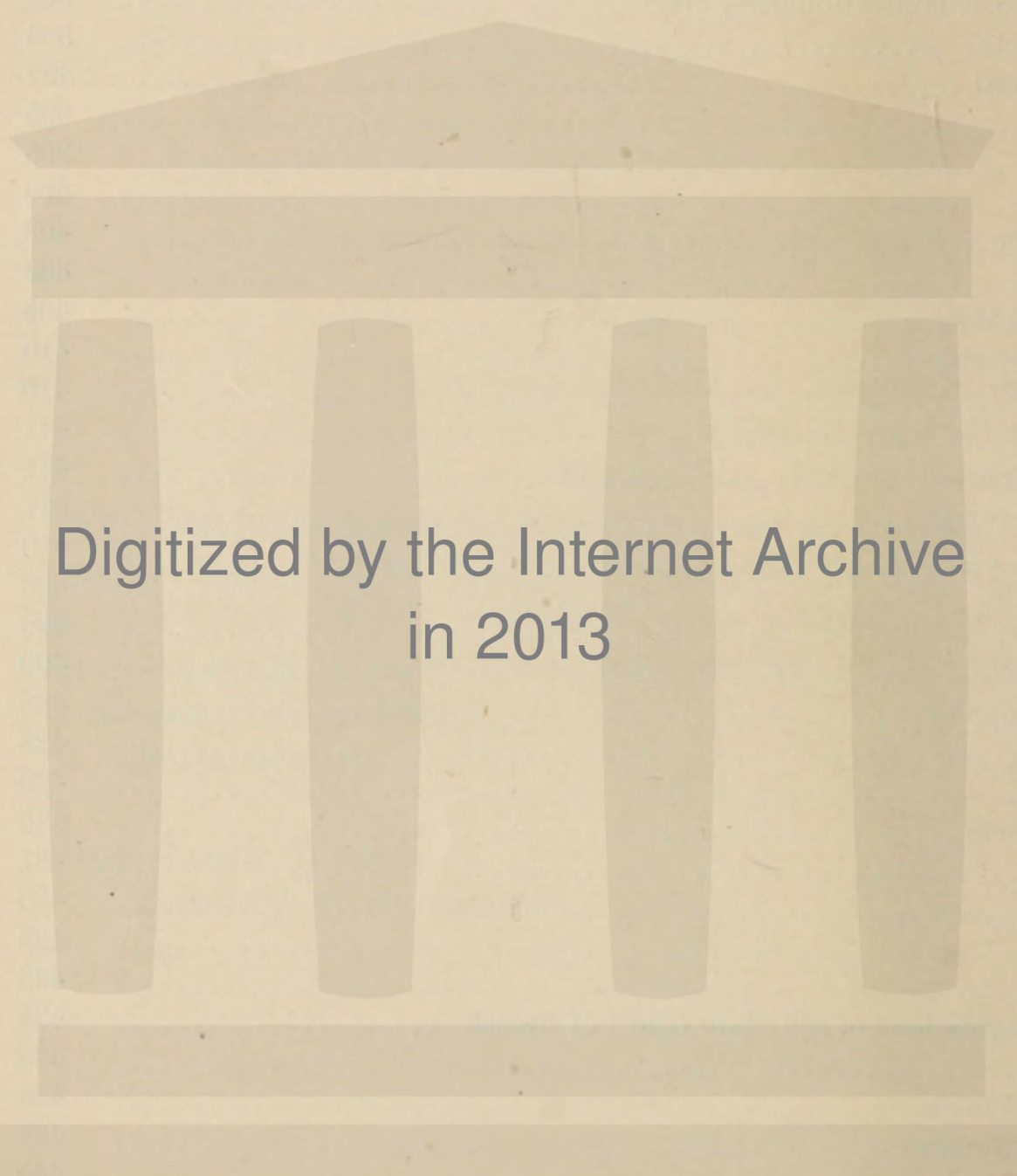
Respectfully,

H. W. WILEY,
Chief.

Hon. JAMES WILSON,
Secretary of Agriculture.

CONTENTS.

	Page.
New Jersey	373
General food laws	373
Alcoholic beverages	380
Bread (bakeries, confectioneries, etc.)	380
Dairy products	384
Flour and meal	392
Honey	395
Meat	395
Vinegar	400
Water and ice	403
New Mexico	408
General food laws	408
Alcoholic beverages	410
Water	410
New York	411
General food laws	411
Alcoholic beverages	417
Bread	419
Canned goods	420
Confectionery	420
Dairy products	420
Evaporated apples	428
Flour	428
Honey	429
Maple products	430
Meat	431
Oysters	432
Vinegar	433
Water	433
Rules and regulations of the State board of health	434
North Carolina	436
General food laws	436
Alcoholic beverages	439
Butter	440
Corn meal	440
Meat	441
Water	441
Standards and rulings of the board of agriculture under the pure-food law	441
North Dakota	445
General food laws	445
Candy	448
Dairy products	448
Meat	453
Summary of pure food law	454
Rulings	455



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FOODS AND FOOD CONTROL—V.

Revised to July 1, 1905.

V. Laws of New Jersey, New Mexico, New York, North Carolina, and North Dakota.

NEW JERSEY.

Previous to 1901 the food laws of New Jersey were administered by the dairy commissioner. In the year mentioned the former laws were repealed and new food laws enacted, the administration of which was made the duty of the board of health.

GENERAL FOOD LAWS.

29. (1) *Inspectors appointed by governor.* The governor shall have power to license, upon such terms as he may deem expedient (and may revoke such licenses), suitable persons as inspectors of beef, pork, flour, grain, tobacco, spirits, oils, and all kinds of merchandise, on the wharves, docks and piers, stores and warehouses of this state, and in order to give a marketable character to the articles so inspected, the inspectors so appointed may use and affix the same marks of inspection as are used in the state of New Jersey or in the city of New York.

30. (2) *Fees; exemptions.* That the inspectors may charge the same fees as are now charged in New York; the said merchandise while the same is in bulk on the wharves, docks, piers, stores and warehouses for exportation or importation shall be exempted from the attachment laws of the state of New Jersey.

Approved March 27, 1866. Public Laws 1866, p. 704; General Statutes 1895, vol. 2, p. 1742.

SEC. 1. *Food and drug defined.* The term "food" as used in this act shall include every article used for food or drink by man, and every ingredient in such article, and all confectionery and condiments; and the term "drug" as used in this act shall include every article of medicine for internal or external use, and every ingredient in such article.—*As amended April 12, 1905, Acts of 1905, ch. 132, pp. 245.*

SEC. 2. *Definitions of impure drugs.* The following drugs shall be deemed to be impure within the meaning of this act: (1) any drug which, being known under or by a name recognized in the last revised United States pharmacopoeia, possesses a strength, quality, or degree of purity inferior to or different from that laid down in such revised pharmacopoeia; (2) any drug which, not being known under or by a name recognized in the last revised United States Pharmacopoeia, but which is found in some other pharmacopoeia or in some other standard work on materia medica,

possesses a strength, quality or degree of purity inferior to or different from that laid down in such other pharmacopoeia or standard work; and (3) any drug whose strength, quality, or degree of purity falls below the professed standard under which it is sold.—*As amended March 29, 1904, Laws of 1904, ch. 171, p. 308.*

SEC. 3. *Impure foods defined.* The following foods shall be deemed to be impure within the meaning of this act: (1) any food which is rendered poisonous or injurious to health, or whose quality, strength or degree of purity is injuriously reduced, lowered or affected by adding thereto or mixing therewith any other substance or substances; (2) any food for any of whose constituents there have been substituted any substance or substances inferior to or cheaper than the constituents naturally or customarily composing such food or any part thereof; (3) any food from which has been wholly or partially abstracted any valuable or necessary constituent; (4) any food which consists wholly or in part of diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not, and (5) in the case of milk, if it contains more than eighty-eight per centum of watery fluids or less than twelve per centum of milk solids, or if any water, drug, chemical, preservative or other substance be added thereto or mixed therewith, and (6) in the case of cream, if it contain less than sixteen per centum of butter fat, or if any package containing cream having less than sixteen per centum of butter fat is not plainly and legibly so marked, or if any water, drug, chemical, preservative or other substance be added thereto or mixed therewith; no person shall kill or aid in killing for human food, any calf less than three weeks old, or sell or offer for sale, or have in possession with intent to sell, for human food, any such calf or any of the meat thereof.—*As amended April 12, 1905, Acts of 1905, ch. 132, pp. 245-246.*

SEC. 4. *Sale of impure food and drugs.* No person shall distribute or sell, or have in his possession with intent to distribute or sell, any article of food or drug which, under any of the provisions of this act, is or shall be deemed to be impure.

SEC. 5. *Sale of imitations.* No person shall distribute or sell, or offer to distribute or sell, any article of food or any drug which is an imitation of some other article of food or of some other drug under or by the name of the article of food or drug imitated, but the same shall be distributed and sold, or offered for distribution or sale, only by the true name of the imitation.

SEC. 6. *Coloring, etc., to hide defects.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food which shall have been colored, coated, polished, powdered or treated in such manner as to conceal any element of injury or damage therein or any inferiority of quality thereof.

SEC. 11. *Powers vested in State board of health.* The state board of health shall have the power from time to time to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes appointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the board, such orders concerning any performance of duty as they from time to time may deem proper, they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special services as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the legislature for carrying out the provisions of this act; the said board shall have the power, and it shall be their duty, through said analysts,

chemists, chief inspector and other inspectors and employes and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act.

SEC. 12. *Sampling, especially of milk.* Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request. If such request shall not be immediately granted, said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of one or more witnesses, into two parts, and shall duly seal each part in a suitable can, vessel or package, and, at the time of taking such sample, shall tender, and if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act or of any other statute of this state relative to the prevention of deception in the sale of food products, no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk, or the offering or exposing of milk for sale, or the having milk in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also in any such case condemn such milk and pour it upon the ground.—*As amended April 4, 1902, Laws of 1902, ch. 183, pp. 579-580.*

SEC. 13. *Penalty.* Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any analysts, chemists, chief inspector or other inspector or employe of the state board of health in the performance of any duty under this act, shall be liable to a penalty of fifty dollars; *provided, however,* that if any person charged with the violation of any of the provisions of this act concerning impure foods or impure drugs shall prove at the hearing or trial of the complaint that the article alleged to be impure was produced under a warranty from any person or persons residing within this state, in the form hereinafter set forth, that said article was pure within the meaning of this act, and prior to the hearing or trial shall have filed in the district court, or with the justice of the peace, police justice or recorder, before whom the case is prosecuted, and with the attorney of the prosecutor of the case, a copy of such warranty, the person so complained against shall be discharged from prosecution; the warranty to justify such

discharge shall specifically name and describe the article or articles warranted and shall be of the following form, to wit: "It is hereby warranted that the following-described article or articles, to wit, —— are pure and unadulterated within the meaning of the act of the legislature of the state of New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved the —— day of ——, A. D. nineteen hundred and one;" every such warranty shall be signed by the warrantor, but no warranty shall be a defense if the person offering it shall have been notified, prior to the sale complained of, that the article or articles mentioned in it were impure within the meaning of this act.

SEC. 14. *Prosecution.* Every district court and every justice of the peace in any city or county, and every police justice or recorder in any city, is hereby empowered on complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act, to issue process, in the name of the board of health of the state of New Jersey, as prosecutor, for the use of the state of New Jersey, or in the name of any local board of health of the township, city, borough, town or other municipal government within whose limits the penalty may have been incurred, as prosecutor, for the use of such township, city, borough, town or other local municipal government; said oath or affirmation, if made by any member, inspector or other officer of the state board of health, or of any local board of health, may be upon information or belief; said process shall be in the nature of either a summons or warrant against the person or persons so charged; when in the nature of a warrant, it shall be returnable forthwith, but before any warrant shall issue out of any district court the judge thereof shall endorse upon the complaint an order in the following or similar words, "let the warrant issue in this case," to which said judge shall sign his name; and when in the nature of a summons, it shall be returnable in not less than one nor more than ten entire days; such process shall state what section of the law is alleged to have been violated by the defendant or defendants; and on the return thereof, or at any time to which the trial shall have been adjourned, the said district court, justice of the peace, police justice or recorder, if no jury be demanded in accordance with the provisions of the next succeeding section, shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings, either for the prosecutor for the recovery of such penalty with costs, or for the defendant or defendants; if such judgment be for the prosecutor as aforesaid, it shall be in the following or similar form: "State of New Jersey, county of ——, ss: Be it remembered that on this —— day of ——, in the year of our Lord nineteen hundred ——, at ——, in said county, C. D., defendant, was, by the district court of the city of T. (or, by me, E. F., justice of the peace, police justice or recorder of the city of ——, or as the case may be) convicted of violating the —— section of the act of the legislature of New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved the —— day of —— A. D. nineteen hundred ——, in a summary proceeding, at the suit of the board of health of the state of New Jersey (or, of the local board of health of the township of A., or as the case may be), as prosecutor; and further that the witnesses in said proceeding who testified for the prosecutor were (name them); and the witnesses who testified for the defendant were (name them); wherefore the said court (or justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the prosecutor recover of the defendant fifty dollars penalty and —— dollars cost of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels, whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof to be there confined until the said

penalty and costs be fully paid, or until he be thence delivered by due course of law;" said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same.

SEC. 15. *Trial.* Either party to any proceeding instituted under the provisions of this act may, at any time previous to the hearing of the complaint in such proceeding, demand a trial by jury, and if a jury is demanded a venire shall be issued to summon a jury of twelve men, being citizens of this state above the age of twenty-one years and under the age of sixty-five years, and in no wise akin to the defendant or defendants, nor interested in the proceeding, to be and appear before the district court, justice of the peace, police justice or recorder issuing the venire, at such time and place as shall be expressed therein, to make a jury for the trial of the matter mentioned therein; and the constable or sergeant-at-arms shall, at the return of the said venire, return, annexed thereto, a panel containing the names of the jurors whom he shall have summoned by virtue thereof; and if, on the return of the venire, it shall appear that one or more of the jurors are disqualified to serve, or do not appear, then it shall be lawful for the constable or sergeant-at-arms who served the same, by order of the court, justice of the peace, police justice, or recorder before whom the trial is to be had, immediately to summon others who shall serve in their stead; such jury, having been first duly sworn or affirmed according to law, with the court, justice of the peace, police justice or recorder before whom the trial is to be had, shall thereupon proceed to hear the testimony, the jury rendering their verdict upon the facts, and the court, justice of the peace, police justice or recorder deciding upon all questions of law; if the jury find the defendant or defendants guilty, the court, justice of the peace, police justice or recorder shall give judgment in the matter, without the filing of any pleadings, for the prosecutor for the recovery of said penalty with costs; if the jury find the defendant or defendants not guilty, the judgment shall be generally for such defendant or defendants; if judgment be given for the prosecutor as aforesaid, it shall be in the following or similar form: "State of New Jersey, county —— ss: Be it remembered that on this —— day of ——, in the year of our Lord nineteen hundred and ——, at ——, in said county, C. D., defendant, was by a jury duly summoned before the district court of the city of T. (or, before me, E. F., justice of the peace, police justice or recorder of the city of ——, or, as the case may be) convicted of violating the —— section of the act of the legislature of the state of New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved the —— day of ——, A. D. nineteen hundred and ——, in a summary proceeding, at the suit of the board of health of the state of New Jersey (or, of the local board of health of the township of A., or as the case may be) as prosecutor; and further, that the witnesses in said proceeding who testified for the prosecutor were (name them), and the witnesses who testified for the defendant were (name them); wherefore, the said court (or, justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the prosecutor recover of the defendant fifty dollars penalty and —— dollars costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law;" said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same.

SEC. 16. *Appeal.* If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provisions of either the fourteenth or the fifteenth section of this act, the dissatisfied party may appeal to the court of common

pleas of the county in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with ^a with the court, justice of the peace or recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; *provided, however*, that no appeal shall be allowed to or taken by any defendant from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed; the court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal; in any case of appeal by a defendant after execution shall have been issued, the court of common pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be; the proceedings for bringing on the hearing of such appeal, and for conducting such hearing, shall be the same as in the case of the trial of causes on appeal to the court of common pleas under the provisions of the act entitled "An act constituting courts for the trial of small causes," approved the twenty-seventh day of March, in the year one thousand eight hundred and seventy-four, and the acts supplementary thereto and amendatory thereof.—*As amended April 4, 1902, Laws of 1902, ch. 183, pp. 580-582.*

SEC. 17. *Execution.* In case judgment as aforesaid shall be rendered against any defendant, in any such proceedings as aforesaid, execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law.

SEC. 18. *Penalty.* The officers to serve and execute any process or execution issued as aforesaid shall be the constable of the county, and within the jurisdiction of any district court shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this state are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year eighteen hundred and ninety-eight; the costs taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in district courts; the penalty recoverable in any such action shall be paid to the prose-

^a So in Statutes.

cutor therein, who shall pay the same into the treasury of this state when such prosecutor is the state board of health, and when the prosecutor is a local board of health such local board shall pay the penalty into the treasury of the township, city, borough, town or other local municipal government within which such local board has jurisdiction; the judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant; and in any case where a warrant shall have been issued may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant to the common jail of the county to be there detained until the hearing or trial of the complaint; and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the same treasury into which it is above required to pay the penalty recovered from any defendant for violation of any of the provisions of this act.

SEC. 19. *False warranty.* Any person who shall give or utter any false warranty of the form prescribed in the fifteenth section of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or imprisonment at hard labor for not more than one year, at the discretion of the court.

SEC. 20. *Annual expenditure.* The state board of health may expend annually for the purposes of carrying out the provisions of this act a sum not exceeding fifteen thousand dollars, which sum shall be paid by the treasurer of this state upon the warrants of the comptroller; *provided, however,* that an appropriation therefor shall first be made by the legislature; and should this act go into effect the sum appropriated to the use of the dairy commissioner shall be placed to the account of the state board of health.

SEC. 22. *Sundry acts repealed.* The following acts are hereby repealed: "An act to protect butter and cheese manufacturers," approved March twenty-third, eighteen hundred and sixty-five; "An act relative to the dairy commissioner," approved June thirteenth, eighteen hundred and ninety-five; "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, eighteen hundred and eighty-two, and all acts supplementary thereto and amendatory thereof; "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, eighteen hundred and eighty-one, and all acts supplementary thereto and amendatory thereof; "An act to prevent the adulteration of candy," approved March fourteenth, eighteen hundred and ninety-five; and "An act to prevent deception in the sale of cakes and biscuits and to preserve the public health," approved March twenty-second, eighteen hundred and ninety-five, and all other acts and parts of acts inconsistent with this act.

SEC. 24. *Effect.* This act shall take effect on the first day of November, in the year nineteen hundred and one.

Approved March 21, 1901. Acts of 1901, ch. 85, p. 186.

SEC. 1. *Municipal inspectors.* The board of health of any municipality in this state shall have the power to designate from among its sanitary inspectors one or more inspectors who shall be known as inspector or inspectors of foods and drugs of such municipality, and whose duties shall be, besides the usual duties of a sanitary inspector in such municipality, to aid in the enforcement of the act to which this is a supplement, and who shall have all the powers and authority given or to be given

by said act or the acts supplementary thereto or amendatory thereof to any inspector appointed thereunder.

Approved March 30, 1904. Laws of 1904, ch. 211, p. 374 (supplement to act of March 21, 1901, ch. 85).

SEC. 6. *Standardizing of foods and drugs.* The State board of health shall, from time to time, have power to fix the limits of variability permissible in any article of food or drug, the standard of which is not fixed in any law of this State.

SEC. 7. *Effect.* This act shall take effect immediately.

Approved April 4, 1902. Session Laws 1902, ch. 183 (supplement to act of March 21, 1901, ch. 85).

ALCOHOLIC BEVERAGES.

297. (1.) *Adulteration of distilled liquors or wines prohibited; penalty.* If any person or persons shall manufacture or import already manufactured, or barter or sell, or keep in his possession for barter or sale, any rum, brandy, wine or spirits of any kind, or any other liquid of which distilled spirits shall form a component part, to be used as a beverage, that shall be adulterated or manufactured with spurious or poisonous ingredients of any description, the person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court.

298. (2.) *Adulteration of malt liquors prohibited; penalty.* If any person or persons shall adulterate, mix, compound or poison any malt liquors, with intent to barter or sell the same, or to mix, compound or poison any malt, or vinous or spirituous liquors, the one with the other, or in any way whatever, or give, barter, or sell the same, with intent to make greater profit, or with intent to produce intoxication or stupefaction, every person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

Approved April 6, 1871. General Statutes 1895, vol 1, pp. 1104-1105.

BREAD (BAKERIES, CONFECTIONERIES, ETC.).

SEC. 1. *Length of working day; employees as witnesses.* No employee shall be required, permitted or suffered to work in a biscuit, bread or cake bakery, or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such person shall so work during such week; but it shall be lawful in cases of emergency for employers to permit any employee and for the latter to work an additional time not exceeding two hours per day, such extra work to be remunerated at the current rate of the weekly wages paid to such employee for his weekly work of sixty hours; no employee in any biscuit, bread or cake bakery shall be discharged by his employer for having made any truthful statement as a witness in a court or to the factory inspector or a deputy factory inspector, in pursuance of this act.

SEC. 2. *Plumbing and ventilation.* All buildings or rooms, occupied as biscuit, bread or cake bakeries, shall be drained and plumbed in a manner to conduce to the proper and healthful sanitary condition thereof, and constructed with air-shafts, windows or ventilating pipes sufficient to insure ventilation, as the factory inspector or any of his deputies shall direct; no cellar or basement not now occupied as a bakery shall

hereafter be occupied and used as a bakery, and a cellar bakery heretofore occupied, when once closed shall not be re-opened, unless the proprietor shall have previously complied with the provisions of this act.

SEC. 3. *Construction and care of bakeries, storehouses and factories for meal products, etc.* Every room used for the manufacture of flour or meal food products shall be at least eight feet in height, and shall have, if required by the factory inspector or a deputy factory inspector, an impermeable floor, constructed of wood properly saturated with linseed oil; the side-walls of such rooms shall be plastered or wainscoted, except where brick walls are shown, and, if required by the factory inspector, or a deputy factory inspector, shall be whitewashed at least once in three months; the furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful, sanitary and clean condition; no domestic animal, except cats, shall be allowed to remain in a room used as a biscuit, bread or cake bakery, or for the storage of flour or meal food products.—*As amended March 24, 1903, Laws of 1903, ch. 64, p. 98.*

SEC. 4. *Storage of flour of meal products.* The manufactured flour of meal products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleaned.

SEC. 5. *Washrooms, etc., in bakeries.* Every such bakery shall be provided with a proper wash-room and water-closet or closets, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth-closet or privy shall be within or communicate directly with the bake-room of any bakery, hotel or public restaurant.

SEC. 6. *Sleeping rooms in bakeries.* The sleeping places for the persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored, and the factory inspector or a deputy factory inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed in compliance with sanitary principles.

SEC. 7. *Penalty.* Any owner or proprietor of the business of any biscuit, bread or cake bakery who shall violate any provision of sections one or ten of this act, or any act amendatory hereof or supplementary hereto, or shall refuse or omit to comply with any requirement of the factory inspector or deputy factory inspector as herein provided, or who shall, for thirty days after receiving notice in writing from any person or persons requiring compliance with the provisions of this act, refuse or omit to comply with the provisions of sections two, three, four, five or six of this act, shall forfeit and pay for the first offense a penalty of one hundred dollars, and for each subsequent offense a penalty of two hundred and fifty dollars.—*As amended March 24, 1903, Laws of 1903, ch. 64, pp. 98-99.*

SEC. 8. *Enforcement by factory inspector and deputy.* The factory inspector, and the deputy factory inspectors within their respective districts, shall require and enforce compliance with all the provisions of this act, and for that purpose it shall be the duty of the factory inspector to personally visit and inspect all biscuit, bread and cake bakeries, and rooms or places used for the storage of flour or meal food products, or to cause such visit and inspection to be made by a deputy factory inspector within his own district not less than once in six months; and whenever a complaint in writing, signed by any worker or employe in any such bakery, shop or place, or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said factory inspector, or a deputy factory inspector, stating that any provision of this act is being violated in any bakery, shop or place therein designated, it shall be the duty of the said factory inspector in any event, and also of the deputy factory inspector within his own district, if such complaint is received by him, to forthwith visit and inspect the bakery, shop or place so designated; every such visit or inspection shall be made in the presence of those then working or employed in any such bakery, shop or place during the usual hours of employment

therein; and thereupon the said factory inspector, or a deputy factory inspector within his own district, upon being satisfied that all the provisions of this act, and of all acts amendatory hereof or supplementary hereto, are being complied with therein, may issue a certificate to the person, persons or corporation conducting or carrying on any such bakery, shop or place, that the same is conducted in compliance with the provisions of this act, and of the acts amendatory hereof and supplementary hereto.—*As amended March 24, 1903, Laws of 1903, ch. 64, p. 99.*

SEC. 9. *Serving of notices.* Any notice given under or pursuant to this act, or any act amendatory hereof or supplementary hereto, shall be in writing, and may be served upon such owner or proprietor either personally or by mail, or by leaving the same at the bakery, shop or place therein designated or referred to, during the usual hours of employment therein; and the mailing of any notice, with postage prepaid, directed to such owner or proprietor at his last-known post-office address, or to the address of any bakery, shop or place therein designated or referred to, shall be deemed sufficient.—*As amended March 24, 1903, Laws of 1903, ch. 64, p. 100.*

SEC. 10. *Employees under eighteen years of age.* No person under the age of eighteen years shall be employed, or required, permitted or suffered to work, in a biscuit, bread or cake bakery between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.—*Added March 24, 1903, Laws of 1903, ch. 64, p. 100.*

SEC. 11. *Prosecution; disposition of fines.* Any penalty incurred under or by virtue of any provision of this act, or of any act amendatory hereof or supplementary hereto, may be recovered in an action of debt in any court of law of this state having jurisdiction of civil causes, to be brought by and in the name of any person or persons of full age, or corporation, who will bring the same, which action may be commenced, as in ordinary cases, by summons, which need not be endorsed as in *qui tam* actions, and shall be proceeded with therein, as in ordinary cases, in the court where such action is brought, and the finding or verdict shall be that the defendant has or has not (as the case may be) incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; and in case of recovery one-half of the amount of the judgment recovered shall belong to the person, persons or corporation by whom the action is brought and the other half thereof shall be paid by the person, persons or corporation recovering the same to the treasurer of the state of New Jersey for the use of the state; in case execution shall be issued in such action and returned unsatisfied, the court, on application and two days' notice to the defendant or defendants, may award an execution to take the body of the defendant or defendants, as in other cases where a *capias* or warrant may issue out of the court wherein such action is brought, and thereafter the rights, remedies and liabilities of the parties, and the proceedings in the case, shall be the same, as nearly as may be, as in other actions in such court where an execution to take the body of the defendant or defendants has been issued.

Approved April 16, 1896. Laws of 1896, ch. 181, pp. 266–268.

SEC. 1. *Bakery defined; department of labor to enforce law.* For the purposes of this act and the act to which it is a supplement biscuits, pies, bread, crackers, cakes and confectionery shall be interpreted to be goods, and places wherein the same are made or manufactured shall be held and considered as places where goods are manufactured; the word bakery in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured, and the provisions of this act, or any supplement thereof or amendment thereto, shall be enforced by the department of labor, and it shall be the duty of the officers of that department to enforce the provisions of this act; all suits brought for violations of any of the provisions of this act shall be brought in the manner and under the same restrictions as is provided for bringing suits under the act to which this is a supplement.

SEC. 2.^a *Working hours in bakeries.* No employe shall be required, permitted or suffered to work in any bakery more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such employe shall so work during such week, but it shall be lawful, in cases of emergency, for an employer to permit any employe to work an additional time, not exceeding two hours per day, such extra work to be remunerated at the rate of weekly wages paid to such employe for his week of sixty hours; no employe in any bakery shall be discharged by his employer for having made any truthful statement as a witness in a court, or to the commissioner, assistant commissioner of labor, or any inspector in pursuance of this act, or any act amendatory hereof or supplementary hereto.

SEC. 3. *Plumbing and ventilation.* All buildings or rooms where goods are manufactured or made shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof, and shall have airshafts, windows or ventilating pipes sufficient to insure ventilation; no cellar, basement, or place which is below the street level, shall hereafter be used and occupied as a place in which to manufacture biscuits, pies, bread, crackers, cakes and confectionery, except where the same was used for that purpose at the time of the passing of this act.

SEC. 4. *Construction and care of bakeries.* Every room used for a bakery shall be at least eight feet in height and shall have, if required by the said commissioner or assistant commissioner, an impermeable floor, constructed of wood properly saturated with linseed oil; the sidewalls of such rooms shall be plastered or wainscoted, except where brick walls are shown, and if required by the said commissioner or assistant commissioner, shall be whitewashed at least once in three months; the furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful, sanitary and clean condition; the commissioner shall have the power to order that any bakery shall be cleaned in such manner as he shall direct; no domestic animal, except cats, shall be allowed to remain in a room used as a bakery.

SEC. 5. *Storage of bread, cake, etc.* Biscuits, pies, bread, crackers, cake and confectionery, after the same are made or manufactured, shall be kept in dry and airy rooms; the floors, shelves, pans, trays and every kind of appliances used for storing the same shall be so arranged that they can be easily and thoroughly cleaned.

SEC. 6. *Washrooms, etc., in bakeries.* Whoever shall conduct a place covered by the provisions of this act shall provide a proper washroom and water-closet or closet separate and apart from the room or rooms in which the manufacture of the goods is carried on; no water-closet, earth-closet or privy shall be within or communicate directly with the room in which goods covered by the provisions of this act are made or manufactured.

SEC. 7. *Sleeping quarters in bakeries.* Sleeping places for persons employed in a bakery shall be kept separate from the room or rooms used for a bakery, and the commissioner or assistant commissioner or an inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed, in compliance with sanitary principles.

SEC. 8. *Enforcement by commissioner of labor.* The commissioner of labor shall be required to enforce compliance with all the provisions of this act, and for that purpose it shall be his duty to have all bakeries visited and inspected at least once in six months; and whenever a complaint in writing, signed by any employe in any such bakery or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner stating that

^aSections 2-7 and section 9 are practically identical with secs. 1-6 and sec. 10 of the law of 1896. See pp. 380 to 382.

any provision of this act is being violated in any bakery, it shall be the duty of the said commissioner forthwith to have the said bakery concerning which complaint is made visited and inspected; the visits or inspections shall be made in the presence of those then working or employed in said bakery and during the usual hours of employment therein.

SEC. 9. *Employees under eighteen years of age.* No person under the age of eighteen years shall be employed, allowed, permitted or required to work in any bakery between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon following.

SEC. 10. *Serving of notices.* All notices given under or pursuant to this act, or any act supplementary thereof or mandatory thereto, shall be in writing, signed by the commissioner of labor, and may be served upon the owner or proprietor of the place wherein such violation occurred either by delivering the same to him in person or by sending it to him by mail at his last known postoffice address, with postage prepaid; if his postoffice address is not known, then the said notice may be mailed to the address of the bakery or place wherein such violation shall have been committed; the notice providing for the doing of any act or the abating of anything forbidden by this act shall fix the time within which such act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

SEC. 11. *Penalty.* Any person violating any of the provisions of this act, or any owner or proprietor who fails to obey any order of this act, shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each subsequent offense.

Approved April 5, 1905. Laws of 1905, ch. 102, pp. 203-206; Supplement to an Act approved March 24, 1904.^a

SEC. 1. *Weight of loaves; freedom from foreign substances.* That hereafter all bread sold in this state shall be sold by weight, and the weight of all loaves of bread offered for sale shall be specified by the baker or dealer to the consumer, if said consumer require it; all bread sold shall be free from all impure or foreign substances or any material injurious to health.

SEC. 2. *Penalty.* Any person offending against the provisions of this act by refusing to specify the weight when so required, or by falsely specifying said weight intentionally or by wilfully inserting in bread made or sold by him any impure or foreign substance or material injurious to health, shall, upon conviction therefor, be punished by a fine not exceeding the sum of twenty-five dollars for each offense, in the discretion of the court.

SEC. 3. *Enforcement.* Any offences under this act shall be cognizable in cities before recorders or police magistrates exclusively where there are such magistrates, and in towns, cities and other places where there is no such magistrate, before a justice of the peace.

SEC. 4. *Effect.* This act shall take effect on the first day of August, one thousand eight hundred and ninety-six.

Approved April 16, 1896. Laws of 1896, ch. 178, p. 261.

DAIRY PRODUCTS.

1. *Cooper's brand on butter firkins, etc.; penalty.* Every cooper or manufacturer of firkins, tubs or other vessels for the package of butter or cheese, shall brand in legible letters and characters, upon every such firkin, tub or vessel by him manufactured, his name, together with the actual and true weight of such firkin, tub or

^a Evidently an error; refers to law of 1903.

vessel, and if any cooper or manufacturer shall dispose of any such firkin, tub or vessel without such brand, or shall falsely brand the same, he shall forfeit and pay to such person as shall prosecute for the same, the sum of twenty-five dollars; to be recovered by action of debt in any court of competent jurisdiction.

2. *Unbranded firkins not to be used; penalty.* It shall not be lawful for any person to sell and dispose of any butter or cheese packed or placed in any firkin, tub or vessel manufactured or made for such purpose in this state, unless such firkin, tub or vessel shall be branded in the manner provided in the first section of this act, and if any person shall disregard this provision or shall alter or purposely deface the brand which may be made under the direction of this act, every such person shall forfeit and pay the sum of twenty-five dollars to such person as shall sue for the same, to be recovered in an action of debt, in any court of competent jurisdiction.

Approved April 7, 1864. General Statutes 1895, vol. 1, p. 1164.

520. (1) *Municipal milk inspectors; licenses; fees.* It shall be lawful for the common council, board of aldermen or other governing body of any city, incorporated borough, police, sanitary or improvement commission, incorporated camp meeting association or seaside resort, to provide for the appointing of a milk inspector or of milk inspectors for their respective municipal corporations, to prescribe their duties and to fix their salaries, and further to provide for the licensing and regulating of all persons engaged, either as principals or as agents, in the sale of milk within their respective corporate limits, and to require as a prerequisite to engaging in such business a yearly license fee to be paid by the person, firm, or corporation conducting said business.

521. (2) *Character of license.* Each license shall allow the person, firm or corporation licensed, or his or their agent or agents named in such license, to sell milk within the corporate limits of the municipal corporation granting the license from one store or stand, from one cart or wagon, or from one pail or other receptacle carried in the hand; *provided*, that nothing herein contained shall limit the number of licenses which may be granted to any person, firm or corporation.

522. (3) *Fines and penalties.* The aforesaid municipal corporations shall have power to fix and establish fines and penalties, not exceeding fifty dollars for each offense, for the selling of milk without a license, and for the violation of any rule, regulation or ordinance established for the regulating of the sale of milk within their respective corporate limits; and that such fines and penalties shall be recovered as other fines and penalties are or may be recovered in the respective municipal corporations.

523. (4) *Use of license fees.* At least two-thirds of the sum collected in any municipal corporation in one year from milk license fees shall in that year be expended in paying the salaries and expenses of a competent inspector or competent inspectors of milk for said municipal corporation.

524. (5) *Inspector's records.* It shall be the duty of each inspector, in addition to the duties imposed upon him by the municipal corporation appointing him, to keep a complete record of all his daily doings and proceedings as inspector, giving a full account of each inspection or examination of milk made by him, including the name of the person, firm or corporation owning or claiming to own the milk inspected, the names of the agents in charge, the place and manner in which the said milk was offered for sale, together with the results of each test and analysis; that said records shall be the property of the respective municipal corporations and shall at all times be subject to their control.

525. (6) *Complaints by inspector.* It shall be the duty of each inspector to make complaint against all persons discovered by him in violation of any rule, regulation or ordinance which may be passed in conformity to the provisions of this act.

526. (7) *Powers of municipal inspectors same as those of state officers; application of fines, etc.* Each inspector appointed by a municipal corporation shall have the same power, authority, rights and privileges, and shall perform the same duties within the corporate limits of the municipal corporation for which he is appointed as are now or may hereafter be possessed and performed by the state inspector of milk; *provided*, that all penalties collected in any suit instituted by him under the laws of this state governing and regulating the adulteration of milk and the sale of milk, shall be paid into the treasury of the municipal corporation for which he acts, and the expense of such suits shall be borne by said municipal corporation.

527. (8) *Second conviction.* No person twice convicted of knowingly violating the state law governing the sale of milk or the adulterating of milk, shall, for the space of two years, be allowed to conduct or be engaged in the business of selling milk within any municipal corporation in this state; that his license, if he have one, shall be void, and no new license shall be granted to him for the space of two years.

528. (9) *Repeal.* All other acts and parts of acts authorizing the imposition of a license fee upon any person engaged in the milk business, and all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 10, 1882. General Statutes 1895, vol. 2, pp. 2235-2236.

65. (1) *Diluted or adulterated milk prohibited in cities of first class.* No milk which has been watered, adulterated, or changed in any respect by the addition of water, or other substance, or by removal of cream, or any part thereof, shall be kept or offered for sale in any city of the first class in this state.

66. (2) *Penalties.* Any person who shall violate any of the provisions of this act shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for a second or subsequent offense, and that such penalties shall be recovered upon like evidence, by like procedure, and in the same method now provided for the collection of fines and penalties, under the act entitled "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two. ^a

Approved March 23, 1883. General Statutes 1895, vol. 1, p. 1174.

4. (1) *Imitation butter or cheese must be legally labeled.* No person shall offer or expose for sale, or sell, or have in possession for the purposes of sale, any oleomargarine or butterine or suine, or any substance in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or cream from pure milk, unless contained in, or sold out of or in tubs, pails, firkins, vessels or other packages marked and labeled as required by section three of this act.

5. (2) *Compound butter or cheese must be legally labeled.* No person shall offer or expose for sale, or sell, or have in possession for the purposes of sale any mixture or compound of natural butter or cheese with oleomargarine, butterine, suine, or any animal or vegetable or mineral fat or oil, or any substance not the product of pure milk or cream from pure milk, except such mixture or compound shall be sold out of or in or contained in tubs, firkins, pails, vessels or packages marked or labeled as required by section three of this act.

6. (3) *Labels prescribed.* No oleomargarine, butterine or suine, or any substance or compound or mixture in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of animal or vegetable or mineral fat or oil, not the product of pure milk or cream from pure

^a Repealed, see p. 379, General Food Law.

milk, shall be sold or exposed or offered for sale, or held in possession for the purposes of sale, except when contained in tubs, pails, boxes, firkins, vessels or other packages that are marked or labeled as follows, to wit: every such tub, pail, box, firkin or other vessel or package shall have painted on the outside thereof, and midway between the top and bottom thereof, a stripe or band at least three inches wide, and extending completely around said vessel or package, and said stripe or band shall be painted with black paint; every such vessel or package shall have legibly branded and burnt in, by means of a branding or burning-iron, on the outside of the cover and on the outside of said vessel or package, in two places as nearly opposite each other as possible, the words "oleomargarine", "butterine", "suine" or "imitation butter", or "imitation cheese", as the case may be, and said name or title shall be composed of Roman letters at least one-half an inch high and at least one-quarter of an inch broad, and said name or title shall be at least ten inches long; and every such tub, pail, box, firkin or other vessel or package shall bear a label or shall have branded on it a mark giving the name and address of the maker of the contents thereof, and the name and location of the manufactory.

7. (4) (Amended by sec. 24, *post.*)

8. (5) *Coloring of imitation butter or cheese prohibited.* No person shall offer or expose for sale, or sell, or have in possession for the purposes of sale, any oleomargarine, butterine, suine, or any substance in imitation of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or cream from pure milk, that is colored, stained or mixed with annatto or any other coloring matter or substance.

9. (6) *Definitions.* For the purpose of this act the terms "natural butter", or "natural butter or cheese", shall be taken to mean the product or products usually known by these names and which are made and manufactured exclusively from milk or cream, or both, with salt or salt and rennet, and with or without coloring matter or sage; and the terms "oleomargarine", "butterine", "suine" or "substance in imitation or semblance of natural butter or cheese", shall be ^a to mean any substance that is rendered, made, manufactured or compounded out of any animal or vegetable or mineral oil or fat, not the product of pure milk or the cream from pure milk; also, any compound or mixture of natural butter or cheese, or milk or cream, with any of these substances not milk or cream.

10. (7) *Possession evidence of intent to sell.* The possession by any person who is either manufacturer, merchant, broker, wholesale or retail dealer, or a hotel, inn, restaurant, or boarding-house keeper, of any oleaginous substance, mixture or compound whatever as defined by this act, not natural butter, that is not contained in a tub, box, pail or vessel, plainly marked and branded in accordance with the provisions of section three of this act, shall be prima facie evidence of intent to sell the same.

11. (8) *Defacing of brands prohibited.* No person shall in any way or manner erase, cancel or obliterate, deface or cover over or remove either the band or stripe of paint, or the brands required by section three of this act to be placed on the tub, box, pail or vessel containing any oleaginous substance, mixture or compound, as defined by this act.

12. (9) *Penalty.* Every person who shall violate any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense, and two hundred dollars for each second or subsequent offense.

13. (10) *Prosecution.* Every district court in any city, and every justice of the peace in any county, and any recorder in any city, is hereby empowered on oath or affirmation made according to law that any person or persons has or have violated any provision of this act, to issue process at the suit of the commissioner hereafter

^aSo in Statutes.

named as plaintiff, for the use of the state of New Jersey, either in the manner of a summons or a warrant against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons shall be returnable in not less than one or more than ten entire days; such process shall state what provision of the law is alleged to have been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, for the plaintiff, for the recovery of such penalty, with costs, or for the defendant; and the said court, justice of the peace or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and the said court, justice of the peace or recorder is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him, and all the costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding ninety days.

14. (11) *Serving of warrants, etc.* The officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said courts, and before such magistrates and officers as aforesaid, including the constables of such counties and all police officers of such cities.

15. (12) *Adjournment and bail.* Said district court, justice of the peace or recorder shall have power to adjourn the hearing or trial in any case, from time to time, not exceeding thirty days from the return of the summons or warrant, and to bail the person so charged in such sum as he shall deem proper for his appearance at such time and place as said trial or hearing shall be adjourned to, and in default of bail to commit the person so charged to the common jail of said county, to be there detained until the trial or hearing of said charge.

16. (13) *Appeal.* Either the complainant or defendant, upon paying all costs incurred and by filing with said district court, justice or recorder, within ten days after trial before him, a written notice of his or her intention to appeal from the decision of said court, justice or recorder, may appeal to the next court of general quarter sessions of the peace of the county in which said complaint may have been determined, and said court of general quarter sessions shall proceed and try the same and make such adjudications as are herein provided in case of such trial before said district court, justice or recorder.

17. (14) *Disposition of fines.* All penalties imposed under this act shall be, immediately on receipt, paid into the treasury of this state by the commissioner.^a

18. (15) (Refers to appointment of dairy commissioner whose office was abolished and his duties imposed on chief inspector by acts of 1901, ch. 85. See page 391.)

19. (16) (Repealed in effect by acts of 1901, ch. 85, sec. 20. See page 379.)

20. (17) *Powers of inspection and sampling.* The said commissioner,^a and assistants, and clerks, and agents, as shall be duly commissioned so to do by the commissioner, shall have full and free access, ingress and egress to all places of business, factories, farms, buildings, hotels, restaurants, boarding-houses, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products, or any imitation thereof; they shall also have the power to open any package, can or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, if they have reason to believe it is being violated, and may inspect the contents therein, and may take therefrom samples for analysis.

21. (18) *Purpose of act.* This act and each section thereof is declared to be enacted to prevent deception in the sale of oleomargarine, butterine or any imitation of any dairy product, and to preserve the public health.

^aPower now conferred upon chief inspector. See sec. 21, p. 391.

22. (19) *Repeal.* An act entitled "An act for the protection of dairymen, and to prevent deception in sales of butter," approved February twenty-first, one thousand eight hundred and eighty-four, and an act entitled "An act to prohibit the manufacture and sale of impure and imitation dairy products," approved May fifth, one thousand eight hundred and eighty four, and all acts and parts of acts inconsistent or in conflict with this act be and the same are hereby repealed.—*Secs. 1-22, Approved March 22, 1886.*

23.^a (1) *Coloring of imitation butter not permitted.* Nothing in said act shall be so construed as to permit the sale or the offering or exposing for sale, or the having in possession for the purposes of sale, of any oleomargarine or butterine, or any substance in imitation of natural butter, that is colored, stained or mixed with annatto or any other coloring matter or substance.

24. (2) *Notification (verbal and by card) to buyer of imitation butter or cheese.* Section four of said act be and the same is hereby amended so as to read as follows:

(That no person shall sell any oleomargarine, butterine, suine or any substance in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or the cream from pure milk, at retail or in quantities less than the original tub, firkin or other package, unless he shall first inform the purchaser that the substance is not natural butter or cheese, but is imitation butter or cheese, and at the time of sale and with each sale, he shall give to the purchaser a card or notice printed on which shall be the name of the substance sold and the name and address of the seller or vendor, and nothing else shall be printed thereon unless it be the weight of the parcel; and said notice or card shall be at least six inches long and at least four inches wide, and the printing thereon shall be in letters at least of the size known as two-line English, and said notice or card shall be printed in black and in the English language, upon white paper, plainly and legibly, and shall be either upon the outside of the outer wrapper in which the substance is delivered to the purchaser or upon a separate card or paper attached thereto; in either case the notice shall be so placed that no part thereof shall be concealed from view.

25. (3) *Powers of State dairy commissioner.* The state dairy commissioner ^b is hereby directed and empowered to aid in the enforcement of the provisions of an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one, and said commissioner ^a and his assistants and agents are hereby clothed with the same powers as are conferred on inspectors or officers by the provisions of said act, and the expenses of such enforcement shall be paid out of the appropriation made for the purposes of the act to which this is a supplement.

26. (4) *Appointment of chemists.* The state dairy commissioner ^a may appoint the chemist or chemists, analyst or analysts required by the provisions of this act or the act to which this is a supplement, and fix the compensation to be paid such chemists or analysts.

27. (5) *Form of conviction.* The conviction in prosecutions under the act to which this is a supplement shall be in the following or similar form:

State of New Jersey, county of A., ss.

Be it remembered that on this ——— day of ———, at ———, in said county, C. D., defendant, was, by the district court of the city of J. (or by the recorder, or as the case is), convicted of violating the ——— section of "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six, in a summary proceeding at the suit of A. B., state dairy commissioner, who sues for the use and benefit of the state of New Jersey, plaintiff,

^a Secs. 23 to 28 form a supplement to the act of March 22, 1886, secs. 1-22 preceding.

^b Power now conferred on chief inspector, see sec. 21, p. 391.

upon a complaint made by E. F.; and, further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); wherefore the said court (or recorder, or as the case is) doth hereby give judgment that the plaintiff recover of the defendant one hundred dollars penalty, and ——— dollars costs of this proceeding;

The said conviction shall be signed by the judge of the district court, recorder or other magistrate before whom the conviction is had; in case of the infliction of a penalty of two hundred dollars the conviction shall contain a statement that it appeared that the defendant had been previously convicted of violating the said act; when an appeal is taken there shall be sent to the appellate court a copy of the complaint, summons, conviction or judgment and notice of appeal; the costs in prosecutions under the act to which this is a supplement shall be the same as costs in the district courts in actions on contract.

28. (6) Effect. This act shall take effect on May first, one thousand eight hundred and eighty-seven.—*Secs. 23–28, approved April 21, 1887.*

29. (1) Artificial color in imitation butter forbidden. No person, by himself or his agents or servants, nor as an agent or servant, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be artificially colored in imitation or semblance of yellow butter produced from pure unadulterated milk or cream of the same; *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in the manner regulated by the act to which this is a supplement, and in such manner as will advise the consumer of its real character, free from artificial color that cause ^a it to look like butter.

30. (2) Penalty. Any person or persons who shall sell any article mentioned in the preceding section of this act representing the same as butter made from unadulterated milk or cream or any product other than it really is except in the manner provided in existing laws, shall be guilty of a misdemeanor, and upon conviction thereof be punished by imprisonment not exceeding six months or a penalty of two hundred dollars in the discretion of the committing magistrate or court.—*Secs. 29–30, approved March 25, 1895.*

General Statutes 1895, vol. 1, pp. 1164–1169.

67. (1) Milk contaminated by communicable disease. When the state board of health, or any officer thereof, duly authorized in writing by such board to act for or on behalf of said board, shall have reason to believe that any milk has been contaminated by the emanations, exhalations or discharges of any person sick with communicable disease, it shall be lawful for the said state board of health, or the officers so authorized to act in the premises, to prohibit the transportation or sale of any milk suspected to be contaminated as aforesaid, and also to prohibit the transportation or sale of any milk which may be produced, stored, or kept or found upon any premises infected by such disease; such prohibition shall continue until the state board of health, or the officer authorized to act in the premises as aforesaid, shall in writing remove such prohibition.

68. (2) Penalty. That any person or persons who shall transport or sell any milk, the sale and transportation of which has been prohibited, pursuant to the provisions of the first section of this act, shall be liable to a penalty of fifty dollars, to be recovered by the state board of health in an action upon contract for the uses of the state of New Jersey in any court of record within said state.

Approved March 28, 1895. General Statutes 1895, vol. 2, p. 1647.

^aSo in Statutes.

SEC. 7. *Care of cows.* No person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed any cow kept for the production of milk on swill, or on any substance in a state of putrefaction or rottenness, or on any substance of an unwholesome nature, or on any food or substance that may produce diseased or unwholesome milk; and no person shall distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which is the product of cows so kept or fed.

SEC. 8. *Contaminated milk.* No person having the possession or care of any milk shall permit it to be exposed to, or contaminated by, the emanations, discharges or exhalations from any person or persons sick with any contagious disease; and no person shall distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been so exposed or contaminated.

SEC. 9. *Skimmed milk.* No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any milk from which the cream or any part thereof has been removed, unless every can, vessel or package containing such milk shall have a metal label or tag of metal distinctly, durably and permanently soldered in a conspicuous place upon the outside and not more than six inches from the top thereof, with the words "skimmed milk" stamped, indented or engraved on the label or tag in letters not less than two inches in height, and the several lines of which shall be not less than three-eighths of an inch in width; *provided, however,* that every glass bottle, in lieu of such label or tag, may have blown in it the words "skimmed milk" in letters which shall not be less than one inch in height, and the several lines of which shall be not less than one-eighth of an inch in width; such milk shall only be sold or shipped in or retailed out of a can, bottle, vessel or package so marked.

SEC. 10. *Butter and cheese.* No person shall sell, supply or bring to be manufactured to any person or party operating any cheese or butter manufactory in this state any milk which, under any of the provisions of this act, is or shall be deemed to be impure, or from which the cream or any part thereof has been removed, or the sale of which by any of the provisions of this act is prohibited.

SEC. 21. *Dairy commissioner abolished.* The office of state dairy commissioner is hereby abolished, and all duties now imposed upon the state dairy commissioner by an act of the legislature not repealed by this act, shall hereafter be performed by the chief inspector appointed under the authority of this act, and under the direction of the state board of health.

Approved March 21, 1901. Acts of 1901, ch. 85, p. 186.

SEC. 1. *Unwholesome water for cows or for washing utensils.* No person shall knowingly distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been produced by cows that have not been daily supplied with pure and wholesome water; and no person shall wash or attempt to cleanse any can or utensil used for handling or transporting milk, in water which he shall have reason to believe is polluted, contaminated or impure.

SEC. 2. *Penalty.* Every person who shall violate any of the provisions of the first section of this act shall be liable to a penalty of fifty dollars, which shall be recoverable in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this act is a supplement.

SEC. 3. *Date of taking effect.* This act shall take effect immediately.

Approved April 7, 1903. Laws of 1903, ch. 126, p. 210.

SEC. 1. *Care of milch cows.* Whenever any person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed any cows kept for the production of milk on swill or any substance in a state of putrefaction or rottenness, or on any substance of an unwholesome nature, or on any substance that may

produce disease or unwholesome milk; or who shall sell or distribute, or offer to sell or distribute, or have in possession with intent to sell or distribute any milk which is the produce of cows so kept or fed, then it shall be lawful for the state board of health to file a bill in the court of chancery in the name of the state, on the relation of such board, for an injunction to prohibit the keeping of cows for the production of milk in such crowded or unhealthy place or condition, or the feeding of cows on swill or any substance in a state of putrefaction or rottenness, or any substance of an unwholesome nature, or on any food or substance that may produce disease or unwholesome milk, or the continuance of the sale, distribution or transportation of such milk as the case may be, and for such other or further relief in the premises as the court of chancery shall deem proper.

Approved March 28, 1904. Laws of 1904, ch. 99, p. 224.

SEC. 1. *Cleansing of milk cans.* It shall be the duty of any person, persons or corporation to whom milk is shipped by any person in this state, before returning to such shipper the can or vessel used for transporting such milk, to remove all milk from such can or vessel and to thoroughly rinse such can or vessel with pure water or to cause the same to be done; and it shall be the duty of any person, persons or corporation shipping milk to any point or points within or without this state to thoroughly cleanse, or cause to be cleansed, the can or vessel used for transporting such milk before the milk is placed therein.

SEC. 2. *Penalty.* Whenever any person, persons or corporation shall violate any of the provisions of the first section of this act, such person, persons or corporation shall be liable to a penalty of twenty-five dollars, which shall be recovered in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this is a supplement.

Acts of 1901, ch. 85, p. 186, as supplemented March 30, 1904, Laws of 1904, ch. 204, p. 365.

FLOUR AND MEAL.

1. *City and county inspectors.* The person administering the government of this state shall from time to time appoint one or more inspectors of flour and meal in each of the cities of Perth Amboy, Burlington, New Brunswick and Trenton, and as many inspectors of flour and meal in each county in this state, as shall appear necessary, who shall hold their respective offices during the pleasure of the person administering the government aforesaid.

2. *Inspector's oath.* The inspectors to be appointed in pursuance of this act, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, before one of the judges of the court of common pleas, viz.: I, A. B., do swear (or affirm, as the case may be) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law.

3. *Flour for export must be inspected and branded.* No wheat flour, rye flour, Indian meal or buckwheat meal, shall be shipped for exportation out of this state to a foreign market, before the same shall have been submitted to the view and examination, and approved of and branded by one of the inspectors aforesaid; and it shall not be lawful for such inspector to brand any cask containing Indian meal, unless the same shall have been made of corn properly kiln-dried, and shall be ground fine and bolted.

4. *Construction and size of casks; manufacturers' brands as to quality, weight, etc.* All wheat flour, rye flour, Indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak or

other suitable timber, each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chime, and properly nailed, which said casks shall be but of two sizes, one size whereof shall contain one hundred and ninety-six pounds of flour or meal, with staves of twenty inches long, and each head sixteen inches and one-half diameter, the other size whereof shall contain ninety-eight pounds of flour or meal, the staves whereof may be twenty-two inches long, and each head fourteen inches diameter, or the staves may be twenty-seven inches long, and each head not to exceed twelve inches diameter, both which sizes of casks shall be made nearly straight, for the convenience of stowage, and the tare of said casks, respectively, shall be marked on one head with a marking-iron; *provided, nevertheless*, that nothing in this act shall be construed to prevent the packing of Indian meal in hogsheads, for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal, packed as aforesaid, shall be branded with the initials of the Christian name and surname of the manufacturer thereof, at full length, together with the net weight of the flour or meal which shall be contained in each cask, except hogsheads of Indian meal, on which the net weight only shall be branded; and on each cask of wheat flour intended for the first quality, shall be branded the word "superfine," and on each cask intended for second quality, shall be branded the word "fine," and on each cask intended for the third quality, shall be branded the words "fine middlings," and on each cask intended for the fourth quality, shall be branded the word "middlings," and on each cask of rye flour intended for the first quality, shall be branded the words "superfine rye flour," and on each cask intended for the second quality, shall be branded the words "fine rye flour," and on each cask of Indian meal shall be branded the words "Indian meal," and on each cask of buckwheat meal shall be branded the word and letter "B. meal," before either, respectively, shall be offered for inspection; and the manufacturer or owner of any flour or meal put up in a cask or casks, shall be and hereby is made subject to a penalty of fifty cents for every pound, each, such cask is tared less than the true weight thereof; and any inspector of flour or meal having reason to suspect such cask or casks to be falsely tared, may ascertain the same, by a suitable examination thereof.

5. *Inspectors' brands; fees and penalties.* It shall be the duty of the said inspectors, upon application to them made, to examine and determine the quality of such flour and meal, and on each cask made and branded, and the flour or meal packed therein agreeably to this act, he shall then, and not otherwise, brand the initial letter of his Christian name, and his surname at full length, together with the name of the city, town or county where the same is inspected, on the quarter, in a distinguishable manner; and in all cases where the brands describing the quality of flour or meal shall not in his judgment be branded according to its respective kinds and qualities, he shall alter the same so as to describe the real quality, according to the true intent and meaning of this act; that it shall be the duty of the inspector from time to time to weigh such casks of flour and meal as he or they shall suspect of being too light, and if found not to contain the just and true weight, to mark or brand the same on the head with the word "light," and for each cask which he or they shall so mark or brand with the word "light," such inspector shall be entitled to receive from the owner or shipper of such flour or meal, for his trouble of weighing the same, that is to say, for every barrel or half barrel, the sum of twenty cents, and for each hoghead forty-five cents; and every cask of flour or meal which shall not contain the full weight branded thereon, the manufacturer thereof shall forfeit and pay for every pound weight of flour or meal so deficient, the sum of twenty cents, and on all flour or meal injured in manufacturing, or otherwise damaged so as not to be fit for exportation under any denomination, in the judgment of the said inspector, he shall mark or brand on the same the word "bad," which flour or meal, so marked or branded "light" or "bad," shall not be shipped out of this state to any foreign

market, under the penalty of five dollars for every cask so marked or branded, to be recovered in any court having cognizance thereof, by action of debt, by any person who shall prosecute for the same; and for the trouble aforesaid the said inspectors shall be entitled to receive two cents for each and every cask of flour or meal, and four cents for each and every hogshead of Indian meal, he shall so inspect or examine, to be paid him by the owner or possessor of such flour or meal, who shall charge the buyer or purchaser of such flour or meal with one-half of the amount of such inspection over and above the price of such flour or meal.

6. *Penalty for failure to submit to inspection before purchasing for exportation.* All flour or meal purchased for exportation shall be inspected as aforesaid, at the time and place of such exportation, and if any purchaser of flour or meal for exportation shall not have the same inspected as aforesaid, at the time and place of such exportation, such purchaser or exporter shall forfeit and pay for every cask of flour or meal, five dollars, although the said flour or meal may have been inspected and branded any time previous to such purchase.

7. *Penalty for loading on vessel for export any flour unbranded by inspector.* If any person shall lade, or attempt to lade, on board any vessel, with intent to ship or export the same direct out of this state to any foreign market, any flour or meal, not branded as aforesaid, by one of the inspectors, for good and merchantable flour or meal, such person shall forfeit the same; and if any person shall have exported any flour or meal out of this state to a foreign market, not branded by one of the inspectors for good and merchantable flour or meal, such person shall forfeit and pay the sum of five dollars for every cask of flour or meal so exported.

8. *Inspection of vessels; fine for hindering inspector.* It shall and may be lawful for any inspector of flour or meal to enter on board of any vessel, between sunrise and sunset, to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act; and if any person shall hinder or interrupt any such inspector in so entering on board and searching, every such person shall forfeit and pay one hundred dollars, to be recovered in any court having cognizance thereof, one-half thereof to the use of the overseers of the poor in the city or town where the offense may happen, and the other half to the person prosecuting for the same.

9. *Penalties.* No inspector of flour or meal shall purchase any flour or meal other than for his own private use, under the penalty of five hundred dollars; and if any person shall alter or counterfeit any of the aforesaid brand marks, whether state or private, such person shall forfeit for every such offense the sum of one hundred dollars; and that if any person shall put any flour or meal into any empty casks for sale, which have been branded by the inspector before such casks were emptied, without first cutting out the said brands, such person shall for every cask so repacked forfeit and pay the sum of five dollars; and that every person offering for sale any flour for wheat flour, which shall be found upon examination to be or contain a mixture of Indian meal or any other mixture, such person shall forfeit and pay for every such cask so mixed the sum of five dollars, and the flour shall be liable for the payment thereof.

10. *Recovery of penalties; disposition of same.* All such fines, penalties, and forfeitures aforesaid, not herein otherwise directed to be collected, shall be recoverable before any justice of the peace, or in any court of record in this state having cognizance thereof, by any person who will prosecute for the same, one-half to the prosecutor, and the other half to be paid to the overseers of the poor of the city or town where the fraud is detected; and for the more certain and easy recovery of the penalties for the false tare or brand mark upon any cask of flour or meal, it shall be lawful for the inspectors thereof to seize and sell the same, and out of the net proceeds retain such penalty or penalties, one-half for his own use, and the other half to the overseers of the poor in the city or town where the same may be recovered, to

the use of the poor thereof, and pay the remainder to the owner or consignee of such flour or meal.

Approved February 18, 1813. General Statutes 1895, vol. 2, pp. 1737-1739.

HONEY.

Whereas, The production of honey is an honest and honorable industry of respectable and fast-growing importance in this state, the entire proceeds of which is clear gain to the state; *and whereas*, adulterations with inferior sweets, not gathered by bees, are manufactured and sold under the name of honey, to the great injury of the industry and to the deception of the consumer, if not to the injury of his health; therefore,

1. *Mixed or adulterated honey must be so labeled.* Every person or persons who shall manufacture, sell or cause to be sold any article or substance having the semblance of honey, and yet not the real product of the hive, whether in shape of liquid or comb honey, shall to each package or vessel of such manufactured article or substance, affix on the outside of the package, in a conspicuous place, a distinct printed or written label or brand stating that it is a mixture, and naming the constituent elements used, whether glucose, grape sugar or other adulterant; and every sale of such article or substance not so branded, marked or labeled is declared to be unlawful, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so branded, marked or labeled.

2. (Amended by sec. 4 post.)

3. *Sale, evidence of knowledge of character of article.* Every person who shall knowingly sell, or offer or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale, any article or substance required by the first section of this act to be branded, marked or labeled, not so branded, marked or labeled, shall be guilty of a misdemeanor, and on trial for such misdemeanor, proof of the sale, or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered, and that the same was not branded, marked or labeled as required by this act.—*Approved March 14, 1879.*

4. (1) *Penalty.* Section two of the act entitled "An act to protect the honey industry," approved March fourteenth, one thousand eight hundred and seventy-nine, shall be amended so as to read:

(That every person who shall knowingly sell, or offer to sell, or have in his or her possession, with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be branded, marked or labeled as therein stated, not so branded, marked or labeled, shall for each such offense forfeit and pay a penalty of thirty dollars upon the first suit, and fifty dollars upon the second and each subsequent suit, for such offense, to be recovered with costs in any of the courts of this state, in an action of debt, to be prosecuted in the name of the state of New Jersey, one-half of such penalty to be paid to the informer and the residue shall be paid to the collector of the county in which such suit shall be brought, for the support of the poor of the county.)—*Approved March 22, 1881.*

General Statutes 1895, vol. 2, p. 1685.

MEAT.

11. (1) *Appointment of beef and pork inspectors.* The governor, or person administering the government of this state, for the time being, on the application and recommendation of the common council of any city or town corporate, or the committee of any township within this state, shall appoint and commission one or more inspectors and repackers of beef and pork (who shall not be dealers in the said articles), in such parts of the state as may be deemed necessary and expedient.

12. (2) *Inspector's oath.* Each and every inspector and repacker of beef and pork, appointed and commissioned as aforesaid, shall, before he enters upon the execution of the said office, take and subscribe the following oath or affirmation before one of the justices of the supreme court of this state, or before one of the judges of the court of common pleas in and for the county in which the duties of such office are to be exercised, viz.: I, A. B., do solemnly swear (or affirm) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and repacker of beef and pork, according to the true intent and meaning of the laws of this state relative to the same, and that I will not directly or indirectly brand or suffer to be branded, any casks of beef or pork, but what shall be sound and merchantable agreeably to the said laws; a copy of which said oath or affirmation, subscribed by the person appointed as aforesaid, and signed by the officer by whom it was administered, shall be filed in the office of the clerk of the county where the said inspector and repacker usually resides.

13. (3) *Inspectors' stores.* The inspectors and repackers who may be appointed by virtue of this act, shall provide themselves with good and sufficient stores, capable of receiving and storing such beef and pork as may be brought to them for inspection and repacking.

14. (4) *Construction and capacity of barrels.* All barrels or half barrels in which any beef or pork shall be repacked, shall be made of good well-seasoned white-oak staves and heading, and that every merchantable barrel of salted beef which shall be inspected and repacked by any of the inspectors and repackers appointed or to be appointed by virtue of this act, shall be of the gauge to hold not less than twenty-eight gallons, nor more than thirty gallons, wine measure; and every barrel of merchantable pork shall be of the gauge to hold not less than twenty-nine gallons, nor more than thirty-one gallons of the measure aforesaid, and both shall contain two hundred pounds of cured meat; and every merchantable half barrel of salted beef and pork shall be of the gauge to hold fifteen gallons of the measure aforesaid, and shall contain one hundred pounds of cured meat; each barrel and half barrel shall have thereon at least twelve good and substantial hoops, and the bilge hoops shall be secured by wooden pins or pegs, and the hoops at each end by iron nails; the heads of each barrel and half barrel shall be flagged, and so completely coopered, that in the opinion of the inspector and repacker, it shall be sufficiently tight to prevent the pickle from leaking out; the barrels shall be as nearly straight as possible.

15. (5) *Brands for the qualities of beef.* There shall be three denominations or qualities of beef; the first to be denominated "mess beef," to consist of choice pieces, without hocks, shanks or necks; the second, to be denominated "prime beef," shall not contain more than half a neck and two shanks, with the hocks cut off; the third, to be denominated "cargo beef," shall not have in a barrel more than half a neck and three shanks, all to be good sound beef of cattle well fattened; there shall not be any shanks or bony pieces put into any of the barrels as merchantable, from which the meat has been cut for smoking; no beef shall be repacked until it has been in salt a sufficient length of time, and each barrel shall be repacked with at least three half pecks of salt, not inferior to Lisbon salt, and half barrels half the same quantity of salt; the first denomination shall be branded "New Jersey mess beef," and the initial of the inspector's Christian name, and his surname at full length, together with the name of the place where repacked; the second denomination shall be branded "New Jersey prime beef," and the third "New Jersey cargo beef," with the name of the inspector and place where inspected and repacked as aforesaid, on both the last-mentioned denominations; and half barrels shall contain half the quantity of each description, and shall be branded as the whole barrels.

16. (6) *Brands for three grades of pork.* The said inspectors and repackers shall carefully examine all pork to be by them repacked, and such only as is well fattened shall be branded by them as merchantable; "mess pork" shall consist of the sides

only of good fat hogs, and the barrels containing it shall be branded on one of the heads "New Jersey mess pork," and the initial of the repacker's Christian name, and his surname at full length, with the name of the place where repacked; the second quality shall be denominated "prime pork," and shall consist of good sound fat pork, of which there shall not be in a barrel more than three shoulders with the legs cut off at the knees, and not more than two sizable heads, with the ears and snouts cut off, and which barrel shall be branded on one of the heads "New Jersey prime pork," with the repacker's name and place where repacked as aforesaid; the third quality shall be denominated "cargo pork," and shall not contain more than four shoulders with the legs cut off at the knees, and not more than two heads not exceeding in weight thirty pounds, and which barrel shall be branded on one of the heads "New Jersey cargo pork," with the name of the inspector and place where repacked, as before directed; half barrels of pork shall contain one-half the quantity of, and be in every respect as to quality as the whole barrels; and the respective denominations shall be branded as is directed with respect to whole barrels; each barrel shall have at least one-half bushel of salt, not inferior to Lisbon salt, and each half barrel not less than one peck of the like quality.

17. (7) *Inspection of beef and pork for export.* Every barrel or half barrel of salted beef or pork, which shall be exposed to sale within this state, to be exported from it to any market beyond the sea, or that shall be so exported by the owner thereof, shall, before the sale or exportation thereof, be carefully inspected and examined by one of the inspectors and repackers of beef and pork for the time being, who shall pass as merchantable, and brand as is before directed, each and every barrel and half barrel being of the materials and dimensions hereinbefore directed and described, and which shall respectively contain the quantity and quality of salted beef or pork hereinbefore mentioned and required, packed and secured in the manner aforesaid; and the said inspectors and repackers are hereby required and directed to examine and repack, and brand as aforesaid, all such beef or pork brought to them for inspection or repacking, although the same may not be intended to be exported as aforesaid to any foreign market.

18. (8) *Salting before repacking; care of branding irons.* No beef or pork shall be repacked until the same has been in salt a sufficient time before such repacking, and every inspector and repacker of beef and pork shall carefully secure his branding irons, so as to put it out of the power of his servants and others to obtain and make use of the same contrary to the true intent and meaning of this act.

19. (9) *Packing regulations, April 1–November 1.* All beef and pork repacked between the first day of April and the first day of November, in every year, shall, at the time of repacking the same, be pickled with a good strong pickle, made of salt not finer than Lisbon salt, and each barrel and half barrel shall be well trimmed and secured, as before directed.

20. (10) *Inspectors' fees.* It shall be lawful for every inspector and repacker of beef and pork, to demand and receive from the owners thereof, for inspecting and repacking every barrel of beef or pork, twenty cents, and for every half barrel of beef or pork, twelve cents, if repacked in the store provided by them, and for inspecting and repacking every barrel of beef or pork, if inspected and repacked in any store, yard, or vessel, other than their own, twenty-five cents, and for every half barrel, fifteen cents; for each hoop wanting and put on by the repacker, six cents; for flagging, nailing, pegging, and pickling each barrel, ten cents; and for flagging, nailing, pegging, and pickling each half barrel, six cents, the owner finding or paying for the salt.

21. (11) *Penalty for using branded casks a second time.* No persons shall use casks which have been emptied, after being branded as aforesaid, a second time, unless they shall first erase, scratch out, and effectually deface the repacker's brand off and from every such cask, under the penalty of fifty dollars for every such cask so used.

22. (12) *Neglect of inspector; fine.* If any inspector and repacker of beef and pork shall neglect or delay to repack any beef or pork, when thereunto required by the owner or possessor thereof, for the space of forty-eight hours, every such inspector and repacker shall, for each neglect, pay to such owner the sum of five dollars per barrel.

23. (13) *Penalty for offense of repacker.* For every offense which the said repackers shall commit against the true intent and meaning of this law, and be thereof convicted, he and they so offending shall forfeit fifty dollars, and be rendered incapable of serving again in the said office.

24. (14) *Penalty for mixing contents of branded barrels.* If any person or persons shall, at any time, intermix, take out, or shift, any beef or pork, that has been repacked and branded as aforesaid, every person so taking out, intermixing and fraudulently shifting such beef or pork, and being thereof convicted, shall forfeit and pay twenty dollars for every barrel so disturbed by intermixing or shifting.

25. (15) *Branding by persons not inspectors; penalty.* If any person or persons, other than the said inspectors and repackers, shall brand any casks of beef or pork whatever in the manner directed by this act, every person so offending shall forfeit the sum of twenty dollars for every cask so branded.

26. (16) *Recovery of fines; disposition of same.* All the forfeitures and penalties aforesaid shall and may be recovered, with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same to effect; one-half of which said forfeitures and penalties, when recovered, shall be paid to the overseers of the poor of the town or place where the offense shall be committed, for the use of the poor thereof, and the other half to such person or persons who will sue for the same as aforesaid.

27. (17) *"Extra mess beef" defined; brand.* It shall be lawful for any person or persons to put up or pack beef for ship stores or exportation, under the denomination of extra mess beef if the same shall be of the quality and assorted in manner hereinafter specified, to wit, the best pieces, without hocks, shanks, or necks of oxen or steers, well fattened, and weighing at least six hundred pounds, exclusive of the hide and tallow, and shall be repacked in the same manner as is directed in this act, and shall be branded "New Jersey extra mess beef," and the initials of the inspector's Christian name, and his surname at full length, together with the name of the place where repacked.

28. (18) *Liabilities and perquisites of repackers.* Any person or persons repacking, as aforesaid, shall be liable to all the forfeitures and penalties, and entitled to all the fees which are hereinbefore prescribed and directed.

Public Laws 1836, p. 234, as revised April 10, 1846; General Statutes 1895, vol. 2, pp. 1739-1742.

SEC. 1. *Regulation by local boards of health of slaughter of horses for food.* Local boards of health shall have power to pass, alter and amend ordinances for the following purposes in addition to the purposes now authorized by law:

I. To regulate and control the sale of horses for food, to provide for their inspection both before and after slaughter, and to provide for the granting of permits to carry on the business of slaughtering horses for food.

II. To regulate and control the manner of constructing, preparing, furnishing and caring for houses and buildings used, or intended to be used, for the slaughter of horses in all matters relating to their sanitary condition, and to regulate and control the locating of such houses and buildings.

SEC. 2. *Penalty.* Any local board of health may prescribe a penalty, not exceeding one hundred dollars, for the violation of any ordinance or any section of any ordinance adopted under the authority of this act, which penalty shall be recoverable in the same manner as any penalty may be recovered for the violation of any

ordinance adopted under the provisions of the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, eighteen hundred and eighty-seven, and the supplements thereto.

SEC. 3. *Labels; penalty; prosecution.* No person shall sell, or offer or expose for sale, or in anywise aid in selling, or offering or exposing for sale, any horse flesh unless every carcass, piece and parcel of horse flesh so sold, or offered or exposed for sale, shall have conspicuously attached thereto a label or tag not less than three inches wide and four inches long, on which shall be printed or stamped, in letters not less than one inch in height, the words "horse flesh"; and any person who shall violate any of the provisions of this section shall be liable to a penalty of one hundred dollars; every such penalty may be recovered, with costs, in a summary proceeding either in the name of the board of health of the state of New Jersey or in the name of the local board of health of the township, city, borough, town or other local municipal government within whose jurisdiction the penalty may have been incurred; it shall be the duty of any inspector appointed by the state board of health, and of any member of any local board of health, and of any local health inspector, who shall know or be informed of any violation of any of the provisions of this act, to make, and any other person having such knowledge may make, under oath or affirmation, a complaint in writing against the person or persons, copartnership of persons or corporation incurring such penalty, setting forth the facts of such violation, which complaint may be on information and shall be filed with the clerk of any district court or with any justice of the peace of the county within which the offence may have been committed, or with any police justice or recorder of the city or other municipality within which any local board of health brings suit shall have jurisdiction; and the clerk of the district court with whom any such complaint shall be filed, upon the order of the judge thereof, and the justice of the peace, police justice or recorder with whom any such complaint shall be filed, is hereby authorized and required to issue process in the nature of a summons when the complaint is on information, and in other cases either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and, when in the nature of a summons, shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony of witnesses and the proofs in the case, and to determine and give judgment in the matter without the filing of any pleadings, and, if judgment shall be given in favor of the plaintiff, execution shall forthwith issue against the goods and chattels and person of the defendant or defendants for the amount of the penalty, with costs; the officers to serve and execute any process or execution, issued as aforesaid, shall be the constables of the county, which service and execution, in the case of any process or execution issued out of a district court, shall be made in the same manner and under the same liabilities as other processes and executions issued out of said court are served and executed; the officers to serve and execute any process or execution issued by a justice of the peace, police justice or recorder shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as other processes and executions issued out of the courts for the trial of small causes; the costs recoverable in any case prosecuted in a district court shall be the same as in other cases prosecuted in said court, and in any case prosecuted before a justice of the peace, police justice or recorder they shall be the same as are allowed in cases prosecuted in the courts for the trial of small causes; the penalty recovered in any such action shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

SEC. 4. *Adjournment; bond.* The judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the next preceding section of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant, and in any case where a warrant shall have been issued may require the defendant or defendants to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant or defendants to the common jail of the county, to be there detained until the hearing or trial of the complaint; and if the defendant or defendants shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the plaintiff, who may sue thereon and apply the moneys recovered in such suit to any purpose for which it may be legally authorized to expend money.

SEC. 5. *Form of conviction.* The conviction in prosecutions under the next preceding section of this act shall be in the following or similar form: "State of New Jersey, county of ———, ss. —. Be it remembered that on this ——— day of ———, A. D. 18—, at ———, in said county, C. D., defendant, was, by the district court of the city of T. (or, by me, E. F., justice of the peace, police justice or recorder of the city of ———, or as the case may be), convicted of violating the ——— section of 'An act to provide for the regulation and control of the slaughter of horses and the sale of horse flesh for food,' approved ———, 1899, in a summary proceeding at the suit of the local board of health of the township of A. (or as the case may be); and further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); therefore, the said court (or justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the plaintiff recover of the defendant one hundred dollars penalty and ——— dollars cost of this proceeding."

The said conviction shall be signed by the judge of the the district court, justice of the peace, police justice or recorder before whom the conviction is had.

SEC. 6. *Effect.* This act shall take effect immediately.

Approved March 24, 1899. Acts of 1899, ch. 197, pp. 517-520.

VINEGAR.

1. *Adulteration of cider vinegar.* Every person who manufactures for sale, or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs or acids have been introduced, as may appear by proper tests, shall for each offense be punishable by fine of not less than fifty nor more than one hundred dollars.

2. *Addition of injurious ingredients.* Every person who manufactures for sale, or offers for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offense be punishable by fine of not less than one hundred dollars.

3. *Appointment of inspector; sampling; issuing of certificates; reports.* The board of chosen freeholders of each county in this state may annually, by a majority vote of said board, appoint one person to be inspector of vinegar, who shall be sworn, before entering upon his duties, and who shall have power and authority to inspect and examine all vinegar offered for sale; it shall be the duty of such inspector to examine vinegar offered for sale, and he shall be charged with the enforcement of the various provisions of this act; he shall have full access to and egress from all places of business, factories, stores or other places where vinegar is or may be stored or offered for sale, and the right to examine and take samples from all vessels in which vinegar, or what is branded or otherwise represented to be vinegar, is contained,

and to analyze the same, and to take samples for the purpose of analysis; the salary or compensation for the inspector appointed under this act shall be fixed and determined by the county board, and all salaries or compensation herein referred to shall be raised, levied or provided for in the annual tax levies of such counties; any person or persons willfully preventing or obstructing the said inspector in the performance of his duty shall be deemed guilty of a misdemeanor; it shall also be the duty of such inspector, upon the request of any person owning or having vinegar in his custody, to inspect the same, and whenever such inspection and examination pursuant to such request is made, the inspector shall, upon request of such person, give a certificate showing the percentage of acidity of the vinegar inspected or examined, for which the inspector shall receive and be paid by the person requesting such examination, the sum of one dollar; and upon the request of said person, the inspector shall give an additional certificate which shall show, in addition to the percentage of acidity of the vinegar inspected or examined, its percentage of cider vinegar solids, for which he shall be paid by such person so requesting vinegar to be inspected the sum of three dollars; it shall be the duty of authorities of cities where such inspector is appointed to provide a room or office, and all necessary chemicals and apparatus for the use of such inspector and the proper discharge of the duties of his office; each inspector appointed under the provisions of this act shall keep a book in which entry and date of all inspections and other transactions pertaining to the same shall be made and kept, and the said book shall be subject to the inspection of any citizen of the town or city where such inspector resides; said inspector shall, upon request of the board of health of their respective town or city, make report of all inspections made during the six months preceding such request.

4. *Handling or misbranding adulterated vinegar.* No person shall, by himself, his servant or agent, or as the servant or agent of any other person, sell, exchange, deliver or have in his custody or possession, with intent to sell or exchange, any adulterated vinegar, or label, brand or sell as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure juice, or not made exclusively from apple cider.

5. *Adulteration defined.* All vinegars shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than four and one-half per centum, by weight, of absolute acetic acid, and in the case of cider vinegar, shall contain in addition not less than two per centum, by weight, of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains any artificial coloring matter or less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act.

6. *Branding.* Every person making or manufacturing cider vinegar shall brand on each head of the cask, barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar."

7. *Penalty; prosecutions.* Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars; any person who may have suffered any injury or damage by reason of the violation of any of the provisions of this act, or any inspector appointed under this act, may maintain an action in his own name against any person violating any of the provisions of this act, to recover the penalties provided for such violation, and one-half of the sum recovered shall be retained by such aggrieved person for his own use, and the other half shall be paid to the collector of the county in which such offense was committed, for the use of said county; in case the action is brought by any inspector appointed pursuant to section three of this act, no part of the sum recovered in such action shall be retained by him for his own use; but in any such action so brought by an inspector as aforesaid, he shall not be held personally responsible for costs of suit, and the court

in which such action is commenced, shall, from any penalty recovered in such action, make an allowance to the plaintiff for counsel fees, the remainder, if any, after paying such counsel fees, to be paid to the county collector of the county in which such offense shall be committed, for the use of such county; no person shall be liable for any one offense but in one action, and in case an action is brought by an inspector, it shall be brought in his name as inspector of vinegar.

General Statutes 1895, vol. 3, p. 3744.

SEC. 1. *Standard for cider vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or apple vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of apples, or is not laevo-rotatory, or the total amount of acid, in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than one and six-tenths grams of apple solids or less than twenty-five one-hundredths of one gram of apple ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than thirty cubic centimeters of decinormal acid to neutralize its alkalinity, and shall contain not less than ten milligrams of phosphoric anhydride.

SEC. 2. *Standard for wine vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell as wine vinegar or grape vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of the grape, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contain less than one and four-tenths grams of grape solids, or less than thirteen one hundredths of one gram of grape ash in one hundred cubic centimeters.

SEC. 3. *Standard for malt vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as malt vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, or is not dextro-rotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than two grams of solids or less than two-tenths of one gram of ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than four cubic centimeters of decinormal acid to neutralize its alkalinity and shall contain not less than nine milligrams of phosphoric anhydride.

SEC. 4. *Standard for sugar vinegar, etc.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as sugar vinegar, molasses vinegar or syrup vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of a sugar, syrup, molasses or refiners' syrup, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 5. *Standard for glucose vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as glucose vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of starch sugar, glucose, or glucose syrup, or is not dextro-rotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 6. *Standard for distilled or grain vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as spirit vinegar, distilled vinegar, or grain vinegar, any vinegar which is not made exclusively by the acetous fermentation of dilute distilled alcohol, or the total

amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 7. *Total acid limit; mineral acid, preservatives and coloring matters prohibited.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar, the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains any mineral acid, any artificial coloring matter or any preservative.

SEC. 8. *Labels.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar contained in any barrel, vessel, bottle or package unless such barrel, vessel, bottle or package bears a label or imprint thereon in legible type, designating the name and address of the manufacturer of the vinegar and the name of the particular kind of vinegar contained therein.

SEC. 9. *Penalty.* Any person violating any of the provisions of the first, second, third, fourth, fifth, sixth, seventh or eighth sections hereof shall be liable to a penalty of fifty dollars to be sued for and recovered in the same manner as penalties are recovered under the act to which this act is a further supplement.

SEC. 10. *Repeal.* Sections three and four of the act entitled "A supplement to the act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, anno domini one thousand nine hundred and one," approved April fourth, one thousand nine hundred and two, be and the same are hereby repealed.

SEC. 11. *Effect.* This act shall take effect immediately.

Approved May 22, 1905. Acts of 1905, ch. 245, pp. 475-478. (Supplement to the act approved March 21, 1901. See pp. 373, 391.)

WATER AND ICE.

1. *Right to gather ice.* It shall be lawful for all persons having ice-houses upon the waters of this state to gather the ice in front of their lands, to the middle of the several streams, ponds and lakes upon which they are located.

2. *Interference with ice dealers.* During the time the several ice dealers are gathering their ice crops, it shall not be lawful for any person to interfere with the same except for the purposes of navigation.

3. *Exceptions.* The provisions of this act shall not extend to the owners of mill-ponds, nor shall it extend to parties having the mere right of way upon the shores of the several water-courses of this state.—*Secs. 1-3 approved February 28, 1871.*

4. (1) *Penalty for polluting ice or injuring property for gathering or storing same.* If any person or persons shall maliciously or willfully pollute, corrupt or render impure the ice in front of the lands of persons having ice-houses, as described in the first section of the act to which this is a supplement, or shall willfully or maliciously destroy any engine, machine, tools or other property used for the gathering and storing such ice, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding one hundred dollars or imprisonment at hard labor not exceeding one year, or both.—*Approved March 14, 1882. (Supplement to act approved February 28, 1871.)*

General Statutes 1895, vol. 2, pp. 1695-1696.

307. (1) Approved April 21, 1876. (Amended by Secs. 308 and 311, *post.*)

308. (1) (This section, amending sec. 307, *ante*, is amended by sec. 311, *post.*)

309. (2) *Burial of offal, etc., near creeks or ponds.* It shall be the duty of the owner or owners, occupant or occupants of any land whereon any such carcass, offal or other offensive matter may be, to cause the same to be buried forthwith, so that

all portions thereof shall be covered with solid earth to a depth of at least two feet below the surface of the ground, and not within a distance of two hundred feet from such creek, pond or brook used as aforesaid; and any such owner or occupant who shall refuse or neglect for the space of two days to remove and bury as aforesaid, or cause to be removed and buried, any such carcass, offal or offensive matter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

310. (3) *Repeal.* All acts and parts of acts inconsistent with this act, in as far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.—*Secs. 1-3 approved February 27, 1880.*

311. (1) *Pollution of water supplies; penalty.* The first section (see Secs. 307 and 308, *ante*) of the said act be amended so as to read as follows:

(If any person or persons shall throw, cause or permit to be thrown into any reservoir, or into the waters of any creek, pond or brook of this state which runs through or along the border of any city, town or borough of this state, or the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive matter whatsoever calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any watercloset with any sewer, or other means whereby the contents thereof may be conveyed to and into any such creek, pond or brook, or shall so deposit or cause or permit to be deposited any such carcass, offal or other offensive matter that the washing or waste therefrom shall or may be conveyed to or into any such creek, pond, brook or reservoir, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.)

312. (2) *Repeal.* All acts and parts of acts inconsistent with this act in as far as they are inconsistent herewith be and the same are hereby repealed, and that this shall take effect immediately.—*Secs. 1-2 approved March 14, 1883.*

322. (1) *Befouling of creeks, etc., used for cutting ice; penalty.* If any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond or brook of this state, the waters of which may be used for the cutting and harvesting of ice, any carcass of any dead animal or any offal or offensive matter whatsoever, calculated to render said waters impure or create noxious or offensive smells, or shall connect any water-closet with any sewer or other means whereby the contents thereof may be conveyed through and into any such creek, pond or brook, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both.—*Approved March 29, 1878.*

General Statutes 1895, vol. 1, pp. 1106-1109.

1. *No ice to be cut or sold within limits of city without permit from board of health.* No ice shall be cut for the purpose of being sold or used in any city of this state from any pond, creek or river within the limits of any such city, unless a permit therefor shall be first obtained from the board of health of such city, and no person or persons shall sell or deliver any ice in any city in this state without first obtaining a permit therefor from the board of health of such city, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them as aforesaid when in their judgment the use of any ice cut or sold, or to be cut or sold, under the same is or would be detrimental to the public health.

2. *Board may prohibit sale of ice in certain cases.* The board of health of any city may prohibit the sale and use of any ice within the limits of such city when in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop,

detain and prevent the bringing of any such ice for the purpose of sale or use into the limits of any such city, and also in the same manner stop, detain and prevent the sale or use of any such ice found within the limits of such city.

3. *Penalty.* Any person or persons who shall violate any of the provisions of this act, or who shall attempt to cut, sell or bring into any city any such ice after being notified by said board of health or its officers not to do so, shall be guilty of a misdemeanor, and on conviction shall be sentenced to imprisonment in the county penitentiary for a term not to exceed six months, or to pay a fine of five hundred dollars, or both, in the discretion of the court; and it shall be lawful for the officers of said board of health or the police officers of any such city to arrest on sight any person or persons who shall be found violating any of the provisions of this act.—*Secs. 1-3, approved March 13, 1885.*

1. *Provisions of act extended.* The provisions of the act to which this act is a supplement be and the same hereby are extended to all boroughs, townships, towns and other local municipal governments in the state.—*Approved March 8, 1888. (Supplement to act approved March 13, 1885.)*

General Statutes, 1895, vol. 2, p. 1650.

SEC. 1. *Pollution of water supplies of towns, cities, etc., prohibited; penalty.* No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind whatsoever which, either by itself or in connection with other matter, will corrupt or impair, or tend to corrupt or impair, the quality of the water of any river, brook, stream or any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir from which is taken, or may be taken, any public supply of water for domestic use in any city, town, borough, township or other municipality of this state, or which will render, or tend to render, such water injurious to health, shall be placed in, or discharged into, the waters, or placed or deposited upon the ice, of any such river, brook, stream or any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir above the point from which any city, town, borough, township or other municipality shall or may obtain its supply of water for domestic use, nor shall any such sewage, drainage, domestic or factory refuse, excremental or other polluting matter be placed or suffered to remain upon the banks of any such river, brook, stream or of any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir above the point from which any city, town, borough, township or other municipality shall or may obtain its supply of water for domestic use as aforesaid; and any person or persons, or private or public corporation, which shall offend against any of the provisions of this section shall be liable to a penalty of one hundred dollars for each offense; and each week's continuance, after notice by the state or local board of health to abate or remove the same, shall constitute a separate offense; *provided, however*, that this section shall not be held to apply to any city, town, borough, township or other municipality of this state which, at the date of the passage of this act, has a public sewer or system of sewers, drain or system of drains, legally constructed under municipal or township authority, discharging its drainage or sewage into any such river, brook, stream, lake, pond, well, spring or other reservoir; *and provided, further*, that nothing in this section contained shall be construed to repeal, modify or otherwise affect any law or statute now conferring upon any local board of health the power or authority to institute any proceedings in any court of this state for the recovery of any penalty for, or obtaining any injunction against, the pollution of any of the waters of this state.

SEC. 2. *Prosecutions.* Any penalty incurred under any of the provisions of the first section of this act may be recovered, with costs, in a summary proceeding, either in the name of the board of health of the state of New Jersey, or in the name of the local board of health of the township, city, borough, town or other local municipal

government within whose jurisdiction the penalty may have been incurred; it shall be the duty of any health inspector, or member of any local board of health, who shall know or be informed of any violation of any of the provisions of the first section of this act whereby any penalty may have been incurred, to make, and any other person having such knowledge may make, under oath or affirmation, a complaint against the person or persons or private or public corporation incurring such penalty, setting forth the facts of such violation, which complaint shall be filed in the office of the clerk of the district court, or with any justice of the peace of the county within which the offense may have been committed, or with any police justice or recorder of the township, city or other municipality within which any local board bringing suit shall have jurisdiction; and the district court, justice of the peace^a police justice or recorder with whom any complaint shall be filed as aforesaid, setting forth facts sufficient to show that the penalty prescribed by the first section of this act has been incurred, is hereby authorized and required to issue process either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned the same court, justice of the peace, police justice or recorder shall proceed to hear the testimony of witnesses and the proofs in the case, and to determine and give judgment in the matter without the filing of any pleadings, and, if judgment shall be given in favor of the plaintiff, execution shall forthwith issue against the goods and chattels of the defendant for the amount of the penalty, with costs; and all judgments so rendered shall have the same force and effect as other judgments in civil actions before civil courts and officers, and may be docketed in like manner in the office of the clerk of the court of common pleas; the officers to serve and execute any process or execution issued as aforesaid shall be the constables of the counties, which service and execution, in the case of any execution issued out of the district court, shall be made in the same manner and under the same liabilities as other executions issued out of said court are served and executed; the officers to serve and execute any process or execution issued by a justice of the peace, police justice or recorder shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as prescribed in cases of the service and execution of processes and executions by the act entitled "An act constituting courts for the trial of small causes," and the supplements thereto; all moneys recovered in any such proceeding shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

SEC. 3. *Enforcement by state board of health.* The state board of health shall have the general supervision, with reference to their purity, of all rivers, brooks, streams, lakes, ponds, wells, springs or other reservoirs in this state, the waters of which are, or may be used as, the source or sources of public water supplies for domestic use, together with the waters feeding the same, and shall have the authority, from time to time, as they deem necessary or proper, to examine the same and to inquire what, if any, pollutions exist and their causes; and the said state board of health, in carrying out the provisions of this section may, from time to time, as they deem it necessary or proper, address inquiries in printed or written form to any local board of health, municipal or township authority, corporation, or person or persons, which inquiries it shall be the duty of the persons or parties addressed to answer within such time as the said state board of health may in such inquiries prescribe.

SEC. 4. *Procedure in case of violation of section 1.* If any person or persons, corporation or corporations, city, town, borough, township or other municipality of this

^a So in Statutes.

state, or any municipal or township authority, shall violate any of the provisions of the first section of this act, it shall be lawful for the said state board of health, instead of proceeding in a summary way to recover the penalty prescribed in said section, to file a bill in the court of chancery, in the name of the state, on the relation of such board, for an injunction to prohibit the further violation of the said section, and every such action shall proceed in the court of chancery according to the rules and practice of bills filed in the name of the attorney-general on the relation of individuals, and cases of emergency shall have precedence over other litigation pending at the time in the court of chancery, and may be heard on final hearing within such time and on such notice as the chancellor shall direct.

SEC. 5. *Repeal.* All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. *Effect.* This act shall take effect immediately.

Approved March 17, 1899. Acts of 1899, ch. 41, pp. 73-76.

NEW MEXICO.

Violations of the food laws of New Mexico are considered as misdemeanors, and no special provision is made for their enforcement.

GENERAL FOOD LAWS.

1244. *Penalty for selling unwholesome food.* If any person knowingly shall sell any kind of damaged, spoiled, or unhealthy provisions either for food or drink, without giving sufficient notice to the purchaser of the same, he shall be fined in a sum not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.

1245. *Penalty for adulterating drugs.* If any person shall fraudulently adulterate for the purpose of selling any drug or medicine, in such manner as to make the same injurious to health, he shall be punished by imprisonment in the county jail, not exceeding one year, or by fine not exceeding three hundred dollars, and such drug or medicine shall be forfeited and destroyed.

1246. *Penalty for manufacturing adulterated or unwholesome foods.* No person within the Territory of New Mexico shall mix, color, stain or powder or permit any other person to mix, color, stain or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive or unclean animal or vegetable substance, with the intent that the same may be sold in the said territory, and no person shall sell in the Territory of New Mexico any such article so mixed, colored, stained, powdered or manufactured. Any person violating this section shall be guilty of a misdemeanor, and for each offense to be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both in the discretion of the court.

1247. *Injurious adulteration or dilution of drugs.* No person shall, within the Territory of New Mexico, except for the purpose of compounding as hereinafter described, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in the said Territory of New Mexico, and no person shall sell any drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

1248. *Ignorance of presence of adulteration.* No person shall be liable to be convicted under either of the two last foregoing sections in respect to the sale of any article of food or of any drug if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained or powdered as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

1249. *Food or drug must be of quality, etc., demanded; penalty; exemptions.* No person shall sell in the Territory of New Mexico any article of food or drug which is not of the nature, substance and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the

first offense be fined, not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both in the discretion of the court: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

1250. *Compound foods or drugs must contain ingredients as demanded; penalty.* No person shall sell in the Territory of New Mexico any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health and not intended, fraudulently, to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

1251. *Subtraction of any part of foods; penalty.* No person shall in the Territory of New Mexico, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding one hundred dollars.

1252. *Application of proviso must be proved.* In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

1253. *Ignorance of presence of adulteration.* If the defendant in any prosecution under this act, prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold in the same state as when he purchased it, he shall be discharged from the prosecution.

1254. *Forged warranties; penalty.* Any person who shall forge, or shall after knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section one thousand two hundred and fifty-three, shall be guilty of a misdemeanor and be punishable on conviction, by imprisonment for a term not exceeding one year with hard labor.

1255. *False application of warranties or labels.* Every person who shall willfully apply to any article of food or a drug, a certificate of warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction shall be fined not to exceed one hundred dollars.

1256. "*Food*" and "*drug*" defined. The term food as used in this act, shall include every article used for food or drink by man other than drugs or water. The term drug as used in this act shall include all medicines for internal or external use.

1257. *Exemptions.* The governor may from time to time declare certain articles or preparations to be exempt from the provisions of this act, and it shall be the duty of the secretary of the territory to prepare and publish from time to time a list of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with this section.

Compiled Laws 1897, p. 373.

ALCOHOLIC BEVERAGES.

1239. Any person who shall adulterate any wine, spirits, or other intoxicating liquor, which are for sale, by the mixture of any deleterious substance or fluid therewith; and any person who shall sell or offer for sale any wine, spirits or other intoxicating liquors that have been adulterated as aforesaid, shall be, upon conviction thereof, fined in any sum not less than five dollars nor more than fifty dollars.

Compiled Laws 1897, p. 1239.

WATER.

SEC. 54. *Polluting water supplies unlawful.* It is hereby made unlawful for any person to cast the dead body of any animal or fowl, or any refuse matter, such as tin cans, paper, ashes, bones or other garbage, into any running stream, spring, lake, pond, reservoir, ditch or water course, or to run or empty any sewer or other foul substance into the same or in any other manner or means to pollute or foul the said water so as to render the same offensive or dangerous to the health of the inhabitants of any community or of any person having the right to use the same for drinking or domestic purposes or that may render said waters unfit or unhealthy for watering stock. But it shall be the duty of every person outside of incorporated towns, cities or villages, to destroy all domestic refuse and garbage by burning the same; any violation of this section, shall be considered a misdemeanor and punished as provided by law.

As amended March 16, 1899. Acts of 1899, ch. 79, p. 175; Compiled Laws 1897, ch. 2, p. 105.

NEW YORK.

The food laws of New York are administered by the State department of agriculture. In response to a letter of inquiry, the following communication was received from Mr. G. L. Flanders, the assistant commissioner:

The pure food law of this State seems to be producing fairly good results. The principal points of the law are: First, the prohibition against selling misbranded or adulterated food products. Second, that no food product can be sold that contains any substance that is harmful or deleterious to the consumer. Third, the sale of adulterated food products which are not harmful is prohibited unless they are so branded or labeled as to show the character of the constituents; in other words, the intention is that the purchasing public shall be made aware of the constituents of the commodities which they are putting into their stomachs. Since this law has been in operation the labeling of food products in this State has undergone a great change. I do not say that all persons doing business within the State are observing the statute, but as a rule they are, and the consumers are being benefited. At the present time we have no suggestions to offer as to a change in the statute.

GENERAL FOOD LAWS.

1. *Short title.* This chapter shall be known as the agricultural law.

2. *Commissioner of agriculture; salary; assistants, etc.* There shall be a department of the state government known as the department of agriculture, which shall be charged with the execution of the laws relating to agriculture and agricultural products. The commissioner of agriculture shall be the chief of the department. The New York state dairy commissioner shall be the commissioner of agriculture until his successor shall be appointed and qualified. The commissioner of agriculture shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be three years. He shall be paid an annual salary of four thousand dollars and his necessary expenses not to exceed five hundred dollars, incurred in the discharge of his official duties. He may appoint a director of farmers' institutes and such clerks and assistant commissioners and employ such clerks, chemists, agents and counsel as he may deem necessary for the proper enforcement of such laws and the proper administration of the department, who shall receive such compensation as may be fixed by him and their necessary expenses. The compensation of his clerks, assistants and other persons employed by him and such necessary expenses shall be paid on his certificate by the treasurer on the warrant of the comptroller. All other charges, accounts and expenses of the department authorized by law shall be paid by the treasurer on the warrant of the comptroller, after they have been audited and allowed by the comptroller. The trustees of public buildings shall furnish suitable rooms for the use of the department in the new capitol.

3. *Inspection and sampling.* The commissioner of agriculture, his clerks, assistants, experts, chemists, agents and counsel employed by him, shall have full access to all

places of business, factories, farms, buildings, carriages, cars and vessels used in the manufacture, sale or transportation within the state of any dairy products or any imitation thereof, or of any article or product with respect to which any authority is conferred by this chapter on such commissioner. They may examine and open any package, can or vessel containing or believed to contain, any article or product, which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, and may inspect the contents therein, and take therefrom samples for analysis.

4. *Expert butter and cheese makers.* The commissioner of agriculture may appoint and employ not more than five expert butter and cheese makers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, societies and meetings designated by the commissioner, to impart thereat information as to the best and most approved method of making butter and cheese and improving the quality thereof.

5. *Annual report.* The commissioner of agriculture shall make an annual report to the legislature on or before January fifteenth, of his work and proceedings for the year ending September thirtieth, next preceding which shall include a statement in detail of the number of assistant commissioners, chemists, experts, agents, and counsel employed under the provisions of this chapter during such year, and their compensation, expenses and disbursements; and also a statement in detail of the expenditures of moneys appropriated for the state agricultural society, the county agricultural societies and the New York agricultural experiment station; and other agricultural purposes and estimates of the amounts required for all such purposes for the ensuing year. He may require the state agricultural society and the county agricultural societies to make reports to him and prescribe the form of such reports.

6. *Certificate of chemist presumptive evidence.* Every certificate, duly signed and acknowledged, of a chemist, analyst or other expert employed by the commissioner of agriculture or any analysis, examination or investigation made by such analyst, chemist or expert with respect to any matter or product which the commissioner has authority to examine or cause to be examined, shall be presumptive evidence of the facts therein stated.

7. *Evidence; principal's liability for act of agent.* The doing of anything prohibited by this chapter shall be evidence of the violation of the provisions of this chapter relating to the thing so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions of the chapter relative to the things so directed to be done. The intent of any person doing or omitting to do any such act is immaterial in any prosecution for a violation of the provisions of this chapter. Any person who suffers, permits or allows any violation of the provisions of this chapter by his agent or servant or in any room or building occupied or controlled by him, shall be deemed a principal in such violation and liable accordingly.

8. *Prosecution for penalties.* Whenever the commissioner of agriculture shall know or have reason to believe that any penalty has been incurred by any person for a violation of any of the provisions of this chapter, or that any sum has been forfeited by reason of any such violation, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same.

9. *Disposal of fines, etc.* One-half of all moneys recovered, either as penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter, and from fines imposed as a punishment for any criminal offense committed in violation of the provisions of this chapter, or of the penal code relating to the punishment of criminal offenses committed in violation of the provisions of law for the prevention of frauds in the manufacture or sale of any of the articles or products to which this chapter relates, shall be paid by the court or the clerk thereof to the city or county where the recovery shall be had or fine collected, for the benefit of the poor of such city or county, except in the city and county of New York and the city of Brooklyn,

where the same shall be paid to the proper authorities, and equally divided by them between the pension funds of the police and fire departments. The residue of such moneys shall be paid into the treasury of the state, and paid out by the treasurer, upon the warrant of the comptroller, for the purpose of defraying the expenses of the department of agriculture, audited by the comptroller. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of this chapter.

10. *Injunctions.* In an action in the supreme court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter an application may be made on the part of the people to the court or any justice thereof for an injunction to restrain the defendant, his agents and employes from the further violation of such provisions. The court or justice to whom such application may be made, shall grant such injunction on proof, by affidavit, that the defendant has been guilty of the violations alleged in the complaint, or of a violation of any such provision subsequent to the commencement of the action, and in the same manner as injunctions are usually granted under the rules and practice of the court. No security on the part of the plaintiff shall be required, and costs of the application may be granted or refused in the discretion of the court or justice. If the plaintiff shall recover judgment in the action for any penalty or forfeiture demanded in the complaint, the judgment shall contain a permanent injunction, restraining the defendant, his agents and employes, from any further violation of such provision of this chapter. Any injunction, order or judgment obtained under this section may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or may be committed, or in the manner required by the code of civil procedure, and the rules and practice of the court. Personal service of the injunction shall not be necessary when such service can not be secured with reasonable diligence, but the service herein provided shall be deemed sufficient in any proceeding for the violation of such injunction.

11. *Prosecution not compelled to elect between counts.* In an action for a penalty or forfeiture incurred by reason of the violation of the provisions of this chapter, when the complaint charges a violation of any two or all of such provisions, the plaintiff shall not be compelled to elect between the counts under such different provisions, but shall be entitled to recover if it is found that a violation of any one of such provisions has been committed for which a penalty or forfeiture is imposed.

12. *Method of sampling and analysis, especially of milk.* When the commissioner of agriculture, an assistant commissioner, or any person or officer authorized by the commissioner, or by this chapter, to examine or inspect any product manufactured or offered for sale shall in discharge of his duties take samples of such product, he shall before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall thereafter be precluded from introducing evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof in the presence of at least one witness, and he shall in the presence of such witness seal both of such samples, and shall tender, and, if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the cause of the taking of the sample. In taking samples of milk for analysis at a creamery, factory, platform or other place where the same is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk for delivery, selling or offering for sale adulterated milk, the said commissioner

of agriculture or assistant or his agent or agents shall within ten days thereafter, with the consent of the said producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn and shall deliver the duplicate sample to the said producer and shall cause the sample taken by himself or his agent to be analyzed. If the sample of milk last taken by the commissioner of agriculture or his agent or agents shall upon analysis prove to contain no higher percentage of milk solids, or no higher percentage of fat than as the sample taken at the creamery, factory, platform or other place, then no action shall lie against the said producer for violation of subdivisions one, two, three, seven and eight of section twenty of the agricultural law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the commissioner of agriculture to have an assistant, agent or agents present during the entire time in which the said cattle are being milked to observe closely so as to be sure that the milk thus to be sampled is not adulterated and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at the said creamery, factory, platform or other place was just as it came from the cow. If the said producer does permit such examination the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of milk so taken and analyzed as above provided.

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 1, pp. 159-165.

29a. Coloring matter in foods. No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered or exposed for sale within this state; nor shall any person or persons sell, offer or expose for sale any food product containing such poisonous coloring matter. The state board of health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed and report the results of such analysis to the legislature at the next session.—*As amended by Laws of 1899, ch. 518, p. 42.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 2, p. 173.

1. Settlement of claims under agricultural law. The commissioner of agriculture, subject to the approval in writing of the governor and attorney-general, is hereby authorized and empowered to settle, compromise and discharge all actions and causes of actions, or claims arising under the agricultural law since its passage to the passage of this act for any violation of sections twenty-six, twenty-seven, twenty-eight, and twenty-nine of the agricultural law relating to the sale or use of oleo-margarine, so called.

2. Disposal of moneys. All moneys received pursuant to any such settlement shall be paid by said commissioner into the treasury of the state; and any settlement made pursuant to this act shall be reported by the said commissioner in his next annual report.

Approved March 4, 1895. Laws of 1895, ch. 70; Cumming and Gilbert's Laws and other General Statutes 1901, vol. 1, p. 216.

[Note. For penalty section of agricultural law see Dairy Products, p. 426, sec. 37.]

40. Food and drugs defined. The term, food, when used herein, shall include every article of food and every beverage used by man and all confectionery; the term, drug, when so used shall include all medicines for external and internal use.

41. Adulterations defined. No person shall, within the state, manufacture, produce, compound, brew, distill, have, sell or offer for sale any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act: A. In the case of drugs:

1. If when sold under or by a name recognized in the United States pharmacopeia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States pharmacopeia, but which is found in some other pharmacopeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

4. If it contains methyl or wood alcohol, in any of its forms, or any methylated preparation made from it.

B. In the case of food:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation or be sold under the name of another article.

5. If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it. Provided that an article of food which does not contain any ingredient injurious to health, shall not be deemed to have been adulterated, in the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section.

8. If it contains methyl or wood alcohol in any of its forms, or any methylated preparation made from it.

C. In the case of spirituous, fermented and malt liquors, if it contain methyl or wood alcohol in any of its forms, or any substance or ingredient not normal or healthful to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage. In the case of ale or beer, if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

D. In the case of confectionery, if it contains terra alba, barytes, talc or other mineral substance or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. If the standard of any article of food or any drug is not established in a national pharmacopeia, the state board ^a of health shall, from time to time, fix the limit for variability permissible therein. The state board ^a of health may, from time to time, with the approval of the governor, declare what articles or preparations shall be exempt from the provisions of this article, and publish a list of such articles which shall thereafter be so exempt. Every person violating any provision of this section shall forfeit to the people of the state the sum of one hundred

^a Department.

dollars for every such violation.—*As amended March 31, 1905, Laws of 1905, vol. 1, ch. 122, pp. 183-184.*

Laws of 1893, ch. 661; Cumming and Gilbert's General Laws and other General Statutes 1901, vol. 2, pp. 2894-2895.

42. Duties of state department of health in respect to adulterations. The state department of health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs and the adulterations thereof, and make all necessary inquiries and investigations relating thereto. It shall appoint such public analysts, chemists and inspectors as it may deem necessary for that purpose, and revoke any such appointment whenever it shall deem the person appointed incompetent, or his continuance in the service for any reason undesirable. It shall, from time to time, adopt such measures and make such regulations and declarations, in addition to the provisions of this article, as may seem necessary to enforce or facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state, and all such regulations and declarations made in any year shall be filed in the office of the secretary of state and published in the session laws first published after the expiration of thirty days from such filing.—*As amended April 28, 1904. Laws of 1904, vol. 2, ch. 484, p. 1236.*

SEC. 44. Samples to be furnished. Every person selling, or offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon tender of the value thereof, furnish any analyst, chemist, officer or agent of the state department of health or of any local board of health, with a sample of any such article or drug, sufficient for the purpose of analysis or test. For every refusal to furnish the same, the person so refusing shall forfeit to the people of the state the sum of one hundred dollars.

SEC. 50. Report to district attorney. Upon discovering any violation of the provisions of the penal code relating to the adulteration of foods and drugs, the state department of health shall immediately communicate the facts to the district attorney of the county where the violation occurred, who shall thereupon forthwith commence proceedings for the indictment and trial of the person charged with such violation. Nothing in this article shall be construed to in any way repeal or affect any of the provisions of chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, or the acts amendatory thereof or supplemental thereto, or of chapter five hundred and fifteen of the laws of eighteen hundred and eighty-nine, nor to prohibit the coloring of butter made from milk, the product of the dairy or the cream from the same with coloring matter which is not injurious to health.—*As amended April 28, 1904, Laws of 1904, vol. 2, portion of ch. 484, p. 1238.*

Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, pp. 683-684.

164. Prohibition of adulterated or misbranded food. No person or persons, firm, association or corporation shall within this state, manufacture, produce, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act. The term food as used herein shall include all articles used for food, confectionery or condiments by man whether simple, mixed or compound.

165. Definition of adulterated or misbranded food. In the case of confectionery, an article shall be deemed to be adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contains any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sixth. If it contains methyl or wood alcohol, in any of its forms, or any methylated preparation made from it.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the state or territory in which it is manufactured or produced: Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: Provided, that the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.—*As amended March 24, 1905, Laws of 1905, vol. 1, ch. 100, pp. 140-142.*

Added to Laws of 1893, ch. 338, by Laws of 1903, vol. 2, ch. 524, p. 1191; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, art. 11, pp. 40-42.

ALCOHOLIC BEVERAGES.^a

43. *Analysis of spirituous, fermented or malt liquors.* The state department of health shall at least once in each calendar year cause samples to be procured in the public market or otherwise of the spirituous, fermented or malt liquors, distilled, brewed, manufactured, sold or offered for sale in each brewery and distillery located in this state. Such samples shall be kept in vessels in a condition to obtain a proper test and analysis thereof. Such vessels shall be properly labeled and numbered, and an accurate list kept of the names of the distillers, brewers and vendors of the liquors from which the samples were taken, and opposite each name shall appear the number which is written or printed on the label attached to the vessel contain-

^a See also General Food Laws, p. 415, sec. 41 C.

ing the sample. Such lists, numbers and labels shall be exclusively for the information of such department and shall not be disclosed or published unless upon discovery of some deleterious substance therein prior to the completion of the analysis or required in evidence in court. When listed and numbered, every such sample shall be delivered to an analyst, chemist or officer of the department and shall be designated and known to him only by its number, and by no other mark or designation. A test or analysis of such sample shall be made by such analyst, chemist or officer, which will determine the ingredients or component parts thereof. The result of such test or analysis shall be immediately reported by the person making the same to the department setting forth explicitly the nature of any deleterious substance, compound or adulteration found therein which may be detrimental to public health, and the number of samples in which it was found. Any brewer, distiller or vendor in whose samples any such substance, compound or adulteration is found upon any such test or analysis, shall be deemed to have violated the provisions of this article, prohibiting the manufacturing, having, selling or offering for sale adulterated food.—*As amended April 28, 1904, Laws of 1904, vol. 2, ch. 484, p. 1237.*

Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, pp. 683-684.

46. Adulteration of wines. All wines containing alcohol, except such as shall be produced by the natural fermentation of pure undried fruit juices or compounded with distilled spirits, whether denominated as wines or by any other name, which may be used as a beverage or compounded with other liquors intended for such use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit in the nature of or intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines or other beverages produced from fruit, which shall contain any alum, baryta salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, glycerine, salic acid, or any other antiseptic, coloring matter, not produced from undried fruit, artificial flavoring, essence of ether, methyl or wood alcohol, in any of its forms, or any other foreign substance injurious to health, shall be known as or deemed to be adulterated wine, and shall not be sold, offered for sale or manufactured with intent to sell within this state; and all such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and shall be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure and destruction shall be a county charge.—*As amended March 31, 1905, Laws of 1905, vol. 1, ch. 122, p. 184.*

47. Pure wine defined. For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes or other undried fruits, but the addition of pure sugar to perfect the wine or of pure distilled spirits to preserve it, not to exceed eight per cent of its volume, or the use of things necessary to clarify and fine the wine not injurious to health shall not be construed as adulteration, if such pure wine shall contain at least seventy-five per cent of pure grape or other undried fruit juice.

48. Half wine and made wine defined; stamps and labels. For the purpose of this article, any wine which contains less than seventy-five and more than fifty per cent of pure grape or other undried fruit juice and is otherwise pure shall be known as half wine, and upon each and every package of such wine manufactured with the intent to sell, or sold or offered for sale by any person within this state, if containing more than three gallons, there shall be stamped on both ends of the package containing the same in black printed letters, at least one inch in height and of proper proportion in width, the words "half wine;" and if containing more than one quart and not more than three gallons, there shall be stamped on each package in plain

printed black letters, at least one-half inch high and of proper proportion as to width, the words "half wine;" and if in a package or bottle of one quart or less, there shall be placed a label securely pasted thereon, having the words "half wine" plainly printed in black letters at least one-quarter of an inch high and of proper proportion as to width. If any number of small packages is inclosed in a larger package, as a box, barrel, case or basket, such outside package shall have thereon the stamp "half wine" in letters of a size according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with the intent to sell, within the state any wine containing less than fifty per centum of pure grape or other undried fruit juice and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "made wine" in the same manner as "half wine" is required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "made wine."

49. Penalties. Every person who manufactures with intent to sell, sells or offers for sale within the state, any wine of a kind or character, the manufacture, sale or offering for sale of which is prohibited by this article, or which is not stamped, marked or labeled as required by this article, shall forfeit to the county wherein such manufacture, sale or offering for sale takes place, the sum of one-half dollar for each gallon thereof so sold or manufactured with the intent to sell. The provisions of the three preceding sections of this article shall not apply to medicated wines which are put up and sold for medical purposes only.

Laws of 1891, ch. 661; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 2, pp. 2897-2899.

BREAD.

111. Drainage and plumbing of buildings and rooms occupied by bakeries. All buildings or rooms occupied as biscuit, bread, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation. The factory inspector may direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement, not now used for a bakery shall hereafter be so occupied or used, unless the proprietor shall comply with the sanitary provisions of this article.

112. Requirements as to rooms, furniture, utensils and manufactured products. Every room used for the manufacture of flour or meal food products shall be at least eight feet in height and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed, at least once in three months. He may also require the wood work of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed and not prevent the proper cleaning of any part of a room. The manufactured flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery or any room in such bakery where flour or meal products are stored.

113. Wash-room and closets; sleeping places. Every such bakery shall be provided with a proper wash-room and water-closet or water-closets apart from the bake-room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth-closet, privy or ash-pit shall be within or connected directly with the bake-room of any bakery, hotel or public restaurant.

No person shall sleep in a room occupied as a bake-room. Sleeping places for the

persons employed in the bakery shall be separate from the room where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

114. *Inspection of bakeries.* The factory inspector shall cause all bakeries to be inspected. If it be found upon such inspection that the bakeries so inspected are constructed and conducted in compliance with the provisions of this chapter, the factory inspector shall issue a certificate to the persons owning or conducting such bakeries.

115. *Notice requiring alterations.* If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

Laws of 1897, ch. 415; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 2, art. 8, pp. 2080-2082.

CANNED GOODS.

30. *Labeling of canned goods; penalty.* No packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state, excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon, with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the state, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Any person violating any of the provisions of this section shall forfeit to the city, village or town where the violation occurs, the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars if a wholesale dealer or packer.

Laws of 1896, ch. 376; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, pp. 1053-1054.

CONFECTIONERY.

See General Food Laws, p. 415. Sec. 41 D.

DAIRY PRODUCTS.^a

20. *Adulterated milk, butter, and cheese defined.* The terms, butter and cheese, when used in this article, mean, the products of the dairy, usually known by those terms, which are manufactured exclusively from pure, unadulterated milk or cream or both, with or without salt or rennet, and with or without coloring matter or sage. The terms oleomargarine, butterine, imitation butter or imitation cheese, shall be construed to

^aSee also General Food Laws.

mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place of cream. The term, adulterated milk, when so used, means:

1. Milk containing more than eighty-eight per centum of water or fluids.
2. Milk containing less than twelve per centum of milk solids.
3. Milk containing less than three per centum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.
5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.
6. Milk drawn from cows kept in a crowded or unhealthy condition.
7. Milk from which any part of the cream has been removed.
8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms, pure milk or unadulterated milk, when used singly or together mean sweet milk not adulterated, and the terms pure cream or unadulterated cream, when used singly or together mean cream taken from pure and unadulterated milk.

21. Care and feed of cows. No person shall keep cows, for the production of milk for market or for sale or exchange, or for manufacturing the milk or cream from the same into any article of food, in a crowded or unhealthy condition, or feed any such cows on distillery waste or on any substance in the state of putrefaction or fermentation, or upon any food that is unhealthy or that produces impure unhealthy, diseased or unwholesome milk. But this section shall not be construed to prohibit the feeding of ensilage.

22. Prohibition of the sale of adulterated milk, imitation cream, and regulating the sale of certified milk. No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of cream, which is not cream, nor shall they sell or exchange, or offer or expose for sale or exchange any such substance as and for cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food. No person shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk, any milk which has not been duly examined by a competent person to make such examination and which has not been found upon such examination to be free from antiseptics, added preservatives, and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the association certifying it.—*As amended by Laws of 1900, ch. 101, Laws of 1904, vol. 2, chs. 480 and 566, and Laws of 1905, vol. 2, ch. 602, p. 1487; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, p. 18.*

23. Regulations in regard to butter and cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim-cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk from which there has been kept back any part of the milk commonly known as strippings, or any milk that is sour, except pure skim milk to skim-cheese factories. The owner or proprietor or the person having charge of any butter or cheese factory, not buying all the milk used by him, shall not use

for his own benefit, or allow any of his employees or any other person to use for his own benefit, any milk, cream, butter or cheese or any other product thereof, brought to such factory, without the consent of the owners of such milk or the products thereof. Every butter or cheese manufacturer not buying all the milk he uses, shall keep a correct account of all the milk daily received, of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day; which account shall be open to inspection to any person who delivers milk to such factory. Whenever manufacturers of butter or cheese purchase milk upon the basis of the amount of fat contained therein and use for ascertaining the amount of such fat what is known as the Babcock test, or whenever the proceeds of cooperative creameries and cheese factories are allotted on the basis of determinations of milk fat by the Babcock test, the bottles and pipettes used in such test shall before use be examined by the director of the New York agricultural experiment station. If such bottles are found to be properly constructed and graded so as to accurately show the amount of fat contained in milk, each of them shall be legibly and indelibly marked "S. B." No bottle shall be so marked except as herein provided nor shall be used in any such test by such manufacturers, unless so examined and marked. The acid used in making such test by such manufacturers shall be examined from time to time by competent chemists employed by the commissioner of agriculture and if found not to be of sufficient strength the use of such acid shall be prohibited. No person or persons receiving or purchasing milk or cream upon the basis of the amount of fat contained therein, shall credit any patron or patrons delivering milk or cream thereto with a greater or lesser percentage or average percentage of fat than is actually contained in the milk or cream so delivered. The commissioner of agriculture or persons employed by him for that purpose may at any time assist in making tests of milk received at a butter or cheese factory for the purpose of determining the efficiency of tests usually made at such factory. All persons using other than standard bottles or acid which is not of the required strength to accurately determine the amount of fats in milk or crediting any patron or patrons delivering milk or cream with a greater or lesser percentage or average percentage of fat than is actually contained in the milk or cream so delivered, shall be subject to the penalties prescribed by section thirty-seven of this article, and shall be guilty of a misdemeanor.—*As amended by Laws of 1900, ch. 544, Laws of 1901, vol. 2, ch. 429, p. 1118, and Laws of 1905, vol. 2, ch. 601, pp. 1485-1486.*

24. Receptacles—protection of owners. No person or persons shall hereafter without the consent of the owner or owners, shipper or shippers, use, sell, dispose of, buy or traffic in any milk can or cans, jar or jars, bottle or bottles, cream can or cans, jar or jars, bottle or bottles belonging to any dealer or dealers, shipper or shippers of milk or cream residing in the state of New York or elsewhere, who may ship milk or cream to any city, town or place within this state, having the name or initials of the owner or owners, dealer or dealers, shipper or shippers, stamped, marked or fastened on such can or cans, jar or jars, bottle or bottles, or wilfully mar, erase or change by remarking or otherwise said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans, jar or jars, bottle or bottles. Nor shall any person or persons without the consent of the owner use such can or cans, jar or jars, bottle or bottles, for any other purpose than for milk or cream; nor shall any person or persons without the consent of the owner place in any such can or cans, jar or jars, bottle or bottles, any substance or substances, product or products other than milk or cream.—*As amended by Laws of 1901, ch. 375, and Laws of 1904, vol. 1, ch. 168, p. 300; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, p. 19.*

25. Regulations in regard to condensed milk. No condensed milk shall be made or offered or exposed for sale or exchange unless manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been

removed either wholly or in part, or unless the proportion of milk solids shall be in quantity the equivalent of twelve per centum of milk solids in crude milk, and of which solids twenty-five per centum shall be fats. No person shall manufacture, sell or offer for sale or exchange in hermetically sealed cans, any condensed milk unless put up in packages upon which shall be distinctly labeled or stamped the name of the person or corporation by whom made and the brand by which or under which it is made. When condensed milk shall be sold from cans or packages not hermetically sealed, the vendor shall brand or label such cans or packages with the name of the manufacturer of the milk contained therein.—*As amended by Laws of 1893, ch. 564, and Laws of 1894, ch. 143.*

26. *Manufacture and sale of imitation butter prohibited.* No person by himself, his agents or employes, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article, substance, or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, offering, or exposing for sale any commodity or substance in imitation or semblance of butter the product of the dairy, shall be deemed guilty of a violation of the agricultural law, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever and irrespective of any representations he may make relative to such commodity or substance. Any dealer in any article or product, the manufacture or sale of which is prohibited by this act, who shall keep, store or display such article or product, with other merchandise or stock in his place of business, shall be deemed to have the same in his possession for sale.—*As amended by Laws of 1894, ch. 426, Laws 1897, ch. 768, and Laws 1902, vol. 2, ch. 385, p. 986; Cumming and Gilbert's General Laws and other General Statutes, Supplement, 1904, vol. 4, pp. 19-20.*

27. *Imitation butter and cheese; renovated butter to be labeled.* No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same. No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a con-

spicuous place with the words "renovated butter." If the same shall be put up sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter." If the same is packed in tubs or boxes or pails or other kind of a case or package the words "renovated butter" shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed shall be attached to the mass of butter in such manner as to be easily seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the agricultural law shall be guilty of a violation of this act.—*As amended by Laws of 1899, ch. 149, and Laws of 1900, ch. 534.*

28. *Prohibited articles in hotels, etc.* No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter or place of public entertainment, or any person having charge thereof or employed thereat, or any person furnishing board for any others than members of his own family, or for any employes where such board is furnished for a compensation or as part of the compensation of any such employe, shall keep, use or serve therein either as food for his guests, boarders, patrons, customers or employes or for cooking purposes any article or substance made in violation of the provisions of this article.

29. *Use of coloring matter in imitation butter and cheese.* No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream or both, with salt or rennet or both and with or without coloring matter or sage, but into which any animal, intestinal or offal fats, or any oils or fats or oleaginous substance of any kind not produced from pure, unadulterated milk or cream, or into which melted butter, or butter in any condition or state or any modification of the same, or lard or tallow shall be introduced, shall add thereto or combine therewith any annatto or compounds of the same, or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a color resembling yellow, or any shade of yellow butter or cheese, nor introduce any such coloring matter or other substance into any of the articles of which the same is composed.

30. *Manufacture and sale of imitation cheese.* No person shall manufacture, deal in, sell, offer or expose for sale or exchange any article or substance, in the semblance of or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils, or melted butter or butter in any condition or state or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream, shall be introduced.

31. *Skim-milk or skim cheese exempt if sold as such.* Except in the counties of New York and Kings, the prohibitions contained in this article against the sale of adulterated milk shall not apply to skim-milk, which is clean, pure, healthy, wholesome and unadulterated, except by skimming, sold for use in the county in which it is produced or an adjoining county, if it is sold for and as skimmed milk. The prohibitions in this article against the sale of cheese made from unadulterated milk or cream, shall not apply to pure skim-cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming.

32. *Unclean receptacles and places for keeping milk; notice to violators of provisions.* No person, firm, association or corporation, producing, buying or receiving milk for

the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk, or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings that are unclean or have unsanitary surroundings or drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthfulness or disease. The commissioner of agriculture shall notify all persons, firms, associations or corporations, violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law will not be violated, and if such notice is complied with in ten days' time, Sundays excepted, then no action shall lie for a violation of this section. Any person or persons having charge of any milk gathering station where milk is bought or received from the dairymen for the purpose of selling the same for consumption or shipping the same to market for consumption as human food before taking such charge or operating or working as such agent or person in charge shall apply to the commissioner of agriculture for a license to so work or operate or have charge, and shall at the time of making such application, file with the commissioner a statement under oath, setting forth the fact that he will not while having charge of or operating any such milk gathering establishment or while employed therein adulterate or suffer or permit the adulteration of any such milk or any product thereof during the term for which he may be licensed. After the applicant shall have complied with the foregoing provisions of this section, the commissioner of agriculture upon being satisfied that the applicant is a person of good moral character and a qualified and proper person to so have charge of or operate any such milk gathering station or establishment shall issue to said applicant, a license which shall qualify him to have charge of any such milk gathering station or establishment for the period of two years from the date of such license. Any person or persons having charge of any milk gathering station or establishment as aforesaid, shall keep a true and correct daily record of the receipts of milk or other dairy products received at such station or establishment and a true and correct daily record of all sales or shipments of milk, cream and dairy products shipped or sold from such station or establishment. Which record shall be preserved at such station or establishment for at least two years after the same shall have been made and such records shall at all times be open to the inspection of the commissioner of agriculture or his assistants. If any such persons so duly licensed shall thereafter violate any of the provisions of the agricultural law relative to milk or the products thereof he shall forfeit his license and shall be disqualified for a period of five years from being again licensed by the commissioner of agriculture. The commissioner of agriculture shall have the power to issue subpoenas to be attested by him in his official capacity to any person or persons whom he may have reason to believe has knowledge of any alleged violation of the agricultural law, to appear before him or any of his assistant commissioners of agriculture for the purpose of investigating alleged violation of the agricultural law. Any person or persons who shall omit, neglect or refuse to obey subpoenas attested in the name of the commissioner of agriculture or who shall refuse to testify under oath before the commissioner of agriculture or his assistant commissioners of agriculture, is guilty of a misdemeanor. The commissioner of agriculture and his assistant commissioners of agriculture are hereby authorized and empowered to administer oaths and affirmations in the usual appropriate forms to any person or persons in any matter or proceedings authorized as aforesaid and in all matters pertaining or relating to the agricultural law and to take and administer oaths and affirmations, in the usual appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulation of the commissioner of agriculture for or in connection with the official purposes, affairs, powers, duties or proceedings of said commissioner of agriculture or his assistant commissioners of agriculture or any official purpose lawfully authorized by said commissioner of agriculture. The commissioner of agricul-

ture or his assistant commissioners of agriculture shall have the power in proper cases to issue subpoenas duces tecum. Such subpoena or subpoena duces tecum may be served by any person over the age of twenty-one years. Any person who shall make any false statement under oath before the commissioner of agriculture or his assistant commissioners of agriculture, is guilty of perjury.—*As amended by Laws of 1898, ch. 153, March 28, 1904, by Laws of 1904, vol. 1, ch. 168, p. 300, and February 25, 1905, by Laws of 1905, vol. 2, ch. 603, pp. 1488-1490; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, p. 21.*

33. Manufacturer's brand of cheese. Every manufacturer of full-milk cheese may put a brand or label upon such cheese indicating "full-milk cheese," and the date of the month and year when made; and no person shall use such a brand or label upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the state, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand or labels bearing a suitable device or motto, and the words, "New York state full-cream cheese." Every such brand or label shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location and number of each manufactory using the brands or labels, and the name or names of the persons at each manufactory authorized to use the same. No such brand or labels shall be used upon any other than full-cream cheese or packages containing the same.—*As amended by Laws of 1898, ch. 559, and Laws of 1904, vol. 1, ch. 27, p. 79; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, pp. 21-22.*

34. False brands on butter or cheese. No person shall offer, sell or expose for sale, in any package, butter or cheese which is falsely branded or labeled.

35. County trade-mark for butter and cheese. At a regular or special meeting of a county dairymen's association in any county of the state there may be adopted a county trade mark, by a majority of the members present and voting, to be used as a trade-mark by any person manufacturing pure unadulterated butter or full-cream cheese in such county. The secretary of the association shall forthwith send to the commissioner of agriculture a copy of such trade mark, which copy he shall place on file in his office, noting thereupon the day and hour he received the same. But one county trade mark for butter and for cheese shall be placed on file for the same county. No association shall adopt any trade mark of any county already on file, or use that of any other county in the formation of a trade mark.

36. Reason for law. This article and each section thereof are declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health, which is endangered by the manufacture, sale and use of the articles or substances herein regulated or prohibited.

37. Penalties for violation of agricultural law. Every person violating any of the provisions of the agricultural law shall forfeit to the people of the state of New York the sum of not less than fifty dollars nor more than one hundred dollars for the first violation and not less than one hundred dollars or more than two hundred dollars for the second and each subsequent violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article.

When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two, three, eight, eleven and twelve or sections ninety-one and ninety-two of the agricultural law or of chapter four hundred and ninety-one, laws of eighteen hundred and ninety-eight, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months imprisonment for the second offense.—*As amended by laws of 1897, ch. 554; Laws of 1898, ch. 558; Laws of 1899, ch. 435; Laws of 1900, chs. 76 and 559; Laws of 1901, ch. 656.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 2, pp. 165-176.

1. *Use of imitation dairy products in state institutions.* No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable, benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream from the same.

2. *Duty of officer of state institution.* No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.

Laws of 1893, ch. 364; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, p. 216.

26. *Search warrants for suspected dairy products.* A search warrant, in the name of the people, directed to a peace officer commanding him to search for dairy products, imitations thereof and substitutes therefor, to open any place of business, factory, building, store, bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, place of public entertainment, carriage, car, boat, package, vessel, barrel, box, tub or can, containing, or believed to contain the same, in the possession or under the control of any person who shall refuse to allow the same to be inspected or samples taken therefrom by the said commissioner, assistant commissioners, or such experts, chemists, agents, or counsel as such commissioner or assistant commissioners shall duly authorize for the purpose, or to which access is refused or prevented, and to allow and enable the officer mentioned in section twelve applying therefor to take such samples of dairy products, imitations thereof and substitutes therefor, found in the execution of the warrant, as the officer applying for the search warrant shall designate when the same are found, shall be issued by any magistrate to whom application is made therefor, whenever it shall be made to appear to him that such person

has refused to permit any dairy products, imitations thereof or substitutes therefor, to be inspected or samples taken therefrom, or that access thereto by any officer mentioned in section twelve has been refused or prevented, and that such officer has reasonable grounds for believing that such person has any dairy products, imitations thereof or substitutes therefor in his possession, or under his control, or that he is violating any of the provisions of this act. The provisions of section seven hundred and ninety-one to section eight hundred and two,^a both inclusive, of the Code of Criminal Procedure, shall apply to such warrant as far as applicable thereto. The peace officer to whom the warrant is delivered shall make a return in writing of his proceedings thereunto ^b to the magistrate who issued the same.

Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, p. 215.

45. Seizure of milk. When a health officer or other official shall seize or destroy or cause to be seized or destroyed any milk, he shall take a sample of such milk in the presence of at least one witness, and shall, in the presence of such witness, seal such sample and tender it to the vendor or person in charge of such milk, and if accepted, shall also deliver therewith, a statement in writing of the date and cause of such seizure or destruction. Any health officer or other official violating the provisions of this section, shall be liable to a penalty of fifty dollars, to be recovered by the person aggrieved.

Laws 1893, ch. 661; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 2, p. 2897.

EVAPORATED APPLES.

SEC. 185. Evaporated apples—prohibition. No person shall sell, expose or offer for sale as and for evaporated apples any evaporated apples intended to be used for food, or for consumption by any person, other than standard evaporated apples.

SEC. 186. Evaporated apples—standard. Evaporated apples containing not more than twenty-seven per centum of water or fluids as determined by drying for four hours at the temperature of boiling water shall be considered standard evaporated apples for the purposes of this act.—*Added April 26, 1904, by Laws of 1904, vol. 2, ch. 391, p. 991.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, art. 13, p. 45.

FLOUR.

70. Quality of flour casks. All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong casks made of seasoned oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

71. Size of flour casks. The casks shall be of two sizes only. One size shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches long and each head sixteen and one-half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty-two inches long and each head fourteen inches in diameter, or with staves twenty-seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheads which shall contain eight hundred pounds.

72. Brand of weight and manufacturer. The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the Christian name and the surname at

^a Search warrants, not included.

^b So in Statutes.

full length of the manufacturer thereof; except hogsheads of Indian meal, on which the weight only shall be branded.

73. *Quality brand.* Every such cask of wheat flour shall also be branded as follows: If of a very superior quality "extra superfine;" if of a quality now branded "superfine" with the word "superfine;" if of a third quality, "fine;" if of a fourth quality, "fine middlings;" if of a fifth quality, "middlings;" if of a sixth quality, "ship stuffs."

74. *Quality brand for rye flour.* Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour," and each cask intended for the second quality with the words "fine rye flour."

75. *Brands for Indian meal and buckwheat.* Each cask of Indian meal shall be branded with the words "Indian meal;" and each cask of buckwheat meal, with the letter and the word "B meal."

76. *False brands; penalty.* A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer, and which happened after the packing of the cask, it shall not be deemed a violation of this section. A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

77. *Altering or counterfeiting brands; penalty.* No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded, and offer the same for sale in such cask without first cutting out the brands.

A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each such violation.

78. *Mixed flours; penalty.* No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

79. *Transportation of Indian meal; penalty.* No person having charge of any vessel shall transport, into the city of New York, any Indian meal upon the deck of any vessel. Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hogshead transported in violation of any provision of this section.

Laws of 1896, ch. 376; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, pp.1065-1067.

HONEY.

80. *Diseases among bees.* No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood or black brood; and every beekeeper when he becomes aware of the existence of either of such diseases among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease.—*Amended by Laws of 1899, ch. 223, and Laws of 1902, ch. 214.*

80-a. *Honey defined.* The terms "honey," "liquid or extracted honey," "strained honey," or "pure honey," as used in this act shall mean the nectar of flowers that has been transformed by, and is the natural product of the honey-bee, taken from the honeycomb and marketed in a liquid, candied or granulated condition.—*Added by Laws of 1902, ch. 214.*

80-b. *Imitation or compound honey must be labeled.* No person or persons shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded as "honey," "liquid or extracted honey," "strained honey," or "pure honey" which is not pure honey. No person or persons firm, association, company or corporation, shall manufacture, sell, expose or offer for sale any compound or mixture branded or labeled as and for honey which shall be made up of honey mixed with any other substance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients, but it shall not be sold, exposed for sale, or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word "honey" in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled with the word "honey," unless such article is pure honey.—*Added by Laws of 1902, ch. 26.*

81. *Duties of the commissioner; penalty.* The commissioner of agriculture shall immediately upon receiving notice of the existence of foul brood or black brood among the bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other apiaries in the immediate locality of the apiary or apiaries so reported; if foul brood or black brood is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the diseases known as foul brood or black brood then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said diseases. For the purpose of enforcing this act, the commissioner of agriculture, his agents, employees, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of foul brood or black brood or where it is believed that any commodity is offered or exposed for sale in violation of the provisions of this act. No owner or caretaker of a diseased apiary, honey, or appliances shall sell, barter or give away any bees, honey or appliances from said diseased apiary, which shall expose other bees to the danger of said diseases, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey, or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said diseases. Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment.—*Amended by Laws of 1899, ch. 223, and Laws of 1902, ch. 214.*

Cumming and Gilbert's General Laws and other General Statutes, Supplement, 1904, vol. 4, pp. 25-27.

MAPLE PRODUCTS.

91. (1) *Imitation maple products.* No person shall manufacture for sale, keep for sale, or offer or expose for sale, any sugar in imitation or semblance of maple sugar which is not pure maple sugar, nor any syrup in imitation or semblance of maple syrup, which is not pure maple syrup. Nor shall any person manufacture, offer or

^a So in Statutes.

expose for sale any sugar as and for maple sugar which is not pure maple sugar, nor any syrup as and for maple syrup which is not pure maple syrup.

(2) *Maple sugar and syrup defined.* For the purpose of this act the term "maple sugar" shall be deemed to mean sugar made from pure maple sap or pure maple syrup, and the term "maple syrup" shall be deemed to mean syrup made from pure maple sap.—*As amended by ch. 194 of the Laws of 1898.*

92. Mixed maple products to be labeled. No person shall manufacture, sell or expose for sale, any compound or mixture as and for sugar which shall be made up of maple sugar mixed with any other sugar or any other substance without branding or labeling the said sugar with a statement giving the ingredients of which it is made up. No person shall manufacture, sell, expose for sale, or offer for sale any compound or mixture as syrup which shall be made up of maple syrup mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up. This shall not be construed to apply to a syrup or syrups manufactured and sold for medical purposes only.—*Added by Laws of 1898, ch. 194.*

Laws 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, pp. 202-203.

MEAT.

70-e. Slaughter of calves. No person shall slaughter or expose for sale, or sell any calf or carcass of the same or any part thereof, unless it is in a good healthy condition. No person shall sell or expose for sale any such calf or carcass of the same or any part thereof, except the hide unless it was, if killed at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town or village any calf or carcass of the same or any part thereof for the purposes of selling, offering or exposing the same for sale, unless it is in a good healthy condition and no person or persons shall bring any such calf or carcass of the same or any part thereof except the hide into any city, town or village for the purpose of selling, offering or exposing the same for sale, unless the calf, if killed, was four weeks of age at the time of killing, provided however that the provisions of this statute shall not apply to any calf or carcass of the same or any part thereof, which is slaughtered, sold, offered or exposed for sale, for any other purpose than for food. Any person or persons exposing for sale, selling or shipping any calf or carcass of the same will be presumed to be so exposing, selling or shipping the said calf or carcass of the same for food. Any person or persons duly authorized by the commissioner of agriculture to examine any calf or veal offered or exposed for sale or kept with any stock of goods apparently exposed for sale and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food.—*As amended April 8, 1905. Laws of 1905, vol. 1, ch. 171, pp. 363-364.*

70-f. Labeling of carcasses of calves. On and after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state any carcass or carcasses of a calf or calves or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf.

70-g. Transportation. On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided.

Added to Laws of 1893, ch. 338, by Laws of 1898, ch. 491, p. 1213, and reenacted without change February 19, 1902. Laws of 1902, ch. 30; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, pp. 24-25.

90. Construction and size of beef or pork barrels and tierces. All barrels in which any pork or beef is repacked, shall be of good, seasoned white oak or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds of beef or pork.

The barrel shall measure seventeen and one-half inches between the chimes, and be twenty-eight inches long, and hooped with twelve good hickory, white oak or other substantial hoops^a If made of ash staves, it shall be hooped with at least fourteen hoops. The staves and heads shall be of good thick stuff, the heads not less than three-quarters of an inch thick; and each stave, on each edge, at the bilge, shall not be less than one-half an inch thick, when finished. The hoops shall be well set and drove, and the barrels branded on the bilge with at least the initial letters of the cooper's name. The half barrel shall contain not less than fifteen, nor more than sixteen gallons, and be made in proportion to and of like materials as a whole barrel, and shall contain one-half the quantity of beef or pork of the whole barrel.

The tierce shall be made in proportion to and of like materials as a barrel, and shall contain three hundred pounds of beef or pork.

91. Barrels in Suffolk, Kings and Queens counties. All beef and pork which is repacked in and exported from the counties of Suffolk, Kings and Queens, may be packed in barrels as nearly as straight as may be, made of good, seasoned red oak staves and heading of the growth of such counties respectively, free from sap and every defect and made otherwise as above directed.

92. Grades of pork. Each barrel of pork shall be branded on one of its heads by its name, and contain either "mess pork," "prime pork," or "cargo pork." "Mess pork" consists of the sides of good, fat hogs, exclusive of all other pieces. "Prime pork" is pork of which there is in a barrel not more than three shoulders, the legs being cut off at the knee joint, not more than twenty-four pounds of heads which have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody grizzle taken out of the heads, and the rest made up of side pieces, neck and tail pieces. "Cargo pork" is pork of which there is not in a barrel more than thirty pounds of head and four shoulders, and it shall be otherwise merchantable pork. "Side pork" so repacked shall be cut from the back bone to the belly, in pieces about five inches wide, and which in weight are not under four pounds; otherwise, the barrels containing the same shall not be branded merchantable pork.

Laws of 1896, ch. 376; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, pp. 1067-68.

OYSTERS.

31. Quantity brand; penalty. Every person engaged in putting up oysters for sale in kegs or cans, or offering them for sale in kegs or cans, not previously marked or branded, shall mark or brand such kegs or cans with the true quantity of oysters in pints, quarts or gallons, which they may respectively hold, and not more than one quarter of such quantity shall be liquid.

Every person violating any provision of this section shall forfeit to the city, village or town where the violation occurs, the sum of one hundred dollars for every such violation.

Laws of 1896, ch. 376; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, p. 1054.

^a So in Statutes.

VINEGAR.

50. Definition of adulterated vinegar. All vinegar which contains any proportion of lead, copper, sulphuric acid, or other ingredients injurious to health, or any artificial coloring matter or which has not an acidity equivalent to the presence of at least four and one-half per centum, by weight, of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than two per centum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term cider vinegar, when used in this article means vinegar made exclusively from pure apple juice. Provided, however, that cider vinegar made by a farmer in this state, exclusively from apples grown on his land, or their equivalent in cider taken in exchange therefor, shall not be deemed adulterated, if it contain two per centum solids and sufficient alcohol to develop the required amount of acetic acid.—*As amended Apr. 10, 1901, ch. 308.*

51. Adulterated or imitation vinegar. No person shall manufacture for sale, keep for sale or offer for sale:

1. Any adulterated vinegar.
2. Any vinegar or product in imitation or semblance of cider vinegar, which is not cider vinegar.
3. As or for cider vinegar, any vinegar or product which is not cider vinegar.

52. Packages containing cider vinegar to be branded. Every manufacturer or producer of cider vinegar shall plainly brand on the head of each cask, barrel keg or other package containing such vinegar, his name and place of business and the words "cider vinegar." And no person shall mark or brand as or for cider vinegar any package containing that which is not cider vinegar.

53. Penalties. Every person violating the provisions of this article shall forfeit and pay to the people of the state the sum of one hundred dollars for each violation.

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 3, pp. 177-178.

WATER.^a

70. Rules and regulations of department of health; publication; penalties. The state department of health may make rules and regulations for the protection from contamination of any or all public supplies of potable waters and their sources within the state. If any such rule or regulation relates to a temporary source or act of contamination, any person violating such rule or regulation shall be liable to prosecution for misdemeanor for every such violation, and on conviction shall be punished by a fine not exceeding two hundred dollars, or imprisonment not exceeding one year, or both. If any such rule or regulation relates to a permanent source or act of contamination, said department may impose penalties for the violation thereof or the non-compliance therewith, not exceeding two hundred dollars for every such violation or noncompliance. Every such rule or regulation shall be published at least once in each week for six consecutive weeks, in at least one newspaper of the county where the waters to which it relates are located. The cost of such publication shall be paid by the corporation or municipality benefited by the protection of the water supply, to which the rule or regulation published relates. The affidavit of the printer, publisher or proprietor of the newspaper in which such rule or regulation is published may be filed, with the rule or regulation published, in the county clerk's office of such county, and such affidavit and rule and regulation shall be conclusive evidence of such publication, and of all the facts therein stated in all courts and places.—*Amended by Laws of 1899, ch. 251, and Laws of 1904, ch. 484.*

^a For complete sewage law for protection of waters see secs. 72-89d.

71. *Inspection of water supply.* The officer or board having by law the management and control of the potable water supply of any municipality, or the corporation furnishing such supply, may make such inspection of the sources of such water supply, as such officer, board or corporation deems it advisable, and to ascertain whether the rules or regulations of the state department are complied with. If any such inspection discloses a violation of any such rule or regulation relating to a permanent source or act of contamination, such officer, board or corporation shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not immediately comply with the rule or regulation violated, such officer, board or corporation shall notify the state department of the violation, which shall immediately examine into such violation; and if such person is found by the state department to have actually violated such rule or regulation, the commissioner of health shall order the local board of health of such municipality to convene and enforce obedience to such rule or regulation. If the local board fails to enforce such order within ten days after its receipt, the corporation furnishing such water supply, or the municipality deriving its water supply from the waters to which such rule or regulation relates, may maintain an action in a court of record, which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties incurred by such violation, and for an injunction restraining him from the continued violation of such rule or regulation.—*Amended by Laws of 1899, ch. 251, and Laws of 1904, ch. 484.*

Laws of 1891, ch. 661; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, p. 685.

RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH.

The state board of health at a meeting held on the twenty-fourth of February, eighteen hundred and eighty-three, unanimously adopted the following resolutions:

Resolved, That under and pursuant to section four of chapter two hundred and seven of the laws of eighteen hundred and eighty-one, the following mixtures when distinctly labelled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

1st. Coffee mixtures containing no other substances except chicory, peas or cereals, and in which mixtures the pure coffee shall not be less than fifty per cent of the whole mixture or compound, provided the exact percentage of coffee be printed upon the label of each package.

2d. Mustard mixture with wheat or rice flour, to which no other substance, or article, or any coloring matter except turmeric is added, and in which mixture the pure farina of mustard shall not be less than forty per cent of the whole mixture or compound, exclusive of the mustard hulls.

The labels on the above mixtures shall contain the names of each and every ingredient of the mixture.

The labels shall also exhibit the percentage of the characteristic constituents; for example, the percentage of coffee in the coffee mixture, and the percentage of mustard in the mustard mixture.

The above mentioned information shall be printed on the labels in black ink, in legible antique type of a size easily to be read, on one side of the package.—*Approved March 24, 1883.*

At a meeting of the state board of health, held at the central office, January 16, 1883, the following resolution was adopted:

50b. Resolved, That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one the state board of health hereby fixes the limits of variability permissible in cider vinegar, which shall not

contain less than five per cent of pure acetic acid, and shall not leave on evaporation less than one and one-half per cent of solid matters, the same being weighed after drying, at 212° Fahrenheit.—*Filed June 11, 1883.*

The state board of health, by virtue of power conferred, at a meeting, held on the 23rd of November, 1886, does hereby declare:

50c. That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty one, the following goods when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

Canned peas or beans in the preparation of which copper has been used, provided that the proportion of metallic copper shall not exceed three-fourths of a grain per avoirdupois pound of peas or beans, equivalent to three grains of crystallized sulphate of copper, and that the same be plainly stated on the label.—*Approved Dec. 2, 1886.*

NORTH CAROLINA.

The food laws of North Carolina are administered by the State department of agriculture. In response to a letter of inquiry, the following statement was made by Mr. T. K. Bruner, the secretary of the department:

We think that the law as it stands now is fairly satisfactory, though the friends of pure food would like a stronger and more effective one. However, the work is progressing with reasonable satisfaction; the percentage of adulteration found last year of approximately 250 samples was only about 17 per cent of those examined.

GENERAL FOOD LAWS.

SEC. 1. *Board of agriculture to analyze foods, etc.* That for the purpose of protecting the people of the State from imposition by the adulteration and misbranding of articles of food, the Board of Agriculture shall cause to be procured from time to time, and under rules and regulations to be prescribed by them, in accordance with section nine of this act, samples of food, beverages and condiments offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the Department of Agriculture. The Board of Agriculture is hereby authorized to make such publications of the results of the examinations, analyses and so forth as they may deem proper.

SEC. 2. *Penalty for handling adulterated or misbranded foods.* That no person, by himself or agent, shall knowingly manufacture, sell, expose for sale or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the Court; and such fines, less legal costs and charges, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 3. *Authenticated analyses showing fraud to be certified by solicitors.* That the chemists or other experts of the Department of Agriculture shall make, under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, beverages and condiments offered for sale in North Carolina which may be collected from time to time under their directions in various parts of the State. If it shall appear from such examination that any of the provisions of this act have been violated, the Commissioner of Agriculture shall at once certify the facts to the proper solicitor, and furnish that officer a copy of the result of the analysis duly authenticated by the analyst under oath. In all prosecutions arising under said act as amended the certificate of the chemist making the analysis or test, when duly sworn to by such analyst, shall be *prima facie* evidence of the fact or facts therein certified.

If it shall appear from such examination or analysis that any of the provisions of said act have been or are being violated, the Commissioner of Agriculture shall cause

to be published in the newspaper having the largest circulation in the town or city in which such violation has been committed, and in any other newspaper in his discretion, a brief statement of the results of the examination or analysis, with the name of the person or firm having committed such violation, and the name of the person or firm manufacturing or packing such product.—*As amended February 27, 1905, Public Laws 1905, ch. 306, pp. 339-340.*

SEC. 4. *Prosecutions.* That it shall be the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

SEC. 5. *"Food" and "misbranded" defined.* That the term "food" as used herein shall include all articles used for food—candy, condiment or drink, by man or domestic animals, whether simple, mixed or compound. The term "misbranded" as herein used shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

SEC. 6. *"Adulteration" defined.* That for the purpose of this act an article of food shall be deemed adulterated—

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

Second. If any inferior substance or substances has, or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, and sold under the specific name of another article.

Fifth. If it be mixed, colored, powdered, coated, polished or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

If it contain any of the following substances, which are hereby declared deleterious and dangerous to health when added to human food, to-wit: Colors which contain antimony, arsenic, barium, lead, cadmium, chromium, copper, mercury, uranium or zinc; or the following colors: gamboge, corallin, picric acid, aniline, or any of the coal-tar dyes; saccharine, dulcin, glucin or any other artificially or synthetically prepared substitute for sugar; paraffine, formaldehyde, beta-naphthol, abrastol, benzoic acid or benzoates, salicylic acid or salicylates, boric acid or borates, sulphurous acid or sulphites, hydrofluoric or any fluorine compounds, sulphuric acid or potassium sulphate or wood alcohol: *Provided*, that catsups and condimental sauces may, when the fact is plainly and legibly stated in the English language on the wrapper and label of the package in which it is retailed, contain not to exceed two-tenths of one per cent. of benzoic acid or its equivalent in sodium benzoate. Fermented liquors may contain not to exceed two-tenths of one per cent. of combined sulphuric acid, and not to exceed eight-thousandths of one per cent. of sulphurous acid.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or in an imitation either in package or label of an established proprietary product, which has been trade-marked or patented.

Eighth. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter.

In cases of meats, oysters or fish sold or offered for sale in the fresh state, if such meats, oysters or fish shall have been inoculated, dusted, powdered, sprayed, rubbed, anointed, washed, sprinkled or fumigated, or in any manner treated with any of the substances declared deleterious and dangerous by this act, or with any antiseptic or chemical preservative or dyestuff whatsoever, whose use and apparent purpose is to retard, prevent or mask decomposition, or to give to the meat, oysters or fish a false appearance of freshness or quality. In addition to the ways already provided, sausage shall be deemed adulterated if it is composed in any part of liver, lungs, kidneys or other viscera of animals: *Provided*, that the use of animal intestines as sausage casings shall not be deemed an adulteration.

Ninth. That candies and chocolate may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health: *Provided*, That an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

First. In the case of articles, mixtures or compounds which may be now, or from time to time hereafter, known as articles of food, beverages or condiments under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

Third. When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, beverage or condiment, or conceal the inferior quality thereof: *Provided*, That the same shall be labeled, branded or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact character thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That nothing in this act shall be construed to apply to proprietary or patent medicines.

Fourth. Where the food, beverage or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation: *Provided further*, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer or other party from whom he purchased said article.—*As amended March 3, 1899, Public Laws 1899, ch. 369, p. 509, and as further amended February 27, 1905, Public Laws 1905, ch. 306, p. 340.*

SEC. 7. *Branding.* That the Board of Agriculture is hereby authorized to cause all compound, mixed or blended products to be properly branded and prescribe how this shall be done.

SEC. 8. *Exemptions.* That it shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section six. The Board of Agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage or condiment, and these standards when so published shall remain the standards before all courts: *Provided*, That when standards have been or may be fixed by the Secretary of Agriculture of the

United States, they shall be accepted by the Board of Agriculture and published as the standards for North Carolina.

SEC. 9. *Samples for analysis.* That every person who exposes for sale or delivers to a purchaser any condiment, beverage or article of food, shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages or articles of food to any person duly authorized by the Board of Agriculture to secure the same and who shall apply to such manufacturer or vender or person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

SEC. 10. *Penalty for hindering enforcement of law.* That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any chemist, inspector or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, in the discretion of the Court, and said fines, less the legal costs, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 11. *Other legislation.* That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.

SEC. 12. *Laws repealed.* That chapter one hundred and twenty-two, Public Laws of one thousand eight hundred and ninety-five, be and the same is hereby repealed.—*As amended March 3, 1899, Public Laws 1899, ch. 369, p. 509.*

SEC. 13. That this act shall be in force from the first day of August, one thousand eight hundred and ninety-nine.

Ratified February 13, 1899. Public Laws, 1899, ch. 86, p. 216.

ALCOHOLIC BEVERAGES.

982. *Manufacturing, selling or importing adulterated liquors.* If any person shall adulterate any spirituous, alcoholic, vinous or malt liquors by mixing the same with any substance of whatever kind, except as hereinafter provided, or if any person shall sell or offer to sell any spirituous, alcoholic, vinous or malt liquors, knowing the same to be thus adulterated, or shall import into this state any spirituous or intoxicating liquors, and sell or offer to sell such liquor, knowing the same to be adulterated, he shall be guilty of a misdemeanor, and fined and imprisoned, or both, at the discretion of the court.

983. *Addition of injurious ingredients.* Any person who shall manufacture, sell, or in any way deal out spirituous liquors, of any name or kind, to be used as a drink or beverage, and the same shall be found to contain any foreign properties or ingredients poisonous to the human system, shall be guilty of a high misdemeanor, and imprisoned in the penitentiary not less than five years, and may be fined in the discretion of the court. It shall be competent for any citizen after making purchase of any spirituous liquors, to cause the same to be analyzed by some known competent chemist, and if upon such analysis it shall be found to contain any foreign poisonous matter it shall be prima facie evidence against the party making such a sale.

984. *Recipes for adulteration; druggists, etc., exempt.* Any person who shall sell or offer to sell any recipe or formula whatever for adulterating any spirituous or alcoholic liquors, by mixing the same with any substance of whatever kind, except as is hereinafter provided, shall be guilty of a misdemeanor, and fined and imprisoned as is provided in the preceding section: *Provided*, that this section and the two preced-

ing sections shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts, from adulterating liquors for medicinal and mechanical purposes.

Code 1883, vol. 1, p. 402.

BUTTER.

SEC. 1. "*Butter*" defined. For the purpose of this act the word "butter" shall be understood to mean the product manufactured and compounded from fresh and pure milk and cream.

SEC. 2. *Imitation butter named.* For the purpose of this act any article manufactured or compounded in imitation or semblance of butter, as defined in section one of this act, which shall be composed of any ingredient or ingredients in combination with butter, shall be known as "oleomargarine" and "butterine," and it shall be unlawful to manufacture, keep for sale, offer for sale, export or import same, except in accordance with the provisions of this act.

SEC. 3. *Labeling of oleomargarine, etc.* Every manufacturer of said "oleomargarine" and "butterine" shall securely affix by pasting on each package, tub or firkin thereof so manufactured by him a label, on which shall be printed in large roman type the chemical ingredients and the proportions thereof. Every manufacturer of such compound who neglects to affix such label to any package, tub or firkin containing such compound manufactured, sold or offered for sale by him, and every person who removes such label so affixed from any such package, tub or firkin shall be guilty of a misdemeanor and punished as hereinafter provided.

SEC. 4. *Interstate commerce act.* This act shall not be construed as to prohibit the manufacture or sale of said compound, or in any degree violate the provisions of the interstate commerce law relative to this particular subject. The said compound, however, shall not be manufactured, sold, nor offered for sale, except in accordance with the provisions of this act.

SEC. 5. *Penalty.* It shall be the duty of the district, county and city attorneys, upon proper information that any of the provisions of this act have been violated, to prosecute such offender before any court of jurisdiction, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and for each subsequent offence by a fine not less than two hundred dollars or by imprisonment not less than six months or both in the discretion of the court.

SEC. 6. This act shall be in force thirty days after its passage.

Approved February 28, 1895. Public Acts, 1895, ch. 106, p. 105.

CORN MEAL.

SEC. 1. *Standard weight.* The standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight (48) pounds.

SEC. 2. *Marks.* It shall be unlawful for any person or persons to pack for sale, sell or offer for sale in this State any corn meal except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel respectively. Each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight: *Provided*, the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

SEC. 3. *Penalty.* Any person or persons violating either of the foregoing sections of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

SEC. 4. *Effect.* This act shall be in force and effect from and after June first, one thousand nine hundred and five.

SEC. 5. *Repeal.* All acts or parts of acts in conflict with this act be and the same are hereby repealed.

Approved February 7, 1905. Public Laws 1905, ch. 126, pp. 143-144.

MEAT.

SEC. 1. *Diseased animals; penalty.* Any person or persons, firm or corporation, who knowingly and willfully slaughters any diseased animal and sells or offers for sale any of the meat of the said diseased animal for human consumption; or any person or persons, firm or corporation who knows the meat offered for sale or sold for human consumption by such person or persons, firm or corporation is that of any diseased animal shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 2. *Effect.* This act shall be in force from and after its ratification.

Approved February 25, 1905. Public Laws 1905, ch. 303, p. 337.

WATER.

SEC. 1. *Laboratory of hygiene.* For the better protection of the public health and to prevent the spread of communicable diseases there shall be established a State laboratory of hygiene, the same to be under the control and management of the State Board of Health.

SEC. 2. *Examination of potable waters.* It shall be the duty of the State Board of Health to have made in such laboratory monthly examinations of samples from all the public water supplies of the State. The board shall also cause to be made examinations of well and spring waters when in the opinion of any county superintendent of health or any registered physician there is reason to suspect such waters of being contaminated and dangerous to health. The board shall likewise have made in this laboratory * * * such other examinations as the public health may require.

SEC. 3. *Appropriation.* For the support of the said laboratory the sum of twelve hundred dollars is hereby appropriated and an annual tax of sixty dollars, payable quarterly, by each and every water company, municipal, corporate and private, selling water to the people, said tax to be collected by the sheriff as other taxes and paid by said sheriff directly to the treasurer of the State Board of Health, and the printing and stationery necessary for the laboratory to be furnished upon requisition upon the State Printer.

SEC. 4. *Repeal.* Section seventeen of chapter one hundred and fifty-nine of the Laws of one thousand nine hundred and three is hereby repealed.

SEC. 5. *Effect.* This act shall be in force from and after its ratification.

Ratified March 4, 1905. Public Laws 1905, ch. 415, pp. 424-425.

STANDARDS AND RULINGS OF THE BOARD OF AGRICULTURE UNDER THE PURE-FOOD LAW.

Vinegar.—To be standard, vinegar shall contain not less than 4 per cent of acetic acid. When of less strength the percentage of acetic acid must be branded on every package in which it is sold, exposed, or offered for sale. Vinegar must not contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health, and when artificially colored the fact shall be made known by a proper label (as designated under paragraph on "Labeling") attached to every package in which it is sold, exposed, or offered for sale.

Apple cider or orchard vinegar must be made from the pure juice of apples, free

from foreign substances, and must contain not less than $1\frac{1}{4}$ per cent of apple cider solids.

Other vinegars must be sold under names which represent truly the material or materials from which they are severally made, as "Malt vinegar," "Grape vinegar."

All fermented and not distilled vinegars must contain not less than $1\frac{1}{2}$ per cent of the solids of the grains or fruits from which they are made.

Distilled vinegar must be labeled and sold as such.

Milk.—Milk must be from healthy cows and must contain at least 12 per cent of total solids and 3 per cent of butter fat, unless labeled or sold as "skimmed milk" or milk below standard. Coloring matter or preservatives must not be added unless the cans from which the milk is sold are conspicuously labeled to show such addition, and written notice is served on each customer stating the kind and amount of coloring matter or preservative or both used to the gallon.

Butter.—Butter must contain not less than 80 per cent of milk fat, without admixture of any other animal or vegetable fats.

Process butter.—Deteriorated or unmarketable butter, which, by any process or remelting, or working over, has been made marketable, must be branded and sold as "Process butter," and each package so sold, offered, or exposed must be so labeled as to fairly and clearly furnish this information.

Oleomargarine.—Oleomargarine, butterine, and kindred mixtures of animal and vegetable fats, or mixtures of these with butter, must be sold under their own distinctive names as oleomargarine or butterine, and each package so sold, offered, or exposed for sale must be so labeled (as prescribed under paragraph headed "Labeling") as to furnish clearly and fairly this information.

Cheese.—Cheese not made wholly from pure, unskimmed milk or cream must be sold as "Skim milk cheese," and where other fats have to be added it must be sold as "Filled cheese," and each cheese must be so labeled as to furnish this information, as directed under the labeling paragraph.

Lard.—Lard is the rendered fat of swine and should contain not less than 99 per cent of this fat. Other fats and oils, and mixtures of them, must be sold under their true name or coin names, or as "Lard substitutes." An admixture of other fat or fats, with a considerable percentage of lard, may be sold as "Lard compound;" otherwise it must be sold as adulterated lard.

Oils.—Oils, as olive and cotton seed, must be sold under their true names or under names that will not mislead as to their true character; and when mixed or blended the fact shall be made known by proper and conspicuous labeling on the containing vessels; otherwise they must be branded and sold as "adulterated."

Spices and peppers.—Spices and peppers must be pure and true to name, and must not be mixed with other substances or with exhausted or impure articles of their own kind, unless labeled and sold as adulterated.

Mustard.—Dry mustard must be pure. Mixtures of mustard, vinegar, and spices may be sold as "Prepared mustard," but must not be diluted with starch or other materials unless the fact is made known on the label.

Ciders and fruit juices.—These must be made of unadulterated fruit juices, and be sold under the name of the fruit from which made. No preservative, color, or flavor shall be added, unless the fact is made known by proper label attached to each package. When artificially colored or flavored, or both, they must be sold as "adulterated" or "imitation" products, in which case any added preservative must be made known by proper label.

Beers and wines and other alcoholic and nonalcoholic drinks and products used in making such must not contain added preservatives, coloring, or flavor, unless the fact is made known by proper label on each package. When made partly or entirely from artificial products they must be sold as "adulterated" or "imitation" products, any added preservative being made known on proper label.

Cereal and farinaceous products.—Flour, cracked and rolled wheat, oats, buckwheat, barley, and corn, and their products, rice, etc., must be true to name, and when mixed with each other or with other vegetable or mineral products the mixtures must be sold under coin names or as mixtures or compounds.

Canned goods.—Canned goods must be true to name and be free from added coloring, flavor, or preservatives, unless such addition or additions is made known by conspicuous labeling.

Candy.—Candy must not contain terra alba, kaolin, or other mineral substances, or harmful coloring or other matter.

Fruits, jellies, butter, jams, preserves, conserves, confections, and like articles must be made entirely of the fruit specified on the label and preserved only with cane sugar, and must not contain any artificial coloring, preservatives, or flavor, except spices or other wholesome natural flavoring materials, unless such added flavors, coloring, and (or) preservatives are made known on the labels. When made partly or wholly of artificial materials, or when any material to make up bulk or weight, to add flavor or color, except as indicated above, have been used, the products must be sold as "adulterated" or "imitation" products, in which case any added preservatives must be made known on the label.

Honey must not have added to it directly by man, or indirectly by feeding to the bees, glucose, cane sugar, invert sugar, or other matter not naturally occurring in pure honey, unless sold as adulterated honey, or a statement regarding the adulteration is made a part of the label attached to each package sold.

Coffee.—Coffee must be true to name and of full strength. It must not be mixed with exhausted or partially exhausted coffee or any other substance or substances, except as indicated below. If mixed with chicory or other harmless substitute allied to coffee in either flavor or strength, and not used simply as an adulterant, the mixture may be sold as "coffee compound."

Imitations or substitutes containing no coffee must not be sold as coffee compounds, but may be sold under coin names.

Tea.—Tea, when sold, exposed, or offered for sale as such, must consist wholly of the dried leaves of the true tea plant, without artificial color, filler, or extraction of essential properties, unless conspicuously labeled as "adulterated."

Baking powders.—Baking powders must not contain substances not necessary to their manufacture, and they must be labeled in a conspicuous way and place, either in the name of the powder itself, or elsewhere, so as to show the acid salt of which the powder is made, as "Alum baking powder," "Alum-phosphate baking powder," "Phosphate baking powder," or "Cream of tartar baking powder," and when so labeled they must be true to label.

Preservatives.—The term preservative is considered synonymous with antiseptic. Food containing any added antiseptic or preservative substance or substances, except common table salt, saltpeter, cane sugar, alcohol, vinegar, spices, or the natural products of the smoking process, shall have the presence of such preservative or preservatives made clearly known by conspicuous labeling or made known to purchasers when the article is not capable of being labeled.

Labeling.—A label must be, as far as possible, attached to each package and contain, in addition to other information, the name and address of the manufacturer or jobber. When the words "artificial," "imitation," "compound," "adulterated," or words of similar import are required, they must immediately precede or follow the word or words they modify, and be in the same size and style of type and on same kind of background as the word or words with which they are closely associated.

Where the presence of preservatives, coloring matter, or other substance or substances is required to be printed on the label, as indicated in the several paragraphs relating to different food products, the printing must be done clearly and conspicu-

ously on the label in type not smaller than *brevier heavy gothic caps*, and on the same kind of background as the rest of the label.

Form of guaranty of purity approved by the board of agriculture as provided for in section 6 of the pure food law.

I (or we), the undersigned wholesaler, jobber, or manufacturer, in consideration of ——— (name and address), retail merchant, purchasing food from us, hereby guarantee that all food sold to ——— shall be pure within the meaning of what is known as the pure food law (an act to prevent the sale of adulterated and misbranded food: Ratified the 13th day of February, 1899), and shall conform with the requirements of said law and the standards and rulings of the Board of Agriculture as regards standards of quality, branding, and otherwise. This guaranty to remain in force till revoked in writing.

The article referred to in this guaranty is (or are) ———.

Signed ———,

Address ———,

Date ———.

GENERAL STATEMENT.

The Department of Agriculture desires the cooperation and support of manufacturers, jobbers, wholesalers, retailers, and individuals in carrying out the provisions of the pure-food law. To this end the Department—

(1) Invites suggestions, and will give hearings to interested parties regarding the present standards and rulings, others that may seem desirable, or that may be made in the future.

(2) Analyses will be made for parties within the State when samples are taken in accordance with instructions furnished by the State chemist and the required data concerning the samples are given.

(3) Analyses will be sent to parties sending samples and to parties from whom samples are taken by the Department. It is the desire of the Department to put information into the hands of manufacturers, dealers, and users of food, and to assist them in every way it can to know and to manufacture, handle, and use the best, most desirable, and most wholesome food products. The pure-food law is in the interest of the honest manufacturer, the honest dealer, and for the protection of the consumer. It should operate in this way.

NORTH DAKOTA.

The food laws of this State are administered by the agricultural experiment station. The laws relating to dairy products are administered by the assistant dairy commissioner, under the direction of the commissioner of agriculture. At the last meeting of the legislature new laws were enacted which superseded previous legislation.

GENERAL FOOD LAWS.

7649. *Adulterated food or medicine.* Every person who, either:

1. With intent that the same may be used as food, drink or medicine for man, sells or offers or exposes for sale, any article whatever, which to his knowledge is tainted or spoiled, or for any cause unfit to be used as food, drink or medicine; or,

2. Knowingly sells any article intended as food or drink for man which contains a sufficient quantity of any drug or other substance to render such article injurious to health, or compounds the same; or,

3. Adulterates or dilutes so as to render it injurious to health, for the purpose of sale as unadulterated or undiluted, any substance intended as food, drink or medicine for man,

Is guilty of a misdemeanor.

Laws of 1885, ch. 64; Revised Code, 1899, ch. 68, p. 1528.

7309. *Fraudulent adulteration of food and drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

7310. *Knowingly selling tainted food or drugs.* Every person who knowingly sells, or keeps or offers for sale or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.

Revised Code, 1899, ch. 40, p. 1460.

SEC. 1. *Adulterating and misbranding foods and beverages.* It shall be unlawful for any person, either for himself or while acting as agent or servant of any other person or corporation, to manufacture for sale, sell, offer or to have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome or adulterated within the meaning of this act. The having in possession of such adulterated article or articles shall be deemed as prima facie evidence of the violation thereof. For the purpose of this act all condiments, extracts, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed as articles of food.—*Amended and reenacted February 24, 1905, Laws 1905, ch. 11, p. 19.*

SEC. 2. *Adulteration defined.* Any article of food or beverage shall be considered as unwholesome or adulterated within the meaning of this act:

First. If it contains and ^a form of aniline dye or other coal tar dye, or if colored with a harmless vegetable dye and the name thereof is not given on the label.

Second. If it contains formaldehyde, benzoic acid, sulphurous acid, boric acid, salicylic acid, hydrofluoric acid, saccharin, betanaphthol, or any salt or antiseptic compound derived from these products.

Third. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength or food value so that such article of food or beverage, when offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article, so that the product when sold shall deceive or tend to deceive the purchaser.

Fifth. If any necessary or valuable constituent of the article has been in whole or in part abstracted.

Sixth. If it be an imitation of or offered for sale under the specific name of another article.

Seventh. If it be labeled, branded, or colored so as to deceive or mislead the purchaser, or if it be falsely labeled in any respect.

Eighth. If it consists wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substance, or if such substance or substances be used in the preparation thereof.

Ninth. If every package, bottle or container does not bear the true net weight, the name of the real manufacturers or jobbers, and the true grade or class of the product, the same to be expressed in clear and distinct English words in black type on a white back ground; provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

First. If it be a compound or mixture of recognized food products not included in definitions sixth and eighth of this section.

Second. In the case of candies and chocolates, if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances, or aniline dyes or other coal tar dyes or other poisonous colors, flavors or products detrimental to health.

Third. If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of this there is distinctly printed with black ink and in clear legible type the name and address of the manufacturers, the true and correct analysis, and in a form to be prescribed by the North Dakota government agricultural experiment station, of each and all the constituents or ingredients contained in or contributing a part of such baking powders, or mixture or compound intended for use as a baking powder. The label shall bear no advertising or descriptive matters other than the name of the manufacturer, composition as prescribed for above, and directions for use.

Fourth. In the case of perishable goods put up in bulk, sodium benzoate may be used in proportion not to exceed one part in two thousand in such products and under such regulations as may be determined upon and proclaimed by the North Dakota government agricultural experiment station at Fargo. This clause shall not be applicable for goods coming into the state after July, 1907, nor to any case at any time where products can be commercially produced without the use of chemical preservatives. Where the use of preservatives are permitted the fact shall be clearly set forth on this label in the form and manner to be prescribed by the North Dakota government agricultural experiment station at Fargo.—*Amended and reenacted February 24, 1905, Laws of 1905, ch. 11, p. 19.*

^a So in Statute.

SEC. 3. *Penalty for so doing.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for the first offense be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles, when said person has been found guilty under this act. Products found to be adulterated within the meaning of this act may by order of the court be seized and ordered destroyed.—*Amended and reenacted February 24, 1905, Laws of 1905, ch. 11, p. 20.*

SEC. 4. *Prosecution.* It shall be the duty of the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station, as provided for in sections 7 and 8 of this act.

SEC. 5. *The North Dakota experiment station to inspect and analyze foods and beverages; standards.* The North Dakota government agricultural experiment station shall make analysis of food products and beverages on sale in North Dakota, suspected of being adulterated, at such times and places and to such extent as it may determine, and may appoint such agent, or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and agent or agents and sheriffs shall have free access, at [all] reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exists, and such agent, agents or sheriffs upon tendering the market price of said article may take from any person, firm or corporation samples of any article suspected of being adulterated as aforesaid, and the said station may adopt or fix standards of purity, quality of strength when such standards are not specified or fixed by statute.

SEC. 6. *Samples for analysis sent to station.* Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food or food product, or beverage, in the original package to said station to be analyzed. And such article, if not before analyzed, shall be analyzed and included in the next report of the station as provided for in section 9 of this act.

SEC. 7. *Results of analysis.* Whenever said station shall find by its analysis that adulterated food products have been on sale in this state, it shall forthwith transmit the facts so found to the state's attorney of the county in which said adulterated food product was found.

SEC. 8. *Certificates as evidence.* Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo relating to the analysis of any food, food products or beverages shall be presumptive evidence of the facts therein stated.

SEC. 9. *Annual report of station.* The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the name of the injurious adulterant. The county auditor of each county shall cause the said list to be printed in the official paper of such county. Said publication shall be made in July and January of each year, and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the board of county commissioners.

SEC. 10. *Sheriff to take samples, etc.; compensation.* It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food product or beverage complained of, and forward

the same to the said station for analysis, marking the package or wrapper containing the same, for identification, with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriff.

SEC. 11. *Appropriation.* To carry out the provisions of this act, out of any money in the state treasury, not otherwise appropriated, the sum of fifteen hundred dollars is hereby annually appropriated to the said North Dakota government agricultural experiment station, which sum shall be paid in equal quarterly installments to the treasurer of the board of trustees of such station, upon the order of the state auditor, who is hereby directed to draw his order for the same.

SEC. 12. *Action an account of illegal sale.* No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

SEC. 13. *Repeal.* All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 2, 1903. Laws 1903, ch. 6, p. 9.

CANDY.

7309a. No person shall by himself, his servant, or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Whoever violates any of the provisions of this section shall be punished by a fine of not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under direction of the court.

Revised Code 1899, ch. 40, p. 1460.

DAIRY PRODUCTS.

7639. *Selling imitation butter without brand; penalty.* Any person who shall knowingly sell or offer for sale or procure the sale of, or make or manufacture, any article or substance in semblance of butter, not the legitimate product of the dairy and made exclusively of milk or cream, but into the composition of which the oil or fat of animals, or melted butter or any oil thereof, enters as a substitute for cream, in tubs, firkins or other original packages and not distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the word "oleomargarine," or "butterine," or "patent butter," as the case may be, in letters not less than one-fourth of an inch in width and one-half of an inch in length, or in retail packages not plainly and conspicuously labeled with said words "oleomargarine," or "butterine," or "patent butter," as the case may be, shall be guilty of a misdemeanor, and punished by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7640. *Process butter; "Quinness' patent."* Any person or firm who shall sell or offer for sale, or make or manufacture, imitation butter or butter made of part cream and part caseine or other ingredients under what is known as "Quinness' patent," or process or any other similar process, whereby the caseine of milk and other ingre-

dients are made to imitate and resemble genuine butter made from cream, shall stamp upon each package of the same on the top and side with lampblack and oil, the words "patent butter," in letters at least one-fourth of an inch wide and one-half of an inch long. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7641. *Filled cheese; branding; penalty.* Any person or firm who shall sell or offer for sale, or make or manufacture out of any oleaginous substance or substances, or any compound of the same or compound other than that produced from unadulterated milk, any article designed to take the place of cheese, or any imitation of cheese produced from pure milk, or any article termed "filled cheese," shall stamp upon each package of the same on the top and the side with lampblack and oil, the words "filled cheese," or words that shall designate the exact character and quality of the product, in letters at least one-fourth of an inch wide and one-half of an inch long. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7642. *Patent butter and cheese; card stating ingredients; penalty.* Whoever sells or offers for sale any imitation or patent butter or cheese, as described in the foregoing sections of this chapter, shall give to each purchaser of said goods a printed card stating correctly the different ingredients contained in the said compound. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7643. *Possession prima facie evidence of guilt.* The having in possession by any person or firm, of any article or substance prohibited by this chapter, shall be considered prima facie evidence that the same is kept by such person or firm in violation of its provisions, and the state dairy commissioner shall be authorized to seize upon and take possession of any such article or substance, and upon the order of any court which has jurisdiction, he shall sell the same for any purpose other than to be used for food; the proceeds derived from the sale of imitation butter shall be paid one-half to the informer and one-half into the state treasury, to be placed to the credit of the state dairy commissioner's fund.

7644. *Butter samples analyzed; certificate; evidence.* Samples or specimens of any article in imitation of butter or suspected of being of a spurious character, shall be analyzed or otherwise satisfactorily tested as to compounds by the chemist of the agricultural college at Fargo, free of expense; and a certificate of analysis, sworn to by the analyzer, shall be admissible as evidence in all prosecutions under this chapter.

7645. *Butter not branded or labeled.* The sale or offer for sale of the substance mentioned in the foregoing section in packages not branded, stamped, marked or labeled as in this chapter required, shall be prima facie evidence of knowledge of the character of such substance on the part of the person so selling or offering the same for sale, and his employer.

7646. *Branding of butter and cheese; reports; penalty.* Every cheese factory, creamery, or combined cheese factory and creamery, engaged in the manufacture of butter and cheese, shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured and the number and location of the factory, and may contain a special or private brand or name of said

factory; every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter, on the package only; and shall report annually to the state commissioner of agriculture and labor, who by virtue of his office is state dairy commissioner, the name, location and number of each factory using the said brand, and the name or names of the persons at each manufactory authorized to use the same, together with a copy of each stencil or brand, and the state dairy commissioner shall keep a book in which shall be registered the same. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than fifty dollars, for each and every offense.

7647. *Shipment through the state.* Nothing in this chapter shall be so construed as to prohibit the shipment of butter and cheese without unloading through the state of North Dakota.

7648. *"Butter" and "cheese" defined.* For the purposes of this chapter the term "butter," or "cheese," shall be understood to mean the product usually known by that name, and which is manufactured exclusively from milk or cream or both.

Laws of 1895, ch. 49, sec. 1-10; Revised Code 1899, ch. 67, p. 1525.

SEC. 1. *Office of assistant dairy commissioner created; duties; salary.* In order to secure the better enforcement of the provisions of this act, and to promote the improvement of the products of the dairy, the commissioner of agriculture, by and with the advice and consent of the governor, shall appoint one deputy in his department to be known officially as assistant dairy commissioner, who shall have a practical knowledge of, and experience in, the manufacture of dairy products, and hold his office during the term of the commissioner of agriculture, subject to removal from office for inefficiency, neglect or violation of duty. The said assistant commissioner shall receive a salary of twelve hundred dollars per annum and his actual and necessary expenses in the discharge of his duties under this act. It shall be the duty of the assistant dairy commissioner to enforce, under the direction of the commissioner of agriculture, all laws that now exist or that hereafter may be enacted in this state regarding the production, manufacture and sale of dairy products, their imitation and substitutes; to inspect every creamery, cheese factory or renovating or "process butter factory" at least once each year; to assist the butter makers, cheese makers and managers of such factories, and patrons of the same, in order to improve the quality of the dairy products sold to or manufactured in said factories; and to cooperate with the dairymen in testing their dairy herds both individually and collectively. The sum of two thousand dollars is hereby appropriated to which shall be added the amount collected from the sale of licenses hereinafter provided for in this act, to be paid for such purposes out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the state treasurer of the state upon the warrant of the state auditor. The entire expense of said assistant commissioner shall not exceed the sum appropriated for the purpose of this act.

SEC. 2. *Commissioner of agriculture to make detailed annual report.* The annual reports of the commissioner of agriculture shall contain a detailed report of the work and proceedings, together with an account of expenses and disbursements of said assistant commissioner, since the preceding report, with such facts and statistics in regard to the production, manufacture and sale of dairy products with such suggestions as he may regard of public importance connected therewith.

SEC. 3. *Powers of assistant dairy commissioner.* The said assistant commissioner and such persons as shall be duly authorized for the purpose shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy product or in any imitation thereof. They shall also have power and authority to open any package, can or

vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein and may take samples therefrom for analysis. All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them every assistance in their power when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act. The assistant commissioner, and such persons as shall be duly authorized for the purpose shall have free access to any barn or stable where any cow is kept or milked, or to any factory, building or dairy or premises where any dairy products are manufactured, handled or stored, when the milk from such cow or product is to be sold or shipped to any creamery or cheese factory in the state and may enforce such measures as are necessary to secure perfect cleanliness in and around the same and of any utensil used therein.

SEC. 4. *Creameries, cheese factories, etc., required to take out license annually; fees.* Every person, firm or corporation owning and operating a creamery, cheese factory or renovating or "process butter factory" in the state shall on the first day of July of each year, or within thirty days thereafter, be licensed by the assistant dairy commissioner and shall pay for said license the sum of ten dollars for each and every factory owned and operated by said person, firm or corporation. No license shall be sold or transferred. Each license shall record the name of the owner, firm or corporation, place of business, the location of the factory and number of same. All fees for licenses collected under this act shall be paid, when collected, into the state treasury and shall be added to the appropriation made for the purpose of carrying out the provisions of this act.

SEC. 5. *Stencil or brand.* Every creamery, cheese factory, combined creamery and cheese factory or renovating or "process butter factory," shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured, and the number and location of the factory, and it may contain a special or private brand or name of said factory; every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter on the package only; and, shall on the first day of July or within thirty days thereafter of each year report to the assistant dairy commissioner the name, location and number of each factory using the same brand, and the name or names of the persons at each factory authorized to use the same, together with a copy of each stencil or brand and the assistant commissioner shall keep a book in which shall be registered the same; provided, that any creamery, cheese factory or renovating or "process butter factory" shipping its products to a particular or a special market, may not be required to use said brand as provided for in this act.

SEC. 6. *Blanks to be furnished factories.* The said assistant commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories and renovating or "process butter factories," which shall be licensed under the provisions of this act, for the purpose of making a report of the amount of milk and dairy goods handled and all owners or managers of such creameries, cheese factories and renovating or "process butter factories" shall send to the assistant dairy commissioner not later than the last day of each month, a full and accurate report of the amount of business done during the preceding month as designated under the different headings of such printed blank.

SEC. 7. *Adulterated milk or skimmed milk not to be furnished creameries or cheese factories; other cream and milk prohibited.* No person by himself or his agents or servants shall sell, supply or bring to be manufactured to any creamery or cheese factory any adulterated milk or cream or skimmed milk, or milk from which has been held back what is commonly known as "strippings" (except pure skim milk to skim cheese factories) or milk taken from an animal having disease, sickness, ulcers, abscess or running sores, or which has been taken from an animal within fifteen days before or five days after parturition; or cream which has been taken

from milk, the sale of which has been prohibited; or cream which shall contain less than the amount of butter fat as prescribed in this act.

SEC. 8. *Adulteration defined.* For the purpose of this act the addition of water or any so called preservative or anything to whole milk, or skimmed milk, or partially skimmed milk or cream is hereby declared an adulteration; and milk, or cream, which is obtained from animals fed upon any substance of an unhealthy nature, is hereby declared impure and unwholesome; and milk which has been proved by any reliable method of test or analysis to contain less than twelve per cent of milk solids to the hundred pounds of milk or less than three pounds of butter fat to the hundred pounds of milk shall be regarded as skimmed or partially skimmed milk, and every article not containing fifteen per cent or more of butter fat shall not be regarded as cream.

SEC. 9. *State standard milk and cream measures; use of other sizes a misdemeanor.* The state standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and for cream shall have a capacity of eighteen cubic centimeters, and the state standard test tubes or bottles for milk shall have a capacity for two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof; and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other sizes of milk measure, pipette, test tube or bottle to determine the per cent of butter fat, where milk or cream is purchased by or furnished to, creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell, a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 17 of this act.

SEC. 10. *Unlawful to under-read tests.* It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or under-read the Babcock test, or any other contrivance used for determining the quality or value of milk.

SEC. 11. *Adulterated butter, etc., prohibited for sale; oleomargarine excepted.* No person by himself or his agents or servants shall render or manufacture, sell, offer for sale, expose for sale, take orders for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer or convey with intent to sell within this state any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; provided, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

SEC. 12. *Provisions regarding oleomargarine, butterine, etc.* No person by himself or his agents or servants shall sell or expose for sale oleomargarine, butterine or any substance made in imitation or semblance of pure butter in tubs, firkins or other original packages not distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the word "oleomargarine" or "butterine" or "imitation butter" as the case may be, in letters not less than one inch in length and one-half inch in width, or in retail packages not plainly and conspicuously labelled with said words "oleomargarine" or "butterine" or "imitation butter" as the case may be.

SEC. 13. *Provisions regulating renovated butter.* No person by himself, or his agents or servants, shall manufacture, sell, offer or expose for sale butter that is produced by taking original packing stock or other butter, or both, and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning the said mixture; or that is produced by any similar process and is commonly known as boiled or process butter, unless the tub, firkin or other original package in which the same may be put up, be distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the words "renovated butter" in printed letters not less than one inch in length and one-half inch in width; or be in prints, boxes or rolls not plainly and conspicuously labeled on the wrapper thereof with said words "renovated butter" in printed letters not less than one-half inch in length and one-quarter inch in width.

SEC. 14. *Provisions regarding skimmed milk cheese.* No person by himself or his agents or servants shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partially skimmed, without the same being plainly branded, stamped or marked on the side or top of both cheese and package, in a durable manner in the English language the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width.

SEC. 15. *Provisions regarding filled cheese.* No person, by himself or his agents or servants, shall sell or offer for sale or make or manufacture out of any oleaginous substance or substances or any compound of the same or any other compound other than that produced from unadulterated milk, any article designed to take the place of cheese, produced from pure milk or any article termed "filled-cheese," shall stamp^a each package of the same on the top and side with lampblack and oil the words "filled-cheese" or words that shall designate the exact character and quality of the product in printed letters at least one inch long and one-half inch wide.

SEC. 16. *City councils may provide for inspection of milk and dairy herds.* The council of any city or incorporated town may, by ordinance, provide for the inspection of milk and of dairies and of dairy herds kept for the production of milk within its limits and issue licenses for the sale of milk within its limits and regulate the same and may authorize and empower the board of health to enforce all laws and ordinances relating to the production and sale of milk and the inspection of dairies and dairy herds producing milk for sale within such city.

SEC. 17. *Violation constitutes misdemeanor; penalty.* Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than five dollars nor more than fifteen dollars, or by imprisonment of not less than ten days nor more than thirty days, or both.

SEC. 18. *Repeal.* All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SEC. 19. *Emergency.* This act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1905. Laws of 1905, ch. 95, pp. 173-178. [This act probably supersedes Laws of 1899, ch. 72, sec. 1-16; Revised Code 1899, p. 473.]

MEAT.

7650. *Slaughter of calves.* Every person who knowingly, either:

1. Kills or causes to be killed, for the purpose of sale as food for man, a calf less than four weeks old; or,
2. Sells or has in his possession with intent to sell as food for man, the meat of any calf killed when less than four weeks old,

^a So in Statutes.

Is guilty of a misdemeanor and upon conviction thereof, is punishable by imprisonment in the county jail not exceeding thirty days or by fine not exceeding fifty dollars, or by both.

7651. *Meat may be seized.* The meat of any calf killed when less than four weeks old and exposed for sale or kept with intent to sell for food, may be seized without warrant and destroyed by any health officer, sheriff, deputy sheriff or peace officer.

7652. *Magistrate may issue warrant; procedure.* Any magistrate having reasonable cause to believe by complaint on oath made to him, that the meat of any calf killed when less than four weeks old, is kept or concealed within his county by any person, contrary to the provisions of section 7650, may issue his warrant to any peace officer of such county commanding him, in the daytime only, to search for and, if found, to seize such meat and to notify such owner or keeper of such seizure and that he appear forthwith before the magistrate issuing such warrant to show cause why such meat should not be destroyed. If such owner or keeper does not appear, or if upon investigation before such magistrate it is determined that such meat is kept in violation of such section, the magistrate shall issue his warrant to such officer commanding him forthwith to destroy such meat and such officer shall proceed accordingly, or if it is determined that such meat is not kept contrary to the provisions of such section the same shall be returned to the place where seized. The costs of the proceedings, if contested, shall be taxed against the person claiming such meat if defeated and collected upon execution issued against him, as in a civil action, but if such proceedings are not contested the costs shall be taxed and paid by the county wherein such proceedings are had.

Laws of 1885, ch. 64; Revised Code 1899, ch. 68, p. 1528.

SUMMARY OF PURE FOOD LAW.

It is the duty of the Government Agricultural Experiment Station at Fargo, North Dakota, to examine all food products offered for sale in the state and when found to be adulterated to cause the offending party to be prosecuted for violation of the law.

By vote of the Board of Trustees of the Agricultural College the Chemist of the Experiment Station (E. F. Ladd) becomes the Food Commissioner for North Dakota and is charged with the duty of enforcing the law in so far as it is made a part of the duty of the station.

Retail grocers and all merchants dealing in food products in making contracts for a new supply of goods should specify that the same must comply with the requirements of the Pure Food Law. Some of the conditions of this law are as follows:

1. All foods and beverages must be free from coal tar dyes.
2. They must be free from chemical preservatives; formaldehyde, benzoic acid, sulphurous acid, boracic acid, salicylic acid, hydrofluoric acid, saccharin, betanaphthol or any salt or antiseptic compound derived from these products.
3. They must be labeled true to name in every respect.
4. Every package, bottle or carton must bear the true net weight.
5. It must bear the true name of the manufacturers or jobbers.
6. It must show the true grade or class of the goods.
7. The use of benzoate of soda one part in 2000 is permitted in certain classes of perishable goods sold in bulk.
8. If any essential constituent has been removed the substance is adulterated.
9. If any substance has been added so as to deceive or mislead the purchaser the product is adulterated.
10. Mixed or compound substances may be sold when properly labeled.
11. Vinegars must be sold under true names. Cider vinegar must be made wholly from apples.

12. The sheriffs in each county are deputies for guarding against the sale of adulterated food products in each county.
13. The station is authorized to fix standards of purity, quality or strength.
14. Any citizen may have foods analyzed at the Experiment Station.
15. Twice each year county auditors must publish in the official county paper a list of all adulterated foods found on sale in the state.
16. If adulterated goods are sold no action can be maintained in any court in the state for the purpose of collecting outstanding bills for the same.
17. The court may confiscate goods found to be adulterated.
18. The state's attorney must prosecute all persons violating the law when evidence has been furnished by the Station.
19. Coffees must be pure, free from chicory, unglazed not polished and not extracted.
20. Extracts must be pure and what they claim to be.
21. Candies must not contain coal tar dyes or harmful products.
22. Meats must not be colored or contain preservatives.
23. Sausages must not contain tainted or decomposed meats, must not contain prohibited preservatives, coal tar dyes or starch fillers.
24. The Food Commissioner, his agents, the sheriffs or their deputies, shall have free access at all reasonable hours, for the inspection of foods.

RULINGS.

GENERAL RULE.

Whenever the words "Artificial," "Compound," or "Imitation," etc., are permissible and used these words must be printed immediately preceding or following the word they are intended to modify, in the same size type and equally prominent with the words they modify.

PRESERVATIVES PERMITTED.—Until further notice the use of benzoate of soda in accordance with the terms of the food law (section 2, clause 4 of the provision) is deemed permissible in tomato catsup, in crushed fruits intended for use at the soda fountain, in natural fruit syrup prepared for soda fountain use and in bulk ciders from natural fruits.

BAKING POWDERS.

All baking powders must be labeled in accordance with the following:

- 1st. It must give the true name of the manufacturer.
- 2d. The label must not contain any advertising or descriptive matter.
- 3d. The directions for use may be given on the label.
- 4th. It must show the true net weight of the can, package, or cartoon.
- 5th. There shall be printed on a light colored label in clear and legible type the following: "This baking powder contains the following constituents and none other." There shall follow in the plainest English words an enumeration of the constituents contained in said baking powder.

The use of sulphites is prohibited in all food products.

Cream of tartar must be free from alum, phosphate, lime salts or other foreign constituents.

CANDY.

Candy must be free from inert mineral matter, it must contain no terra alba, barytes, talc, chrome yellow or other mineral substance or analine (coal tar dyes) or other colors or flavors detrimental to health. They should contain no saccharine, sulphites, or paraffin.

CANNED GOODS.

Canned goods must be free from all coal tar dyes or other foreign colors, bleaching agents, fillers (as starch or flour in corn) chemical preservatives or saccharine and be

preserved by sterilization with heat only. Copper salts, alums, or iron salts are not permissible in peas, beans, etc.

Soaked goods.—All products put up from previously dried or partially desiccated products shall be plainly labeled "Soaked" in letters not less than two line pica in size.

COFFEES, COCOAS, ETC.

Coffee must be true to name. It must not be coated or polished to conceal inferiority. It must contain the extractive volatile matter natural to coffee.

Coffee compounds.—Compounds of coffee and chicory, or of coffee and other harmless substitutes allied to it in flavor and strength and not intended simply as an adulterant may be sold when properly labeled "Coffee Compounded." Imitations containing no coffee cannot be sold as coffee compounds. They may be sold under coin names not intended to deceive.

Chocolate, plain or bitter, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ or without the addition of foreign constituents.

Sweet chocolate and chocolate coating are plain chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials.

Cocoa or powdered cocoa is cocoa nibs, with or without the germs, deprived of a portion of its fat and finely pulverized, but without the addition of foreign matter.

Sweet or sweetened cocoa is cocoa mixed with sugar. (Sucrose).

CONDIMENTS, SPICES, ETC.

All spices must be pure. The mixture of any foreign substance with any spice is an adulteration. The extracting of the active principle of any spice as extracting or removing the oil from cloves or the active principle of ginger is an adulteration. A mixed or imitation product must not be labeled so as to mislead or deceive the purchaser. The word "Compounded" before or after the name of the spice is not a proper labeling for imitation or adulterated product.

Catsup must be made from ripe tomatoes without the addition of a filler, saccharin or foreign color. (For preservatives see page 455.)

Pickles must be true to name, free from saccharin, preservatives, copper salts, alums or iron salts.

EXTRACTS.

Lemon extracts must contain not less than five per cent of the pure oil of lemon dissolved in ethyl alcohol and to be standard should contain the extractive matter from lemon skins and must be free from foreign coloring matter.

Vanilla extracts shall be made wholly from vanilla beans, and shall be free from any artificial coloring matter.

All other extracts shall be labeled true to name.

Artificial or synthetic extracts may be sold when labeled "Artificial" "Extracts," but when the same natural extract is made from the fruit itself an imitation product shall not be sold.

Terpeneless lemon extract of flavor is considered a permissible labeling for harmless substitutes for lemon extract for the use of bakers' and bottlers' goods to be sold in bulk.

FRUITS, JELLIES, JAM, PRESERVES, ETC.

These must be free from coal tar dyes, must not be colored and labeled to imitate some other product so as to deceive or mislead the purchaser. They must be free from all prohibited or other injurious preservatives. They must be sweetened with sucrose and made exclusively of the fruit specified in the name.

Glucose, jellies, jams, etc., are made from pure fruit or fruit juices sweetened with glucose or sucrose and a statement as to the per cent of each.

Imitation fruit, jellies, jams, etc., are substitutes for fruit jellies and made from glucose or other harmless products free from preservatives, coal tar dyes, etc.

Every artificial product made in part or in whole of glucose, dextrine, starch or other substances not injurious to health may be distinctly labeled "Imitation fruit, jelly, jam or butter," but must not contain the name of any fruit so as to deceive or mislead the purchaser.

Dried fruits should not contain worms and be free from zinc, lead, or bleaching agents, etc.

MEATS, ETC.

Meats of all kinds must be free from the products of decomposition, without coal tar colors, or chemical preservatives (such as sulphites, borates, aluminium salts, etc.), and must be true to name.

Smoked meats to be standard and legal must be prepared by the natural process of smoking, that is by the actual subjection of the meat to the influence of smoke from wood.

The use of chemical preparations for treating meat as a substitute, in whole or part, for smoking does not entitle the product to be called "smoked meats."

Sausages are finely divided or hashed meats mixed with spices and flavoring, cooked or uncooked and free from chemical preservatives, coloring matter or starch.

Starch fillers.—The use of starch, flour, or potato flour as a filler for sausage and other prepared meats is deemed to be an adulteration, and meats found to contain such a filler will be treated as illegal.

SYRUP, MOLASSES, ETC.

Maple syrup or molasses must be the product prepared exclusively from the sap of the maple tree.

Maple sugar or concrete is the product prepared by evaporation to crystallization of the sap of the maple tree without the addition of sugar from other sources.

Glucose syrup or corn syrup is a product of the action of acid on starch and it must be free from acid or sulphites.

Sorghum syrup or molasses is syrup made exclusively by evaporating the juice of the sorghum plant.

Molasses is the product from the juices of the sugar cane and without the addition of glucose.

VINEGARS.

All vinegar must contain at least four per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation. The term "Vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation.

Cider or apple vinegar must be made wholly from the fermented juice of the apple. Artificial or other vinegars fortified with another must not be sold as cider vinegar. The addition of apple pomace or apple jelly to vinegar does not entitle it to be sold as cider vinegar.

Malt vinegars must be made entirely from an infusion of malted grain.

Wine vinegar is the product made by the fermentation of the juice of grapes.

Spirit, distilled or white vinegar is the product made by the acetic fermentation of distilled alcohol.

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